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Daily List of Public Laws

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

H.J. Res. ..... Pub. Law 94–1
Extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress
(Jan. 24, 1975; 89 Stat. 3)

presidential documents

Title 3—The President

PROCLAMATION 4343

National Poison Prevention Week, 1975

By the President of the United States of America

A Proclamation

The future of America is in our children. For 13 years, National Poison Prevention Week has been an annual landmark in the ongoing campaign to protect the young children, our country's greatest resource, from the tragedies of childhood poisonings.

The average American home contains a growing variety of labor-saving devices, chemical products, and medicines. We can be proud of the skill and initiative that have made this progress possible. Yet, every thoughtful citizen must be aware that these household products and drugs which ease our daily life, in many instances, are potentially poisonous if used unwisely or stored so carelessly that small children can get to them.

Our challenge as educators, as parents, and as citizens is to strive to reduce the toll of childhood poisoning through adequate programs of public education and information. These programs should develop an awareness of the potential danger associated with many products in the home environment.

Since 1970, the Poison Prevention Packaging Act has contributed substantially to reducing the number of harmful accidental intakes and subsequent injuries and fatalities among children under five. Poisoning reports for aspirin, the product most frequently involved in childhood intake and deaths, have shown a marked decrease since requirements were established under the Act for child-resistant packaging. In order to give further recognition and emphasis to the need to reduce this tragic toll, the Congress has by a joint resolution of September 26, 1961 (75 Stat. 681), requested that the President of the United States annually issue a Proclamation declaring the third week in March as National Poison Prevention Week.

NOW THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week beginning March 16, 1975, as National Poison Prevention Week.

I invite all agencies and organizations concerned with preventing accidental poisoning among our Nation's children to engage in activities that will speed our Nation's progress in protecting all our children against lasting injury or death from accidental poisoning.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh 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.75-2866 Filed 1-27-75;5:22 pm]

EXECUTIVE ORDER 11835

Prescribing Amendments to the Manual for Courts-Martial, United States, 1969 (Revised Edition)

By virtue of the authority vested in me by the Uniform Code of Military Justice (10 U.S.C., ch. 47), and as President of the United States, I hereby prescribe the following amendments to the Manual for Courts-Martial, United States, 1969 (Revised edition), prescribed by Executive Order No. 11476 [1] of June 19, 1969.

SECTION 1. The first paragraph within paragraph 34*d* is amended to read as follows:

"*d. Witnesses.* All available witnesses, including those requested by the accused, who appear to be reasonably necessary for a thorough and impartial investigation will be called and examined in the presence of the accused, and if counsel has been requested, in the presence of the accused and his counsel. Ordinarily, application for the attendance of any witness subject to military law will be made to the immediate commanding officer of the witness, who will determine the availability of the witness. The Secretary of a Department may prescribe regulations which permit the payment of transportation expenses and a per diem allowance to civilians requested to testify in connection with the pretrial investigation."

SEC. 2. Paragraph 53*d*(2)(*a*) is amended to read as follows:

"(2) *Military judge alone.* (*a*) *General.* A general or special court-martial to which a military judge has been detailed shall consist of the military judge alone if the accused, before the court is assembled, so requests in writing and the military judge approves. Before deciding whether to make such a request, the accused must be informed of the identity of the military judge and permitted to consult with his defense counsel (Article 16). The military judge may hear arguments from both trial and defense counsel prior to acting on a request for trial before him alone. See appendix 8*e* for form of request.

"Because a general court-martial composed of a military judge alone does not have jurisdiction to try any case which has been referred for trial as capital (14*a*), the accused in such a case has no right to request trial before the military judge alone."

SEC. 3. Paragraph 53*d*(2)(*b*) is amended to read as follows:

"(*b*) *Request prior to trial.* If the accused has requested in writing trial by the military judge alone and the military judge has approved the request prior to the start of trial, he should assure himself at the trial, before announcing that the court has assembled, that the request was understandingly made by the accused. After a request has been approved, it may be withdrawn by the accused at any time before assembly of the court in the discretion of the military judge. If the military judge finds that the approved request is defective or allows the accused to withdraw it, he may either adjourn the session or call the court into

[1] 34 FR 10502, 3 CFR, 1966–1970 Comp. p. 802.

Article 39(a) session preparatory to assembly of the court with members. If the request was understandingly made and has not been withdrawn, the military judge should immediately announce that the court has assembled. See 61*g* and appendix 8*b* for procedure."

SEC. 4. Paragraph 53*d*(2)(*c*) is amended to read as follows:

"(*c*) *Request made at Article 39(a) session.* A request for trial by the military judge alone, if not made earlier, should be made at any Article 39(a) session held prior to assembly. The request must be made in writing. If the accused, after the Article 39(a) session is called to order, indicates his desire to be tried by judge alone, the court should, if necessary, be recessed while the request is executed in writing. If the military judge has a pending request at an Article 39(a) session, he will assure himself at the session that the request was understandingly made. If the military judge approves the request, he should announce that the court is assembled and proceed with the trial of the case. If the military judge disapproves the request, he should continue with the Article 39(a) proceedings. See appendix 8*a* for procedure."

SEC. 5. Paragraph 53*d*(2)(*d*) is amended to read as follows:

"(*d*) *Inquiry prior to assembly with members.* If a request for trial by the military judge alone has not been made prior to trial or at an Article 39(a) session, if any, the military judge, after calling the court to order, should give the accused an opportunity to make such a request. The request must be made in writing. If the accused, after the court is called to order, indicates his desire to be tried by the military judge alone, the court should, if necessary, be recessed while the request is executed in writing. If the accused submits a request and the military judge approves, the military judge should excuse the members from further participation in the case and announce that the court is assembled for the trial of the case. If the accused expressly declines to submit a request or if the military judge disapproves the request, the trial will proceed. See 61*g* and appendix 8*b* for procedure."

SEC. 6. Paragraph 53*h* is amended to read as follows:

"*h. Explanation of rights of accused.* Ordinarily, the military judge, or the president of a special court-martial without a military judge, need not volunteer advice to the accused during the course of the trial as it may be assumed that his counsel has performed his duties properly, has advised the accused of his rights and the law affecting the case, and that, for reasons best known to them, they desire to pursue a certain course. But see 61*f*(2) and 70*b*. However, after a determination of guilt has been reached, the military judge or president of a special court-martial without a military judge will personally remind the accused of his rights to make a sworn or unsworn statement to the court in mitigation or extenuation of the offenses of which he stands convicted, or to remain silent. See 75*c*(2). Further, when deemed necessary, the military judge, or the president of a special court-martial without a military judge, will satisfy himself that the accused is aware of any right to which he is entitled by inquiry of counsel or by explaining that right. The rights of the accused with respect to the statute of limitations (68*c*; Art. 43) will, when applicable, be explained to the accused unless it otherwise

affirmatively appears that the accused is aware of these rights. See 70*b* for the procedure to be followed as to guilty pleas. An accused, who is not represented by legally qualified counsel should be advised of his rights to remain silent, testify as a witness, or make an unsworn statement as appropriate at the proper stages of a trial (75*c*(2), 140*a*, 148*e*, and 149*b*). When an accused is represented by legally qualified counsel, it may be assumed, except in the situations noted above, that he has been correctly advised of these rights, and it is unnecessary to inquire if the accused has been so advised or to explain the rights to the accused. Any inquiry or explanation as to the rights of the accused to testify or to make an unsworn statement in a court-martial with a military judge shall be made out of the hearing of the court members. See appendix 8 for forms of instructions."

SEC. 7. Paragraph 61*f*(2) is amended to read as follows:

"(2) *Ascertaining legal qualifications of counsel for the defense.* After the court has ascertained the qualifications of the members of the prosecution, the military judge, or the president of a special court-martial without a military judge, will question the accused to ensure his understanding of each of the elements of Article 38(b) and will determine whom he desires to represent him (see appendix 8*a*, page A8–4, and appendix 10*a*, page A10–2). Counsel representing the accused will then be asked to state whether the legal qualifications of the detailed members of the defense are other than as stated in the order convening the court.

"If the accused introduces counsel of his own selection and the qualifications of that counsel are not shown in the order convening the court, his selected counsel will be asked to state whether he has been certified by an appropriate Judge Advocate General as competent to act as counsel before a general court-martial and, if not, whether he has any of the legal qualifications enumerated in Article 27(b)(1). See 48*a* regarding qualifications of counsel before general and special courts-martial."

SEC. 8. Paragraph 70*b*(2) is amended to read as follows:

"(2) The military judge, the president of a special court-martial without a military judge, or summary court-martial must explain to the accused the meaning and effect of any plea of guilty made by him. This explanation must include the following:

"The elements of the offense to which the plea of guilty relates;

"That, as to the offense to which the plea of guilty relates, the plea admits every element charged and every act or omission alleged and authorizes conviction of the offense without further proof;

"The maximum authorized punishment, including permissible additional punishment (127*c*, Section B), as appropriate, which may be adjudged upon conviction of the offense; and

"That the maximum authorized punishment may be adjudged upon conviction of the offense. Further, the military judge, president of a special court-martial without a military judge, or summary court-martial must question the accused about what he did or did not do and what he intended (where this is pertinent) to determine whether the acts or omissions of the accused constitute the offense or offenses to which he is pleading guilty. The military judge, president of a special court-martial

without a military judge, or summary court-martial must also personally advise the accused that his plea, if accepted, waives his right against self-incrimination, his right to a trial of the facts by a court-martial, and his right to be confronted by the witnesses against him. In order to accept the plea, the military judge, president of a special court-martial without a military judge, or summary court-martial must determine on the basis of his inquiries and such additional interrogation as he deems necessary, that there is a knowing and conscious waiver of the foregoing rights."

SEC. 9. Paragraph 76*b*(1) is amended to read as follows:

"b. *Procedure for courts-martial with members.* (1) *Instructions on punishment.* Before a court-martial closes to deliberate and vote on the sentence, the military judge, or the president of a special court-martial without a military judge, must give appropriate instructions on the punishment, to include a statement of the maximum authorized punishment which may be imposed and instructions on the procedures to be followed in voting on the sentence as set forth in 76*b*(2) and 76*b*(3), including the requirement that the voting on proposed sentences begin with the lightest proposal. Such instructions will be given orally. The instructions should be tailored to the facts and circumstances of the individual case and should fully inform the members of the court-martial on their sole responsibility for selecting an appropriate sentence and that the court-martial may consider all matters in extenuation and mitigation, as well as those in aggravation, whether introduced before or after the findings; evidence admitted as to the background and character of the accused; and the reputation or record of the accused in the service for good conduct, efficiency, fidelity, courage, bravery, or other traits of good character. The maximum punishment will be the lowest of the following: the total permitted by 127*c* for the offenses of which the accused stands convicted, or the jurisdictional limit of the court-martial (see Art. 19), or, in a rehearing or new or other trial of the case, the maximum authorized pursuant to 81*d* or 110*a*(2). A court-martial must not be advised on the basis for the sentence limitation or of any sentence which might be imposed for the offense if not limited as set forth above. If an additional punishment is authorized because of the provisions of 127*c*, Section B, however, the military judge or the president of a special court-martial without a military judge, should advise the court of the basis for the increased permissible punishment. If the president of a special court-martial without a military judge has any question as to the maximum punishment that may be adjudged in a case, he may request counsel for either or both sides to procure and present pertinent information concerning the matter for his consideration. This information will be given in open session in the presence of the accused and his counsel and should be made a matter of record."

SEC. 10. Paragraph 89*c*(8)(*a*) is amended to read as follows:

"(8) *Action on rehearing or new or other trial.* (a) *Rehearing or other trial.* In acting on a rehearing or other trial, the convening authority is subject to the sentence limitations prescribed for the court in adjudging a sentence. See 81*d*. Additionally, except when a rehearing or other trial is combined with a trial on additional offenses, if any portion of the original sentence was suspended and the suspension was not properly

vacated (97*b*) before the order directing the rehearing, the convening authority shall take the necessary suspension action to prevent an increase in the same type of punishment as was previously suspended.

"The convening authority may approve a sentence adjudged upon a rehearing or other trial without regard to whether any portion or amount of the punishment adjudged at the former trial has been served or executed. However, in computing the term or amount of punishment actually to be served or executed under the new sentence, the accused will be credited with any portion or amount of the former sentence included within the new sentence that was served or executed prior to the time it was disapproved or set aside. Additionally, he will be credited with any period actually spent in confinement in connection with the charges which are the subject of the rehearing or other trial between the date the rehearing or other trial is ordered and the date of the rehearing or other trial. For example, if the original sentence consisted of confinement at hard labor for six months and forfeiture of $50 per month for six months, of which one month's confinement has been served prior to the date the rehearing is ordered (Art. 57(*b*)) but no pay has been forfeited, and the sentence adjudged upon the rehearing is identical to the original sentence, the person charged with administrative execution of the new sentence would credit the accused with one month's confinement; the accused would have a balance of confinement for five months and forfeitures for six months yet to be executed. If the accused also actually spent one month in confinement in connection with the charges before the rehearing between the date the rehearing was ordered and the date of the rehearing, he would receive one month additional credit and would have a balance of confinement for four months and forfeitures for six months yet to be executed. To insure that credit shall be given in proper cases, the convening authority shall, if he approves any part of a sentence adjudged upon a rehearing or other trial, direct in his action that any portion or amount of the former sentence served or executed between the date it was adjudged and the date it was disapproved or set aside and any period actually spent in confinement in connection with the charges before the rehearing or other trial between the date the rehearing or other trial was ordered and the date of the rehearing or other trial shall be credited to the accused. See appendix 14 (forms 19 and 45).

"If, in his action on the record of a rehearing, the convening authority disapproves the findings of guilty of all charges and specifications which were tried at the former hearing and that part of the sentence which was based on these findings, he will, unless a further rehearing is ordered, provide in his action that all rights, privileges, and property affected by an executed portion of the sentence adjudged at the former hearing shall be restored. The same restorative action will be taken if the court, at a rehearing, acquits the accused of all charges and specifications which were tried at the former hearing. See Article 75 and appendix 14 (forms 10 and 24)."

SEC. 11. Paragraph 110*f* is amended to read as follows:

"*f. Action by persons charged with the execution of the sentence.* Persons charged with the administrative duty of executing a sentence adjudged upon a new trial after it has been ordered into execution shall credit the accused with any executed portion or amount of the original sentence included within the new sentence in computing the term or amount of punishment actually to be executed pursuant to the sentence. Additionally, they shall credit the accused with any period actually spent in confinement in connection with the charges which are the subject of the new trial between the date the new trial is granted and the date of

the new trial itself. For example, if the original sentence consisted of confinement at hard labor for five years, of which one year had already been served prior to the granting of a new trial, and two months were spent in pretrial confinement, after the new trial was granted, only two years and ten months would remain to be executed if confinement for four years were awarded and approved upon a new trial."

SEC. 12. The second paragraph within paragraph 122*b*(2) is amended to read as follows:

"A request or other action to cause the court to make inquiry concerning the accused's sanity may be initiated by the military judge or any member of the court, prosecution, or defense. Where the defense proffers expert testimony concerning the accused's mental responsibility or capacity, the accused may be required to submit to psychiatric evaluation by Government psychiatrists as a condition to the admission of defense psychiatric evidence. The military judge rules finally as to whether an inquiry should be made into the mental capacity of the accused at the time of trial or into the mental responsibility of the accused at the time of the offense (Art 51(b); see 122*b* (3) and (14)). The president of a special court-martial without a military judge rules finally on all questions of law but rules subject to objection by any member on all factual issues. Thus, if the issue of whether an inquiry should be made into the mental capacity of the accused at the time of trial or into the mental responsibility of the accused at the time of the offense involves only a legal determination, the president of a special court-martial without a military judge rules finally. When such an issue is solely one of fact, the president of a special court-martial without a military judge rules subject to objection by any member (Art. 51(b); see 122*b* (3) and (4)). As to mixed questions of law and fact, see 57 *b*. Before asking whether any member objects to a ruling which is subject to objection, the members should be given such instructions as will enable them to u nderstand the question that is before them and the legal standards and procedure by which they will determine it if objection is made. If thereafter, a member objects to the ruling, the court will close and vote on whether an inquiry should be made (57*f*). A tie vote of the members upon a motion relating to the sanity of the accused is a determination against the accused (Art. 52(c)). If it is determined to make an inquiry, priority will be given to it, and the inquiry should exhaust all reasonably available sources of information with respect to the mental condition of the accused. If it appears that the inquiry will be protracted or if the court desires to hear expert testimony, the court may adjourn and report the matter to the convening authority with its recommendations. These recommendations may include a recommendation that the accused be examined as provided in 121 and that the officer or officers conducting the examination be made available as witnesses. As a result of a subsequent report of mental examination conducted under 121, the convening authority may withdraw the charges from the court, hold the proceedings in abeyance, refer the matter to the court for its consideration subject to the provisions of 122*c*, or take other appropriate action."

SEC. 13. The fifth paragraph within paragraph 140*a*(2) is amended to read as follows:

"A statement of an accused or suspect obtained from him in violation of any of the above warning requirements as to the right to remain silent or the right to counsel is considered to be involuntary, and therefore inadmissible against him, because of the violation alone, even if the accused or suspect knew that he had these rights despite the lack of warning. These warning requirements do not apply to the questioning of witnesses at a trial. Where the defense presents expert testimony concerning the accused's mental condition, a Government expert, testifying in rebuttal, may testify as to his conclusions concerning the accused's mental responsibility or capacity based on interviews with the accused conducted without advising him of the foregoing rights."

SEC. 14. The fifth paragraph within paragraph 150*b* is amended to read as follows:

"The privilege against compulsory self-incrimination protects a person only from being compelled to testify against himself or to provide the Government otherwise with evidence of a testimonial or communicative nature and does not protect him from being compelled by an order or force to exhibit his body or other physical characteristics as evidence. The privilege is therefore not violated, for example, by the use of compulsion in taking the fingerprints of an accused or other person, in exhibiting or requiring him to exhibit a scar on his body, in placing his feet in tracks, or trying clothing or shoes on him or requiring him to do so. An accused may be required to submit to psychiatric evaluation or testing by the Government as a condition precedent to his presenting psychiatric testimony that would raise an issue as to his mental responsibility or capacity. Also, the privilege is not violated by the use of compulsion in requiring a person to produce for use as evidence or otherwise a record of writing under his control containing or disclosing matter incriminating him when the record or writing is under his control in a representative rather than a personal capacity, as when it is in his control as the custodian of a nonappropriated fund."

SEC. 15. The second paragraph of the fourth paragraph within paragraph 152 is amended to read as follows:

"A search conducted as an incident of lawfully apprehending a person, which may include a search of his person, of the clothing he is wearing, and of property which, at the time of apprehension, is in his immediate possession or control, or of an area from within which he might gain possession of weapons or destructible evidence; but a search which involves an intrusion into his body, as by taking a sample of his blood for chemical analysis, may be conducted under this rule only when there is a clear indication that evidence of crime will be found, there is reason to believe that delay will threaten the destruction of the evidence, and the method of conducting the search is reasonable. See the example of an unreasonable method in the last paragraph of 150*b*."

SEC. 16. The following subparagraph (b) is added to Article 42, appendix 2:

"(b) Each witness before a court-martial shall be examined on oath."

SEC. 17. Appendix 14, Form 19, is amended to read as follows:

"19. In the foregoing case of _____, the sentence is approved and will be duly executed. (_____ is designated as the place of confinement.) The accused will be credited with (confinement from _____, 19____, to _____, 19____, and) any (other) portion of the punishment served or executed from _____, 19____, to _____, 19____, under the sentence adjudged at the former trial of this case. Additionally, the accused will be credited with actual confinement from _____, 19____, to _____, 19____, being the period spent in confinement between the date the sentence of the former trial in this case was (set aside) (disapproved) and the present sentence in this case was announced."

SEC. 18. Appendix 14, Form 45, is amended to read as follows:

"In the foregoing case of _____, the sentence is approved. The accused will be credited with (confinement from _____, 19____, to _____, 19____, and) any (other) portion of the punishment served or executed from _____, 19____, to _____, 19____, under the sentence adjudged at the former trial of this case. Additionally, the accused will be credited with actual confinement from _____, 19____, to _____, 19____, being the period spent in confinement between the date the sentence of the former trial in this case was (set aside) (disapproved) and the present sentence in this case was announced. The record of trial is forwarded to the (Judge Advocate General of the _____) (Commandant, United States Coast Guard) for review by a Court of Military Review. Pending completion of appellate review the accused will be _____ (see Form 41, above)."

SEC. 19. These amendments shall be in effect after January 27, 1975, with respect to all court-martial processes taken on and after that date: *Provided,* That nothing contained in these amendments shall be construed to invalidate any investigation, trial in which arraignment has been completed, or other action begun prior to January 27, 1975; and any such investigation, trial, or other action may be completed in accordance with the applicable laws, Executive orders, and regulations in the same manner and with the same effect as if these amendments had not been prescribed.

Gerald R. Ford

THE WHITE HOUSE,
January 27, 1975.

[FR Doc. 75-2864 Filed 1-27-75;5:22 pm]

EXECUTIVE ORDER 11836

Increasing the Effectiveness of the Transportation Cargo Security Program

Theft of cargo has emerged during this decade as a serious threat to the reliability, efficiency, and integrity of the Nation's commerce. The total cost of theft-related cargo losses from our Nation's transportation system is now estimated to be in excess of one billion dollars annually. These losses seriously erode industry profits, result in higher prices for consumer goods, and provide support for unlawful activities.

In recognition of this problem, the Secretary of Transportation, at Presidential direction, has provided leadership, guidance, and technical assistance in coordinating the efforts of Federal agencies and the transportation industry in the search for solutions. Through the cooperative efforts of the Federal agencies, an effective National Cargo Security Program has been developed and is now being implemented on a voluntary basis in cooperation with the transportation industry, and with the support of State and local governments, shippers, consignees, organized labor, and insurers.

To assure more effective Federal leadership in this effort, I am directing that certain additional responsibilities be carried out by the Secretary of Transportation, delineating the functions and responsibilities of the other Federal departments and agencies with respect to the National Cargo Security Program, urging full participation and cooperation in the program by the independent regulatory agencies and all Federal departments and agencies, and requesting the Secretary of Transportation to submit to me on March 31, 1976, a full evaluation of the effectiveness of the Federal program.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. *Responsibilities of the Secretary of Transportation.* The Secretary of Transportation shall be responsible for:

(1) assisting the transportation industry by planning, developing, and testing cargo security measures and by providing technical assistance and arranging demonstration projects related thereto;

(2) coordinating the activities of Federal departments and agencies relating to the prevention of cargo theft, and studying means by which Government agencies can, through the procurement of transportation services, improve the cargo security programs of common carriers;

(3) collecting and analyzing cargo loss data for all modes of transportation, and preparing and publishing periodic reports on the extent and nature of theft-related cargo losses, local and national loss trends, and other special analyses useful to the development of theft prevention measures; and

(4) issuing, after coordination with the interested Federal departments and agencies and after opportunity for public comment, Cargo Security Advisory Standards for the prevention of cargo losses by any elements of the transportation industry, including shippers and receivers.

SEC. 2. *Responsibilities of the Attorney General.* The Attorney General shall be responsible for:

(1) developing and conducting programs designed to promote the coordination of Federal, State, and local law enforcement efforts against criminal activity relating to cargo thefts; and

(2) supporting, to the extent possible and appropriate, the provision of financial assistance to State and local law enforcement organizations for the establishment and maintenance of cargo theft prevention programs and for the investigation, prosecution, and prevention of cargo theft.

SEC. 3. *Responsibilities of the Secretary of the Treasury.* The Secretary of the Treasury shall be responsible for:

(1) Fostering the security of international cargo in customs custody within ports of entry and in its movement and storage in bond;

(2) Investigating the theft of cargo stolen from customs custody and, consistent with the responsibilities of the Bureau of Alcohol, Tobacco and Firearms, the theft of firearms, ammunition, explosives, tobacco, and alcohol;

(3) Analyzing cargo theft reports to identify theft-conducive practices and theft-prone facilities employed in the handling of cargo controlled by the Customs Service at ports of entry, providing for the implementation of cargo security advisory standards with respect to that cargo, and initiating other corrective measures as appropriate; and

(4) Coordinating with the Department of Transportation and other interested Federal departments and agencies measures being proposed to improve the security of cargo at facilities controlled by the Customs Service.

SEC. 4. *Recommended Actions by the Transportation Regulatory Agencies.* The Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Maritime Commission are urged, in exercising their regulatory responsibilities, to recognize and consider the problem of theft-related cargo losses and encourage preventive measures, and to continue to cooperate with the Department of Transportation by:

(1) Developing cargo theft reporting systems affording full opportunity for presentation of views by the public, the Department of Transportation, other interested Federal departments and agencies, and those elements of the transportation industry from which reports would be required;

(2) Obtaining cargo loss data from carriers, freight forwarders, and terminal operators (including such information as cargo lost, missing, stolen, presumed stolen, or damaged as a result of theft); and

(3) Providing the Department of Transportation with the cargo loss data collected in a form that will permit both general and detailed analyses and preparation of reports on an intermodal and national basis.

SEC. 5. *Recommended Action by Federal Departments and Agencies.* All Federal departments and agencies, in their procurement of transportation services for goods and commodities, are urged to encourage carriers to adopt cargo theft prevention measures.

SEC. 6. *Report and Recommendations.* The Secretary of Transportation shall submit to me on March 31, 1976, and annually thereafter, a report evaluating and making recommendations concerning the effectiveness of the Federal program prescribed by this Order in reducing theft-related cargo losses.

Gerald R. Ford

THE WHITE HOUSE,
January 27, 1975.

[FR Doc.75-2865 Filed 1-27-75;5:22 pm]

MEMORANDUM OF DECEMBER 31, 1974

[Presidential Determination No. 75–8]

Military Assistance and Sales to Turkey

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, December 31, 1974.

By virtue of the authority vested in me by Section 620(x) of the Foreign Assistance Act of 1961, as amended, and by section 5 of the joint resolution of December 31, 1974 (H.J. Res. 1178), I hereby determine that the suspension of the provisions of those sections, section 505(d) of the Foreign Assistance Act of 1961, as amended, and sections 3(c) and 3(d) of the Foreign Military Sales Act, as amended, in the case of Turkey will further negotiations for a peaceful solution of the Cyprus conflict, and I, therefore, suspend the provisions of those sections.

You are requested, on my behalf, to report this determination to the Congress.

This determination, which supersedes Presidential Determination No. 75–3 of October 29, 1974 (39 FR 39865), shall be published in the FEDERAL REGISTER.

Gerald R. Ford

cc: The Secretary of Defense.
The Secretary of the Treasury.

[FR Doc.75–2772 Filed 1–27–75;1:28 pm]

MEMORANDUM OF JANUARY 10, 1975

[Presidential Determination No. 75-9]

Determination—Military Assistance for Cambodia

Memorandum for the Secretary of State; Determination To Authorize the Ordering of Defense Articles From the Department of Defense and Defense Services for Military Assistance to Cambodia

THE WHITE HOUSE,
Washington, January 10, 1975.

Pursuant to the authority vested in me by Section 506(a) of the Foreign Assistance Act of 1961, as amended, I hereby determine that the ordering of up to $75 million in defense articles from the stocks of the Department of Defense and defense services to provide military assistance for Cambodia is in the security interests of the United States.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

cc: The Secretary of Defense.

[FR Doc.75-2773 Filed 1-27-75;1:28 pm]

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 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS

PART 400—DEFINITIONS

Miscellaneous Amendments

Section 400.1(a) is amended by inserting the following definitions alphabetically.

§ 400.1 Definitions.

(a) * * *

Residual value. The proceeds (less removal and disposal costs, if any, realized upon disposition of a tangible capital asset. It usually is measured by the net proceeds from the sale or other disposition of the asset, or its fair value if the asset is traded in on another asset. The estimated residual value is a current forecast of the residual value.

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Service life. The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a current forecast of its service life and is the period over which depreciation cost is to be assigned.

(84 Stat. 796, sec. 103 (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2625 Filed 1-28-75;8:45 am]

PART 409—COST ACCOUNTING STANDARD

Depreciation of Tangible Capital Assets

The Standard on Depreciation of Tangible Capital Assets being published today is one of a series being promulgated by the Cost Accounting Standards Board (CASB) pursuant to sec. 719 of the Defense Production Act of 1950, as amended (Pub. L. 91-379, 50 U.S.C. App. 2168), which provides for the development of Cost Accounting Standards to be used in connection with negotiated national defense contracts.

On February 27, 1973, the Board promulgated a Standard on Capitalization of Tangible Assets. At that time the Board described its work to date in the area of fixed asset accounting including studies of practices used for both capitalization and depreciation. The responses to an issues paper and a questionnaire which were used in the development of the capitalization Standard were also useful in the development of the Standard being promulgated today. A preliminary draft of the Cost Accounting Standard on Depreciation of Tangible Capital Assets was widely distributed in March 1973 for informal comment by interested parties. The Board's further consideration of the issues related to depreciation has been significantly enhanced by the responses received from well over 100 respondents to that informal proposal.

The Board's research into fixed asset accounting practices included a survey of 107 profit centers selected to be representative of the diversity of firms to which Cost Accounting Standards apply. Reports on their fixed asset accounting practices and statistical information for a five-year period were received and analyzed. The Board was assisted in its deliberation by information available from the 1960 Treasury Department Survey which provided the data base for the "Asset Guideline Lives" used in Revenue Procedure 62-21 and data developed in an accounting research study performed for the American Institute of Certified Public Accountants.

A proposed Cost Accounting Standard dealing with depreciation was published by the Board on June 11, 1974 (39 FR 20505). After reviewing the responses to that publication, the Board revised its proposal. The revised version was published in the FEDERAL REGISTER for October 3, 1974 (39 FR 35678). The Board supplemented both FEDERAL REGISTER publications by sending copies of the FEDERAL REGISTER material directly to organizations and individuals who were expected to be interested. The Board received almost 200 responses to the June 11 and the October 3 proposals. Comments were received from individual companies, Government agencies, professional associations, industry associations, public accounting firms, universities, and individuals. All of these comments have been carefully considered by the Board. In addition, the Board invited representatives of Government agencies, professional accounting and industry associations, and defense contractors to attend Board meetings and discuss their views on the significant issues concerning depreciation practices in Government contract costing. The Board takes this opportunity to express its appreciation for the helpful suggestions and criticisms which have been furnished. The comments furnished by organizations and individuals have resulted in many changes in the Standard.

The comments below summarize the major issues discussed by respondents in connection with both preliminary publications. They explain the major changes which have been made since the June 11 proposal.

(1) Economic Impact of the Standard. Many of the comments on the June 11 and October 3 proposals were concerned with the economic impact of the Standard. They cited such concerns as delays in cash flow, impact of inflation, incentives for modernization, and administrative cost of additional recordkeeping requirements.

The Board's consideration of each of these primary concerns is dealt with in detail in other sections of these prefatory comments. The Board has recognized the potential overall impact of the Standard as expressed in the comments received and has endeavored to establish the needed guidance on depreciation accounting with as little disruption as possible to contractors and current contractual relationships.

The Standard provides for a phasing in of requirements over a period of time so that the principal impact of the Standard will be a number of years in the future. The Standard applies only to assets acquired by a contractor after the beginning of its next fiscal year after receipt of a CAS covered contract. If the Standard were to become effective six months after submission to Congress, application of any provisions of the Standard to any newly acquired assets would be delayed more than six months from date of promulgation and for most contractors at least 12 months.

The Standard provides for a two-year period to develop records on past experience to support estimates of service lives. The same period could be used to develop any necessary changes in accounting for fixed asset lives. The two-year period begins after required compliance with the Standard, and, therefore, most contractors would have at least three years in which to apply the recordkeeping provisions for newly acquired fixed assets.

For those contractors who use the two-year period to develop new estimated service lives, the effect of the use of those new estimates would begin on assets acquired in the fourth year after submission of this Standard to Congress. In the fourth year and the next several years thereafter the impact of changes in cash flow because of changes in service life estimates would be minimal, since the difference in cash flow each year is the difference between depreciation amounts under the old and new estimates of service life for the newly acquired assets. The total impact on cash flow of changes in estimates of service life would not occur until the full cycle of asset replacement is completed. In addition, the impact of

the rules on accounting for gain or loss would only begin to take place where new assets acquired after compliance with the Standard would be sold or otherwise disposed of and such impact will be many years in the future.

It is the Board's opinion that the immediate economic and administrative impact of the Standard is minimal and will, over time, provide for a more appropriate recognition of cost accounting considerations distinct and apart from profit level determinations for defense contract cost and pricing actions.

(2) Need for a Standard. The accounting profession has established general principles to govern depreciation accounting. These broad principles require that depreciation practices be systematic and rational. Accountants consistently urge that the estimates of service lives used for depreciation should be realistic. These broad goals are almost universally agreed upon.

Some commentators suggested that the Board should not promulgate any Standard dealing with depreciation because the applicable principles have been well established as a part of generally accepted accounting principles. These same commentators also argue that procurement regulations have allowed contractors to rely on depreciation practices found to be acceptable for other purposes; they believe that contract costing should continue to rely entirely upon the depreciation practices used for Federal income tax and for financial reporting purposes pursuant to the current procurement regulations. The Board believes, however, that depreciation charges based entirely on income tax and financial reporting practices do not necessarily assure reasonable representation of the costs of the services provided on Government contracts.

Various mathematical formulas have been suggested to represent the typical patterns of consumption of services over the lives of assets. Certain of these methods of depreciation have been incorporated into the Internal Revenue Code as acceptable for Federal income tax purposes. These same methods have, in general, been accepted as systematic and rational and therefore within the scope of generally accepted accounting principles. The Board finds that there has been a range of choice as to depreciation methods available for contract costing, without adequate criteria for the choices made.

The Treasury Department and Internal Revenue Service have established guidelines for determination of estimated periods of useful service. These guideline periods are said to be based on observed industry experience, but lives shorter than the averages experienced were established so that most companies would experience longer actual asset utilization periods than the permitted tax lives. Tax accounting lives for an industry are, therefore, not good representations of expected actual asset utilization periods for many individual contractors within that industry.

The Board's research has indicated that the asset lives and depreciation methods selected by defense contractors under existing regulations may result in an unduly accelerated allocation of depreciation to the final cost objectives of earlier cost accounting periods in the life of a tangible capital asset. Contractor representatives have expressed the view that the choices are typically appropriate in view of the uncertainties of Government contracting. These uncertainties, however, have not precluded utilization of assets well beyond the short estimated service lives based on the IRS guideline periods. Other commentators were concerned that any Standard which would restrict cash flow would adversely impact profits. The Board has determined that a Cost Accounting Standard is needed to provide more assurance that depreciation costs identified with performance of negotiated defense contracts are appropriately measured. Consideration of risk and capital investment in the determination of the adequacy of profits is a policy question for the procuring agencies and not a cost accounting problem.

(3) Method of Depreciation. Many of the comments received on depreciation method center on whether accelerated methods or straightline methods are more appropriate for contract costing purposes. The Board, however, believes that no particular method is necessarily appropriate for all contract cost accounting situations. The Board is establishing criteria by which the method or methods appropriate in the specific situation can be determined.

Both the June 11 proposal and the October 3 revision provided that the method selected "shall reflect the expected consumption of services in each accounting period." This basic goal is generally recognized as appropriate. Commentators have raised questions relating to the practical aspects of compliance with the basic goal. What kind of evidence should be available to support a selection of a depreciation method? In the absence of authoritative criteria for selection, contractors have had no need to support their choices, nor have they accumulated much experience in collecting evidence relevant to the consumption of services. Thus a requirement for support of accelerated methods is seen by some as a prohibition of the use of such methods. However, the proposals made no distinction between an accelerated method or the straight-line method of depreciation in determining the quantity and quality of supporting evidence. The Board's proposals included descriptions of the techniques which should be used to determine appropriate methods for depreciation. The Board recognized the difficulty which might be experienced by contractors attempting to demonstrate the appropriateness of their choices. The Board's proposals included, therefore, the provision that the method of depreciation used for financial accounting purposes should generally be acceptable for contract costing.

Representatives of the accounting profession pointed out that there is strong economic motivation to choose rapid depreciation write-off techniques where cost is the basis for pricing and reimbursement, as in the defense contracting environment. They say that this same motivation may not apply to external financial accounting for the same companies. Accordingly, they expect that any Cost Accounting Standard which required that, in order to use a technique for contract costing, a company must use the same technique for financial accounting, might create an incentive to modify financial accounting practices solely for the purpose of obtaining an advantage in contract pricing. Because of these considerations the Board would prefer not to base its criteria primarily on practices used for external financial reporting.

Most commentators have asserted that the depreciation methods now in use for external reporting purposes are appropriate methods for contract costing, too. The Board believes that this is generally true, and it further recognizes that a requirement to change to a particular depreciation method might result in significant cost to many contractors. In the belief that the methods selected as appropriate for financial accounting are usually intended to approximate the actual consumption of services, the Board has provided for continuance of those methods where this is a reasonable assumption. Therefore, in the October 3 proposal the word "reasonably" was used to modify the requirement that the method of depreciation reflect the expected consumption of services; this provision is continued in the Standard being promulgated today. In those few cases where existing methods used for financial accounting purposes are obviously poor representatives of the expected pattern of consumption, and in any case when the contractor proposes to change methods, the choice should be made on the basis of a reasonable expectation of the future pattern of consumption of services in accordance with the criteria provided in this Standard.

It has been asserted that some assets purchased for Government contract purposes are used on an intermittent basis with periods of use and periods of nonuse following one another in a pattern that fits neither the classical accelerated nor straight-line models and that does not conform with the active-standby dichotomy. "The pattern of consumption of services" for such an asset is difficult to determine either prospectively or historically and is not necessarily dependent solely on use.

In circumstances such as the foregoing, it is not the intent of the Board to introduce uncertainty into contract negotiation and settlement by encouraging challenge of contractors' depreciation methods. If the method selected is also used for external financial reporting and is acceptable for income tax purposes, the Board's expectation is that it will be accepted.

(4) Service Lives. Depreciation is to be charged during the period of estimated usefulness of a tangible capital asset. Some commentators have expressed concern lest the Board not give appropriate recognition to the importance of possible obsolescence in estimating the period of usefulness. The Board recognizes that for many contractors the likelihood of obsolescence is an important factor in estimating the period of usefulness, and has so provided in the Standard.

The June 11 proposal provided that estimated service lives used for financial accounting, where such lives reasonably represented expected usefulness, were to be used for contract costing. However, several commentators expressed concern that the requirement to use financial accounting lives would continue to influence the motivation of some financial reporting entities to select for financial accounting purposes those practices which would be most advantageous for other purposes. The Board's research showed that defense contractors often used minimum lives permitted for tax purposes for financial accounting rather than lives based on actual experience. Therefore, the October 3 revised proposal placed the primary reliance for estimation of service lives on records of the age of assets at disposal or withdrawal from active use. The proposal further provided that the historical data would be a baseline for estimates of useful life which could be adjusted based on expected changes in physical or economic lives.

Contractors commenting on the October 3 proposal pointed out that they have not been required to have records which would show the retention periods of assets. Therefore, while most contractors have the basic information from which they could determine typical asset retention periods, few contractors have made analyses or summaries of the information available. Furthermore, they stated that contractors did not have records reflecting the withdrawal of assets from active use. The contractors expressed the opinion that to develop such records would be costly. The Standard has been modified to provide that the development of records of asset withdrawal from active use be at the option of the contractor; however, it should be pointed out that such records could be additional support to reduce historical asset lives.

The Standard also provides a two-year period for the development of analyses of historical asset lives. The Board believes the two-year period should provide adequate working time to develop such analyses. The Standard does not prescribe the nature of the analyses which should be performed, nor does it prescribe the number of prior years to be analyzed or the extent of support necessary; it recognizes that the adequacy of records depends upon individual needs and circumstances. The Board believes that most contractors have adequate records on asset retention. Estimates of experienced lives can be developed from these existing records on the basis of samples. Statistical sampling from existing records or judgmental samples with analyses to support a large portion of the dollar amounts involved may allow reasonable estimates in many cases with a relatively small sample. The Board expects that contractors will develop sufficient data to support the lives used and that procurement agencies will enforce this requirement in a reasonable manner.

Several commentators criticized the October 3 proposal on the basis that it would engender disagreements about the impact of the physical and economic factors recognized as appropriate to consider in relating actual past experience to expected future usefulness. The Board, in effect, places a burden of proof on the contractor who proposes that expected changes in physical and economic factors should be used to justify any specific reduction in estimate from that supported by his records.

The Board recognizes that many contractors would still be concerned not only about the concept of developing service life estimates from records of actual use but also about the risk of disagreements related to the appropriate adjustments to be made in relating actual past experience to expected future usefulness. The Board believes that procurement agencies generally recognize the significance of the physical and economic factors listed in the Standard. The Board encourages the procurement agencies to provide written guidance for use by field personnel, with the goal of making an effective transition from amortization periods derived from tax regulations to those based on reasonable estimates of actual useful service. The staff of the Board will participate, if requested, in the development of appropriate guidance to field personnel.

(5) Reliance on Internal Revenue Service. Many commentators, throughout the Board's research process in the development of this Standard, have suggested that the Board should rely on the experience accumulated by the Internal Revenue Service. Under this general approach the Board would be expected to concede that there is so much uncertainty about depreciation that auditors should not ask for support of estimates from individual contractors, but should accept for contract purposes the operation of a broad band of averages which have been developed for other purposes but which do deal with the same depreciation practices. The Board has recognized that contract costing often deals with the same expenditures and the same problems of allocation to time periods as are of interest in income tax accounting. Tax regulations, however, are intended to achieve a variety of social goals quite foreign to the purposes of contract costing. In this regard, the "Asset Guideline Periods," first established in 1962, were based on write-off periods substantially shorter than actual average experienced lives and these periods were subject to further reduction under the "Asset Depreciation Range System" in 1971.

In addition, tax assessment and collection are continuous so that, except for differences in tax rates, shifts of income or expense from one year to another generally do not have a significant effect on total tax paid over a period of time. However, similar shifts of cost from one year to another could have a decided impact on the costs chargeable to the Government on contracts with it.

The Board has considered very seriously the issues which are related to its decision not to rely solely or necessarily on I.R.S. regulations with respect to depreciation. Early versions of this Standard placed some reliance on I.R.S. regulations. However, spokesmen for contractors criticized the specific techniques used, including the difficulty of using lives shorter than those permitted by I.R.S., while representatives of the accounting profession tended to encourage less reliance on I.R.S. in any way. The Standard now being promulgated continues to make limited use of I.R.S. regulations for estimating service lives where more pertinent information is not available.

(6) Beginning and Ending Periods. Several commentators expressed concern that the proposed Standard (both the June 11 and October 3 versions, which were alike in this regard) would not permit accounting conventions to be used for the beginnning and ending periods of asset use. The Standard permits the application of conventions (such as the half-year convention) where reasonable in the circumstances and consistently followed. The Board sees no need for change in this respect.

(7) Asset Groups. Some commentators felt that the June 11 proposal implied a desire by the Board for depreciation accounting on an asset-by-asset basis. The Board does not intend to force any changes in decisions reasonably made with respect to accounting in terms of groups or of individual assets. Since depreciation is largely based on the application of estimates, when groups are used the estimates are intended to represent the average or typical experience for all individual assets in the group. The October 3 proposal was modified to make clear the Board's acceptance of grouping practices in accounting for assets and in determining applicable depreciation lives and methods. The Standard permits accounting for assets either individually or in any reasonable grouping, provided that the accounting treatment is consistently applied.

(8) Use Rates. In its June 11 proposal, the Board pointed out that the proposed Standard is expected to be applied by contractors in situations where depreciation cost is a factor in determining equitable charging rates to be used as a basis for contract costing. For example, the development of rate schedules for construction plant and equipment and ownership costs for comparison to lease or rental costs would be accomplished in conformance with the requirements of the proposed Standard. The proposed Standard also would have been required to be used by educational institutions in determining amounts to be compensated for use of buildings, capital improvements and equipment.

University commentators stated that few colleges and universities recognize depreciation in their accounting records. Replacement of capital assets is often handled by special appropriations or by bequests and other contributions. Federal Management Circular 73-8 has provided for use allowances as recognition for the employment of capital assets on contract work.

A number of commentators have pointed out that many educational institutions prefer the current use allowance system even though they recognize that conventional depreciation accounting would result in higher recognized costs. The most important reason stated is that the administrative cost and effort involved in establishing depreciation accounts would be significant.

These comments have been persuasive. Universities who choose not to incur the additional administrative expense should have an acceptable alternative basis for reimbursement for the use of tangible capital assets. The Standard has been modified to provide that it does not apply where FMC 73-8 use allowances are a part of contract costs. However, the Standard does apply whenever depreciation accounting is used by an educational institution for a covered contract.

(9) Residual Value. Several commentators expressed concern that the proposed Standard defined "residual value" even though the only available numeric value during the service life of an asset is that for "estimated residual value." The wording in the definition has been modified to clarify the Board's recognition of this point.

The proposal included permission to disregard minor residual values (those under ten percent of capitalized cost) in determining a schedule of depreciation charges—until the net book value approaches the residual value. Some commentators suggested that residual values be ignored completely. Others suggested that they be permitted to depreciate beyond actual residual values because of practicality considerations.

The Board has several times expressed its belief that the administration of Cost Accounting Standards should be reasonable and not seek to deal with insignificant amounts of cost. (See, for example, the March 1973 "Statement of Operating Policies, Procedures and Objectives.") Except for depreciable real property, there would usually be little improvement in the accuracy of cost measurements if estimates of minor residual values were explicitly considered in establishing amounts to be depreciated. However, the Board continues to believe that the magnitude of the expected residual value should be considered for each asset or for each group. If the estimate is greater than ten percent of capitalized cost or if it is applicable to depreciable real property it should be deducted from the capitalized amount in determining the depreciable cost. The Standard has been modified to clarify the applicability of the ten percent materiality rule to personal property only.

The June 11 proposal prohibited the charging of any depreciation amount which would reduce book value below residual value. Where fixed asset accounting is by groups, this provision was not intended to require separate identification of the book values and residual values of individual assets. For individual assets, where actual residual values are not material, the Board does not intend that such immaterial amounts be identified. The criterion of materiality applies to all Board promulgations, and therefore, the Board does not believe it necessary to restate it in every circumstance.

(10) Gain or Loss. Both the June 11 and October 3 proposals required that gain or loss on disposition of tangible capital assets be assigned to the cost accounting period in which disposition occurs. A number of commentators suggested that gain or loss on disposition, as an adjustment of depreciation previously recognized, should be assigned to the cost accounting periods and cost objectives to which the depreciation had been charged. This suggestion is conceptually sound but impractical to apply. The records necessary to identify prior depreciation charges would be difficult to maintain. In addition, where losses occur on disposition, application of the cost to prior periods and cost objectives would often be precluded because applicable contracts may have been closed or funding for the additional cost may not be available. Accordingly, the Board believes it would be fair to both contractors and the Government to adjust for gain or loss in the current cost accounting period.

Commentators suggested that if adjustment is to be made in the current cost accounting period, it should be made to some general indirect cost pool so that adjustments could be absorbed by all work of the period. The Board believes, however, that—to the extent practical—adjustments should be made to the same cost accounts to which the depreciation cost of the asset had been or would have been allocated in that cost accounting period. To the extent that depreciation cost is assigned to individual departments or cost centers, so should the adjustments to depreciation resulting from the disposition of assets.

Commentators expressed the opinion that gains on disposition of assets in today's economy are often the result of inflation and not adjustments of depreciation expense. The Board recognizes that assets held for long periods, especially real property, may be disposed of for amounts in excess of net book value. The gain may have been caused by any of several factors, including the rising general price level. In some situations it may be arguable that the gains should not be considered as corrections to previous depreciation charges. The Board and others in the accounting profession are examining new techniques to deal with accounting for inflation. However, accounting for cost on an historical basis is now generally accepted and until the new techniques are developed and accepted, the Board does not see a practical way to differentiate those gains deemed by some to be based on inflation from those resulting from excessive depreciation charges. Because the Standard applies only to assets acquired after the date when the Standard must first be followed by a contractor, the impact of the Standard on recognition of gains or losses in some years in the future. At that time it is expected that guidance will be available on the appropriate treatment for price-level changes reflected in gains or losses from disposition of fixed assets.

Current procurement regulations of Government agencies are not consistent in their provisions for gains and losses. A number of commentators were apparently unaware of this diversity; they encouraged the Board to leave the present situation alone. The existing procurement regulations have been carefully considered and the Board believes that contract cost determinations will be improved by more uniform treatment of such gains and losses.

Several commentators were concerned that the treatment of gain or loss from involuntary conversion, while in agreement with the Federal income tax treatment, differed from the generally accepted financial accounting practice. The Standard has been changed to permit the contractor to use either basis in accounting for involuntary conversions.

(11) Original Complements. The Standard on Capitalization of Tangible Assets defined and required the capitalization of original complements of low-cost equipment. There has been some controversy over the appropriate write-off technique for such capitalized amounts. Informal staff proposals to require amortization over the life of the complement, or of the asset for which it has been required, were challenged by contractors as being unreasonable. The Board recognized the intensity of this feeling and the June 11 proposal included a provision developed specifically to assign such costs among cost accounting periods.

Some commentators pointed out that the June 11 proposal for amortization of original complements would have required a practice which is not at all common and would be difficult to implement.

The provisions of the proposal were modified for the October 3 version to require simply that an original complement be treated as a tangible capital asset, and that the basic requirements of the Standard be applied to it. Thus, the costs of each original complement would be amortized over its period of expected usefulness, and in accordance with its pattern of expected usage, either separately or as a part of an appropriate group. Comments received on the October 3 version have suggested some misunderstanding of the principle involved. Some additional language has been added to the illustration on depreciation for original complements in § 409.60(c) to further clarify the principle that an original complement is a single asset and not a group of individual items.

(12) Retroactive Impact of Changes. The Board called attention, in the

June 11 publication, to the conflict between some aspects of Opinion No. 20 of the Accounting Principles Board and the treatment proposed, in § 409.50(i), for changes made in depreciation accounting during the service life of an asset. The position proposed by the Board, that of making changes applicable prospectively only, was approved by most of those who commented on the point. A very few commentators asked that the Board agree with the financial accounting principle and insist upon retroactive impact, even though this would require reopening settled contracts. The Board was not convinced that any improvement in costing accuracy resulting from reopening settled contracts would merit the obvious administrative inconvenience involved. The Standard is, therefore, not changed in this regard.

(13) Service Center Costs. The June 11 proposal provided that when depreciable assests are part of an organizational unit whose costs are charged to users on the basis of service, the depreciation cost of such assets should be included as part of the costs of the organizational unit. A number of commentators expressed concern that the Standard might be thought to require the assignment of building depreciation separately to each organizational unit which occupied a building, even though the applicable building depreciation might be only a very minor part of the total organizational unit cost. If an organizational unit occupies a entire building, and the depreciation cost of that building is significant and can practicably be identified, that building depreciation cost should be included as a cost of the organizational unit for assignment to cost objectives on the basis of service. If, however, the total depreciation cost of a building, which is allocable to a number of cost objectives, is accounted for as indirect cost and its allocation on that basis would not materially distort the measurement of costs to any benefiting cost objective, little point would be served by insisting that each organizational unit receive a specific charge for building depreciation.

Several commentators were concerned that the paragraph on service centers might restrict the base or bases used for charging service center costs to other cost objectives. Nothing in that paragraph is intended to limit or prescribe the base or bases used for charging service center costs.

(14) Cost of Capital. Many commentators have pointed out that the requirements to be imposed by the Standard may result, on assets acquired after the effective date, in less depreciation charged in earlier years of asset life. The resultant slowdown in recovery of funds could, they pointed out, have an adverse impact on the profitability of defense contracts. Many of the comments seek to justify rapid write-off as a partial offset to the costs of capital actually involved but not directly recognized in contract pricing.

The purpose of this Standard is to provide a better measurement and allocation of depreciation cost. Accounting practices used for these functions should be justified on the basis of their effectiveness for such measurement and allocation. They should not be justified on the basis of problems identified with other aspects (e.g., profitability) of defense contracts.

The Board has no authority to extend itself into the area of profitability of defense contracts. This is a matter for the procuring agencies. In this regard, current procurement regulations provide guidance with respect to negotiating proposed profits; this guidance includes some implicit recognition of the cost of capital. The Board believes that accounting for the costs of capital and determining equitable measures of profit are issues separate from depreciation accounting and these issues cannot be resolved effectively by adoption of any particular depreciation practices.

(15) Modernization and Public Policy. Many commentators have pointed out, throughout the process of developing this Standard, that no Cost Accounting Standard should be adopted if it would interfere with public policy to encourage investment in facilities which might provide a more modern, more effective industrial mobilization base. The Board favors appropriate improvements in the physical facilities used in performance of negotiated defense contracts; its purpose however does not include such public policy decisions as the introduction or continuation of incentives to encourage investment in certain classes of assets. This Standard is being promulgated for the purpose of improving the measurement and allocation of depreciation on acquired assets. The Board does not believe that this purpose is inconsistent with or a deterrent to effective plant modernization.

(16) Inflation Accounting. Some commentators were concerned with the effect of inflation in depreciation accounting. They suggested that this Cost Accounting Standard should provide for the use of replacement cost or current value rather than historical cost as the basis for determining depreciable amounts. Present Government procurement regulations as well as financial and tax accounting are based on historical costs. Current inflationary trends, however, suggest that more attention should be given to the impact of inflation on established accounting concepts.

The Financial Accounting Standards Board (FASB) is considering this subject. The FASB issued an Exposure Draft on "Financial Reporting in Units of General Purchasing Power" on December 31, 1974. The CASB is also studying the subject.

The cost impact of this Standard for most contractors is some years in the future. The Standard is required to be followed by contractors at the start of their next fiscal year after receipt of a covered contract requiring compliance with this Standard. The Standard provides for a two-year period after required compliance to accumulate necessary supporting records. The requirement of the Standard for determining lives applies only to new assets acquired after the necessary records are available. Therefore, for most contractors implementation of the requirements of life determination will apply only to new assets acquired in accounting periods beginning January 1, 1978, or later.

The Board sees this Standard as establishing proper techniques for the measurement and allocation of depreciation expense. The Board believes, therefore, that this Standard can properly be promulgated at this time. The subject of inflation accounting concerns not only depreciation cost but all costs, and will be dealt with as part of the studies now in progress by both the CASB and the FASB.

(17) Costs and Benefits. Comments received on the June 11 and October 3 proposals indicated that there would be substantial administrative cost entailed in complying with this Standard. Part of the increased cost is attributed to required changes in accounting practices; a greater part is alleged to be related to increased controversy over the acceptability of current and proposed depreciation methods and lives.

A number of the administrative problems described in the comments have been reduced or eliminated by changes to the Standard. The requirement for recordkeeping, however, has not been eliminated. As discussed above, the Board recognizes that for some companies additional cost will be incurred to implement this aspect of the Standard. Also as discussed above, there may be some one-time analytical effort during the next two years to develop starting estimates of actual retention periods. The Board believes that these administrative costs, when reasonably managed in light of the purpose to be served, are warranted by the likelihood of better measurement of depreciation cost than has previously been available.

The Standard does not prescribe uniform accounting treatment. It enunciates principles and criteria for the implementation of these principles, which will achieve a practical degree of increased uniformity and consistency in fixed asset depreciation accounting techniques. In some cases, as for the determination of estimated service life, the Standard requires the establishment of records to achieve a better measurement of cost based on the manner in which contractors manage their fixed assets.

The benefits to be expected are better accounting for depreciation cost and enhanced ability to meet the responsibilities of the Government and of defense contractors to properly account for the expenditure of public funds. The Board recognizes that some additional costs will be incurred in obtaining compliance with this Standard. The benefits to be obtained are substantial, and the Standard contributes to fulfilling the Board's obligation to seek improved accounting for defense contracts.

* * * * *

There is also being published today (40 FR 4259) an amendment to Part

400, Definitions, to incorporate in that part terms defined in § 409.30(a) of this Cost Accounting Standard.

Part 409—Cost Accounting Standard Depreciation of Tangible Capital Assets is added to read as follows:

Sec.

409.10 General applicability.
409.20 Purpose.
409.30 Definitions.
409.40 Fundamental requirement.
409.50 Techniques for application.
409.60 Illustrations.
409.70 Exemptions.
409.80 Effective date.

AUTHORITY: 84 Stat. 796, sec. 103 (50 U.S.C. App. 2168).

§ 409.10 General Applicability.

This Standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000, other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 409.20 Purpose.

The purpose of this Standard is to provide criteria and guidance for assigning costs of tangible capital assets to cost accounting periods and for allocating such costs to cost objectives within such periods in an objective and consistent manner. The Standard is based on the concept that depreciation costs identified with cost accounting periods and benefiting cost objectives within periods should be a reasonable measure of the expiration of service potential of the tangible assets subject to depreciation. Adherence to this Standard should provide a systematic and rational flow of the costs of tangible capital assets to benefited cost objectives over the expected service lives of the assets. This Standard does not cover nonwasting assets or natural resources which are subject to depletion.

§ 409.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in paragraph (b) of this section:

(1) *Residual value.* The proceeds (less removal and disposal costs, if any) realized upon disposition of a tangible capital asset. It usually is measured by the net proceeds from the sale or other disposition of the asset, or its fair value if the asset is traded in on another asset. The estimated residual value is a current forecast of the residual value.

(2) *Service life.* The period of usefulness of a tangible capital asset (or group of assets) to its current owner. The period may be expressed in units of time or output. The estimated service life of a tangible capital asset (or group of assets) is a current forecast of its service life and is the period over which depreciation cost is to be assigned.

(3) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the services it yields.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 409.40 Fundamental Requirement.

(a) The depreciable cost of a tangible capital asset (or group of assets) shall be assigned to cost accounting periods in accordance with the following criteria:

(1) The depreciable cost of a tangible capital asset shall be its capitalized cost less its estimated residual value.

(2) The estimated service life of a tangible capital asset (or group of assets) shall be used to determine the cost accounting periods to which the depreciable cost will be assigned.

(3) The method of depreciation selected for assigning the depreciable cost of a tangible capital asset (or group of assets) to the cost accounting periods representing its estimated service life shall reflect the pattern of consumption of services over the life of the asset.

(4) The gain or loss which is recognized upon disposition of a tangible capital asset shall be assigned to the cost accounting period in which the disposition occurs.

(b) The annual depreciation cost of a tangible capital asset (or group of assets) shall be allocated to cost objectives for which it provides service in accordance with the following criteria:

(1) Depreciation cost may be charged directly to cost objectives only if such charges are made on the basis of usage and only if depreciation costs of all like assets used for similar purposes are charged in the same manner.

(2) Where tangible capital assets are part of, or function as, an organizational unit whose costs are charged to other cost objectives based on measurement of the services provided by the organizational unit, the depreciation cost of such assets shall be included as part of the cost of the organizational unit.

(3) Depreciation costs which are not allocated in accordance with (b) (1) or (2) above shall be included in appropriate indirect cost pools.

(4) The gain or loss which is recognized upon disposition of a tangible capital asset, where material in amount, shall be allocated in the same manner as the depreciation cost of the asset has been or would have been allocated for the cost accounting period in which the disposition occurs. Where such gain or loss is not material, the amount may be included in an appropriate indirect cost pool.

§ 409.50 Techniques for application.

(a) Determination of the appropriate depreciation charges involves estimates both of service life and of the likely pattern of consumption of services in the cost accounting periods included in such life. In selecting service life estimates and in selecting depreciation methods many of the same physical and economic factors should be considered. The following are among the factors which may be taken into account: quantity and quality of expected output, and the timing thereof; costs of repair and maintenance, and the timing thereof; standby or incidental use and the timing thereof; and technical or economic obsolescence of the asset (or group of assets), or of the product or service it is involved in producing.

(b) Depreciation of a tangible capital asset shall begin when the asset and any others on which its effective use depends are ready for use in a normal or acceptable fashion. However, where partial utilization of a tangible capital asset is identified with a specific operation, depreciation shall commence on any portion of the asset which is substantially completed and used for that operation. Depreciable spare parts which are required for the operation of such tangible capital assets shall be accounted for over the service life of the assets.

(c) A consistent policy shall be followed in determining the depreciable cost to be assigned to the beginning and ending cost accounting periods of asset use. The policy may provide for any reasonable starting and ending dates in computing the first and last year depreciable cost.

(d) Tangible capital assets may be accounted for by treating each individual asset as an accounting unit, or by combining two or more assets as a single accounting unit, provided such treatment is consistently applied over the service life of the asset or group of assets.

(e) Estimated service lives initially established for tangible capital assets (or groups of assets) shall be reasonable approximations of their expected actual periods of usefulness, considering the factors mentioned in paragraph (a) of this section. The estimate of the expected actual periods of usefulness need not include the additional period tangible capital assets are retained for standby or incidental use where adequate records are maintained which reflect the withdrawal from active use.

(1) The expected actual periods of usefulness shall be those periods which are supported by records of either past retirement or, where available, withdrawal from active use (and retention for standby or incidental use) for like assets (or groups of assets) used in similar circumstances appropriately modified for specifically identified factors expected to influence future lives. The factors which can be used to modify past experience include:

(i) Changes in expected physical usefulness from that which has been experienced such as changes in the quantity and quality of expected output.

(ii) Changes in expected economic usefulness, such as changes in expected

technical or economic obsolescence of the asset (or group of assets), or of the product or service produced.

(2) Supporting records shall be maintained which are adequate to show the age at retirement or, if the contractor so chooses, at withdrawal from active use (and retention for standby or incidental use) for a sample of assets for each significant category. Whether assets are accounted for individually or by groups, the basis for estimating service life shall be predicated on supporting records of experienced lives for either individual assets or any reasonable grouping of assets as long as that basis is consistently used. The burden shall be on the contractor to justify estimated service lives which are shorter than such experienced lives.

(3) The records required in paragraph (e)(1) and (2) of this section, if not available on the date when the requirements of this Standard must first be followed by a contractor, shall be developed from current and historical fixed asset records and be available following the second fiscal year after that date. They shall be used as a basis for estimates of service lives of tangible capital assets acquired thereafter. Estimated service lives used for financial accounting purposes (or other accounting purposes where depreciation is not recorded for financial accounting purposes for some non-commercial organizations), if not unreasonable under the criteria specified in paragraph (e) of this section, shall be used until adequate supporting records are available.

(4) Estimated service lives for tangible capital assets for which the contractor has no available data or no prior experience for similar assets shall be established based on a projection of the expected actual period of usefulness, but shall not be less than asset guideline periods (mid-range) established for asset guideline classes under the Revenue Procedure 72-10 published by the Internal Revenue Service, and any additions, supplements or revisions thereto, which are in effect as of the first day of the cost accounting period in which the assets are acquired. Use of this alternative procedure shall cease as soon as the contractor is able to develop estimates which are appropriately supported by his own experience.

(5) The contracting parties may agree on the estimated service life of individual tangible capital assets where the unique purpose for which the equipment was acquired or other special circumstances warrant a shorter estimated service life than the life determined in accordance with the other provisions of this § 409.50 (e) and where the shorter life can be reasonably predicted.

(f)(1) The method of depreciation used for financial accounting purposes (or other accounting purposes where depreciation is not recorded for financial accounting purposes) shall be used for contract costing unless (i) such method does not reasonably reflect the expected consumption of services for the tangible capital asset (or group of assets) to which applied, or (ii) the method is unacceptable for Federal income tax purposes. If the contractor's method of depreciation used for financial accounting purposes (or other accounting purposes as provided above) does not reasonably reflect the expected consumption of services or is unacceptable for Federal income tax purposes, he shall establish a method of depreciation for contract costing which meets these criteria, in accordance with paragraph (f)(3) of this section.

(2) After the date of initial applicability of this Standard, selection of methods of depreciation for newly acquired tangible capital assets, which are different from the methods currently being used for like assets in similar circumstances, shall be supported by projections of the expected consumption of services of those assets (or groups of assets) to which the different methods of depreciation shall apply. Support in accordance with paragraph (f)(3) of this section shall be based on the expected consumption of services of either individual assets or any reasonable grouping of assets as long as the basis selected for grouping assets is consistently used.

(3) the expected consumption of asset services over the estimated service life of a tangible capital asset (or group of assets) is influenced by the factors mentioned in paragraph (a) of this section which affect either potential activity or potential output of the asset (or group of assets). These factors may be measured by the expected activity or the expected physical output of the assets, as for example: Hours of operation, number of operations performed, number of units produced, or number of miles traveled. An acceptable surrogate for expected activity or output might be a monetary measure of that activity or output generated by use of tangible capital assets, such as estimated labor dollars, total cost incurred or total revenues, to the extent that such monetary measures can reasonably be related to the usage of specific tangible capital assets (or groups of assets). In the absence of reliable data for the measurement or estimation of the consumption of asset services by the techniques mentioned, the expected consumption of services may be represented by the passage of time. The appropriate method of depreciation should be selected as follows:

(i) An accelerated method of depreciation is appropriate where the expected consumption of asset services is significantly greater in early years of asset life.

(ii) The straight-line method of depreciation is appropriate where the expected consumption of asset services is reasonably level over the service life of the asset (or group of assets).

(g) The estimated service life and method of depreciation to be used for an original complement of low-cost equipment shall be based on the expected consumption of services over the expected useful life of the complement as a whole and shall not be based on the individual items which form the complement.

(h) Estimated residual values shall be determined for all tangible capital assets (or groups of assets). For tangible personal property, only estimated residual values which exceed ten percent of the capitalized cost of the asset (or group of assets) need be used in establishing depreciable costs. Where either the declining balance method of depreciation or the class life asset depreciation range system is used consistent with the provisions of this Standard, the residual value need not be deducted from capitalized cost to determine depreciable costs. No depreciation cost shall be charged which would significantly reduce book value of a tangible capital asset (or group of assets) below its residual value.

(i) Estimates of service life, consumption of services, and residual value shall be reexamined for tangible capital assets (or group of assets) whenever circumstances change significantly. Where changes are made to the estimated service life, residual value, or method of depreciation during the life of a tangible capital asset, the remaining depreciable costs for cost accounting purposes shall be limited to the undepreciated cost of the assets and shall be assigned only to the cost accounting period in which the change is made and to subsequent periods.

(j)(1) Gains and losses on disposition of tangible capital assets shall be considered as adjustments of depreciation costs previously recognized and shall be assigned to the cost accounting period in which disposition occurs except as provided in paragraphs (h)(2) and (3) of this section. The gain or loss for each asset disposed of is the difference between the net amount realized, including insurance proceeds in the event of involuntary conversion, and its undepreciated balance. However, the gain to be recognized for contract costing purposes shall be limited to the difference between the original acquisition cost of the asset and its undepreciated balance.

(2) Gains and losses on the disposition of tangible capital assets shall not be recognized where: (i) Assets are grouped and such gains and losses are processed through the accumulated depreciation account, or, (ii) the asset is given in exchange as part of the purchase price of a similar asset and the gain or loss is included in computing the depreciable cost of the new asset. Where the disposition results from an involuntary conversion and the asset is replaced by a similar asset, gains and losses may either be recognized in the period of disposition or used to adjust the depreciable cost base of the new asset.

(3) The contracting parties may account for gains and losses arising from mass or extraordinary dispositions in a manner which will result in treatment equitable to all parties.

(4) Gains and losses on disposition of tangible capital assets transferred in other than an arms-length transaction and subsequently disposed of within 12 months from the date of transfer shall be assigned to the transferor.

(k) Where, in accordance with § 409.40 (b)(1), the depreciation costs of like tangible capital assets used for similar

purposes are directly charged to cost objectives on the basis of usage, average charging rates based on cost shall be established for the use of such assets. Any variances between total depreciation cost charged to cost objectives and total depreciation cost for the cost accounting period shall be accounted for in accordance with the contractor's established practice for handling such variances.

(1) Practices for determining depreciation methods, estimated service lives and estimated residual values need not be changed for assets acquired prior to compliance with this Standard if otherwise acceptable under applicable procurement regulations. However, if changes are effected such changes must conform to the criteria established in this Standard and may be effected on a prospective basis to cover the undepreciated balance of cost by agreement between the contracting parties pursuant to negotiation under (a)(4)(B) of the Contract Clause set out at § 331.50 of the Board's regulations (4 CFR 331.50).

§ 409.60 Illustrations.

The following examples are illustrative of the provisions of this Standard.

(a) X, Y, and Z companies purchase identical milling machines to be used for similar purposes.

(1) Company X estimates service life for tangible capital assets on a individual asset basis. Its experience with similar machines is that the average replacement period is 14 years. Under the provisions of the Standard, Company X shall use the estimated service life of 14 years for the milling machine unless it can demonstrate changed circumstances or new circumstances to support a different estimate.

(2) Company Y estimates service life for tangible capital assets by grouping assets of the same general kind and with similar service lives. Accordingly, all machine tools are accounted for as a single group. The average replacement life for machine tools for Company Y is 12 years. In accordance with the provisions of the Standard, Company Y shall use a life of 12 years for the acquisition unless it can support a different estimate for the entire group.

(3) Company Z estimates service life for tangible capital assets by grouping assets according to use without regard to service lives. Accordingly, all machinery and equipment is accounted for as a single group. The average replacement life for machinery and equipment in Company Z is ten years. In accordance with the provisions of the Standard, Company Z shall use an estimated service life of ten years for the acquisition unless it can support a different estimate for the entire group.

(b) Company X desires to charge depreciation of the milling machine described in (a) directly to final cost objectives. Usage of the milling machine can be measured readily based on hours of operation. Company X may charge depreciation cost directly on a unit of time basis provided he uses one depreciation charging rate for all like milling machines in the machine shop and charges depreciation for all such milling machines directly to benefiting cost objectives.

(c) A contractor acquires, and capitalizes as an asset accountability unit, a new lathe. The estimated service life is ten years for the lathe. He acquires, and capitalizes as an original complement of low-cost equipment related to the lathe, a collection of tool holders, chucks, indexing heads, wrenches, and the like. Although individual items comprising the complement have an average life of six years, replacements of these items will be made as needed and, therefore, the expected useful life of the complement is equal to the life of the lathe. An estimated service life of ten years should be used for the original complement.

(d) A contractor acquires a test facility with an estimated physical life of ten years, to be used on contracts for a new program. The test facility was acquired for $5 million. It is expected that the program will be completed in six years and the test facility acquired is not expected to be required for other products of the contractor. Although the facility will last ten years, the contracting parties may agree in advance to depreciate the facility over six years.

(e) Contractor acquires a building by donation from its local Government. The building had been purchased new by another company and subsequently acquired by the local Government. Contractor capitalizes the building at its fair value. Under the Standard the depreciable cost of the asset based on that value may be accounted for over its estimated service life and allocated to cost objectives in accordance with contractor's cost allocation practices.

(f) A major item of equipment which was acquired prior to the applicability of this Standard was estimated, at acquisition, to have a service life of 12 years and a residual value of no more than 10 percent of acquisition cost. After four years of service, during which time this Standard has become applicable, a change in the production situation results in a well-supported determination to shorten the estimated service life to a total of seven years. The revised estimated residual value is 15 percent of acquisition cost. The manual depreciation charges based on this particular asset will be appropriately increased to amortise the remaining cost, less the current estimate of residual value, over the remaining three years of expected usefulness. This change is not a change of cost accounting practice, but a correction of numeric estimates. The requirement of § 409.50(1) for an adjustment pursuant to section (a)(4)(B) of the CAS clause does not apply.

(g) The support required by § 409.50 (e) can, in all likelihood, be derived by sampling from almost any reasonable fixed asset records. Of course, the more complete the data in the records which are available, the more confidence there can be in determinations of asset service lives. The following descriptions of sampling methods are illustrations of techniques which may be useful even with limited fixed asset records.

(1) A company maintains an inventory of assets in use. The company should select a sampling time period which, preferably, is significantly longer than the anticipated life of the assets for which lives are to be established. Of course, the inventory must be available for each year in the sampling time period. The company would then select a random sample of items in each year except the most recent year of the time period. Each item in the sample would be compared to the subsequent year's inventory to determine if the asset is still in service; if not, then the asset had been retired in the year from which the sample was drawn. The item is then traced to prior year inventories to determine the year in which acquired.

NOTE: Sufficient items must be drawn in each year to assure an adequate sample.

(2) A company maintains an inventory of assets in use and also has a record of retirements. In this case the company does not have to compare the sample to subsequent years to determine if disposition has occurred. As in Example (1) above the sample items are traced to prior years to determine the year in which acquired.

(3) A company maintains retirement records which show acquisition dates. The company should select a sampling time period which, preferably, is significantly longer than the anticipated life of the assets for which lives are to be estimated. The company would then select a random sample of items retired in each year of the sampling time period and tabulate age at retirement.

(4) A company maintains only a record of acquisitions for each year. The company should select a random sample of items acquired in the most recent complete year and determine from current records or observations whether each item is currently in service. The acquisitions of each prior year should be sampled in turn to determine if sample items are currently in service. This sampling should be performed for a time period significantly longer than the anticipated life of assets for which the lives are to be established, but can be discontinued at the point at which sample items no longer appear in current use. From the data obtained, mortality tables can be constructed to determine average asset life.

(5) A company does not maintain accounting records on fully depreciated assets. However, property records are maintained, and such records are retained for three years after disposition of an asset in groups by year of disposition. An analysis of these retirements may be made by selecting the larger dollar items for each category of assets for which lives are to be determined (for example, at least 75 percent of the acquisition values retired each year). The cases cited above are only examples and many other examples could have been used. Also in any example, a company's individual circumstances must be considered in order to take into account

possible biased results because of changes in organizations, products, acquisition policies, economic factors, etc. The results from example (g)(5), for instance, might be substantially distorted if the three year period was unusual with respect to dispositions. Therefore, the examples are illustrative only and any sampling performed in compliance with this Standard should take into account all relevant information to assure that reasonable results are obtained.

§ 409.70 Exemption.

This Standard shall not apply where compensation for the use of tangible capital assets is based on use allowances as provided for by the provisions of Federal Management Circular 73–8 (Cost Principles for Educational Institutions), Federal Management Circular 74–4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments), or other appropriate Federal procurement regulations.

§ 409.80 Effective date.

(a) The effective date of this Cost Accounting Standard is [Reserved].

(b) This Cost Accounting Standard shall be followed by each contractor for all tangible capital assets acquired on or after the start of his next fiscal year beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-2626 Filed 1-28-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

Interim Regulations

Notice is hereby given that under authority of section 401 of Public Law 93–443 (the Federal Election Campaign Act Amendments of 1974), which amends sections 1502(a)(3) and 1503 of title 5, United States Code, (the Hatch Act regarding certain State or local officers or employees), effective January 1, 1975, it is proposed to amend and revise §§ 151.101 through 151.122 and delete § 151.123 of Part 151, which set forth the permitted and prohibited activities of certain State or local officers or employees:

(1) To delete as prohibited activities those activities previously included within the terms "political management" and "political campaigns".

(2) To interpret the phrase "be a candidate for elective office".

Although the Commission may publish these changes as interpretative rules, in accordance with 5 U.S.C. 553(b)(A), we are interested in receiving written comments on these regulations. Interested parties may submit written comments, objections or suggestions to the Office of the General Counsel, U.S. Civil Service Commission, Washington, D.C. 20415, on or before February 28, 1975.

Until such time as final regulations are published, the Commission will operate under the interim regulations.

Accordingly Part 151 of Title 5 CFR is amended by revising § 151.101 through § 151.122 and deleting § 151.123 to read as follows:

GENERAL PROVISIONS

Sec.
151.101 Definitions.

PERMISSIBLE ACTIVITIES

151.111 Permissible Activities.

PROHIBITED ACTIVITIES

151.121 Use of official authority; coercion; candidacy; prohibitions.
151.122 Candidacy; exceptions.

AUTHORITY: The provisions of this Part 151 are issued under 5 U.S.C. 1302, 1501–1508, as amended.

GENERAL PROVISIONS

§ 151.101 Definitions.

In this part:

(a) "State" means a State or territory or possession of the United States;

(b) "State or local agency" means the executive branch of a State, municipality, or other political subdivision of a State, or an agency or department thereof;

(c) "Federal agency" means an executive agency or other agency of the United States, but does not include a member bank of the Federal Reserve System;

(d) "State or local officer or employee" means an individual employed by a State or local agency whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency but does not include—

(1) An individual who exercises no functions in connection with that activity;

(2) An individual employed by an educational or research institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(e) "Political party" means a National political party, a State political party, and an affiliated organization;

(f) "Election" includes a primary, special, and general election;

(g) "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(h) "Partisan" when used as an adjective refers to a political party.

(i) "Elective office" means any office which is voted upon at an election as defined at § 151.101(f), above, and may include political party office as well as public office.

§ 151.111 Permissible activities.

(a) All State or local officers or employees are free to engage in political activity to the widest extent consistent with the restrictions imposed by law and this part. A State or local officer or employee may participate in all political activity not specifically restricted by law and this part, including candidacy for office in a nonpartisan election.

§ 151.121 Use of official authority; coercion; candidacy; prohibitions.

A State or local officer or employee may not—

(a) Use his official authority of influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or

(b) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.

(c) Be a candidate for elective office in a partisan election. Candidacy prohibited by this paragraph includes—

(1) Candidacy for public office in a partisan election;

(2) Candidacy for a position of officer of a political party, delegate to a political party convention, member of a National, State or local committee of a political party, or any similar position, where such position is filled at an election as defined at § 151.101(f).

§ 151.122 Candidacy; exceptions.

Sections 151.121(c) does not apply to—

(a) The Governor or Lieutenant Governor of a State or an individual authorized by law to act as Governor;

(b) The Mayor of a city;

(c) A duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system;

(d) An individual holding elective office; or

(e) Activity in connection with a nonpartisan election.

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

[FR Doc.75-2601 Filed 1-28-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 317-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), September 22, 1972 (37 FR 19812) and May 14, 1973 (38 FR 12702), pursuant to section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5), and 40 CFR Part 51, the Administrator approved and promulgated portions of the California Plan for the implementation of the National Ambient Air Quality Standards. On December 27, 1973, and on February 19, April 22, and June 7, 1974, after notice and public hearings, and pursuant to 40

CFR 51.6, the Governor of California through his designee submitted to the Environmental Protection Agency (EPA) revisions to the compliance schedule portion of the approved State Implementation Plan. On June 27, 1974 (39 FR 23275) and September 26, 1974 (39 FR 34571), 65 and 33 compliance schedules, respectively, were proposed for approval by the Administrator pursuant to 40 CFR 51.8 as compliance schedule revisions. EPA received no comments from the public on the proposed rulemaking.

Of the total of 98 compliance schedules, 67 have since expired and the affected sources are now required to be in compliance with applicable air pollution control regulations. The schedules for 2 sources—Brockway Glass Co. (Order #387) and Owens-Illinois, Inc. (Order #74-3)—have been terminated by the appropriate local air pollution control agencies and the sources have been certified to be in compliance with applicable air pollution control regulations.

The compliance schedules for 2 sources—Glass Containers Corp. (Order #384) and Owens-Illinois, Inc. (Order #385)—are not being approved at this time because the schedules are ambiguous regarding the specific regulations with which the subject sources are required to comply. Therefore, no further action will be taken by EPA regarding these schedules pending clarification by the State.

The schedules for 5 sources—Union Oil Co. of California (Order #478), Pacific Lumber Co. (Order #51), International Mill Service (Order #102), U.S. Plywood, Division of Champion International (Order #73-5), and the Learner Co. (Order #74-2)—have been revised by the appropriate air polluton control districts. Accordingly, the schedules originally proposed for approval are no longer applicable to these sources. Therefore, EPA will take no further action on those proposed schedules.

The Administrator has determined that the compliance schedules for the remaining 22 sources listed below are consistent with the requirements of section 110 of the Clean Air Act, as amended, and 40 CFR Part 51. Therefore, the schedules are hereby approved, pursuant to section 110 of the Clean Air Act and 40 CFR 51.8, as revisions to the State compliance schedule portion of the approved California State Implementation Plan.

Each approved revision establishes a new date by which the individual air pollution source must comply with the applicable air pollution control regulations specified in the table below. This date is indicated in the table under the heading "Final Compliance Date." In some cases the schedule includes incremental steps toward compliance with the specified regulations. While the table below does not include these interim dates, the actual compliance schedule does. The increments of progress, as well as the final compliance date, are legally enforceable by the Administrator pursuant to section 113 of the Clean Air Act, as amended.

The heading "Effective Date" in the table below refers to the date the compliance schedule becomes effective for purposes of federal enforcement. The entry "Immediately" under that heading indicates that the schedule will be federally-enforceable when the final promulgation of the schedule become effective.

A copy of the complete implementation plan, including these schedules, is available for public inspection at the addresses listed below:

State of California Air Resources Board
1709 11th Street
Sacramento CA 95814

Environmental Protection Agency, Region IX
Enforcement Division
100 California Street
San Francisco CA 94111

Environmental Protection Agency
Division of Stationary Source Enforcement
Room 3202 Waterside Mall
401 M Street, S.W.
Washington, D.C. 20460

An evaluation report setting forth EPA's position on each of the schedules is also available at the office of EPA, Region IX.

EPA finds that good cause exists to make this rulemaking immediately effective because each schedule is already in effect in California under State law, each affected source is necessarily aware of the existence of the applicable schedule and of its increments, and EPA's approval of the schedules imposes no additional regulatory burdens. Therefore, for the reasons stated, this rulemaking is effective on January 29, 1975.

This rulemaking is promulgated under the authority of section 110 of the Clean Air Act, as amended (42 U.S.C. § 1857c-5).

Dated: January 17, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart F—California

1. Section 52.240 is amended by adding a new paragraph (f) and subparagraph (1) as follows:

§ 52.240 Compliance schedules.

* * * * *

(f) *State compliance schedules.*

(1) Compliance schedules for the sources identified below are approved as meeting the requirements of § 51.6 and § 51.15 of this chapter. All regulations cited are air pollution control regulations of the air pollution control district where the source is located, unless otherwise indicated.

Source	Location (county)	Rule or regulation involved	Date of adoption	Effective date	Final compliance date
Interpace Corp., Heavy Clay and Minerals Division (Order No. 15).	Amador	2, 3, 7	Nov. 28, 1974	Immediately	Feb. 15, 1975
Interpace Corp., Heavy Clay and Minerals Division (Order No. 16).	do	2, 3, 7	do	do	Do.
Interpace Corp., Heavy Clay and Minerals Division (Order No. 17).	do	2, 3, 7	do	do	Do.
Flintkote Co., Calaveras Cement Division (Order No. 1).	Calaveras	401, 404, 405, 406.	do	do	Apr. 1, 1975
Crown Simpson Pulp Co. (Order No. 74-2).	Humboldt	52c	Mar. 6, 1974	do	Dec. 21, 1974
Louisiana Pacific Corp. (Order No. 52).	do	50, 52a	Oct. 30, 1973	do	Dec. 31, 1974
Holtville Alfalfa Mills (dehydration system) (Order No. 2).	Imperial	121	Dec. 12, 1973	do	Jan. 1, 1975
Naval Air Facility (El Centro)	do	122	Feb. 13, 1974	do	Jan. 31, 1975
Collins Pine Co. (Order No. 74-1)	Plumas	50	Jan. 16, 1974	do	Jan. 15, 1975
3M Co. (Minnesota Mining & Manufacturing) (Order No. 5-73).	Riverside	52, 54	Jan. 8, 1974	do	Jan. 31, 1975
Campbell Soup Co.	Sacramento	25	Jan. 25, 1974	do	Dec. 31, 1975
California Cedar Products (Order No. 74-1).	San Joaquin	401, 404, 405, 406.	Jan. 22, 1974	do	Jan. 1, 1975
Holly Sugar Co. (Order No. 73-3)	do	401, 404	Dec. 27, 1973	do	July 1, 1975
Pacific Growers (Nutaid Food, Inc.) (Order No. 74-4).	do	404	Jan. 22, 1974	do	Jan. 1, 1975
Port of Stockton (Order No. 73-8)	do	401, 404	Dec. 27, 1973	do	May 1, 1975
Signal Terminals, Inc. (Order No. 74-7).	do	410, 412	Feb. 21, 1974	do	Do.
Southern Pacific Pipe Lines, Inc. (Order No. 74-8).	do	410, 412	do	do	Do.
Time Oil Co. (Order No. 74-11)	do	410, 412	do	do	Do.
U.S. Plywood Corp. (Order No. 72-V-10).	Shasta	3.1, 3.2	Nov. 29, 1973	do	Dec. 31, 1974
U.S. Plywood Corp. (Order No. 72-V-11).	do	3.1, 3.2	do	do	Do.
U.S. Plywood Corp. (Order No. 72-V-33).	do	3.1, 3.2	Oct. 25, 1973	do	Do.
Riverbank Army Ammunition Plant.	Stanislaus	409	Feb. 7, 1974	do	Do.

[FR Doc.75-2266 Filed 1-28-75;8:45 am]

[FRL 317-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval 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 the State plans for implementation of the national ambient air quality standards, and in the September 22, 1972, FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a portion of the Kansas Implementation Plan.

During September 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings 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. These compliance schedules have been determined to be consistent with the approved control strategy of Kansas.

Accordingly, the Administrator proposed approval of these schedules on November 8, 1974, in the FEDERAL REGISTER, 39 FR 39583. The proposed approval of these schedules published in the November 8, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Three sources will cease operation, and therefore the applicable compliance schedules contain final compliance dates only. These sources are: Bucklin District Hospital, Bucklin; Hill Top House, Bucklin; and U.S.D. #229, Shawnee Mission.

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 individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri. The compliance schedules and 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, SW., Washington, D.C.; and the Kansas State Department of Health and Environment, Building 740, Forbes Air Force Base, Topeka, Kansas.

This rulemaking will be effective on January 29, 1975. 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 17, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c) (1) is amended by adding the following:

§ 52.876 Compliance schedules.

* * * * * *

(c) * * *

(1) * * *

Kansas

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
*	*	*	*	*	*
Acme Foundry & Machine Co.: Cupola Furnace.	Coffeyville	28-19-20	Aug. 30, 1974	Immediately	Jan. 21, 1975
Bucklin District Hospital: Incinerator.	Bucklin	28-19-40C	do	do	Sept. 1, 1974
Certain-Teed Products Corp.: K-8 Furnace Plan B.	Kansas City	28-19-20, 28-19-50.	do	do	July 31, 1975
Farmers National Bank: Incinerator.	Abilene	28-19-40	do	do	Nov. 1, 1974
Hill Top House: Incinerator	Bucklin	28-19-40C	do	do	Sept. 1, 1974
Midwest Solvents, Inc.:					
Gluten Dryers	Atchison	28-19-20	do	do	Sept. 15, 1974
Starch Dryers	do	28-19-20	do	do	Do.
Animal Feed Production	do	28-19-20	do	do	Feb. 1, 1974
National Dehydrating & Milling Co.: Alfalfa Dehydrator.	Grantville	28-19-20	do	do	Oct. 1, 1974
National Alfalfa Dehydrating & Milling Co.: Alfalfa Dehydrator.	LeRoy	28-19-20	do	do	Do.
National Alfalfa Dehydrating & Milling Co.: Alfalfa Dehydrator.	Independence	28-19-20	do	do	Do.
S-G Metals Industries, Inc.: Aluminum Furnaces 1-7.	Kansas City	28-19-20, 28-19-50.	do	do	Feb. 28, 1975
Hesston State Bank: Incinerator	Hesston	28-19-40	do	do	June 1, 1975
U.S.D. No. 229:					
North Oxford Elementary Open Burning.	Shawnee Mission.	28-19-45	do	do	July 1, 1975
Stanley Elementary Open Burning.	do	28-19-45	do	do	Do.
Stillwell Elementary Open Burning.	do	28-19-45	do	do	Do.
U.S.D. No. 482:					
Alamota Grade School Open Burning.	Dighton	28-19-45	do	do	July 31, 1975
Amy Grade School Open Burning.	do	28-19-45	do	do	Do.
Shields Grade School Open Burning.	do	28-19-45	do	do	Do.
Western Alfalfa Corp.: Alfalfa Dehydrator.	Neodesha	28-19-20	do	do	Nov. 1, 1974
Colt Industries: Cupola	Kansas City	28-19-20, 28-19-50.	do	do	Nov. 15, 1974

[FR Doc.75-2267 Filed 1-28-75;8:45 am]

[FRL 317-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri: Approval 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.

During August and September, 1974, 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 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 of these schedules on November 6, 1974, in the FEDERAL REGISTER at 39 FR 39295. The proposed approval of these schedules published in the November 6, 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 pursuant to 40 CFR 51.8.

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.

Date: January 17, 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) * * *

Missouri

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
*	*	*	*	*	*
Texas Industries, Inc.: Cement Bin Loading.	Kansas City	18.87(A)[1]	June 11, 1974	Immediately	Aug. 30, 1974
Cargill Elevator:					
No. 1 Receiver Leg Cyclone	do	18.87(A)[1]	Sept. 10, 1974	do	May 1, 1975
Tunnel System Cyclone	do	18.87(A)[1]	do	do	Do.
Price Metals: Smelting Pots	do	18.87(A)[1]	do	do	Jan. 31, 1975
Alpha Portland Cement: Clinker Coolers.	Two St. Louis County.	Regulation IV [2],	Sept. 14, 1973	do	Do.

[1] Air Pollution Control Code of Kansas City, Mo.
[2] St. Louis County Air Pollution Control Code.

[FR Doc.75-2268 Filed 1-28-75;8.45 am]

[FRL 299-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval 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 Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable 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 compliance schedules have been reviewed and determined to be consistent with the approved control strategy of Iowa.

Accordingly, the Administrator proposed approval of these schedules on September 23, 1974, in the FEDERAL REGISTER, 39 FR 34065. The proposed approval 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 pursuant to 40 CFR 51.8.

Certain schedules proposed on September 23, 1974, do not appear in this promulgation. The schedule for Foote Mineral Company, Keokuk, has been revised with a final compliance date beyond the attainment date of July 31, 1975, and cannot be approved by the Environmental Protection Agency. An enforcement Order has been issued to the company by the Environmental Protection Agency. The schedules for the following sources have been revised and will be reproposed at a later date: Caradco Window and Door Division, Dubuque; Dubuque Hardwoods, Dubuque; Aluminum Company of America, Davenport, (b) A-3 Ingot Plant Rotary Barrels, (c) A-5 Ingot Plant Skimhouse; Nichols-Homshield, Inc., Davenport; Kelsey-Hayes, Bettendorf; Interstate Power Company, Boiler No. 3, Lansing; Iowa Electric Light and Power Company, Boilers Nos. 3 and 4, Iowa Falls; Corn Belt Power Coop, Spencer; Iowa Electric Light and Power Company, Marshalltown; L. Benac and Son, Inc., Centerville; Long Farms, Inc., Grinnell; Iowa Electric Light and Power Company, Boone; Linwood Stone Products Company, Inc., Davenport. The schedule for John Deere Tractor Works, Waterloo, (c) Boiler No. 6, will appear in another FEDERAL REGISTER publication. The final approval of schedules for sources showing a "Note 1" in the Variance Expiration Date column will be published at a later date.

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.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the Iowa schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, the Environmental Protection Agency's approval of each compliance schedule is unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule will not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that is federally approved herein, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation will again become federally enforceable. The schedules were immediately effective on the date of adoption. An Effective Date is not indicated on the table; the Variance Expiration Date is included instead.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and

public hearings were held on the complete schedules, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance.

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; Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C., and the Iowa Department of Environmental Quality, 3920 Delaware, Des Moines, Iowa.

This rulemaking will become effective on January 29, 1975. 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 17, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart Q—Iowa

1. In § 52.825 the table in paragraph (c) is amended by adding the following:

§ 52.825 **Compliance schedules.**

* * * * *

(c) * * *

Iowa

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
* * *	*	*	*	*	*
The Hubinger Co.:					
(a) Boiler No. 9	Keokuk	4.3(2)b	Sept. 13, 1973	Nov. 15, 1974	June 1, 1975
(b) Starch Dryers Nos. 3 and 5	do	4.4(7)	do	Sept. 1, 1974	Sept. 1, 1974
(c) A Dryer	do	4.4(7)	do	June 15, 1974	June 15, 1974
(d) B Dryer	do	4.4(7)	do	Oct. 1, 1974	Oct. 1, 1974
Keokuk Steel Casting:					
(a) Electric Furnace	do	4.4(5)	Jan. 16, 1974	Jan. 16, 1975	June 1, 1975
(b) Rotary Screen	do	4.3(2)c	do	do	Do.
(c) Shakeout Area	do	4.3(2)d	do	do	Do.
Midwest Carbide: Carbide Furnace	do	4.3(2)a	Dec. 13, 1973	Dec. 13, 1974	Dec. 31, 1974
The Celotex Corp.: Boiler	Dubuque	4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
John Deere Dubuque Tractor Works:					
(a) Cupolas No. 1, 2, 3, & 4	do	4.4(4)	May 10, 1973	May 10, 1974	Dec. 30, 1974
(b) Oil Core Sand Mixing	do	4.3(2)a	do	do	Aug. 31, 1974
(c) Resin Sand Coating	do	4.3(2)a	do	do	Do.
R. S. Bacon Verneer Co.: Teepee Burner	do	4.4(12)	Apr. 11, 1974	June 30, 1974	June 30, 1974
Tschiggfie Excavating Co.: Asphalt Concrete Plant.	do	4.4(2), 4.3(2)d	Feb. 14, 1974	May 1, 1974	May 1, 1974
Aluminum Co. of America: A-1 Ingot Plant Holding Furnace.	Davenport	4.3(2)a	Aug. 16, 1973	Aug. 16, 1974	June 30, 1975
Frank Foundries Corp.: Cupola	do	4.4(4)a	Apr. 11, 1974	Apr. 30, 1974	Apr. 30, 1974
International Multifoods: Elevator System E-3.	do	4.4(7)	Mar. 8, 1973	Nov. 30, 1974	Nov. 30, 1974
Clinton Corn Processing Co.:					
(a) Raymond Dryers Nos. 1 and 3.	Clinton	4.4(7)	Oct. 11, 1973	Apr. 15, 1974	Apr. 15, 1974
(b) Raymond Dryers Nos. 2 and 4.	do	4.4(7)	do	Nov. 15, 1974	Dec. 31, 1974
(c) Louisville Germ Dryers Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 22, 23, 24.	do	4.4(7)	do	June 15, 1974	June 15, 1974
Bivyer Steel Casting Co.: Shakeout Area for Furnaces.	Bettendorf	4.3(2)a, 4.3(2)d	July 12, 1973	July 12, 1974	Dec. 31, 1974
Alloy Metal Products, Inc.: Electric Arc Furnace.	Davenport	4.3(2)a, 4.3(2)d	Apr. 11, 1974	July 15, 1974	June 1, 1975
Grain Processing Corp.:					
(a) Dryer No. 40	Muscatine	4.4(6), 4.3(2)d	June 14, 1973	June 15, 1974	Sept. 15, 1974
(b) Dryers Nos. 43 and 46	do	4.4(6), 4.3(2)d	do	do	June 15, 1975
The Pillsbury Co.: Grain Elevator (Cyclones).	Council Bluffs.	4.4(7)	Nov. 15, 1973	Nov. 1, 1974	Nov. 1, 1974
Sheldon Dehydrating Co.: Alfalfa Dehydrating Plant.	Sheldon	4.3(2)a	Apr. 11, 1974	Aug. 1, 1974	Aug. 1, 1974
John Deere Waterloo Tractor Works:					
(a) Cupolas Nos. 1, 2, 4, 7, and 8.	Waterloo	4.4(4)a	Dec. 13, 1973	Sept. 30, 1974	Sept. 30, 1974
(b) Boiler No. 5	do	4.3(2)b(2)	Nov. 15, 1973	Nov. 1, 1973	Apr. 30, 1975
National Gypsum Co.: Stucco Silos, Screw Conveyors, and Perlite System (Phase III).	Fort Dodge	4.3(2)a	Aug. 16, 1973	June 1, 1974	June 1, 1974
Green Products Co.: Alfalfa Dehydrating Plant.	Conrad	4.3(2)a	Dec. 13, 1973	Dec. 13, 1974	Apr. 20, 1975
Iowa Valley Milling Co.: Alfalfa Dehydrating Plant.	West Branch	4.3(2)a	Feb. 14, 1974	Feb. 14, 1975	May 1, 1975
Carter-Waters Corp.: Kilns	Centerville	4.3(2)a	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
Progressive Foundry, Inc.: Cupola	Perry	4.4(4)	Nov. 16, 1973	Oct. 30, 1974	Oct. 30, 1974
Central Iowa Power Co-op: Boiler No. 3.	Creston	4.3(2)b	July 12, 1973	July 12, 1974	June 1, 1975

Iowa—Continued

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
*	*	*	*	*	*
Cedar Falls Utilities: Boiler No. 6	Cedar Falls	4.3(2)b	Dec. 13, 1973	Apr. 1, 1974	Apr. 1, 1974
Corn Belt Power Corp.	Humboldt	4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	Mar. 31, 1975
Iowa State University:					
(a) Boiler No. 1	Ames	4.3(2)b	Jan. 16, 1974	May 31, 1974	May 31, 1974
(b) Boiler No. 2	do	4.3(2)b	do	Apr. 30, 1974	Apr. 30, 1974
(c) Boilers Nos. 3 and 4	do	4.3(2)b	do	May 31, 1974	May 31, 1974
(d) Boiler No. 5	do	4.3(2)b	do	July 31, 1974	July 31, 1974
(e) Boiler No. 6	do	4.3(2)b	do	June 30, 1974	June 30, 1974
Iowa Electric Light & Power Co.:					
(a) Boiler No. 1	Marshalltown	4.3(2)b	Aug. 16, 1973	Aug. 16, 1974	June 1, 1975
(b) Boiler No. 2	do	4.3(2)b	do	do	Do.
(c) Boiler No. 3	do	4.3(2)b	do	do	Mar. 1, 1975

[FR Doc.75-2406 Filed 1-28-75;8:45 am]

[FRL 290-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Iowa: Approval 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 Iowa submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable 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 compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Iowa.

Accordingly, the Administrator proposed approval of these schedules on September 24, 1974, in the FEDERAL REGISTER, 39 FR 34302. The proposed approval of these schedules published in the September 24, 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 pursuant to 40 CFR 51.8.

The schedules for certain sources that were proposed on September 24, 1974, have been revised or contained errors, and will be reproposed at a later date. The sources are: Newton Foundry Cupola, Newton; Hawkeye Chemical Company, Clinton; and The Dexter Company, Fairfield. The final approval of schedules for sources showing a "Note 1" or "Note 2" in the Variance Expiration Date column will be published at a later date.

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.

Under Iowa law, the compliance schedule is not enforceable after the date on which the associated variance expires and variances cannot extend for more than one year. Therefore, to the extent that the Iowa schedules extend past the variance expiration date, they are not legally enforceable at this time. For this reason, the Environmental Protection Agency's approval of each compliance schedule is unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule will not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that is federally approved herein, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation will again become federally enforceable. The schedules were immediately effective on the date of adoption. An Effective Date is not indicated on the table. The Variance Expiration Date is included instead.

Provisional approval of final compliance dates and extensions of variances is justifiable only because of the one-year variance limitation in the law of Iowa. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedules, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Iowa renews each variance.

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; Environmental Protection Agency, Division of Stationary Source Enforcement, 401 M Street SW., Washington, D.C.; and the Iowa Department of Environmental Quality, 3920 Delaware, Des Moines, Iowa.

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 17, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart Q—Iowa

1. In § 52.825 the table in paragraph (c) is amended by adding the following:

§ 52.825 Compliance schedules.

* * * * *

(c) * * *

Iowa

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
*	*	*	*	*	*
888 Gray Iron Casting Corp.: Cupola	West Burlington	4.4(4)	May 9, 1974	Jan. 31, 1975	Jan. 31, 1975
Quality Foundry: Cupola	Stockton	4.4(4)	do	do	Do.
Russelloy Foundry: Cupola	Durant	4.4(4)	do	do	Do.
Bartlett & Co. Grain:					
(a) Cyclone	Council Bluffs	4.3(2)c	do	Dec. 31, 1974	Dec. 31, 1974
(b) Grain Handling	do	4.4(7)	do	do	Do.
Vanice Grain, Inc.:					
(a) Cyclone	do	4.3(2)c	do	Aug. 31, 1974	Aug. 31, 1974
(b) Grain Handling	do	4.4(7)	do	do	Do.
Bartlett & Co. Grain:					
(a) Cyclone	Sioux City	4.3(2)c	do	Dec. 31, 1974	Dec. 31, 1974
(b) Grain Handling	do	4.4(7)	do	do	Do.

Iowa—Continued

Source	Location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Arco Dehydrating Co.: Alfalfa Dehydrating Plant.	Lake Park	4.3(2)a	do	July 1, 1975	July 1, 1975
Clinton Corn Processing Co.: Raymond Dryers Nos. 3 and 4.	Clinton	4.4(7)	June 20, 1974	Dec. 31, 1974	Dec. 31, 1974
Katleman Foundry, Inc.: Cupola	Council Bluffs	4.3(4), 4.3(2)d	do	Feb. 7, 1975	Feb. 7, 1975
Beerman Bros. Dehy: Alfalfa Dehydrating Plant.	Port Neal	4.3(2)a	do	Apr. 15, 1975	Apr. 15, 1975
American Pop Corn Co.: Teepee Burner.	Sioux City	4.4(12)	do	Nov. 15, 1974	Nov. 15, 1974
John Deere Waterloo Tractor Works: Boilers Nos. 6, 7, 8, and 9.	Waterloo	4.3(2)b(2)	do	May 9, 1975	May 30, 1975
Lehigh Portland Cement Co.:					
(a) Kilns Nos. 1, 2, 3, 4, 5, and 6	Mason City	4.3(2)a	do	Aug. 15, 1974	Aug. 15, 1974
(b) Clinker Cooler No. 7	do	4.3(2)a	do	Oct. 10, 1975	June 1, 1975
Mount Pleasant Municipal Utilities: Boilers Nos. 4 and 5.	Mount Pleasant	4.3(2)b	do	Oct. 15, 1974	Oct. 15, 1974
Iowa Southern Utilities:					
Boiler No. 2	Eddyville	4.3(2)b	do	Mar. 3, 1975	Mar. 3, 1975
Boiler No. 3	do	4.3(2)b	do	Apr. 7, 1975	Apr. 7, 1975
Farmers Mercantile Co.: Cyclone	Red Oak	4.4(7)	do	Oct. 30, 1974	Oct. 30, 1974
S & H Products, Inc.: Alfalfa Dehydrating Plant.	Audubon	4.3(2)a	do	May 9, 1975	May 31, 1975

[FR Doc.75-2407 Filed 1-28-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 327-8]

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

Dimethoate

A petition (PP 5F1531) was filed (39 F.R. 29417) by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) and its oxygen analog *O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate in or on the raw agricultural commodity celery at 2 parts per million.

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

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

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

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.204 is amended by revising the paragraph "2 parts per million * * *" to read as follows:

§ 180.204 Dimethoate including its oxygen analog; tolerances for residues.

* * * * *

2 parts per million in or on alfalfa, apples, beans (dry, lima, snap), broccoli, cabbage, cauliflower, celery, collards, endive (escarole), grapefruit, kale, lemons, lettuce, mustard greens, oranges, pears, peas, peppers, spinach, Swiss chard, tangerines, tomatoes, turnips (roots and tops), and wheat (green fodder and straw).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time before February 29, 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 January 29, 1975.

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

Dated: January 23, 1975.

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

[FR Doc.75-2720 Filed 1-28-75;8:45 am]

[FRL 328-1]

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

Naled

Two petitions (PP 0F0975 and PP 1F1111) were filed (35 FR 8506 and 36 FR 12921, respectively) by Chevron Chemical Co., 940 Hensley Street, Richmond, CA 94804, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide naled (1,2-dibromo - 2,2 - dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate, expressed as naled, in or on the raw agricultural commodities alfalfa, celery, collards, and kale at 3 parts per million and beans, bean forage, cottonseed, grass (pasture and range), grapes, peaches, soybeans, soybean forage, sugar beets (roots and tops), sugarcane, and walnuts at 0.5 part per million (PP 0F0975) and in eggs; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and in milk at 0.05 part per million (negligible residue) (PP 1F1111).

Subsequently, the petitioner amended PP 0F0975 by (1) deleting the proposed tolerances for residues in or on alfalfa, bean forage, soybeans, soybean forage, and sugarcane, (2) changing "beans" to read "beans (dry)", (3) increasing the proposed tolerance for residues in or on pasture and range grasses from 0.5 to 10 parts per million, and (4) proposing tolerances for residues of naled and its conversion product in or on all raw agricultural commodities (exclusive of those otherwise listed in § 180.215 and eggs; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and milk) from use of the insecticide for area pest (mosquito and fly) control.

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

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

2. The proposed tolerances are adequate to cover residues in eggs, meat, milk, or poultry, resulting from dermal use and dermal exposure of the insecticide, and § 180.6(a)(2) applies.

3. The proposed tolerance of 10 parts per million in or on pasture and range grasses should read "10 parts per million in or on forage grasses and legumes, as defined in § 180.34(f)."

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

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.215 is amended by (1) adding the new paragraphs "10 parts per million * * *", "0.5 part per million in or on all raw agricultural commodities * * *", and "0.5 part per million * * *" and (2) revising the paragraphs "3 parts per million * * *" and "0.5 part per million in or on beans * * *" to read as follows:

§ 180.215 Naled; tolerances for residues.

* * * * *

10 parts per million in or on forage grasses and legumes, as defined in § 180.34(f).

3 parts per million in or on celery, collards, grapefruit, kale, lemons, oranges, spinach, Swiss chard, tangerines, turnip tops.

* * * * *

0.5 part per million in or on beans (dry and succulent), cottonseed, cucumbers, eggplants, grapes, hops, melons, mushrooms, peaches, peas (succulent), peppers, pumpkins, rice, safflower seed, sugar beets (roots and tops), summer squash, tomatoes, walnuts, and winter squash.

0.5 part per million in or on all raw agricultural commodities (except those otherwise listed in this section from use of the insecticide for area pest (mosquito and fly) control.

0.05 part per million (negligible residue) in eggs; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and milk.

Any person who will be adversely affected by the foregoing order may at any time before February 29, 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 January 29, 1975.

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

Dated: JANUARY 23, 1975.

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

[FR Doc.75-2721 Filed 1-28-75:8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

SUBCHAPTER C—PERSONNEL

PART 724—NAVY DISCHARGE REVIEW BOARD

Under the authority of 10 U.S.C. 1553, the Secretary of the Navy has established the Navy Discharge Review Board and has from time to time promulgated regulations governing the functions and procedures of that board. On 8 April 1974, the Secretary issued SECNAV Instruction 5420.174, which is a complete revision of the prior regulations contained in NAVSO P-70, Administrative Regulations and Procedures Governing the Navy Discharge Review Board of January, 1962. The new regulations are largely a reorganization and trimming of NAVSO P-70, and for the most part do not contain major substantive changes. One exception is the new § 724.32 (formerly part of § 724.15(e)(4)), under which the board may in appropriate cases now consider in the petitioner's favor changes in Navy policy with respect to certain types of administrative discharges even though those changes were not expressly made retroactive. Another substantive revision is the removal of the board's authority to recommend reenlistment of the petitioner (§ 724.33).

Among the important procedural changes effected by SECNAV Instruction 5420.174 are the following:

1. Limitations on additional review after final adjudication by the Secretary of the Navy are relaxed somewhat in new §724.42 (compare old § 724.2(e)).

2. Under the new § 724.80, a transcript of any hearing before the board is no longer required, although one may be authorized in the discretion of the Secretary of the Navy, the president of the board, or a majority of the members of the board.

3. New § 724.91 provides that a "comprehensive summary" may be forwarded to the Secretary of the Navy in place of the full record of proceedings.

Finally, SECNAV Instruction 5420.174 deleted a number of sections of NAVSO P-70 relating to the internal administration of the Navy Discharge Review Board which were considered to be unnecessary.

Paragraph 10(d) of SECNAV Instruction 5420.174 calls for publication of the directive and any amendments thereto in the FEDERAL REGISTER for the guidance of the public. Accordingly, Part 724 of Chapter VI of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Provisions

Sec.

724.10 Purpose.
724.31 Jurisdiction—general.
724.32 Guidelines.
724.33 Jurisdiction—limitations.
724.41 Petition for review.
724.42 Limitations on review.
724.50 Review on Board's own motion.

Subpart B—Board Procedures

724.61 Organization.
724.62 Membership.
724.63 Sessions.
724.64 Evidence.
724.65 Decision.
724.71 Request for personal appearance.
724.72 Notice of hearing.
724.73 Continuance.
724.74 Withdrawal of request for review.
724.75 Failure to appear.
724.76 Witnesses.
724.77 Rules of evidence.

Subpart C—Preparation of Record; Review; Notification

724.80 Record of proceedings.
724.91 Transmittal of the decision to the Secretary of the Navy.
724.92 Nondisclosure of decision.
724.93 Notification of final action.

Subpart D—Miscellaneous Provisions

724.101 Counsel.
724.102 Expenses.
724.103 Classified information.
724.105 Other requests.
724.110 Form.

AUTHORITY: Pub. L. 87-651 of Sept. 7, 1962, Sec. 1553, 76 Stat. 509, 10 U.S.C. 1553.

Subpart A—General Provisions

§ 724.10 Purpose.

This part establishes procedures for review of discharges and dismissals of former members of the Navy and Marine Corps pursuant to Title 10, United States Code, Section 1553.

§ 724.31 Jurisdiction—general.

The Navy Discharge Review Board, hereinafter known as the board, has been established by the Secretary of the Navy within the Department of the Navy to review upon its own motion, or upon request by or on behalf of a former officer or enlisted member, the discharge or dismissal of that former member, except a discharge or dismissal by reason of the sentence of general court-martial. The review shall determine whether, under reasonable standards of naval law and discipline as further delineated in § 724.32, the discharge or dismissal should be changed, and if so, what change should be made.

§ 724.32 Guidelines.

In determining whether a discharge or dismissal should be changed, the board shall consider whether the discharge or dismissal was improperly or inequitably issued under standards of naval law and discipline existing at the time of the petitioner's separation, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made expressly retroactive to separations of the type and character received by the petitioner, or, where deemed by the board to be essential to achieving a just and equitable result in a case, under such other standards differing therefrom in the petitioner's favor which, not having been made expressly retroactive, were subsequently made generally applicable on a service-wide basis to separations of the type and character received by the petitioner. The standards of naval law and discipline herein contemplated are those standards stated in statutes, regulations, bureau manuals, directives of the Department of the Navy, and other expressions of policy by competent authorities, together with interpretations thereof by the courts, the Attorney General, and the Judge Advocate General of the Navy.

§ 724.33 Jurisdiction—limitations.

The board has no authority to revoke a discharge or dismissal; reinstate a person in the military service subsequent to discharge or dismissal; recall a former member to active duty; change reenlistment codes; make recommendations for reenlistment to permit entry in the naval service or any other of the Armed Forces; cancel enlistment contracts; change, correct, or modify any document other than the discharge documents; change the reason for discharge from or to physical disability; or determine eligibility for veterans benefits.

§ 724.41 Petition for review.

The petition or request for review shall be submitted on Form DD 293 and signed by the petitioner. The petitioner should submit with the application the petitioner. The petitioner should submit with the application the petitioner's certificate of discharge or dismissal, and any statements, affidavits, and depositions the petitioner desires to present in support of the petitioner's case. The spouse, next of kin, or legal representative of a former member may submit a petition for review in behalf of the former member if satisfactory proof of the former member's death or mental incompetency is submitted therewith. The petition for review should be mailed to:

Navy Discharge Review Board
Department of the Navy
Washington, D.C. 20370

§ 724.42 Limitations on review.

No review of a discharge or dismissal shall be made unless the application for review is filed with the board within fifteen years after the date of the discharge or dismissal. No additional review shall be made after a case has been considered by the board except upon the basis of new, relevant evidence not previously available at the time of original review, or except where the board's only previous consideration of the case was upon the board's own motion, or except as otherwise authorized by the Secretary of the Navy.

§ 724.50 Review on Board's own motion.

Prior to conducting a review of a discharge or dismissal on the board's own motion, the board shall first transmit written notice by certified mail, return receipt requested, to the last known address of the former member or, if the former member is deceased or incompetent, to the last known address of his surviving spouse, next of kin, guardian, or legal representative, as appropriate. Such notice shall state that a review of the type and nature of the former member's discharge will be conducted and shall advise the addressee of his right to participate in the proceedings in the manner herein prescribed for persons who petition for review. Review shall be held in abeyance until such time as the addressee has had a reasonable time to respond or until the notice has been returned undelivered.

Subpart B—Board Procedures

§ 724.61 Organization.

The board is a component of the Navy Council of Personnel Boards as defined in SECNAVINST 5420.135A.

§ 724.62 Membership.

The board shall consist of five members approved by the Secretary of the Navy, at least three of whom shall belong to the branch of the naval service (Navy or Marine Corps) from which the petitioner was discharged. The Director, Navy Council of Personnel Boards, shall be the president of the board. In the event of the President's absence from a session of the board concerning Navy cases, the next senior Navy line officer present who is a member of the board shall serve as acting president. With respect to all board sessions concerning Marine Corps cases, the senior Marine Corps officer present who is a member of the board, normally a colonel, shall serve as acting president.

§ 724.63 Sessions.

The board shall sit in open or closed session, as determined by the president, for the consideration of cases presented to it at a time and place to be fixed by the president and shall be convened, recessed, and adjourned at the president's order.

§ 724.64 Evidence.

The board shall conduct a full and fair review of all the evidence presented and may obtain such further evidence as it may deem essential to a full and fair understanding of the facts. The board is authorized to consider all records of the Armed Forces concerned and all other pertinent documents relating to the case.

§ 724.65 Decision.

The board shall deliberate in closed session, and shall be governed in its decision by the vote of a majority of the board. No persons other than members of the board shall be present in its deliberations. Members not concurring may file a minority report.

§ 724.71 Request for personal appearance.

Upon request, the petitioner is entitled to appear before the board in open session. The petitioner may appear in person with or without counsel, or counsel of petitioner's selection may appear in petitioner's behalf.

§ 724.72 Notice of hearing.

When a personal appearance is requested, the board shall give a petitioner at least 30 days' written notice of the time and place of the hearing. Such notice shall contain a statement of the availability of records pertinent to the case.

§ 724.73 Continuance.

A continuance may be granted by the board on its own motion, or at the request of the petitioner or his counsel, when such continuance appears necessary in order to insure a full and fair hearing.

§ 724.74 Withdrawal of request for review.

A petitioner shall be permitted to withdraw the request for review without prejudice at any time before final action by the Secretary of the Navy.

§ 724.75 Failure to appear.

A petitioner who requests a hearing and who, after being duly notified of the time and place of the hearing, fails to appear at the appointed time, either in person or by counsel, and who fails to make timely request for a continuance or for withdrawal of the application, thereby waives the petitioner's right to appear in person before the board and cannot thereafter take exception to the decision arrived at in the petitioner's absence.

§ 724.76 Witnesses.

Although the board has no power to subpoena witnesses, the petitioner may present witnesses for testimony in person before the board or by affidavit. All testimony shall be given under oath or by affirmation, and witnesses shall be subject to examination by members of the board, the petitioner, or his counsel.

§ 724.77 Rules of evidence.

The board shall not be restricted by the rules of evidence appropriate to a judicial proceeding. However, the President may advise the petitioner or counsel to limit the presentation to evidence that is not unduly repetitous and to evidence having a material and relevant bearing on the circumstances surrounding the discharge or dismissal.

Subpart C—Preparation of Record; Review; Notification

§ 724.80 Record of proceedings.

When the board has concluded its proceedings, the board shall prepare a record thereof. Such record shall include the request for review; affidavits, papers, and documents considered by the board, exclusive of official Department of the Navy records; all briefs and written arguments filed in the case; the Record of Review of Discharge; a statement of the findings, conclusions, and decision of the board; any minority report prepared by dissenting members of the board; and all other papers and documents necessary to reflect the true and complete history of the proceedings. A transcript of any hearing shall not be required except in the discretion of the Secretary of the Navy, the President of the board, or a majority of the members of the board.

§ 724.91 Transmittal of the Decision to the Secretary of the Navy.

The decision of the board in each case shall be transmitted forthwith to the Secretary of the Navy for review and final action. Such decision shall be accompanied by the record of proceedings or, where so authorized by the Secretary, a comprehensive summary thereof which shall include, among such other matters as the Secretary may require, a statement of the findings and conclusions of the board and any minority report in the case.

§ 724.92 Nondisclosure of decision.

No decision of the board shall be disclosed to petitioner, petitioner's counsel, or to anyone not required to know the decision, until the decision has been reviewed and acted upon by the Secretary of the Navy.

§ 724.93 Notification of final action.

The board shall notify the petitioner of the decision in the case and inform

the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, for such administrative action as may be necessary.

Subpart D—Miscellaneous Provisions

§ 724.101 Counsel.

As used in this part, the term "counsel" shall mean members in good standing of a Federal Bar or the Bar of any State, accredited representatives of veterans' organizations recognized by the Administrator of Veterans' Affairs under chapter 59 of Title 38, United States Code, and such other persons who, in the opinion of the board, are considered to be competent to present equitably and comprehensively the request of the petitioner for review.

§ 724.102 Expenses.

No expenses of any nature whatsoever incurred by the petitioner, petitioner's counsel, petitioner's witnesses, or by any other person on petitioner's behalf shall be paid by the Government.

§ 724.103 Classified information.

Classified matter of the Department of the Navy shall not be disclosed or made available to the petitioner or petitioner's counsel. When it is necessary in the interests of justice to acquaint the petitioner with the substance of such matter, the board may obtain and make available to the petitioner or petitioner's counsel such summary of the classified matter as may be, in the judgment of the board, relevant to the case and as may be compatible with the public interest. Under no circumstances shall derogatory information relative to any other individual be obtained for or made available to petitioner or petitioner's counsel.

§ 724.105 Other requests.

A request for other purposes, such as request for permission to reenlist or a request for extracts of records, should be addressed to the appropriate addressee indicated below, depending on whether the person in question was formerly in the United States Navy or Marine Corps:

Chief of Naval Personnel
Department of the Navy
Washington, D.C. 20370
or
Commandant of the Marine Corps
Department of the Navy
Washington, D.C. 20380

§ 724.110 Form.

Form DD 293, "Application for Review of Discharge or Separation from the Armed Forces of the United States," is available from the Navy supply system under SN 0102-002-9600. Former members may request the form from the Navy Discharge Review Board.

Dated: January 21, 1975.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.75-2604 Filed 1-28-75;8:45 am]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

National Marketing Quota Referendum Results

Section 729.105 announces the results of the referendum held during the period December 9-13, 1974, pursuant to section 358(b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the calendar years 1975, 1976, and 1977. Since the only purpose of this proclamation is to announce the results of the referendum, it is found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 729.105 shall be effective upon filing this document with the Director, Office of the Federal Register.

§ 729.105 Proclamation of the results of the marketing quota referendum for the peanut crops produced in the three calendar years 1975, 1976, and 1977.

In a referendum of farmers engaged in the production of 1974 crop peanuts, held during the period December 9-13, 1974, 43,611 farmers voted. Of those voting 42,317 farmers, or 97.0 percent, favored marketing quotas for peanuts produced in the three calendar years 1975, 1976, and 1977 and 1,294 farmers, or 3 percent opposed quotas for peanuts produced in each of such three calendar years. Since more than two-thirds of the farmers voting favored quotas, the national marketing quota of 1,899,800 tons proclaimed by the Secretary of Agriculture for peanuts produced in the calendar year 1975 (39 FR 41168) shall be in effect. National marketing quotas proclaimed hereafter for peanuts for the calendar years 1976 and 1977 shall be effective.

(Secs. 358, 375, 52 Stat. 66, as amended; 55 Stat. 88, as amended; 7 U.S.C. 1358, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register (1-28-75).

Signed at Washington, D.C. on Jan. 23, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-2692 Filed 1-28-75;8:45 am]

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

PART 928—PAPAYAS GROWN IN HAWAII

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $346,000, for the maintenance and functioning of the Papaya Administrative Committee, under Marketing Order No. 928, for the fiscal year 1975, establishes an assessment rate of six and one-half mills ($0.0065) per pound of papayas handled during such year by each first handler and provides for the transfer of unexpended assessment funds from the previous fiscal year to the program's reserve.

On January 3, 1975, notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 787) regarding proposed expenses and the related rate of assessment for the fiscal year ending December 31, 1975, and carryover of unexpended funds, pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This notice afforded interested persons an opportunity to submit written data, views or arguments with respect to the proposal until January 21, 1975. None were submitted.

After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Papaya Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 928.204 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Papaya Administrative Committee during the period January 1, 1975, through December 31, 1975, will amount to $346,000.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 928.41, is fixed at $0.0065 per pound of papayas.

(c) *Reserve.* Unexpended assessment funds in excess of expenses incurred during the fiscal year ended December 31, 1974, shall be carried over as a reserve in accordance with applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5

U.S.C. 553) in that (1) shipments of papayas are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable papayas from the beginning of such period; and (3) such period began on January 1, 1975, and the rate of assessment herein fixed will automatically apply to all assessable papayas beginning with such date.

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

Dated: January 23, 1975.

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

[FR Doc.75-2629 Filed 1-28-75;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Increase in Payment Rates for Certain Services on Reserve Tonnage Raisins

Notice was published in the January 3, 1975, issue of the FEDERAL REGISTER (40 FR 40) of a proposal to increase the rate of payment made to handlers for: Receiving, storing, fumigating, and handling reserve tonnage raisins from $9.75 per ton to $15 per ton; and holding reserve tonnage raisins beyond the crop year of acquisition from 50 cents to 75 cents per ton per month for each month of the 3-month period ending November 30 of a crop year, and from 25 cents to 37½ cents per ton per month for the remaining 9 months of the crop year. These increased rates of payment were proposed by the Raisin Administrative Committee to compensate handlers for increased labor, material, and other related necessary costs involved in providing these services for reserve raisins.

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposed action would amend § 989.401(a)(1) and (b) of Subpart—Schedule of Payments (7 CFR 989.401), and would be taken under § 989.66(f) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, amendment of paragraph (a)(1) and paragraph (b) of § 989.401 as hereinafter set forth is approved.

Therefore, § 989.401(a)(1) and (b) are amended as follows:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition*—(1) *Receiving storing, fumigating, and handling.* Each handler shall, beginning with the crop year which began September 1, 1974, be compensated at the rate of $15 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentages, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

* * * * *

(b) *Additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Each handler holding reserve tonnage raisins for the account of the Committee on September 1 of any crop year (commencing with the crop year beginning September 1, 1975) which were also held by him as such on August 15 of the preceding crop year, shall be compensated for storing, handling, and fumigating such raisins at the rate of 75 cents per ton per month, or any part thereof, for each month of the 3-month period ending November 30 of the then current crop year and 37½ cents per ton per month, or any part thereof, for each month of the remaining 9 months of the crop year. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

* * * * *

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

Dated: January 23, 1975.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.75-2628 Filed 1-28-75;8:45 am]

[Amdt. 2]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Limitation of Handling

Findings. (a) Pursuant to Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas it is hereby found that the amendment to the handling regulation, hereinafter set forth, will tend to effectuate the declared policy of the act. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The amendment is based upon recommendations and information submitted by the South Texas Lettuce Committee, established pursuant to said marketing agreement and order and upon other available information.

Recent heavy rain in the production area has prevented harvest and packing. This amendment is necessary so that the industry can have sufficient operating time to satisfy existing and prospective orders for lettuce.

(b) It is hereby found that it is impractical and contrary to the public interest to give preliminary notice, or to engage in public rule making procedure, and that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) this amendment must become effective immediately if producers are to derive any benefits therefrom, (2) compliance with this amendment will not require any special preparations on the part of handlers, (3) information regarding the proposed regulation has been made available to producers and handlers in the production area, and (4) this amendment relieves restrictions on the handling of lettuce grown in the production area.

(c) *Regulation, as amended.* In § 971.315 (39 FR 38888; 40 FR 2794) the introductory paragraph is hereby amended by adding the following thereto:

§ 971.315 Handling regulation.

* * *, and also except that the prohibition against the packaging of lettuce on Sundays shall not apply on January 26 and February 2, 1975.

* * * * *

Effective date. Issued January 24, 1975, to become effective upon issuance.

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

[FR Doc.75-2691 Filed 1-28-75;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

Beginning on page 39453 of the FEDERAL REGISTER of November 7, 1974, there was published a notice of proposed rulemaking amending Subpart D of Part 1822, Title 7, Code of Federal Regulations (37 FR 18700; 38 FR 14671; 38 FR 20440; FR 20803).

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed revision guidelines. Written comments have been received and reviewed. The

following changes have been made and incorporated and the proposed regulations with noted changes are hereby adopted and set forth below.

1. Section 1822.83(a) is revised to reference eligibility for occupancy of families.

2. Section 1822.84(a)(8)(ii) is expanded to permit participation with HUD Section 8 leasing program.

3. Section 1822.84(a)(9)(i)(E) is revised to clarify qualifications for directors of private nonprofit organizations.

4. Section 1822.84(a)(9)(i) (F) clarifies the number of members required for organizations.

5. Section 1822.84(a)(9)(ii)(A) clarifies the requirements of the membership base when operating in more than one community.

6. Section 1822.86(c) clarifies what may be included in loan funds where expenses are incurred before loan closing.

7. Section 1822.88(d)(1) is revised to define that State or local public agencies will use the same loan resolution as nonprofit organizations.

8. Section 1822.88(1) is revised to permit participation with HUD in section 8 leasing program.

9. Section 1822.89(c) is added to clarify determination of security when an applicant which is a public or quasi-public body cannot give a real estate mortgage.

10. Section 1822.90(d)(4) is removed.

11. Exhibit F-7 "Information To Be Submitted With Application For Federal Assistance (Short Form)"—Item 5 is revised to clarify permitting families and individuals receiving welfare assistance to be considered in the market survey for rental housing.

12. Exhibit J "Interest Credits On Insured RRH and RCH Loans"— paragraph VI D revised to permit interest credits when participating in HUD section 23 or 8 leasing program for those units not included in the Section 8 lease.

13. Other changes have been made for editorial and clarification purposes.

Effective date. This amendment is effective on January 29, 1975.

Dated: January 7, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Subpart D is amended to read as follows:

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

Sec.
1822.81 General.
1822.82 Objectives.
1822.83 Definitions.
1822.84 Eligibility requirements.
1822.85 Loan purposes.
1822.86 Limitations.
1822.87 Rates and terms.
1822.88 Special conditions.
1822.89 Security.
1822.90 Technical, legal and other services.
1822.91 Processing preapplications.
1822.92 Preparation of completed loan docket.
1822.93 Loan approval.
1822.94 Actions subsequent to loan approval.
1822.95 Loan closing.
1822.96 Subsequent RRH loans.
1822.97 Coding loans as to initial or subsequent.
1822.98 Complaints regarding discrimination in use and occupancy of RRH housing.

EXHIBITS [1]

(RRH loan to broadly based nonprofit corporation) loan resolution of ---------- 19-- ---------- A
(RRH insured loan to profit type corporation) loan resolution of---------- 19-- ---------- B
Loan agreement (RRH loan to individual) ---------- C
Information to be submitted with preapplication for RRH loan---------- F-6
Information to be submitted with application for Federal assistance (short form)---------- F-7
(RRH loan to profit corporation operating on a limited profit basis) loan resolution of ---------- 19-- ---- G
Loan agreement (RRH loan to individual operating on a limited profit basis) ---------- H
Interest credits on insured RRH and RCH loans---------- J

AUTHORITY: 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1822.81 General.

This subpart sets forth the policies and procedures and delegates authority for making Rural Rental Housing (RRH) loans under sections 515 and 521 of the Housing Act of 1949.

§ 1822.82 Objectives.

The basic objective of RRH loans is to provide eligible occupants economically designed and constructed rental housing and related facilities suited to their living requirements.

§ 1822.83 Definitions.

(a) *Family.* One person, or two or more persons related by blood, marriage or operation of law who maintain or will maintain one household. Eligibility for occupancy is outlined in § 1822.88(h).

(b) *Senior citizens.* A person who is 62 years of age or over and in the case of a married couple may be either the wife or husband. A person younger than 62 years of age may reside with a senior citizen provided the person is considered a member of the family of the senior citizen, or his occupancy can be shown to be necessary for the well being of the senior citizen.

(c) *Low or moderate income family.* Families having incomes within the limits of the maximum adjusted income.

(d) *Plan I and Plan II.* The two interest credit plans as outlined in Exhibit J.

(e) *Eligible occupants.* (1) For the purpose of a loan developed under Plan I:

(i) A senior citizen with a low or moderate income, or

(ii) Any family with a low income.

(2) For the purpose of all other loans including those developed under Plan II:

(i) A senior citizen without regard to income.

(ii) Any family with a low or moderate income.

(f) *Housing.* Structures in a rural area which are or will be suitable for and available to eligible occupants for dwelling use to provide independent living on a rental basis. They may include "related facilities" where appropriate.

(g) *Related facilities.* Community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, and other essential service facilities such as central heating, sewerage, light systems, ranges and refrigerators, clothes washing machines and clothes dryers, and a safe domestic water supply. Under special conditions a project may have an infirmary. When ranges, refrigerators, washing machines, and dryers are included they will be attached to the real estate in a manner to prevent easy removal.

(h) *Project.* A project means the total number of rental housing units to be built or to be purchased by one applicant in one market area at any one time. Subsequent loans may be made to complete the units started with the initial loan. Additional units or additional projects in the same market area may be developed on a contiguous or separate tract of land at a later time if it can be shown that there is a need for this project in the market area and if the project already developed is operating successfully.

(i) *Development cost.* The cost of constructing, purchasing, improving, altering, or repairing housing and related facilities and purchasing or improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical and professional fees and charges. For nonprofit organizations and State or local public agencies the development cost may include initial operating expenses up to 2 percent of the aforementioned costs. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(j) *Rural area.* Includes rural communities of 10,000 persons or less which are not part of or associated with urban areas and are further defined in § 1822.3 (c) of this chapter.

(k) *Individual.* A natural person.

(l) *Organization.* A profit corporation, nonprofit corporation, consumer cooperative, association, State or local public agency, trust, partnership, or limited partnership.

(m) *Private nonprofit corporation.* A corporation which is controlled by private persons or interests, is organized and operated for purposes other than making gains or profits for the corporation or its members, is legally precluded from distributing to its members any gains or profits during its existence, and in the event of its dissolution, is legally bound to transfer its net assets to a nonprofit

[1] Exhibits D, E, F, and I available from agency.

corporation of a similar type or to a municipal corporation which will operate the housing for the same or similar purposes.

(n) *Profit corporation.* A corporation which is controlled by private persons or interests, whose organization permits the making of gains or profits for the corporation or its members, which is authorized to do business in the State, and which can legally carry out the purposes of the loan.

(o) *Consumer cooperative.* A corporation which is organized as a cooperative, will operate the housing on a nonprofit basis solely for the benefit of the occupants, and is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(p) *Limited profit basis.* An individual or organization applicant who, in order to obtain interest credit assistance, will agree to limit the amount of profit to be obtained. Applicants operating on this basis will be permitted to receive a return on their initial investment in accordance with the requirements outlined in § 1822.88(k). The applicant will legally obligate itself to regulate rents, charges, rate of return, and methods of operation.

(q) *Profit basis.* An individual or organization applicant who will operate the housing at rental rates low- and moderate-income families and senior citizens can afford.

(r) *Limited partnership.* A partnership consisting of one or more general partners, jointly and severally responsible as ordinary partners, and by whom the business is conducted, and one or more special partners, contributing in cash payments a specific sum as capital to the common stock, and who are not liable for the debts of the partnership beyond the fund so contributed.

(s) *Owner-builder.* A qualified builder-applicant who is capable of and will build the RRH project.

(t) *Security value.* As used in this Subpart, the security value means the present market value of the real estate offered as security for the loan as determined by the loan approval official less the unpaid principal balance plus past-due interest on any other liens against it. Other liens will include any prior liens and any junior liens to be or likely to be taken or subordinated at or immediately after loan closing.

(u) *Gains or profits.* For the purpose of paragraphs (m) and (n) of this section, gains and profits do not include dividends payable on stock which is nonvoting, limited as to the amount of dividends that can be paid thereon, and limited as to liquidation value in the event of corporate dissolution.

(v) *Members and membership.* Includes stockholders and stock where appropriate.

(w) *Board and directors.* The governing body and members of the governing body of an organization.

(x) *Note.* Bond or other form of obligation.

(y) *Mortgage.* Includes any appropriate form of security instrument.

(z) *Office of the General Counsel (OGC).* The Regional Attorney or the attorney in charge who provides legal services to the Farmers Home Administration (FmHA) for the particular State.

§ 1822.84 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an RRH loan, the applicant must:

(1) Be either an individual who is a citizen of the United States, or an organization defined in § 1822.83(l) which will provide housing for eligible occupants as defined in § 1822.83(e).

(2) Be unable to provide the housing from its own resources and with the exception of a State and local public agency, be unable to obtain the necessary credit from private or cooperative sources on terms and conditions that would enable the applicant to rent the units for amounts that are within payment ability of eligible low- and moderate-income or senior citizen occupants.

(i) For an individual, the assets of both the applicant and spouse will be considered.

(ii) For profit organizations, the assets of the individual members or stockholders and their spouses will be considered.

(iii) For nonprofit organizations, the assets of the individual members and their spouses will not be considered.

(3) Have the ability and intention to maintain and operate the housing for the purpose for which the loan is made. This is not intended to preclude the leasing of the housing in accordance with paragraph (a)(8)(ii) of this section.

(4) Own the housing and related land or become the owner when the loan is closed. An owner may include in addition to the owner of full marketable title a lessee of a tract of land owned by a State, political subdivision, public body or public agency, or Indian tribal lands which are not available for purchase. It may also include land where the State Director determines that long-term leasing of sites by nonpublic bodies is a well established practice and such leaseholds are fully marketable in the area provided:

(i) The applicant is unable to obtain fee title to the property.

(ii) A recorded mortgage constituting a valid and enforceable lien on the applicant's leasehold will be given as security.

(iii) The amount of the RRH loan against the property will not exceed the maximum security value determined in accordance with the policies outlined in Part 1809 of this chapter.

(iv) The unexpired term of the lease on the date of loan approval is at least 25 percent longer than the repayment period of the loan and rental charged for the lease should not exceed the rate being paid for similar leases in the area.

(v) The borrower's interest may not be subject to summary foreclosure or cancellation.

(vi) The lease must:

(A) Not restrict the right to foreclose the RRH mortgage or to transfer the lease.

(B) Permit FmHA to bid a foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(C) Permit FmHA after acquiring the leasehold through foreclosure, or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property, or sublet the property and to sell the leasehold for cash or credit.

(D) Permit the borrower, in the event of default or inability to continue with the lease and the RRH loan, to transfer the leasehold, subject to the RRH mortgage, to a transferee with assumption of the RRH debt.

(vii) The advice of the Office of the General Counsel (OGC) will be obtained as to legal sufficiency of the lease. When the State Director is uncertain as to whether a loan can be made on a leasehold the request should be submitted to the National Office for evaluation and instructions.

(5) Have or be able to obtain initial operating capital and other assets needed for a sound loan. RRH loans made to nonprofit organizations and to State or local public agencies may include up to 2 percent of the development cost for initial operating expenses.

(i) Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if an organization, utility hookup deposits, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. The initial operating capital required will be at least 2 percent of the total cost of the project.

(ii) When the applicant is to provide other movable equipment and furnishings, the initial capital will be increased sufficiently to cover the cost of these items.

(6) Possess the ability, experience, and the legal and financial capacity to incur and carry out the undertakings and obligations required for the loan.

(7) Agree to comply with all requirements of the FmHA such as those set forth in the loan resolutions, loan agreement, the form of note, the mortgage, and FmHA directives.

(8) Concerning management: (i) Be an individual or an organization which will provide for the necessary management to assure the successful operation of the project. Management services may be provided by the applicant, a management firm or an agent. If the borrower or a member of the borrower organization does not live in the community where the housing is located, or close enough to the project to provide the general supervision, he must retain a management firm or an individual located in close proximity who is experienced and has full authority to act on behalf of the owner; or

(ii) Be an individual or organization that, with approval of FmHA, will lease the entire project or a percentage of the

units to a public housing authority pursuant to the Department of Housing and Urban Development (HUD) section 23 or 8 leasing program. Management will be in accordance with FmHA and HUD management requirements and the units rented to eligible occupants as defined in § 1822.83(e) and HUD regulations. Such loans will be subject to the requirements outlined in § 1822.88(1).

(9) In the case of a private nonprofit organization:

(i) If operating in one community and its trade area, meet the following additional requirements: (A) Each member must be limited to one vote in the affairs of the organization.

(B) A majority of the members must reside in the community or the trade area where the housing will be located.

(C) The board of directors must number not less than 5.

(D) The directors must be members of the organization.

(E) Not less than five of the directors must be recognized as leaders in civic, governmental, fraternal, religious and other community organizations of the community where the housing will be located.

(F) The organization must have and maintain a broadly-based membership representing or reflecting a variety of interests in the community. For a loan of less than $100,000, the organization should have at least 25 members. The number of members should be increased for larger projects. Factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan are vitally important. The "broadly-based membership" requirement may vary, depending upon whether the applicant is a well established or a new corporation, its financial condition, the present and future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of the amount of the loan to the appraised value of the security.

(G) The organization must adopt articles of incorporation and bylaws substantially conforming to the model articles and bylaws set forth in the appropriate FmHA State requirement. The State Director, with the assistance of OGC, will develop a model set of articles of incorporation and bylaws for his State which will be consistent with the provisions of this Subpart modified as appropriate in accordance with the State law.

(ii) If operating in more than one community or on a county or regional basis and providing or planning to provide rental housing in more than one community, meet the following requirements in addition to those in paragraph (a)(9)(i) of this section with the exception of paragraph (a)(9)(i)(B):

(A) The membership base should be representative of the area being served with at least five members representing a variety of interests from each community where the housing will be located. Each member must be limited to one vote in the affairs of the organization.

(B) The board of directors should be representative of each community or trade area where the housing is located.

(C) The total number of directors should not be less than 5 and the directors must be members of the organization.

(D) The organization's articles of incorporation and bylaws must include the requirements outlined in paragraph (a)(9)(ii)(A) and (B) of this section.

(10) In the case of a limited partnership:

(i) The general partners will be required to maintain a minimum of 5 percent financial interest in the organization.

(ii) The general partners must agree that new partners can be brought into the organization only with the consent of the Government as outlined in the loan resolution.

(b) *Authorized representative of applicant.* The FmHA will deal only with the applicant or a bona fide representative of the applicant and the representative's technical advisers. An authorized representative of a nonprofit applicant must have no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 1822.85 Loan purposes.

RRH loans may be made to qualified applicants to:

(a) Construct new housing.

(b) Purchase, improve, alter, or repair housing provided the State Director determines that the housing meets the requirements of § 1822.88(a) and the housing will be equivalent to new construction in quality, design, and all other respects.

(1) A loan on existing buildings less than 1-year old, will be limited to 80 percent of the appraised value.

(2) For a loan on existing buildings less than 1-year old, the seller will be required to furnish copies of the plans and specifications used, certify that the construction was completed in accordance with the plans and specifications, and provide evidence of compliance with State and local building codes. If the cost exceeds $100,000, an engineering or architects certitfication will be required indicating that all utility systems are operable.

(c) Purchase or improve the necessary land on which the housing will be located.

(1) The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal in accordance with applicable FmHA requirements.

(2) Loan funds will not be used to buy land from a member of an applicant-organization, or from another organization in which any member of the applicant-organzation has an interest, without prior approval of the State Director.

(3) Loan funds may be used to acquire land in excess of that needed for the housing, including related facilities, when:

(i) The cost of the excess land is a reasonable portion of the loan.

(ii) The applicant cannot acquire only the needed land at a fair price, can justify the acquisition, agrees to sell the land as soon as practicable and apply proceeds on the loan and has legal authority to acquire and administer the land.

(d) Develop and install water supply, sewage disposal, streets, and heat and light systems necessary in connection with the housing. If the facilities are located offsite, the following requirements must be met: (1) The applicant will hold the title to the facility or have a legally assured right to use of the facility for at least the life of the loan and such title or right can be transferred to any subsequent owner of the site.

(2) The facilities are provided for the exclusive use of the RRH project or funds are limited to the prorated part of the total cost of the facility according to the use and benefit to the project. The applicant will agree in writing to the application as extra payments on the RRH loan of any subsequent collection by the borrower from other users or beneficiaries of the facility.

(3) Adequate security can be obtained with or without a mortgage on the offsite facilities.

(e) Develop other related facilities in connection with the housing such as:

(1) Maintenance workshop and storage facilities.

(2) Recreation center including lounge if the project is large enough to justify such a facility.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only when justified.

(5) Laundry room and equipment if not provided in the individual units.

(6) Appropriate recreational facilities, and other facilities to meet essential needs.

(f) Construct office and living quarters for the resident manager and other operating personnel if such facilities would be to the advantage of the project and the Government. The State Director should make a determination and the justification will be included in the docket.

(g) Construct fallout shelters or similar structures.

(h) Purchase and install ranges, refrigerators, clothes washers and clothes dryers. Clothes washers and clothes dryers may be installed in individual rental units if the inclusion of such items in individual units is customary in the area for the type of housing involved and consistent with the requirement that the construction involved be undertaken in an economical manner and not constitute elaborate or extravagant items. Otherwise, the clothes washers and clothes dryers must be installed, if at all, in a central laundry room. Whenever possible,

this equipment should be attached to the real estate in a manner to prevent easy removal.

(i) Purchase and install essential equipment which upon installation becomes a part of the real estate.

(j) Provide landscaping, foundation planting, seeding or sodding of lawns, or other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(k) Pay related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services. Such fees and charges may be paid to an applicant or to an officer, director, trustee, stockholder, member, or agent of the applicant provided such fees and charges are reasonable and typical for that area and are earned. Ordinarily, the FmHA will furnish the needed guidance for the development of an RRH loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services, provided the State Director determines that:

(1) Either the applicant, with available FmHA assistance cannot meet all requirements for a sound loan without the services, or the services would permit significant financial savings to the Government, either directly or by lightening the workload involved in processing applications, and

(2) The charges are reasonable in amount, considering the amount and the purpose of the loan, the payment ability of the borrower, and the cost of similar services in the same or similar rural areas.

(l) Pay interest which will accrue on the RRH loan during the estimated construction period.

(m) Pay interest and other customary charges necessary to obtain interim financing.

(n) Pay initial operating expenses up to 2 percent of the development cost for nonprofit organizations and State and local public agencies.

§ 1822.86 Limitations.

(a) *Loan limits.* For all applicants, the amount of the RRH loan or loans will be subject to the following requirements:

(1) For private nonprofit corporations, consumer cooperatives other nonprofit organizations and State or local public agencies the amount of the RRH loan or loans will be limited to the development cost or the security value of each project, whichever is less.

(2) For all other applicants, the amount of the RRH loan or loans will be limited to no more than 95 percent of the development cost or 95 percent of the security value of each project, whichever is less.

(3) For the purchase of existing buildings less than 1-year old, the loan will be limited to 80 percent of the appraised value in accordance with § 1822.85(b).

(b) *Limitations on use of loan funds.* Loans will not be made for: (1) Housing or related facilities which are elaborate or extravagant in design or materials.

(2) Nursing or medical facilities other than a small emergency-care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the occupants are not readily accessible elsewhere.

(3) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(4) Housing to be used for any transient or hotel purposes. No rental term will be for less than 30 days.

(5) Nursing, special care, or institutional-type homes.

(6) Any facility not essential to the needs of the tenants.

(7) Refinancing debts of the applicant except as authorized in § 1822.94(a).

(8) Housing which the applicant plans to sell in the near future.

(9) Housing which the applicant plans to lease to another operator except as provided in § 1822.84(a)(8) for leases to public housing authorities.

(10) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(11) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant, except as provided in §§ 1822.85 (c)(2) and (k) and 1822.90 (d).

(c) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the County Supervisor will advise the applicant not to start construction or incur any indebtedness until the loan is closed, with the exception of those cases involving interim financing, and then the guideline outlined in § 1822.94(a) will apply. If nevertheless, the applicant incurs debts for work, materials, land purchase or other authorized fees and charges before the loan is closed, the State Director may authorize the use of loan funds to pay such debts when he finds that all the following conditions exist.

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources of to obtain credit from other sources and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts, materials, construction, and any land purchased meet FmHA standards and requirements.

(5) Payment of the debts will remove any liens which have attached, and any basis for liens that may attach to the property on account of such debts.

§ 1822.87 Rates and terms.

(a) *Interest.* Loans will be made at interest rates specified in Subpart A of Part 1810 of this chapter.

(b) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured taking into account the probable depreciation of the security. The payment period will not exceed 40 years from the date of note, except that a loan to provide housing for senior citizens only, will not exceed 50 years.

§ 1822.88 Special conditions.

(a) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction and not of elaborate or extravagant design or materials;

(2) As a general rule, consist of multiunit type housing with two or more family units and any appropriate related facilities;

(3) Be residential in character and location and be designed to meet the needs of eligible occupants who are capable of caring for themselves;

(4) Have consideration given to safety, convenience, and comfort;

(5) Be located in residential areas as a part of a community where essential facilities and services such as schools, medical services, shopping, and generally central sewer and water systems are readily available;

(6) Based upon the demand shown by a market analysis, it may include "efficiency" type or one or more bedroom units; and

(7) Contain bathroom and kitchen facilities in each unit.

(b) *Deferred principal payments.* The necessary and advisable, smaller than regular payments of principal or no payments of principal may be provided for the first and second installments after loan closing. However, accrued interest must be paid, at least annually.

(c) *Refinancing RRH loans.* Each borrower must agree to refinance the unpaid balance of his RRH loan at the request of the FmHA whenever it appears to the FmHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at rates and terms which the FmHA considers reasonable.

(d) *Loan resolution or loan agreement.* A loan resolution or loan agreement provides for the maintenance of certain accounts and the pledge of housing income as security. It contains regulatory provisions governing and giving the FmHA power to impose requirements regarding the housing and related operations of the applicant. The form of loan resolution or loan agreement contains provisions of policy and procedure which should be carefully read and fully understood by the applicant. This is particularly important for applicants operating on a limited profit basis. If any provisions are not appropriate to a particular case, proposed substitute language will be approved by OGC. Forms of loan resolutions and loan agreements are contained as exhibits to this Subpart and will be executed as follows:

(1) Exhibit A will be used for all nonprofit organizations and for State or local agencies.

(2) Exhibit B will be used for profit type organizations.

(3) Exhibit C will be used by individuals operating on a profit basis when the total of the loan exceeds $150,000 or when required by the State Director if the loan is for less.

(4) Exhibit G will be used by organizations operating on a limited profit basis.

(5) Exhibit H will be used by individuals operating on a limited profit basis.

(e) *Multiple advances.* Loan funds will be disbursed in accordance with the provisions outlined in § 1822.94.

(f) *Interest credits.* Borrowers may receive interest credits provided the loan was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis, is to be repaid, unless an exception is made by the National Office, over a period of 40 years; 50 years for a senior citizen's loan, and meets the other requirements outlined in Exhibit J and the following limitations: (1) Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

(2) Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, State or local public agencies, and to profit organizations and individuals operating on a limited profit basis.

(g) *Nondiscrimination in use and occupancy.* The borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin, and will comply with Part 1816 of this chapter.

(h) *Eligibility for occupancy.* Loans will be made on the basis of the housing being occupied by eligible occupants as defined in § 1822.83(e). The following policies will apply: (1) When a family consists of only one person, an additional person or persons may reside in the unit provided the unit has adequate space for their total needs and provided the separate income of each occupant does not exceed the levels set for the project in accordance with § 1822.83(e) and as defined in guidelines for the maximum adjusted income for low- and moderate-income families available in all FmHA offices. If the borrower receives interest credits, the rent paid for the unit will be based on the combined incomes of the occupants.

(2) Ineligible persons may occupy the housing for temporary periods in order to protect the interest of the Government with written prior approval of the State Director.

(3) For housing projects financed with RRH loans and limited to eligible senior citizen applicants, the State Director is authorized to permit the borrower to rent units to eligible nonsenior citizens, provided such units will be rented on a temporary basis and only until they can be rented to eligible senior citizens.

(i) *Tenant certification.* Initial certifications and recertifications will be executed on Form FmHA 444-8, "Tenant Certification," as follows: (1) Initial certifications will be executed for each family when it initially occupies the housing. Borrowers will promptly provide the County Supervisor with an executed copy of these forms.

(2) Recertification will be completed by having a new Form FmHA 444-8 executed every other year during November or December by each tenant, whether the borrower is receiving interest credits or not, and regardless of whether there has been a change in occupancy. The biennial certification forms will be obtained by the borrower and: (i) For Plan II, a copy will be provided to the County Supervisor prior to December 31 to verify the amount of interest credit given to the borrower.

(ii) For Plan I and all others, the certifications will be kept in the borrower's records. Prior to December 31, the borrower will provide the County Supervisor with a certification similar to Exhibit J-3 which indicates that he has obtained Form FmHA 444-8 executed by each tenant, that the tenants are eligible occupants and that these records may be examined at any time.

(j) *Supervisory assistance.* Supervision will be provided borrowers, in accordance with Subpart G of Part 1802 of this chapter, to the extent necessary to achieve the objective of the loan and to protect the interests of the Government.

(k) *Limited profit determinations.* Applicants agreeing to operate on a limited profit basis will be permitted a return not to exceed 8 percent per annum on the initial investment. The initial investment may include the following:

(1) Any cash contribution.

(2) Any cash savings, or equity resulting from construction by the owner-builder method.

(3) The initial operating capital that the applicant is required to provide in accordance with § 1822.84(a)(5)(i).

(4) Value of architectural, engineering, or legal services needed for the project that are provided by the applicant in lieu of cash contribution.

(5) Value of the building site or essential related facilities contributed by the applicant. Value will be determined by an appraisal in accordance with applicable FmHA requirements on an "as is" basis by the FmHA employee authorized to make the appraisal for the project less any amount owed on the property.

(l) *Conditions necessary for the approval of RRH loans made to finance projects in connection with the HUD leasing program.* Applicants may sublease the entire project or a percentage of the units to a Housing Authority (HA) in connection with a section 23 or 8 leasing program, provided the State Director determines that it is a feasible project and that there is an anticipated future market demand for rental housing units without the support of the sections 23 or 8 leasing program. Interest credits may be granted for the units not covered under sections 23 or 8. The State Director will have the OGC review the lease and other materials to assure that the FmHA and the borrower are adequately protected.

(m) *Implementation of OMB Circular A-95 concerning formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development.* When projects exceed 25 units the provisions of Subpart M of Part 1823 of this chapter will be applicable.

(n) *Guidelines for preparing environmental impact statements.* When projects exceed 25 units the provisions of Part 1824 of this chapter will be applicable.

(o) *National flood insurance.* The provisions of the National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973 are applicable to FmHA authorities permitting financing of rental housing now located in or to be located in special flood or mudslide-prone areas as designated by the Federal Insurance Administration (FIA) of the Department of Housing and Urban Development (HUD). Subpart B of Part 1806 of this chapter will be applicable.

§ 1822.89 - Security.

Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, except as indicated in paragraph (a) and (c) of this section will be taken on the property purchased or improved with the loan. A mortgage should be taken on only that part of the land which is necessary to provide adequate security for the loan as determined by the appraisal, except when excess land is purchased as authorized in § 1822.85(c)(3).

(a) A second mortgage will be taken on the site developed with prior RRH loan(s) when the subsequent loan is to complete or finish out units on the site.

(b) Personal liability will not be required for the members or stockholders of any corporation. Personal liability will be required of all members of a partnership unless the State Director determines that this personal liability must be waived to obtain needed rental housing in the community. For such cases, the State Director will obtain the advice of the Regional Attorney as to any modifications needed in the Promissory Note and mortgage.

(c) If it is impossible or inadvisable for an applicant which is a public or quasi-public organization to give a real estate mortgage, the security to be taken will be determined by the National Office upon the recommendation of the State Director. The State Director should consult OGC as to whether the proposed security is legally permissible.

§ 1822.90 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FmHA employee authorized to make real estate appraisals. If the security does not involve more than two rental units, the property will be appraised in accordance with the policies outlined in Part 1809 of this chapter. For

security involving more than two rental units, the appraisal will be made in accordance with Subpart B of Part 1809 of this chapter. Form FmHA 426–1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant is an organization or an individual with special title or loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the OGC. In other cases, provisions of Subpart A of this Part regarding title clearance and legal services will apply.

(c) *Architectural and engineering services.* (1) Housing and related facilities will be planned and developed in accordance with Subpart A and D of Part 1804 of this chapter. The housing will be designed to meet the needs of the types of occupants who will likely occupy it.

(2) A written contract for Architectural and Engineering Services will be required as outlined in Subpart A of Part 1804 of this chapter.

(d) *Construction and development policies.* Construction and development will be performed in accordance with Subpart D of Part 1804 of this chapter, except § 1804.5(h)(3) of Part 1804 of this chapter will not apply to projects constructed by the owner-builder method. These projects will be governed by the following: (1) The development cost may include a typical builders fee. The typical builders fee may be determined by local investigation and also from HUD data for the area.

(2) The development cost cannot exceed that which is typical for similar type projects in the area.

(3) The development cost for each individual case will be determined by the Multiple Family Housing Coordinator with the advice of the State Architect.

(4) The plans and specifications must be specific and complete so that there is a clear understanding as to how the facility will be constructed and the materials that will be used.

(e) *Compliance with local codes and regulations.* Planning construction, zoning, and operation of housing financed with the RRH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(f) *Contracts for legal services.* On projects requiring extensive legal services, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts will be subject to review and approval by the FmHA and, therefore, should be submitted to the FmHA before execution by the applicant. Contracts will provide for the types of services to be performed and the amount of the fees to be paid, either in lump-sum on the completion of all services or in installments as services are performed.

(g) *"How to Bring Rental Housing to Your Town" Manual.* Exhibit F may be used as a guide for organization applicants applying for loans to finance projects of substantial size. Extra copies may be obtained from the Finance Office for applicants after preliminary discussions indicate that a loan may be developed. The sample forms included as Exhibits F–1 through F–5 may be adapted for use as State forms so that adequate supplies will be available to applicants.

(h) *Technical services by consultant organizations.* Technical services by consultant organizations will be governed by § 1822.85.

(i) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this chapter regarding options will be followed. After the loan is approved, the County Supervisor will have Form FmHA 440–35, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(j) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower for eligible loan purposes may be deposited in accordance with Part 1803 of this chapter. Collateral for deposit of funds will be pledged in accordance with § 1803.4 of this chapter. Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the project, for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(k) *Insurance.* The State Director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Subpart A of Part 1806 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encouraged, or required when appropriate to obtain liability insurance.

(l) *Bonding.* (1) The provisions of Subpart A of Part 1804 of this chapter pertaining to surety bonds are applicable to RRH loans.

(2) If the applicant is an organization, it will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. The United States will be named co-obligee in the bond if not prohibited by State law. Form FmHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 1822.91 Processing preapplications.

(a) *Preapplication.* Form AD–621, "Preapplication for Federal Assistance," with the additional information outlined in Exhibit F–6, will be submitted to the County Supervisor. This information is used to determine the applicant's eligibility and eliminate any proposals which have little or no chance for funding. The applicant should be instructed not to prepare an application until he is notified to proceed.

(b) *Actions by County Supervisor.* The preapplication with attachments, will be reviewed by the County Supervisor. The preapplication, including the comments and recommendations of the County Supervisor and District Director and any additional material considered necessary will be forwarded to the State Director.

(c) *Actions by State Director.* (1) If the applicant is an organization adopting without change the "Articles and Bylaws" prescribed by State regulations, the preapplication need not be submitted to the OGC.

(2) In all other cases involving loans to organizations, the docket, with any questions or comments of the State Director will be submitted to the OGC for preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this subpart.

(3) When the State Director considers it necessary, any preapplication may be sent to the National Office for evaluation and instructions.

(4) The State Director, after completing his review, will notify the County Supervisor of his determination and authorize the County Supervisor to prepare and execute Form AD–622, "Notice of Preapplication Review Action." The County Supervisor will forward the original to the applicant, a copy to the State Office, and a copy to the case file.

§ 1822.92 Preparation of completed loan docket.

(a) *Information needed.* If the applicant has been requested to file an application, Form AD–625, "Application for Federal Assistance (Short Form)," with the additional information as outlined in Exhibit F–7, will be submitted to the County Supervisor.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will work closely with the applicant. The County Supervisor will review and verify the information furnished for correctness, adequacy, and completeness. He will determine that the market survey is adequate and that the market survey report is accurate. The County Supervisor will inspect the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct its business and financial affairs and comment on the adequacy of the management.

(c) *County Committee certification.* County Committees will not be used to review Rural Rental Housing loan applications.

(d) *Assembly, review, and distribution of complete loan docket items.* When all items required for the complete loan docket have been furnished, they will be examined thoroughly to make sure they

are properly and accurately prepared, and are complete in all respects, including dates and signatures. The loan docket will include the forms and documents listed in regulations available in all FmHA offices.

(e) *Submission of docket to State Office.* The complete loan docket with any comments from the County Supervisor, will be submitted to the State Office for review. The State Director, with the advice of OGC if required or needed, will prepare a memorandum to the County Supervisor requesting additional information, if the material submitted is inadequate, or setting forth the conditions of approval.

(f) *Submission of docket to National Office.* If the State Director considers it necessary, after completing his review of the docket, he may submit his recommendations, a copy of his proposed memorandum of approval, and the complete loan docket to the National Office for review and recommendations. If the docket was required to be reviewed (or was reviewed) by the OGC, the comments of that office will be included.

(g) *Press release.* When it is determined that the loan can be approved, a press release will be prepared in accordance with FmHA requirements.

§ 1822.93 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove loans in accordance with this Subpart and Subpart B of Part 1810 of this chapter. The State Director may redelegate loan approval in writing to State Office employees other than District Directors.

(b) *Loan approval action.*—(1) *Responsibilities of loan approval official.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations. In making this review, the loan approval official will determine that: (i) The applicant is eligible.

(ii) The funds are requested for authorized purposes.

(iii) The proposed loan is sound.

(iv) The security is adequate.

(v) All pre-approval requirements have been met.

(vi) All other requirements will be met.

(2) *Approval or disapproval of a loan.* (i) Approval. When a loan is approved, the approval official will: (A) Prepare Form FmHA 440–3, and indicate on all copies any conditions that must be met at or before the time the loan is closed. Such conditions could include the amount of surety, fidelity bond coverage, other insurance, the title evidence, and any other special requirements, if more space is needed, the form will be supplemented by a memorandum.

(B) Sign the original of Form FmHA 440–3 and insert his title in the space provided; all copies will be conformed.

(C) Sign the original and one copy of Form FmHA 440–1 and insert his title in the space provided. An executed Form FmHA 440–1 will be forwarded to the applicant on the same date the loan is approved, that is, on the same date it is forwarded to the Finance Office.

(ii) Disapproval. If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original Form FmHA 440–3. Form FmHA 440–3 will be initialed and dated. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor. The disapproved docket will then be handled in accordance with appropriate FmHA regulations.

(3) *Review by OGC.* For a loan to an organization, or for a loan to an individual in special cases, the approved loan docket, including any title evidence, will be sent to the OGC for preparation of closing instructions and any special legal documents required for closing. A certified copy of a required loan resolution or the original executed, witnessed loan agreement must be supplied by the applicant in time to be included in the loan docket. No docket will be considered which fails to include such a required resolution or agreement. The OGC will route the docket, including closing instructions and any such legal documents, to the County Office through the State Office for review and for inclusion of any further instructions needed in closing the loan.

§ 1822.94 Actions subsequent to loan approval.

(a) *Interim financing from commercial sources.* In all cases of RRH loans exceeding $50,000 when it is possible for funds to be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained to preclude the necessity for multiple advances of FmHA funds. When interim commercial financing is used;

(1) The docket will be processed to the stage where the FmHA loan would normally be closed immediately prior to the start of construction. FmHA loan funds will be obligated before the applicant proceeds with the final arrangements for interim commercial financing.

(2) The FmHA State Director or County Supervisor may deliver a copy of Form FmHA 440–1 as evidence of the FmHA commitment, if necessary, or a letter stating that funds in specified amounts have been obligated and will be available to retire the interim financing if the applicant complies with the approval conditions. See guidelines available in any FmHA office for a sample letter that may be used.

(3) FmHA will assume the same responsibilities as if FmHA funds had been advanced from the standpoint of approving construction contracts and the supervision of construction.

(4) The supervised bank account will normally not be used for funds obtained through interim commercial financing. However, the County Supervisor will approve Form FmHA 424–18, "Partial Payment Estimate," to insure that funds are used for authorized purposes.

(5) When the interim financing funds have been expended, the FmHA loan will be closed and permanent instruments will be issued to evidence the FmHA indebtedness. The FmHA loan proceeds will be used to retire the interim commercial indebtedness.

(6) Before the FmHA loan is closed, the applicant will be required to provide the County Supervisor with statements from the contractor(s), engineer and attorney that they have been paid in full accordance with their contracts or other agreements and that there are no unpaid obligations outstanding in connection with the construction of the project.

(b) *Multiple advances of RRH loan funds.* In the event interim commercial financing is not available, multiple advances will be used for all loans in excess of $50,000 subject to the following:

(1) In those cases where relatively large amount of funds are to be expended for purchasing of real estate or for other reasons at the time of closing, separate checks for such purposes may be ordered an endorsed by the borrower to the seller or other appropriate party. This will preclude the necessity for depositing such loan funds in the supervised bank account and reduce the amount of required collateral.

(2) Except as indicated in paragraph (b)(1) of this section, advances will be made only as needed to cover disbursements required by the borrower for a 30-day period. Normally, the advances should not exceed 24 in number or extend longer than 2 years beyond loan closing. The retained percentage withheld from the contract to assure that construction will be completed in accordance with the contract documents will ordinarily be included in the last advance. Advances will be requested in sufficient amounts to insure that ample funds will be on hand to pay costs of construction, land purchase, legal, engineering, or architectural costs, interest, and other expenses, as needed. The borrower will prepare Form FmHA 440–11, "Estimate of Funds Needed for 30-day Period Commencing _____," modified as needed, to show the amount of funds required during the 30-day period. This form will be approved by the County Supervisor. After the County Supervisor determines that the estimate prepared by the borrower is adequate, he will request the advance by executing and forwarding to the Finance Office, St. Louis, Missouri, Form FmHA 440–3. As an example, for a loan of $100,000, the advances may be made as follows: Assuming that the loan will be closed on July 1, the borrower will complete Form FmHA 440–11 in sufficient time so that the funds will be available on the day of loan closing. The estimates should be broken down for the first advance in a manner similar to the following:

Construction	$30,000
Land acquisition	5,000
Architectural	4,000
Legal	1,000
Total	$40,000

An advance in the amount of $40,000 would then be available on July 1, the

date of loan closing. The second advance will also be based on the borrower's estimate prepared on Form FmHA 440–11, and will be prepared in sufficient time so that the estimated amount of funds will be available on August 1. This estimate of funds might be broken as follows:

Construction	$20,000
Architectural	1,000
Total	$21,000

A copy of Form FmHA 440–3 specifying the amount then will be forwarded to the Finance Office. The same routine will be followed for each advance until the project is completed.

(3) Any deviation from the multiple advance procedure must have the prior approval of the National Office.

(c) *Requesting check.* When loan approval conditions can be met, including any real estate lien required, and a date for loan closing has been agreed upon, the County Supervisor will determine the amount of funds needed in accordance with either paragraphs (a) or (b) of this section. The County Supervisor or his delegate will then order the loan check so that it will be available on or just before the date set for loan closing.

(d) *Increase or decrease in the amount of the loan:* If it becomes necessary for the amount of the loan to be increased or decreased prior to loan closing, the loan approval official or County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed.

(e) *Cancellation of loan.* Loans may be canceled after approval and before loan closing as follows: (1) The County Supervisor will prepare Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," in an original and two copies (3 copies if the check is received in the County Office from the Regional Disbursing Office). The original and copies will be sent to the State Director with the reasons for requesting cancellation. If the State Director approves the request for cancellation, he will forward the original request to the Finance Office after making appropriate adjustments in the records to control loan allocations. A copy or copies of Form FmHA 440–10 will be returned to the County Office.

(2) If the loan check is received in the County Office, the County Supervisor will return it to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, Missouri 64142, with a copy of Form FmHA 440–10.

(3) All interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(f) *Handling the loan check.* The loan check will be handled in accordance with Part 1803 of this chapter.

(g) *Property insurance.* Buildings will be insured in accordance with Subpart A of Part 1806 of this chapter.

§ 1822.95 Loan closing.

(a) *Applicable instructions.* RRH loans to individuals will be closed in accordance with applicable provisions of Part 1807 of this chapter and supplementing State requirements with the assistance of the designated attorney, representative of the title insurance company or OGC, whichever is appropriate. Loan dockets for an organization and loan dockets for an individual in special cases will be sent to the OGC for closing instructions. An organization may use its attorney to close the loan in accordance with the closing instructions received from the OGC. The applicant's attorney may be a designated attorney or a local private attorney.

(b) *Mortgage.* Unless the OGC determines the form to be inappropriate in any case, real estate mortgage Form FmHA 427–1 (State), "Real Estate Mortgage for _____," will be used. For loans to organizations, Form FmHA 427–1 will be modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgement.

(1) The mortgage or other instrument will contain the following covenant:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of (Date), which is hereby incorporated herein by reference.

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

Occupancy of the housing and related facilities on the property will be limited to eligible occupants as defined in the regulation of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests. Revenue from the housing shall be first used to pay operation and maintenance costs of such housing and to make adequate provision to meet required payments as they become due on the FmHA rural rental housing loan.

(c) *Promissory note.* (1) The total amount to be shown in the note will be shown on Form FmHA 440–3. The note will be dated the date of loan closing except as authorized in § 1807.2(f)(8) of this chapter.

(2) Payments on RRH loans will be scheduled on the note in accordance with the requirements for the type of Promissory Note to be used. Monthly payments will be implemented. As provided in § 1822.88(b), the first year's installment or the first two years' installments may be less than a regular annual installment. If the first annual installment or first two annual installments are less than a regular annual installment, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) For a loan to an individual, Form FmHA 440–16, "Promissory Note," will be used. Instructions for preparation of monthly installments will be followed in accordance with the guide available in all FmHA offices for preparation of this form. Form FmHA 440–16 may be used for a partnership with modification as approved by the OGC. For loans of over $50,000, type on the reverse of the form a Record of Advances such as is printed on the reverse of Form FmHA 440–22, "Promissory Note (Association or Organization)," and complete this part in accordance with instructions for Form FmHA 440–22.

(4) Form FmHA 440–22 will be used for all loans to organizations if legally acceptable as determined by OGC. If Form FmHA 440–22 is not legally acceptable, the opinion from OGC and the loan docket will be submitted to the National Office for further instructions. Payments will be made on a monthly basis on the loan and the borrower will be required to agree to this in writing.

(5) The note(s) will be signed in accordance with Part 1807 of this chapter.

(6) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing. Any funds included in the loan for the payment of interest will be collected and applied as a regular payment at the time of loan closing.

(7) Immediately after loan closing, a conformed copy of the note will be sent to the Finance Office.

(d) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the County Supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage conformed as to all matters except the recording date will be delivered to the borrower.

(e) *Date of closing—establishment of account.* (1) An RRH loan is considered

closed when the security instrument is filed of record, or, if no security instrument is filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

(2) After the loan is closed, the account and case folder will be established in accordance with appropriate regulations.

§ 1822.96 Subsequent RRH loans.

A subsequent RRH loan is a loan made to an applicant or borrower to complete the units planned with the initial loan.

§ 1822.97 Coding loans as to initial or subsequent.

A borrower may obtain financing for more than one project. Each project will be coded as an initial loan when the total number of units are built or purchased at one place at one time. A subsequent loan will be so coded when an additional loan or loans are necessary to complete the units planned with the initial loan as outlined in § 1822.96. As an example, the borrower may obtain initial loans for more than one project in the same county, in different counties under the same county office jurisdiction, or in more than one county office jurisdiction. Codes to be used will be in accordance with the guide available in all FmHA offices for preparation of Form FmHA 440-1, Form FmHA 440-3, and Form MmHA 444-5.

§ 1822.98 Complaints regarding discrimination in use and occupancy of RRH housing.

Any occupant or applicant for occupancy or use of such RRH housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office.

(a) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(b) The County Supervisor or State Director will acknowledge receipt of the complaint and promptly forward it to the National Office.

(c) Attached to the written complaint should be a statement from the County Supervisor or State Director as to whether the security instrument or other document executed by the borrower contains a nondiscrimination agreement. The statement also should include any other information which the State Director or County Supervisor has pertaining to the complaint. The County Supervisor or State Director should delay a comprehensive investigation of any complaint until requested to do so by the National Office.

(d) The National Office will determine whether discrimination did in fact occur. If necessary, appropriate steps will be taken to ascertain the essential facts.

(e) If it is found that the complaint is without substance, the parties concerned will be so notified.

(f) If it is found that the borrower's discrimination agreement in the security instrument or elsewhere was violated, the Farmers Home Administration will inform the parties of such findings and advise the violator to take action necessary to correct the violation and to give appropriate assurance of future compliance.

(g) If the borrower should fail to take such action and assure future compliance, the Administrator may take further appropriate action.

EXHIBITS

EXHIBIT A

(RRH LOAN TO BROADLY BASED NONPROFIT CORPORATION)

LOAN RESOLUTION OF _____, 19--

RESOLUTION OF THE BOARD OF DIRECTORS OF _____ PROVIDING FOR BORROWING $_____ TO FINANCE RENTAL HOUSING AND RELATED FACILITIES IN A RURAL AREA FOR SENIOR CITIZENS AND/OR FAMILIES OF LOW OR MODERATE INCOME, THE COLLECTION, HANDLING, AND DISPOSITION OF INCOME, THE ISSUANCE OF INSTALLMENT PROMISSORY NOTE AND REAL ESTATE SECURITY INSTRUMENT, AND RELATED MATTERS.

Whereas _____ (herein referred to as the "Corporation") is a nonprofit corporation duly organized and operating under _____

(authorizing State statute)

The Board of Directors of the Corporation (herein referred to as the "board) has decided to provide certain rental housing and related facilities for eligible occup. nts in rural areas. The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill;

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $_____ from the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, (herein called "the Government") pursuant to sections 515 (b) and 521 (a) of the Housing Act of 1949. The loan shall be used solely for the specific eligible occupants as defined by the Government, in order to provide rental housing and related facilities for eligible occupants as defined by the Government. Such housing and facilities and the land constituting the site are herein called "the housing."

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of ____ years, hearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note and any supplemental agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment or security interest in the rents and profits as collateral security to be enforceable in the event of any default by the Corporation and containing other terms and conditions prescribed by the Government.

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing (b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause," and (c) Farmers Home Administration Form FmHA 400-4 entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act 1964)," a copy of which is attached hereto and made a part hereof, and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of $_____ to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $40,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the _____ of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account; an Operation and Maintenance Account; a Debt Service Account; and a Reserve Account. Funds in said accounts shall be deposited in a bank or insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond, with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount

[1] Only loan funds and borrowers funds to be used for an eligible loan purpose may be deposited in the supervised bank account.

of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $_____. All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in section 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 7 or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.*

(a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and, until so used, shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than $_____[2] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $_____[3] and shall be resumed at any time when necessary, because of disbursement from the Reserve Account, to restore it to said sum.

Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by the Corportation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to the audited at the end of fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required or permitted by the Government, revise the accounts herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation, nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in Section 7 which would have a detrimental effect on the housing.

(e) Submit for the housing the following to the Government for prior review not less than ____ days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(h) Not alter, amend, or repeal without the Government's consent this resolution or the bylaws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(i) Do other things as may be required by the Government in connection with the operation of the housing or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing of Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.* (a) It is expressly understood and agreed that any loan made will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and security.

(b) The provisions of this resolution are representations to the Government to induce the Government to make a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security, and may enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) The resolution may be cited in the security instrument and any other instru-

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[2] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

ments or agreements as the "Loan Resolution of _____ 19____.

(date of this resolution)

_____
_____
_____

The undersigned, _____, the Secretary of the Corporation identified in the foregoing loan Resolution, hereby certifies that the foregoing is a true copy of a resolution of the Board of Directors of the Corporation passed on _____ 19__, which has not been altered, amended, or repealed.

_____ _____
* (Date) (Secretary)

[SEAL]

EXHIBIT B

(RRH INSURED LOAN TO PROFIT TYPE CORPORATION)

LOAN RESOLUTION OF _____, 19 __

RESOLUTION OF THE BOARD OF DIRECTORS OF _____ PROVIDING FOR BORROWING $_____ TO FINANCE RENTAL HOUSING AND RELATED FACILITIES IN A RURAL AREA FOR SENIOR CITIZENS AND OTHER PERSONS AND FAMILIES WITH LOW OR MODERATE INCOMES IN RURAL AREAS, THE COLLECTION, HANDLING, AND DISPOSITION OF INCOME, THE ISSUANCE OF INSTALLMENT PROMISSORY NOTE AND REAL ESTATE SECURITY INSTRUMENT, AND RELATED MATTERS

Whereas _____ (herein referred to as the "Corporation") is a corporation duly organized and operating under _____;

(authorizing State Statute)

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural areas;

The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill:

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $_____ through the facilities of the United States of America acting through the Farmers Home Administration, United States Department of Agriculture (herein called the "Government") pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing."

NOTE.—The word "partner(s)" may be substituted for the word(s) "Board" or "Board of Directors" and the word "partnership" may be substituted for the word "corporation" where appropriate. The OGC should be requested to provide appropriate substitute language to delete the reference to a "corporate seal" in item 2.

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of __ years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note or any indemnity or other agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment of the rents and profits as collateral security to be enforced in the event of any default by the Corporation, and containing other terms and conditions prescribed by the Government. The President and Secretary are further authorized to execute any other security instruments and other instruments and documents required by the Government in connection with the making or insuring of the loan. The indebtedness and other obligations of the Corporation under the note, the related security instrument, and any related agreement are herein called the "loan obligations."

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the Corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, and (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)" a copy of which is attached hereto and made a part hereof and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. Supervised Bank Account. The proceeds of the note and the amount of $_____ to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $40,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the loan obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the _____ of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond, with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

[1] Only loan funds, and borrower's funds to be used for an eligible loan purpose, may be deposited in the supervised bank account.

writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $_____. All income and revenue from the housing shall, upon receipt, be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in sections 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and until so used shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate

not less than $_____[2] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $_____[3] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With prior consent of the Government funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements for extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay dividends to stockholders or for any other purpose duly authorized by the board, provided the board determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 9(a) to be accumulated by that time and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for the purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required or permitted by the Government, revise the account herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in section 7 which would have a detrimental effect on the housing.

(e) Submit for the housing the following to the Government for prior review not less than __ days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(4) Rates of compensation to officers and employees of the Corporation payable from or chargeable to any account provided for in this resolution.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(h) Not alter, amend, or repeal without the Government's consent this resolution or the bylaws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(i) Do other things as may be required by the Government in connection with the operation of the housing, or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing the Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.*

(a) It is understood and agreed by the Corporation that any loan made or insured will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) The provisions of this resolution are representations to the Government, to induce the Government, to make or insure a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment or amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This resolution may be cited in the security instrument and any other instruments as the "Loan Resolution of _____ (date of this resolution) _____ 19 __."

CERTIFICATE

The undersigned, _____, the Secretary of the Corporation identified in the foregoing Loan Resolution, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the board of directors on _____ 19__, which has not been altered, amended, or repealed.

_____ (Date) _____ (Secretary)

(Seal)

EXHIBIT C

LOAN AGREEMENT

(RRH INSURED LOAN TO INDIVIDUAL)

1. *Parties and Terms Defined.* This agreement dated _____ of the Undersigned _____, herein called "Borrower" whether one or more, whose post office address is _____, with the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, herein called "the Government," is made in consideration of a loan, herein called "the loan," to Borrower in the amount of $_____ made or insured, or to be made or insured, by the Government pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing." The indebtedness and other obligations of Borrower under the note evidencing the loan, the related security instrument, and any related agreement are herein called the "loan obligations."

2. *Equal Opportunity and Nondiscrimination Provisions.* The borrower will comply with (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity

[2] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964), a copy of which is attached hereto and made a part hereof, and any other undertakings and agreements required by the Government pursuant to lawful authority.

3. *Supervised Bank Account.* The proceeds of the loan and the amount of $_____ to be contributed from Borrower's own funds shall be deposited in a "supervised bank account" as required by the Government. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, secure the loan obligations. Borrower's withdrawals from the supervised bank account shall be made only on checks signed by Borrower and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. Borrower's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the loan obligations as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

4. *Accounts for Housing Operations and Loan Servicing.* Borrower shall establish on his books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 8(a).

5. *General Fund Account.* By the time the loan is closed Borrower shall from his own funds deposit in the General Fund Account the amount of $_____. All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. Borrower may also in his discretion at any time deposit therein other funds, not otherwise provided for by this agreement, to be used for any of the purposes authorized in section 6, 7, or 8. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by Borrower in trust for the Government as security for the loan obligations.

6. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable Borrower to pay from the Operation and Maintenance Account the actual reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

7. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by Borrower in trust for the Government as security therefor.

8. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 7, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this agreement and until so used shall be held by the Borrower in trust as security for the loan obligations. Transfers at a rate not less than $_____[1] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $_____[2] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account, to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of Borrower, consist of an amount, referred to as the "prepayment reserve," by which Borrower is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by Borrower—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 6.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by Borrower which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) For any purpose desired by Borrower, provided Borrower determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 8(a) to be accumulated by that time, and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

9. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, Borrower shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required by the Government, revise the accounts herein provided for, or establish new accounts to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for such eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit the transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(e) Submit for the housing the following to the Government for prior review not less than ____ days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans, including proposed rents and charges and other terms of rental agreements with occupants, and compensation to employees chargeable as operating expenses to employees of the housing project.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Do other things as may be required by the Government in connection with the operation of the housing or with any of Borrower's operations or affairs which may affect the housing, the loan obligations, or the security.

10. *Refinancing of Loan.* If at any time it appears to the Government that Borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government, Borrower will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

11. *General Provisions.* (a) It is understood and agreed by Borrower that any loan made or insured by the Government will be administered subject to the limitations of

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[1] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 2.

[2] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

the authorizing act of Congress and the related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) Borrower shall also comply with all covenants and agreements set forth in the note, security instrument, and any related agreements executed by Borrower in connection with the loan.

(c) The provisions of this agreement are representations to the Government to induce the Government to make or insure a loan to Borrower as aforesaid. If Borrower should fail to comply with or perform any provision of this agreement or any requirement made by the Government pursuant hereto, such failure shall constitute default as fully as default in payment of amounts due on the loan. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(d) Any provisions of this agreement may be waived by the Government, or changed by agreement between the Government and Borrower to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially. Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This agreement may be cited in the security instrument and other instruments or agreements as the "Loan Agreement of _____ 19__".
(date of ths agreement)

Witness	Borrower
Witness	Borrower

EXHIBIT F–6

INFORMATION TO BE SUBMITTED WITH PREAPPLICATION FOR RURAL RENTAL HOUSING (RRH) LOAN

The following information is to be submitted with Form AD 621, "Preapplication For Federal Assistance":

1. *Eligibility:*

a. Financial Statement—A current, dated, and signed financial statement, showing assets and liabilities, with information on the status and repayment of each debt. If the applicant is a partnership or a profit corporation, a current financial statement will be required from each partner, member, or stockholder who holds an interest in the organization in excess of 10 percent. In any case in which a financial statement is required from an individual, it will also include the financial interests and signature of the spouse. A dated and signed financial statement will be required of all general partners who hold an interest in the partnership. The applicant must have initial operating capital and other assets needed for a sound loan. The initial operating capital required will amount to at least 2 percent of the total cost of the project to cover these costs. Loan funds may be included in the loan to pay the initial operating expense up to 2 percent of the development cost for nonprofit organizations and State and local public agencies.

b. Evidence of Inability to Obtain Credit from Other Sources except for State and local public agencies.

c. Statement of Applicant's Experience in Operating Rental Housing and Related Business with a statement on the proposed method of operation and management.

d. For an Organization Applicant—A copy of or an accurate citation to the specific provisions of State law under which the applicant is or is to be organized; a copy of the applicant's charter, Articles of Incorporation, Bylaws, and other basic authorizing documents; the names and addresses of the applicant's members, directors, and officers; and if a member or subsidiary of another organization, its name, address, and principal business, if available.

2. *Need and Demand:*

a. A realistic estimate of need and demand for the number of living units of the type proposed, based on the availability of rental housing and the number of eligible applicants living in the area willing and able to pay the proposed rental rates.

3. *Site.* a. Size of tract.

b. A map showing the location and other supporting information on its neighborhood and existing facilities, such as distance to shopping area, neighborhood churches, schools, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

c. Site owned or optioned.

4. *General Description of the Housing Planned:* including the following:

a. Preliminary plot plan and building plans, if available.

b. Type of construction.

c. Estimated total cost per living unit.

d. If apartments, number and type of units per building.

e. Type of utilities such as water, sewer, gas, and electricity and whether each is public, community, or individually owned.

EXHIBIT F–7

INFORMATION TO BE SUBMITTED WITH APPLICATION FOR FEDERAL ASSISTANCE (SHORT FORM)

The following information is to be submitted with Form AD–625, "Application for Federal Assistance (Short Form)":

1. A plot plan, detailed preliminary plans and specifications, and any special design features for senior citizens as prescribed in the construction guide.

2. A detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, architectural and legal fees, and both on- and off-site improvements. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

3. Information on the method of construction and on the architectural, engineering, and legal services to be provided.

4. Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

5. A market survey report which should be based on the number of eligible occupants in the area who are willing and financially able to occupy the housing at the proposed rental levels. This does not preclude occupancy by eligible occupants who are receiving welfare assistance. However, the economic justification for the housing should be based principally on the prospect of eligible occupants with incomes which are not subject to fluctuations. A market survey report will include:

a. For a proposed project which will contain 10 or f wer units and will be in a community where an effective demand for rental housing obviously exists, statements supported by statistical data describing and explaining the basis for expecting a continued effective demand for the rural rental housing over the period of the loan. Such information may be assembled from census reports, county market evaluations made by the Department of Housing and Urban Development and other published data that shows the number of occupants living in the town or trade area who are eligible to occupy the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

b. For a proposed project that will include more than 10 units and for any smaller project where there is any doubt concerning the demand, a complete market analysis showing the need and demand for rural rental housing in the area based on the best information available. It will include:

(1) An estimate of number of houses or apartments in the area for rent or sale. Exhibit F–2 or a similar form should be used for this purpose.

(2) Characteristics of available rental housing such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price or rental levels.

(3) Characteristics of the persons eligible for occupancy of the proposed housing, such as single or couple, male or female, size of family, number of senior citizens and nonsenior citizens, and income and financial condition.

(4) Present living arrangements of eligible occupants in the area and the extent to which inadequate housing is associated with health or financial reasons.

(5) Estimate of the number of eligible occupants who are willing and financially able to occupy the proposed housing.

c. If the housing is located in an area where there are relatively few eligible occupants, or for any other reason there is a question as to whether the housing will be fully occupied, signed expressions of interest in occupancy from a sufficient number of eligible occupants will be obtained so as to clearly indicate that full occupancy will occur soon after construction is completed. Exhibit F–3 or a similar form may be used for this purpose.

6. A description and justification of any related facilities to be financed with the loan.

7. A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

8. A current dated and signed financial statement showing the debt structure of the applicant. (See item 1a of Exhibit F–6.)

9. Detailed operating budgets for the first year's operation and a typical year's operation. The first year's budget should show that the applicant has sufficient operating capital on hand or sufficient planned income to pay all operating costs and meet scheduled payments on debts during the planning and construction period prior to occupancy. The typical year's budget should show there will be ample income to pay essential operating costs, meet required debt payments, and permit accumulation of required reserves. Exhibit F–5 or a similar form may be used for this purpose.

a. The budgets in estimating rental income will include an approximately 10 percent allowance for the following: vacancies, nonpayment of rent, and contingency expense.

b. The budgets should provide for accumulating a reserve at the rate of one percent per annum of the value of the buildings and related facilities financed wholly or partially with the loan until a reserve equal to 10 percent of their value is reached. Budgets should not include an additional item for depreciation since the purpose of a reserve account is to provide funds for this purpose.

c. All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identi-

fied. If the applicant considers itself tax-exempt, evidence of exemption must be included in the loan docket before the loan is closed. In case of a nonprofit organization whose articles of incorporation and bylaws conform to Exhibits D and E, evidence of exemption from Federal income tax need not be obtained before the loan is closed if the applicant applies for a determination of exemption and agrees in writing to make any changes in its organizational documents that may be required by the Internal Revenue Service (IRS). Information as to Federal income tax exemption may be obtained from the District Office of the IRS. An eligible nonprofit organization should ordinarily be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

10. A statement in narrative form outlining the proposed manner of management of the housing, such as whether by owner or hired manager. Experience and other factors pertaining to the qualifications of the manager will be taken into consideration.

11. A statement of policy regarding management and operation including method of selecting tenants, a copy of the proposed form of lease or rental agreement to be offered tenants, outline of duties and responsibilities of officers and employees, and a copy of any rules or regulations governing administration and occupancy.

12. When land is being purchased or a building site will be part of a tract owned by the applicant, or in any other case when necessary to clearly identify the property, satisfactory survey of the land to be given as security prepared by a licensed surveyor will be included in the loan docket. If necessary, a new survey will be obtained.

Exhibit G

(RRH LOAN TO PROFIT TYPE CORPORATION OPERATING ON A LIMITED PROFIT BASIS)

LOAN RESOLUTION OF _____, 19__

Resolution of the Board of Directors of _____ providing for borrowing $_____ to finance rental housing and related facilities in a rural area for senior citizens and other persons and families with low or moderate incomes in rural areas, the collection, handling, and disposition of income, the issuance of installment promissory note and real estate security instrument, and related matter.

Whereas _____ (herein referred to as the "Corporation") is a corporation duly organized and operating under (authorizing State statute);

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural area;

The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill:

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $_____ through the facilities of the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, (herein called the "Government") pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing."

Note: The word "partner(s)" may be substituted for the word(s) "Board" or "Board of Directors" and the word "partnership" may be substituted for the word "corporation" where appropriate. The OGC should be requested to provide appropriate substitute language to delete the reference to a "corporate seal" in item 2 and "stockholders" in item 9(b)(5) when required.

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of ____ years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note or any indemnity or other agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment of the rents and profits as collateral security to be enforced in the event of any default by the Corporation, and containing other terms and conditions prescribed by the Government. The President and Secretary are further authorized to execute any other security instruments and other instruments and documents required by the Government in connection with the making or insuring of the loan. The indebtedness and other obligations of the Corporation under the note, the related security instrument, and any related agreement are herein called the "loan obligations."

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, and (c) Farmers Home Administration Form FmHA 400-4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part thereof and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of $_____ to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $10,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the loan obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the _____ of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $_____. All income and revenue from the housing shall, upon receipt, be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in section 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and until so used shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation by pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include ini-

[1] Only loan funds, and borrower's funds to be used for an eligible loan purpose, may be deposited in the supervised bank account.

tial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and until so used shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than $_____[3] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $_____[3] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay dividends to stockholders or for any other purpose duly authorized by the board, of up to 8% per annum of the borrowers initial investment of _____[4] provided the board determines that after Reserve Account will be not less than that required by subsection 9(a) to be accumulated by that time and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) If return on investment for any year exceeds 8 percent per annum of borrower's initial investment of _____,[4] the Government may require that the borrower reduce rents the following year and/or refund the excess return on investment to the tenants or use said excess in a manner that will best benefit the tenants.

(c) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(d) If required or permitted by the Government, revise the account herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(e) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in section 7 which would have a detrimental effect on the housing.

(f) Submit for the housing the following to the Government for prior review not less than ____ days before the effective dates, and for prior approval by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(4) Rates of compensation to officers and employees of the Corporation payable from or chargeable to any account provided for in this resolution.

(g) If required by the Government, modify and adjust any matters covered by clause (f) of this section.

(h) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(i) Not alter, amend, or repeal without the Government's consent this resolution or the by laws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(j) Do other things as may be required by the Government in connection with the operation of the housing, or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing the Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.* (a) It is understood and agreed by the Corporation that any loan made or insured will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) The provisions of this resolution are representations to the Government to induce the Government to make or insure a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This resolution may be cited in the security instrument and any other instruments as the "Loan Resolution of_____ (date of this _____ 19 __." resolution)

CERTIFICATE

The undersigned, _____, the Secretary of the Corporation identified in the foregoing Loan Resolution, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the board of directors

[3] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

such disbursement (a) the amount in the

[4] The amount to be inserted shall be determined in accordance with paragraph VIII K of FmHA Instruction 444.5.

on _____ 19__, which has not been altered, amended, or repealed.

_____
(Date)
[SEAL] _____
(Secretary)

EXHIBIT H

LOAN AGREEMENT (RRH LOAN TO INDIVIDUAL OPERATING ON A LIMITED PROFIT BASIS)

1. *Parties and Terms Defined.* This agreement dated _____ of the Undersigned _____ herein called "Borrower" whether one or more, whose post office address is _____ with the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, herein called "the Government," is made in consideration of a loan, herein called "the loan," to Borrower in the amount of $_____ made or insured, or to be made or insured, by the Government pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site as herein called "the housing." The indebtedness and other obligations of Borrower under the note evidencing the loan, the related security instrument and any related agreement are herein called the "loan obligations."

2. *Equal Opportunity and Nondiscrimination Provisions.* The borrower will comply with (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination on the use and occupancy of housing, (b) Farmers Home Administration Form 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part hereof and any other understandings and agreements required by the Government pursuant to lawful authority.

3. *Supervised Bank Account.* The proceeds of the loan and the amount of $_____, to be contributed from Borrower's own funds shall be deposited in a "supervised bank account," as required by the Government. As provided by the terms of the agreement creating the supervised bank account, all funds there shall, until duly expended, secure the loan obligations. Borrower's withdrawals from the supervised bank account shall be made only on checks signed by Borrower and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. Borrower's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the loan obligations as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

4. *Accounts for Housing Operations and Loan Servicing.* Borrower shall establish on his books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, and Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 8(a).

5. *General Fund Account.* By the time the loan is closed Borrower shall from his own funds deposit in the General Fund Account the amount of $_____. All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. Borrower may also in his discretion at any time deposit therein other funds, not otherwise provided for by this agreement, to be used for any of the purposes authorized in sections 6, 7, or 8. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by Borrower in trust for the Government as security for the loan obligations.

6. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable borrower to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occuring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

7. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loans obligations and, until so used, shall be held by Borrower in trust for the Government as security therefor.

8. *Reserve Account.*

(a) Immediately after each transfer to the Debt Service Account as provided in section 7, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this agreement and, until so used, shall be held by the Borrower in trust as security for the loan obligations. Transfers at a rate not less than $_____[1] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $_____[2] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account, to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Borrower, consist of an amount, referred to as the "prepayment reserve," by which Borrower is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily market obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by Borrower—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 6.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by Borrower which in the judgement of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay in dividends to the Borrower of up to 8 percent per annum of the borrower's initial investment of $_____[3] provided Borrower determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 8(a) to be accumulated by that time, and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

9. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, Borrower shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) If return on investment for any year exceeds 8 percent per annum of Borrower's initial investment for $_____,[3] the Government may require that the Borrower reduce rents the following year and/or refund the excess return on in investment to the tenants or use said excess in a manner that will best benefit the tenants.

(c) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Govern-

[1] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 2.

[2] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

[3] The amount to be inserted shall be determined in accordance with paragraph VIII K of FmHA Instruction 444.5.

ment to inspect such books and records at all reasonable times.

(d) If required by the Government, revise the accounts herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(e) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for such eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit the transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(f) Submit for the housing the following to the Government for prior review not less than ____ days before the effective dates, and for prior approval if such approval is required by the Government.

(1) Annual budgets and operating plans, including proposed rents and charges and other terms of rental agreements with occupants, and compensation to employees chargeable as operating expenses to employees of the housing project.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(g) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(h) Do other things as may be required by the Government in connection with the operation of the housing or with any of Borrower's operations or affairs which may affect the housing, the loan obligations, or the security.

10. *Refinancing of Loan.* If at any time it appears to the Government that Borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government, Borrower will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

11. *General Provisions.* (a) It is understood and agreed by Borrower that any loan made or insured by the Government will be administered subject to the limitations of the authorizing act of Congress and the related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's finacial interest in the loan and the security.

(b) Borrower shall also comply with all covenants and agreements set forth in the note, security instrument, and any related agreements executed by Borrower in connection with the loan.

(c) The provisions of this agreement are representations to the Government to induce the Government to make or insure a loan to Borrower as aforesaid. If Borrower should fail to comply with or perform any provision of this agreement or any requirement made by the Government pursuant hereto, such failure shall constitute default as fully as default in payment of amounts due on the loan. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(d) Any provisions of this agreement may be waived by the Government, or changed by agreement between the Government and Borrower to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially. Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This agreement may be cited in the security instrument and other instruments or agreements as the "Loan Agreement of ----------, 19--."
(date of this agreement)

Borrower

Borrower

EXHIBIT J

INTEREST CREDITS ON INSURED RRH AND RCH LOANS

I. *Purpose:* This Exhibit outlines the policies and conditions under which interest credits will be made on insured Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) loans.

II. *Definitions:* As used in this Exhibit,

A. *"Interest Credit"* means the amount of assistance the Farmers Home Administration (FmHA) may give a borrower toward making its payments on an insured RRH or RCH loan.

B. *"Interest Credit Agreement"* means an agreement between FmHA and the borrower providing for interest credits on the insured RRH or RCH loan. This agreement will be on Form FmHA 444-7, "Interest Credit Agreement (RRH and RCH Loans)."

C. *"Project"* means the housing and related facilities financed with the RRH or RCH loan.

D. *"Basic Rental"* means a unit rental charge determined on the basis of operating the project with payments of principal and interest on a loan to be repaid over a 40- or 50-year period at 1 percent per annum.

E. *"Market Rental"* means a unit rental charge determined on the basis of operating the project with the payments of principal and interest which the borrower is obligated to pay under the terms of the promissory note.

F. *"Overage"* means the amount by which total payments paid by the tenants of a project exceed the total basic monthly charge. The amount of overage will be computed as interest in excess of a 1 percent rate.

III. *Eligibility:* Borrowers may receive interest credits provided the loan (1) was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis (2) is repaid over a period of 40 years; 50 years for a senior citizens loan, and (3) meets the other requirements of this Exhibit subject to the following limitations:

A. Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

B. Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, State or local public agencies, or to profit organizations and individuals operating on a limited profit basis.

IV. *Options of borrowers:* An eligible borrower may choose Plan I or Plan II, as described below, for determining interest credits on its loan. In determining the amount of interest credit the borrower has the option of using 25 percent of the tenant's monthly adjusted income where utilities are included or 20 percent of the tenant's monthly adjusted income where utilities are not included.

A. *Plan I.*

1. Borrowers operating under this plan must agree to limit occupancy of the housing to low-income nonsenior citizens and low and moderate-income senior citizens.

2. A borrower under Plan I generally must:

a. Determine that there is a firm market and continuing demand for rental housing by families within the applicable income limits.

b. Prepare a budget on the basis of a 3 percent loan.

c. Determine rentals to be charged.

B. *Plan II*

1. Borrowers operating under this plan must agree to limit occupancy of the housing to low- and moderate-income nonelderly and senior citizens of any income. Under Plan II interest credits are based on the cost of operating the project and the size and income of the occupant families.

2. A borrower under Plan II, generally must:

a. Prepare two budgets, one on the basis of a 1 percent interest rate loan to determine basic rental, and a second budget on the basis of a loan at the interest rate shown in the promissory note to determine market rental.

b. Determine both basic rental and market rental for the different units based on the two budgets. (See Exhibit J-1)

c. Determine adjusted family income of each tenant and have each tenant complete Form FmHA 444-8, "Tenant Certification." Determine the monthly rent to be paid by each tenant family.

d. Assign a unit of appropriate size for each eligible tenant family based on the number, relationship, and sex of the persons in the household. A family should not be assigned a larger unit than is actually needed.

e. Determine monthly rental payments and interest credits for the total units developed with any one RRH loan. Interest credits will be computed separately for each loan. (See Exhibit J-2.)

f. Execute Form FmHA 444-9, "Certification and Payment Transmittal," each month.

3. The Finance Office will credit the borrower's account with the amount of the interest credit to which the borrower is entitled.

V. *Determining the amount of interest credit:*

A. *Plan I.* The amount of interest credit will be determined by the completion of Form FmHA 444-7. Under this plan, the amount of interest credit will be the difference between the amortized payment shown on the note and the amortized payment computed at 3 percent. Use the amortization factor for the same number of years for the interest credit that was used for computing the regular installment on the note. This same principle will be followed at any time computations are necessary to determine the appropriate interest credit.

B. *Plan II.* The amount of interest credit to be granted will be calculated using the general format as shown in the examples included in Exhibits J-1 and J-2. A State form should be developed similar to Exhibit J-3. The National Finance Office will compute the actual amount of interest to be paid as payments are received.

VI. *Special conditions:*

A. *Leases.*

1. Monthly or annual leases will be executed with each family occupying a rental unit. The State Director should issue state instructions covering any State laws, special conditions or local customs affecting leasing arrangements that may exist in the state. The lease form, for projects operating under Plan II, in addition to other statements outlining the conditions of the lease,

should contain the following statement: "I understand and agree that the monthly rental payment under this lease will be $_____. I also understand and agree that my monthly rental payment under this lease may be raised or lowered, based on changes in my income and changes in the number and age of family members living in my household. The rental payment will not, however, be less than $_____ (Basic Rental) nor more than $_____ (Market Rental) during the terms of this lease.

2. Loans will be made on the basis of the units being rented to eligible occupants under Plan I or Plan II as described in paragraph IV of this Exhibit. If in connection with the servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, the State Director may authorize the borrower in writing to rent units to ineligible persons subject to his determining that:

a. The borrower has made a diligent but unsuccessful effort to rent the units to eligible occupants.

b. The borrower will continue to try to find eligible occupants.

c. The units will be rented on a monthly basis and only until they can be rented to eligible persons.

d. The ineligible tenants will be charged a rental surcharge as described in paragraph VI B of this Exhibit.

B. *Rental Surcharges to Ineligible Occupants.* If a unit is rented under paragraph VI A 2 above to an occupant who is ineligible because his income exceeds the maximum income limits, the ineligible occupant will:

1. Under Plan I, be charged a 25 percent rental surcharge. To illustrate, if the unit normally rents for $60 per month, this ineligible occupant would pay $75 per month. The 25 percent surcharge, or $15 in this illustration, would be paid on the account and would be included with, but in addition to, the regular payment on the loan. The monthly interest credit by the FmHA to the Borrower's account would be reduced by the amount of the surcharge.

2. Under Plan II, be charged the market rental.

C. *Vacancies.*

1. When construction is completed and all the units are ready for occupancy, vacant units will be assumed to be rented at the basic monthly rental in computing the interest credits.

2. When all construction is not completed but some of the units are ready for occupancy, and the contractor consents in writing to permit occupancy, the incompleted units will be assumed to be rented at the market monthly rentals in computing the interest credits.

D. *Interest Credit for Projects Under the Department of Housing and Urban Development (HUD) section 23 or 8 Leasing Program.* When all the rental units in an RRH project are leased under the section 23 leasing program, no interest credit will be provided on the loan. When only a part of the units are leased under the section 23 or 8 leasing program, interest credits may be given for the units not so leased. In such cases, the units under the section 23 or 8 lease will be assumed to be rented at the market monthly rental in computing the interest credit. The names and amount of income of the tenants occupying the units under the section 23 or 8 lease are not required in making this computation.

E. *Special Cases.* Cases and situations not covered by this Exhibit will be handled on an individual case basis with instructions from National Office.

F. *Understanding Eligibility.* The borrower should understand the eligibility requirements for occupancy of the housing and that the housing is or will be rented only to eligible occupants unless authorized, in writing, by FmHA. The borrower should understand and agree that with each annual report, described in paragraph X C of FmHA Instruction 430.2, it will include a certification that the housing is occupied only by eligible occupants.

VII. *Execution of agreements:*

A. *Initial Interest Credit Agreement.* Interest credits may become effective at the beginning of the month in which construction is completed on a structure and the units are ready for occupancy. When the project consists of more than one structure, interest credits may become effective for each structure as it is completed and ready for occupancy. When the borrower knows the date the interest credit should become effective, he should notify the County Supervisor and execute Form FmHA 444–7. A separate interest credit Agreement will be executed for each loan the borrower receives.

B. *Change in Interest Credit Plan.* A borrower under Plan I or Plan II may change, if it can meet the requirements of the other plan, by executing a new Interest Credit Agreement during the month of November or December preceding the year in which the new plan will be in effect. Form FmHA 444–7 will be executed during November or December, but will not be effective until the following January 1.

C. *Borrowers Who Are Not Receiving An Interest Credit.* If an eligible borrower did not execute an Interest Credit Agreement in accordance with paragraph VII A above, it may do so during the month of November or December preceding the year for which the Interest Credit is to be received. Form FmHA 444–7 will be executed during November or December, but will not be effective until the following January 1.

VIII. *Tenant Certification:* Tenant certification and recertification for interest credit borrowers will be in accordance with paragraph VIII I of FmHA Instruction 444.5.

IX. *Loan payments:*

A. *Plan I.*

1. The borrower will make monthly payments in an amount necessary to repay the loan as if the loan carried a 3 percent interest rate. The transmittal of these collections will be handled in accordance with FmHA Instruction 451.2, except that when a rental surcharge is collected as described in paragraph VI B of this Exhibit, the surcharge will be included and will be credited as interest to the account as a regular payment. The special handling of payments involving rental surcharges is explained in paragraph IX A 2 below.

2. When a payment is made for any month that involves a rental surcharge, item 11 of Form FmHA 444-9 will be completed with the amount of the surcharge being inserted in the blank space. This form should be completed and the amount of the interest credit reduced, regardless of whether the surcharge is actually collected by the borrower. The form will be dated and signed by the FmHA representative transmitting the payment to the Finance Office with the original of the form being attached to the transmittal and the copy retained in the County Office file.

B. *Plan II.*

1. The borrower will make monthly payments in an amount necessary to pay the difference between the amount that would be necessary to repay the loan amortized at the interest rate shown in the promissory note and the amount of interest credit as computed.

2. The interest to be credited for any payment period is the difference between the note rate and one percent per annum (1 percent) plus overage. For example, if the computed amount of overage for any payment period is equal to ½ percent per annum (½ percent) of the unpaid balance on a loan with a note rate of 7¼ percent per annum (7¼ percent), the borrower would pay 1½ percent per annum (1½ percent) interest on the loan for that period and receive an interest credit of 5¾ percent per annum (5¾ percent) for that period.

3. With each payment made, the borrower will complete item IA of Form FmHA 444–9. The FmHA representative handling the transmittal to the Finance Office will complete item II of the form. The form will be executed in accordance with the requirements of the Forms Manual Insert.

X. *Servicing:* Any unusual case that cannot be serviced in accordance with this Exhibit should be submitted to the National Office with the facts involved and the State Director's recommendations.

EXAMPLE OF INTEREST CREDIT DETERMINATION FOR RRH OR RCH PROJECTS (PLAN II)

$100,000 RRH LOAN—APPROVED DURING 1971 FISCAL YEAR PROJECT CONTAINS FIVE 1-BEDROOM UNITS AND FIVE 2-BEDROOM UNITS

Budgets [1]

Budget for market rent		Budget for basic rent	
Operating, maintenance, vacancy and contingency allowance, and reserve.[2]	$4,524	Operating, maintenance, vacancy and contingency allowance, and reserve.	$4,524
Loan repayment at 7¼ percent interest	7,476	Loan repayment at 1 percent interest $100,000×0.02551. [3]	2,551
Total annual cost	12,000	Total annual cost	7,075
$12,000÷12=$1,000 cost per month.		$7,075÷12=$590.00 cost per month.	
Market rent for 2-bedroom units=$106.		Basic rent for 2-bedroom units=$65.	
Market rent for 1-bedroom units=$94.		Basic rent for 1-bedroom units=$53.	
($106×5) + ($94×5)=$1,000=monthly income.		($65×5) + ($53×5)=$590=monthly income.	

[1] 2 complete and accurate budgets must be prepared. 1 for the market rent and 1 for the basic rent. (The expense items in the budgets shown in this illustration are only for illustration purposes and are not itemized.)

[2] The borrower has the option of paying all utility costs for units except for telephone. In determining the amount of interest credit the borrower has the option of using 25 percent of the tenant's monthly adjusted family income where utilities are included or 20 percent of the tenant's monthly adjusted income where utilities are not included.

[3] Factor for 50 years. If the regular installment on the note was amortized using a factor for less than 50 years, substitute the appropriate factor for a corresponding number of years.

FmHA INSTRUCTION 444.5—EXHIBIT J-2.—*Report on RRH or RCH projects (plan II)* [1]

I. Summary:

Apartment No.	Type	Occupant	Basic monthly rental	Market monthly rental	25 percent of adjusted monthly family income [2]	Tenant's monthly rental payment [2]	Overage
1	1-BR	Jones	$53	$94	$53	$53	$0
2	1-BR	Smith	53	94	60	60	7
3	1-BR	Brown	53	94	75	75	22
4	1-BR	Wilson	53	94	45	53	0
5	1-BR	Bryant	53	94	48	53	0
6	2-BR	Fong	65	106	75	75	10
7	2-BR	Doe	65	106	60	65	0
8	2-BR	(Vacant)	65	106	50	65	0
9	2-BR	Jackson	65	106	80	80	15
10	2-BR	Morales	65	106	55	65	0
		Total	590	1,000	600	644	54

[1] This example of a summary report is for the same project shown in exhibit J-1.
[2] This information is taken from executed copies of form FmHA 444.8, "Tenant Certification." This column should reflect the borrower's option of using 25 percent of the tenant's monthly adjusted family income where utilities are included or 20 percent of the tenant's monthly adjusted family income where utilities are not included.

II. Interest credit calculations:

A. Payment on loan will be amount of payments on 1 percent loan plus overage.
(1) Payment on loan at 1 percent interest $2,551
(2) Monthly overage ($54) × 12 648
Total annual payment 3,199

B. Interest credit granted will be different between annual payments by borrower and payment on 7¾ percent loan:
(1) Amortization factor (0.07476) × loan ($100,000) = $7,476 payment on 7¾ percent loan.
(2) $7,476 − $3,199 = $4,277 annual interest credit.

[FR Doc.75-2530 Filed 1-28-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-CE-1]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal aviation regulations is to alter the Hutchinson, Kansas, control zone.

The Hutchinson, Kansas, control zone serving the Hutchinson Municipal Airport is being changed from a continuous to a 16-hour per day operation. Accordingly, it is necessary to alter the control zone description to reflect its part-time status. The new hours for the Hutchinson control zone will initially be published in advance by a notice to airmen. Thereafter the effective date and times of the control zone and any changes thereto will be continuously published in the Airman's Information Manual.

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended effective 0901 G.m.t., March 27, 1975, as hereinafter set forth:

In § 71.171 (40 FR 354), the following control zone is amended to read:

HUTCHINSON, KANSAS

Within a 5-mile radius of Hutchinson Municipal Airport (latitude 38°06'56" N., longitude 97°51'37" W.). This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Kansas City, Missouri, on January 17, 1975.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.75-2618 Filed 1-28-75;8:45 am]

[Airspace Docket No. 75-CE-2]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal aviation regulation is to alter the St. Joseph, Missouri, control zone.

The St. Joseph, Missouri, control zone serving the Rosecrans Memorial Airport is being changed from a continuous to a 16-hour per day operation. Accordingly, it is necessary to alter the control zone description to reflect its part-time status. The new hours for the St. Joseph control zone will initially be published in advance by a Notice to Airmen. Thereafter the effective date and time of the control zone and any changes thereto will be continuously published in the Airman's Information Manual.

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended effective 0901 G.m.t., March 27, 1975, as hereinafter set forth:

In § 71.171 (40 FR 354), the following control zone is amended to read:

ST. JOSEPH, MISSOURI

Within a 5-mile radius of the Rosecrans Memorial Airport (latitude 39°46'23" N., longitude 94°54'31" W.); within 2-miles each side of the St. Joseph ILS localizer S course, extending from the 5-mile radius zone to the OM; and within 2-miles each side of the St. Joseph VORTAC 175° radial, extending from the 5-mile radius zone to the VORTAC. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Kansas City, Missouri, on January 17, 1975.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.75-2617 Filed 1-28-75;8:45 am]

[Airspace Docket No. 74-EA-80]

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

Alteration, Designation and Revocation of Control Zone and Transition Area

On page 43555 of the FEDERAL REGISTER for December 16, 1974, the Federal Aviation Administration published a proposed rule which would alter the Camp Springs, Md. (39 FR 365), Fort Belvoir, Va. (39 FR 380) Control Zones; and Washington, D.C. Transition Area (39 FR 608); and designate a Chantilly, Va. Transition Area; and revoke the Leesburg, Va. Transition Area (39 FR 528).

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 regulations are hereby adopted, effective 0901 G.m.t. March 27, 1975.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Jamaica, N.Y., on January 17, 1975.

JAMES BISPO,
Acting Director,
Eastern Region.

§ 71.171 [Amended]

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting the description of the Camp Spring, Md. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 38°48'39" N., 76°52'02" W. of Andrews AFB, Camp Spring, Md.; within 2.5 miles each side of the Andrews VORTAC 360° radial, extending from the VORTAC to 7.5 miles north of the VORTAC; within 2.5 miles each side of the Andrews VORTAC 180° radial, extending from the VORTAC to 7 miles south

of the VORTAC, excluding the portion within a 1-mile radius of the center 38°44'58" N., 76°55'58" W. of Hyde Field, Clinton, Md., excluding the west portion subtended by a chord drawn between the points of intersection of the 5-mile radius zone with the Washington, D.C. Control Zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Fort Belvoir, Va. Control Zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 38°42'55" N., 77°10'55" W., of Davison AAF, Fort Belvoir, Va.; within 1 mile each side of the Davison AAF localizer southeast course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the extended centerline of Runway 32, extending from the northwest end of Runway 32 to 5 miles northwest, excluding the portion within P-73.

§ 71.181 [Amended]

3. Amend § 71.181 of Part 71 of the Federal Aviation regulations by deleting the description of the Washington, D.C. Transition Area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center 38°51'07" N., 77°02'23" W., of Washington National Airport, Washington, D.C.; within an 11-mile radius of the center of Washington National Airport, extending clockwise from a 022° bearing to a 165° bearing from the airport; within an 11.5-mile radius of the center of Washington National Airport, extending clockwise from a 210° bearing to a 270° bearing from the airport; within a 12.5-mile radius of the center of Washington National Airport, extending clockwise from a 270° bearing to a 310° bearing from the airport; within an 11.5-mile radius of the center of Washington National Airport, extending clockwise from a 310° bearing to a 022° bearing from the airport; within 4.5 miles each side of a 317° bearing from the Georgetown, D.C. RBN, extending from the RBN to 5.5 miles northwest; within an 8.5-mile radius of the center, 38°48'39" N., 76°52'02" W., of Andrews AFB, Camp Springs, Md.; within 2.5 miles each side of the Andrews VORTAC 360° radial, extending from the VORTAC to 9.5 miles north of the VORTAC; within a 5-mile radius of the center, 38°42'55" N., 77°10'55" W., of Davison AAF, Fort Belvoir, Va.; within 5 miles each side of a 180° bearing from a point 38°39'41" N., 77°06'37" W., extending from said point to 9.5 miles south; within 5 miles each side of a 081° bearing from a point 38°39'41" N., 77°06'37" W., extending from said point to 20 miles east; within 3.5 miles each side of the extended centerline of Davison AAF Runway 32, extending from the northwest end of Runway 32 to 9 miles northwest; within 6.5 miles southwest and 4.5 miles northeast of a 134° bearing and a 314° bearing from a point 38°39'41" N., 77°06'37" W., extending from 5.5 miles northwest to 11.5 miles southeast of said point; excluding the portion within P-56 and P-73.

4. Amend Section 71.181 of Part 71 of the Federal Aviation Regulations by designating a Chantilly, Va. Transition Area as follows:

CHANTILLY, VA.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 38°56'40" N., 77°27'24" W., of Dulles International Airport, within 3 miles each side of the Armel, Va. VORTAC 292° radial, extending from the VORTAC to 20 miles west; within 5 miles west and 6.5 miles east of the Dulles International Airport Runway 19R ILS localizer course, extending from the OM to 13 miles north; within 6.5 miles east and 4.5 miles west of the Dulles International Airport Runway 19L ILS localizer course extending from 5.5 miles south of the OM to 11.5 miles north of the OM; within 5 miles each side of the Martinsburg, W. Va. VORTAC 176° radial, extending from 15 miles south of the VOR TAC to 28.5 miles south of the VORTAC; within 6.5 miles west and 4.5 miles east of the Dulles International Airport Runway 1R localizer course, extending from the OM to 11.5 miles south; within an 8-mile radius of the center of Leesburg Municipal Airport (Godfrey Field), Leesburg, Va. 39°04'37" N., 77°33'25" W.; within a 6.5-mile radius of the center 38°43'30" N., 77°31'00" W., of Manassas Municipal Airport (Harry P. Davis Field), Manassas, Va. within 2 miles each side of a 330° bearing from a point 38°43'36" N., 77°31'18" W., extending from said point to 9.5 miles northwest.

5. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by revoking the Leesburg, Va. Transition Area.

[FR Doc.75-2619 Filed 1-28-75;8:45 am]

[Airspace Docket No. 74-SW-49]

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

Revocation of Federal Airway

On December 18, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 43732) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal aviation regulations that would revoke VOR Federal Airway V-79 which extends from Hobbs, N. Mex., to Lubbock, Tex.

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

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t., March 27, 1975, as hereinafter set forth.

In § 71.123 (40 FR 307) all of V-79 is deleted.

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

Issued in Washington, D.C., on January 22, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2616 Filed 1-28-75;8:45 am]

[Airspace Docket No. 74-SW-36]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Temporary Restricted Areas

On October 23, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 37652) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal aviation regulations that would designate temporary restricted areas in the vicinity of Fort Bliss, Tex., and White Sands, N. Mex., to contain a military joint training exercise Gallant Shield 75. The exercise would extend from April 16, 1975, through April 24, 1975. Those areas with airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. In accordance with the terms of the original notice, the time for public comment was to expire on November 22, 1974. However, subsequent to the publication of the notice in the FEDERAL REGISTER, it was determined that normal distribution of copies of the notice to interested members of the aeronautical public had been delayed. Accordingly, in order to provide sufficient time within which the public could properly comment on the proposals, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 41182) on November 25, 1974, announcing that all comments received on Airspace Docket No. 74-SW-36 on or before December 6, 1974, would be considered by the Federal Aviation Administration before action would be taken on the regulatory action proposed therein.

A total of nine comments were received. Four of the comments contained objections to the proposal. All objections were made from the standpoint that the temporary restricted areas would impose unacceptable hardships upon the civilian community by seriously limiting public access to and utilization of the airspace involved.

In view of the special arrangements being made to accommodate nonparticipants during Gallant Shield 75, the Federal Aviation Administration does not consider that flights will be unduly delayed or inconvenienced. As stated in the original NPRM, leased lines of communications will be installed between appropriate military and FAA facilities to accomplish the orderly and safe ingress/egress of nonexercise traffic. Nonparticipants will be able to obtain clearances for flight within the exercise area through use of a toll free wide area telecommunications service number that is to be published in Part 3A of the Airman's Information Manual (AIM) effective during the exercise period. The Federal Aviation Administration's Southwest Regional Office is also arranging a public briefing for local news media and other local interests during January, 1975. This briefing will further publicize the procedures to be followed by nonparticipants wishing to fly within the temporary restricted areas during the exercise.

Subsequent to publication of the original NPRM, it was determined that some

changes should be made to the temporary restricted area descriptions.

These changes and the basis for them are as follows:

1. Inasmuch as daylight saving time will be in effect during the exercise, all time references have been amended to reflect mountain daylight time (MDT) vice mountain standard time (MST).

2. In response to a request from the military forces involved, the time of designation for all the Gallant Shield 75 temporary restricted areas has been terminated at 2359MDT, April 23, 1975. Although only R–5120A–1 and R–5120B are affected by this action, it represents a one day reduction in the length of the exercise.

3. Since the proposed R–5120E may not be required by the military forces in its entirety during all of the exercise, it has been subdivided into two smaller areas, labeled R–5120E–1 and R–5120E–2. Therefore, although the time of designation for both R–5120E–1 and R–5120E–2 is the same as that proposed for R–5120E (altered to MDT as previously noted), R–5120E–1 will be returned to public use whenever exercise activities permit.

4. In view of their geographical locations, the airspace exclusions for Alamogordo, Carrizozo and Ruidoso Municipal Airports, which were originally defined with R–5120E, have been included with the description for R–5120C rather than with that for R–5120E–1 or R–5120E–2.

5. In response to a request from the military forces involved with the exercise, the time of exclusion for the airspace from 500 feet AGL to 12,000 feet MSL, originally contained with the description for R–5120E and now included with that for R–5120E–1, has been extended to 2200 MDT daily vice 2000 daily. The description of the exclusion area has also been corrected to eliminate the repetition therein relative to the airspace within a 15-nautical mile radius of the Roswell VORTAC.

Of the aforementioned changes, all are minor in nature. As they will not increase, and in some instances will reduce the burden on the public, it has been determined that they can be effected by publication in this rule without recourse to additional public notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal aviation regulations are amended, effective 0901 G.m.t. March 27, 1975, as hereinafter set forth.

In § 71.151 (40 FR 343) the following temporary restricted areas are included for the duration of their time of designation from 0600 m.d.t. April 16, 1975, to 2359 m.d.t. April 23, 1975.

1. R–5120A–1 Gallant Shield 75.
2. R–5120A–2 Gallant Shield 75.
3. R–5120B Gallant Shield 75.
4. R–5120C Gallant Shield 75.
5. R–5120D Gallant Shield 75.
6. R–5120E–1 Gallant Shield 75.
7. R–5120E–2 Gallant Shield 75.
8. R–5120G Gallant Shield 75.

In § 73.51 (40 FR 684) the following temporary restricted areas are added:

R–5120A–1 Gallant Shield 75

Boundaries.

Beginning at Lat. 32°08'00" N., Long. 106°-38'00" W.; thence to Lat. 33°13'20" N., Long. 107°09'30" W.; to Lat. 33°21'00" N., Long. 107°08'00" W.; to Lat. 33°26'50" N., Long. 107°00'00" W.; to Lat. 33°00'00" N., Long. 107°00'00" W.; to Lat. 33°00'00" N., Long. 106°49'00" W.; thence along the westerly boundaries of R–5107B and R–5107A to Lat. 32°06'20" N., Long. 106°34'00" W.; to point of beginning.

Designated altitudes. 500 feet AGL to FL 280.

Time of designation: 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R–5120A–2 Gallant Shield 75

Boundaries.

Beginning at Lat. 32°08'00" N., Long. 106°-38'00" W.; thence to Lat. 33°13'20" N., Long. 107°09'30" W.; to Lat. 33°21'00" N., Long. 107°08'00" W.; to Lat. 33°26'50" N., Long. 107°00'00" W.; to Lat. 33°00'00" N., Long. 107°00'00" W.; to Lat. 33°00'00" N., Long. 106°49'00" W.; thence along the westerly boundaries of R–5107B and R–5107A to Lat. 32°06'20" N., Long. 106°34'00" W.; to point of beginning.

Designated altitudes. FL 280 to FL 350.

Time of designation. 0600 to 1800 m.d.t. daily April 16 and 17, 1975, and 0001 m.d.t. April 18, 1975, to 2359 m.d.t., April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R–5120B Gallant Shield 75

Boundaries.

Beginning at Lat. 32°36'00' N., Long. 106°-06'00" W.; thence to Lat. 32°36'00" N., Long. 106°00'00" W.; thence along the western boundary of R–5103 to Lat. 32°06'00" N., Long. 106°15'30" W.; to Lat. 32°05'00" N., Long. 106°18'20" W.; thence north-northeast along the eastern boundary of R–5107A, R–5107B, R–5107D to point of beginning.

Designated altitudes. Surface to FL 350.

Time of designation. 0600 m.d.t. to 1800 m.d.t, daily April 16 and 17, 1975, and 0001 m.d.t. April 18, 1975, to 2359 m.d.t., April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R–5120C Gallant Shield 75

Boundaries.

Beginning at Lat. 33°31'30" N., Long. 105°27'00" W.; thence to Lat. 32°45'00" N., Long. 105°27'00" W.; to Lat. 32°45'00" N., Long. 105°59'00" W.; to Lat. 32°36'00" N., Long. 106°00'00" W.; to Lat. 32°36'00" N., Long. 106°06'00" W.; to Lat. 32°50'00" N., Long. 106°04'00" W.; to Lat. 33°44'10" N., Long. 106°04'00" W.; to point of beginning; excluding that airspace from 500 feet AGL to 800 feet AGL within 3-nautical miles of the Alamogordo Municipal Airport (Lat. 32°-50'27" N., Long. 105°59'17" W.), the Carrizozo Municipal Airport (Lat. 33°09'00" N., Long. 105°54'00" W.), and the Ruidoso Municipal Airport (Lat. 33°21'29" N., Long. 105°39'44" W.).

Designated altitudes. 500 feet AGL to 23,000 feet MSL.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R–5120D Gallant Shield 75

Boundaries.

Beginning at Lat. 34°17'00" N., Long. 106°-04'00" W.; to Lat. 34°17'00" N., Long. 105°-51'00" W.; to Lat. 33°57'00" N., Long. 105°-27'00" W.; to Lat. 33°31'30" N., Long. 105°27'00" W.; to Lat. 33°44'10" N., Long. 106°04'00" W.; to the point of beginning.

Designated altitudes. 500 feet AGL to 23,000 feet MSL.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R–5120E–1 Gallant Shield 75

Boundaries.

Beginning at Lat. 34°17'00" N., Long. 105°-51'00" W.; to Lat. 34°22'00" N., Long. 103°-55'00' W.; to Lat. 34°10'00" N., Long. 103°-55'00" W.; to Lat. 34°10'00" N., Long. 103°40'00" W.; to Lat. 32°31'00" N., Long 104°19'00" W.; to Lat. 32°10'00" N., Long. 104°38'00" W.; to Lat. 32°10'00" N., Long. 105°00'00" W.; to Lat. 33°00'00" N., Long. 105°00'00" W.; to Lat. 33°00'00" N., Long. 105°27'00" W.; to Lat. 33°57'00" N., Long. 105°27'00" W.; to point of beginning; excluding that airspace from 500 feet AGL to 12,000 feet MSL during the period 0600 to 2200 MDT daily within an area bounded by a line which is 4-nautical miles north of and parallel to V–280 (Roswell VORTAC 051° radial) extending northeastward from the Roswell VORTAC (Lat. 33°20'15" N., Long. 104°37'15" W.) 15-nautical mile radius area to the eastern boundary of the proposed temporary restricted area, thence southwest along its boundary to a point 4-nautical miles southwest of V–83 (Carlsbad 331°/Roswell 151° radial), thence northwest paralleling V–83 to the Roswell 15-nautical mile radius arc; thence along the 15-nautical mile arc to point of beginning; and excluding that airspace from 500 feet AGL to 800 feet AGL within 3-nautical miles of the Artesia Municipal Airport (Lat. 32°51'05" N., Long. 104°28'05" W.) and the Roswell Industrial Air Center Airport (Lat. 33°17'59" N., Long. 104°31'48" W.).

Designated altitudes. 500 feet AGL to FL 280.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R–5120E–2 Gallant Shield 75

Boundaries.

Beginning at Lat. 33°00'00" N., Long. 105°27'00" W.; to Lat. 33°00'00" N., Long. 105°00'00" W.; to Lat. 32°10'00" N., Long.

105°00'00" W.; to Lat. 32°10'00" N., Long. 105°30'00" W.; to Lat. 32°00'15" N., Long. 105°56'40" W.; to Lat. 32°26'20" N., Long. 105°30'00" W.; to Lat. 32°33'20" N., Long. 105°30'00" W.; to Lat. 32°45'00" N., Long. 105°52'20" W.; to Lat. 32°45'00" N., Long. 105°27'00" W.; to point of beginning.

Designated altitudes. 500 feet AGL to FL 280.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120F GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 34°39'00" N., Long. 103°55'00" W.; to Lat. 34°22'00" N., Long. 103°55'00" W.; to Lat. 34°21'00" N., Long. 104°11'00" W.; to point of beginning.

Designated altitudes. 500 feet AGL to 14,000 feet MSL.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

R-5120G GALLANT SHIELD 75

Boundaries.

Beginning at Lat. 34°17'00" N., Long. 105°51'00" W.; thence to Lat. 34°22'00" N., Long. 103°55'00" W.; to Lat. 34°10'00" N., Long. 103°55'00" W.; to Lat. 34°10'00" N., Long. 103°40'00" W.; to Lat. 32°31'00" N., Long. 104°19'00" W.; to Lat. 32°10'00" N., Long. 104°38'00" W.; to Lat. 32°10'00" N., Long. 105°30'00" W.; to Lat. 32°00'15" N., Long. 105°56'40" W.; to Lat. 32°26'20" N., Long. 105°30'00" W.; to Lat. 32°33'20" N., Long. 105°30'00" W.; to Lat. 32°45'00" N., Long. 105°52'20" W.; to Lat. 32°45'00" N., Long. 105°27'00" W.; to Lat. 33°57'00" N., Long. 105°27'00" W.; to point of beginning.

Designated altitudes. FL 280 to FL 350.

Time of designation. 0600 m.d.t. to 1800 m.d.t. daily April 16 and 17, 1975; 0001 m.d.t. April 18, 1975, to 2359 m.d.t. April 23, 1975.

Controlling agency. Federal Aviation Administration, Albuquerque ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

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

Issued in Washington, D.C., on January 22, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2621 Filed 1-28-75;8:45 am]

[Airspace Docket No. 74-GL-37]

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

Designation of Federal Airways

On December 10, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 43091) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter several airways in the Chicago, Ill., area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

Section 71.123 (40 FR 307, 39 FR 38637, 41518, 41838) is amended as follows:

1. In V-8 "Davenport, Iowa; INT Davenport 087° and Joliet, Ill., 291° radials; Joliet; Chicago Heights, Ill.;" is deleted and "to Davenport, Iowa. From Chicago Heights, Ill.; via" is substituted therefor.

2. In V-9 "Pontiac, Ill.; Joliet, Ill.; INT Joliet 329° and Milwaukee, Wis., 209° radials; Milwaukee; including a W alternate from Pontiac via Pontiac 346° and Milwaukee 209° radials;" is deleted and "Pontiac, Ill.; INT Pontiac 006° and Joliet, Ill., 316° radials; INT Rockford, Ill., 136° and Milwaukee, Wis., 209° radials; Milwaukee;" is substituted therefor.

3. In V-38 "Moline, Ill.; Joliet, Ill.; Peotone, Ill.;" is deleted and "Moline, Ill.; Joliet, Ill.; INT Joliet 173° and Peotone, Ill., 281° radials; Peotone; including a S alternate from Moline to Peotone via INT Moline 082° and Peotone 281° radials;" is substituted therefor.

4. In V-84 all before "Pullman, Mich.;" is deleted and "From Northbrook, Ill.;" is substituted therefor.

5. In V-97 "From Northbrook, Ill.; Janesville, Wis.; Janesville;" is deleted and "From Chicago-O'Hare, Ill.; INT Chicago-O'Hare 316° and Janesville, Wis., 112° radials; Janesville;" is substituted therefor.

6. In V-100 "INT Rockford 080° and Northbrook, Ill., 292° radials;" is deleted and "INT Rockford 082° and Northbrook, Ill., 290° radials;" is substituted therefor.

7. In V-127 "Rockford, Ill." is deleted and "Rockford, Ill.; including an E alternate from Bradford to Rockford via INT Bradford 033° and Rockford 136° radials." is substituted therefor.

8. In V-171 "Peotone, Ill.; Joliet, Ill.;" is deleted and "Peotone, Ill.; INT Peotone 281° and Joliet, Ill., 173° radials; Joliet.;" is substituted therefor.

9. In V-172 "Polo, Ill.; Chicago-O'Hare, Ill.;" is deleted and "Polo, Ill.; INT Polo 088° and DuPage, Ill., 283° radials; DuPage; Chicago-O'Hare, Ill.;" is substituted therefor.

10. In V-227 "to Rockford, Ill." is deleted and "INT Pontiac, 332° and Rockford, Ill., 179° radials; to Rockford." is substituted therefor.

11. In V-429 all after "Joliet, Ill.;" is deleted and "INT Joliet 351° and Chicago-O'Hare, Ill., 237° radials; Chicago-O'Hare." is substituted therefor.

This amendment is made under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on January 23, 1975.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-2615 Filed 1-28-75;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. OR-83, Amdt. No. 41]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION; NONHEARING MATTERS

Delegated Authority of the Director, Bureau of Operating Rights, to Review Filings Under Parts 373 and 378; Erratum

The amended paragraph (ff) of § 385.13 (published at 39 FR 21125, June 19, 1974) includes two references to section "378.10(a)." The first such reference is correct, but the second such reference should be corrected to refer instead to section "378.10(b)."

By the Civil Aeronautics Board:

Effective: July 19, 1974.

Adopted: June 14, 1974.

[SEAL] SIMON J. EILENBERG,
Assistant Chief, Rules and Rates Division.

JANUARY 24, 1975.

[FR Doc.75-2687 Filed 1-27-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 314—NEW DRUG APPLICATIONS

Public Information; Correction

In FR Doc. 74-28688 appearing at page 44602 in the FEDERAL REGISTER of December 24, 1974, the following corrections are made:

1. The word "approval" in § 314.14(d) appearing in the third column on page 44654 was erroneously changed to read "approvable" in a correction published in the FEDERAL REGISTER of December 31, 1974 on page 45215. The word "approval" is correct as originally published.

2. Insert a closing comment date of February 24, 1975.

Dated: January 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2649 Filed 1-28-75;8:45 am]

SUBCHAPTER F—BIOLOGICS

BIOLOGICAL PRODUCTS

Additional Standards for Platelet Concentrate (Human), and Whole Blood (Human)

On January 16, 1974, a notice of proposed rulemaking concerning Additional Standards for Platelet Concentrate (Human) was published in the FEDERAL REGISTER (39 FR 2008). Platelet Concentrate (Human), a biological product requiring a license issued pursuant to section 351 of the Public Health Service Act (42 U.S.C. 262) prior to shipment in interstate commerce, is a blood derivative consisting of human platelets collected from a single donor and suspended in a specified volume of the original plasma. Platelets are small, round, or oval fragments present in the circulating blood which

function as one of the very complex clotting mechanisms.

Additional standards are specific requirements pertaining to the manufacture of one particular biological product and supplement the general biologics regulations applicable to the manufacture of all biological products.

Interested persons were given until March 18, 1974 to file written comments with the Hearing Clerk, Food and Drug Administration, regarding this proposal. Fifteen letters, some containing a number of comments, were received. Of particular significance were two comments which stated that the proposed 4-hour storage period for whole blood at a temperature of 20° to 24° C before removal of the platelets, appeared to be at variance with the requirements of the Whole Blood (Human) regulations which require that the whole blood be immediately refrigerated after collection. The effect of using whole blood as a source material for platelets, consistent with the additional standards for platelets, would be to preclude the utilization of the remaining therapeutically important red blood cells each time that platelet concentrate was prepared. The Commissioner recognizes this unintended and undesirable consequence and has amended the Whole Blood (Human) regulations so that production of Platelet Concentrate (Human) will not result in the inefficient use of blood or any of its components such as red blood cells. Pursuant to the Administrative Procedure Act (5 U.S.C. 553(b) and (d)), the Commissioner finds that notice, public procedure, and delayed effective date are unnecessary and contrary to the public interest for the promulgation of this portion of the order. The specific details of this amendment are discussed in comment 9 of this preamble.

Additional comments received, as well as some revisions of the proposed regulations made by the Commissioner, are discussed below.

1. The Commissioner has made several organizational changes in the section numbers and headings of the proposal for purposes of clarity and consistency with the section numbers and headings of other additional standards in Subchapter F. The proposed § 640.21 *Source* has been incorporated into § 640.20 *Platelet concentrate (human)* of the final regulation. The proper name and definition, and the acceptable sources of the product, have been set forth in § 640.20 (a) and (b), respectively. Although this reorganization does not affect the substance of the regulations, the Commissioner has revised the wording of paragraph (a) to clarify the product definition, and has modified paragraph (b) to include the procedure of plateletpheresis as an acceptable source of the product.

The revised § 640.20(a) defines Platelet Concentrate (Human) as "platelets collected from a single donor" rather than "platelets prepared from a single unit of whole blood or plasma." The Commissioner has made this change in view of several comments which expressed the belief that the proposal permitted only one unit of platelets to be collected from a donor each time. The Commissioner did not intend that the regulations be interpreted to limit the preparation of platelets to a single unit from a single donor, but rather to base the limitation as to the number of collectable units upon the procedure by which the blood is collected. For example, one unit of platelets may be derived from one whole blood collection, two units of platelets may be derived from blood collected during a plasmapheresis procedure, while more than two platelet units may be collected during a plateletpheresis procedure. Paragraph (b) of § 640.20 has been clarified to specify the three collection procedures accepted by the Commissioner for obtaining the blood or plasma from which platelets are subsequently to be separated for the preparation of Platelet Concentrate (Human).

Inasmuch as the proposed §§ 640.20 and 640.21 have been combined in the manner indicated, the succeeding sections of the proposal have been renumbered in the final order. Subsequent discussion of the comments will therefore refer to the new section numbers.

2. One comment focused upon paragraph (b) of § 640.21 *Suitability of donors*, and objected to the inclusion of a requirement from the Source Plasma (Human) regulations under § 640.63(c)(5) (21 CFR 640.63(c)(5)), which specifies that the protein level of a plasmapheresis donor must be no less than 6.0 grams per 100 milliliters of serum. In the opinion of the commentor, donor suitability for platelets is essentially unrelated to serum protein levels.

This comment assumes that the removal of platelets constitutes such a small volume of protein loss that stringent monitoring of the protein level of a plasmapheresis donor whose plasma will be used to prepare platelets is unimportant. The Commissioner disagrees. It should be emphasized that when a donor is plasmapheresed, he loses two units of plasma, regardless of whatever product is made from the plasma. Consequently, the Commissioner deems it essential that the protein level of an individual who is plasmapheresed be consistently maintained at a level not less than 6.0 grams per 100 milliliters of serum, as required in § 640.63(c)(5), to provide maximum donor protection.

3. Inasmuch as the Commissioner has included plateletpheresis as an acceptable means of collecting plasma to be used as source material for the preparation of Platelet Concentrate (Human), he has also added a new paragraph (c) to § 640.21, to include a requirement that plateletpheresis donors meet criteria for suitability as described in a license application, or an amendment to a product license, which has received the written approval of the Director, Bureau of Biologics, Food and Drug Administration. This approach to plateletpheresis donor suitability has been adopted so as to encourage flexibility in the utilization of the plateletpheresis procedure, while also ensuring that adequate safeguards will be available to protect donor health.

4. Two comments concerned paragraph (b) of § 640.22 *Collection of source material*, and objected to the inclusion of the reference to the Source Plasma (Human) regulations under § 640.65(b) (4) and (5) (21 CFR 640.65(b) (4) and (5)) limiting the amount of plasma that may be collected from a plasmapheresis donor during both a 48-hour and a 7-day period. The objections were based on the assertion that this requirement would unduly limit the preparation of platelet concentrates from plasmapheresis donors to two units per plasmapheresis procedure, and limit that procedure to only twice weekly.

This is precisely the Commissioner's intention and he wishes to restate his belief that products such as Platelet Concentrate (Human), as valuable as they are, should not be produced at the expense of donors.

Furthermore, on the basis of some of the comments received, it appears that the plasmapheresis procedure is being confused with that of plateletpheresis. Plasmapheresis is a procedure in which whole blood is removed from a donor, the plasma is separated from the formed elements, and the formed elements are then returned to the donor. This procedure may be performed twice in one visit, consequently resulting in the loss of two units of plasma by the donor, with the concomitant loss of an appreciable amount of protein by that donor. Plateletpheresis is similar to plasmapheresis, except that plateletpheresis involves the return to the donor of his plasma, except for his platelets, as well as the formed elements of his blood. Inasmuch as this plateletpheresis procedure involves the return to the donor of substantially all of his plasma, the plateletpheresis procedure results in far less protein loss by the donor for each platelet concentrate unit drawn, as contrasted with platelet collection through plasmapheresis. Thus, the number of platelet concentrate units which may be safely drawn from a donor depends upon whether the units are produced through whole blood collection, plasmapheresis, or plateletpheresis.

It should also be noted that the Commissioner, in order to clarify the status of plateletpheresis, has added a new paragraph (c) to § 640.22 in order to permit an establishment to collect source material for platelets by plateletpheresis, provided the procedure has received written approval from the Director, Bureau of Biologics, Food and Drug Administration. Accordingly, the originally proposed paragraph (c) has been redesignated as paragraph (d).

5. Two other comments concerned § 640.22(b), and stated that the inclusion in that paragraph of a reference to § 640.64 (21 CFR 640.64) with respect to the collection of plasma by plasmapheresis eliminated the possibility of using the acidification method for obtaining proper pH in low temperature platelet processing. The acidification method involves the expression of 15 milliliters of anticoagulant acid citrate

dextrose solution (ACD) from the whole blood collection bag of a double bag assembly into the satellite bag into which the platelet rich plasma is subsequently expressed. The acidity of the platelet rich plasma, and ultimately the platelet concentrate, is therefore lowered by the addition of the 15 milliliters of ACD for subsequent storage at a 2-degree range between 1° and 6° C. The removal of 15 milliliters of ACD solution from the whole blood collection bag, however, clearly alters the ratio of ACD anticoagulant solution to blood.

The Commissioner does not believe that the acidification method is in such general usage as to warrant making the proposed change. Furthermore, the Commissioner believes that the regulations as originally proposed are adequate to maintain the proper pH of platelet concentrates prepared for low temperature storage, without the necessity of altering the well established ratio of blood to anticoagulant as suggested by the comments in support of the acidification method.

6. One comment concerned paragraph (a) of § 640.23 *Testing the blood*, and suggested that it is not necessary to determine the blood group designations of the blood from which the platelets are derived because ABO group specificity has little bearing on the safety, purity, or potency of platelet preparations. The comment further stated that inasmuch as it is a universal practice that blood or any blood product be labeled with the ABO group, the testing and labeling requirement for ABO blood grouping should not be deleted, but rather that an explanatory statement be included in the labeling to the effect that ABO compatibility may be ignored.

The Commissioner rejects this suggestion. He believes that labeling is an important factor in safely administering blood products and the user must be aware of the blood group designation so that platelets may be administered to recipients of the same blood group as the donor. Furthermore, while the labeling provisions do not require that the label on a unit of platelets must bear a caution to perform a compatibility test before using, the Commissioner does not believe it is in the best interest of good blood banking practice to advise the user to ignore a test which many people feel is necessary for complete patient safety.

7. The Commissioner has editorially revised paragraph (a) of § 640.24 *Processing* by deleting language requiring the processing to be performed by a method precluding contamination. Inasmuch as the regulations clearly require platelets to be prepared in a closed system, such language is redundant and therefore unnecesary.

8. A comment concerning paragraph (a) of § 640.24 was directed toward the final container provisions, and suggested that pooling of platelets in the final container during preparation be permitted. Another comment was directed towards the check on sterile technique appearing in proposed § 640.25(b)(4) and suggested that a prohibition against pooling of platelet concentrates prior to storage would more effectively ensure sterility than the proposed check on sterile technique.

It is the intent of the Commissioner to prohibit pooling of the platelets during preparation to preclude the possibility of contamination. The language of the proposal, which stipulated that platelets be prepared from a single unit of whole blood or plasma, was designed to produce this effect. However, inasmuch as the language of the proposal has been revised in the final order, the Commissioner is adding an explicit prohibition against pooling platelet concentrates during processing by adding an appropriate sentence to paragraph (a) of § 640.24. If pooling is deemed necessary by the user of the platelets, to provide more suitably for an individual patient's needs, it should be done immediately prior to administration of the platelets.

9. Two comments concerning paragraph (b) of § 640.24 stated that the proposed 4-hour storage period of whole blood at a temperature of 20° to 24° C before removal of the platelets is at variance with the requirement of § 640.4(i) (21 CFR 640.4(i)) of the Whole Blood (Human) regulations that whole blood be immediately refrigerated after collection. The comments expressed further concern that this inconsistency would preclude the utilization of the remaining red blood cells as a therapeutic product after removal of the platelets, inasmuch as the regulations governing the preparation of Red Blood Cells (Human) reference the requirements of § 640.4 of the Whole Blood (Human) regulations.

The Commissioner is aware of the critical shortage of whole blood donors and does not believe it is in the interest of the public health to promulgate a regulation leading to a situation in which blood banks are compelled unnecessarily to discard useful blood components. Rather, the Commissioner believes the blood banks should be free to prepare as many components as is safely possible from each unit of blood, so as to maximize the utilization of this vital national resource. This is entirely consistent with the National Blood Policy, as enunciated by the Secretary of Health, Education, and Welfare. Moreover, the Commissioner does not believe that the safety, purity or potency of Red Blood Cells (Human) will be affected by the utilization of the red blood cells remaining after the removal of platelet concentrates from whole blood which has been maintained at a temperature of 20° to 24° C for 4 hours or less.

Accordingly, the Commissioner is amending paragraph (i) of § 640.4 of the Whole Blood (Human) regulations to permit blood from which platelet concentrates are to be removed to remain in an environment maintained at a temperature of 20° to 24° C until such removal. Correspondingly, § 640.22(a) has been amended to eliminate the exception provided for in § 640.4(i) in view of the proviso added to the Whole Blood (Human) regulations.

The usual procedure of publishing a proposal to amend § 640.4(i), with time for comment, has ben dispensed with, as permitted by the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)), in light of the Commissioner's finding of the necessity to prevent the waste of an important therapeutic product such as red blood cells because of the adoption of these standards for platelet concentrate. Nevertheless, 30 days are provided for comment concerning this amendment to § 640.4(i) of the Whole Blood (Human) regulations, as applied to the preparation of Platelet Concentrate (Human). The Commissioner will expeditiously consider these comments and may publish further modification of this provision if necessary.

10. Another comment concerning paragraph (b) of § 640.24 expressed the view that 4 hours is an unreasonably long time to be allowed for the preparation of platelets from whole blood.

The Commissioner would agree with this comment if all platelet preparations were manufactured from blood collected in close proximity to the processing laboratory. However, the Commissioner is aware that to obtain sufficient blood to meet the public need, large volumes of whole blood often must be collected at sites which are removed from the processing laboratory. To permit such collections, while allowing for reasonable transportation time, the Commissioner has set the time limit of platelet preparation to 4 hours. He feels that this time allowance will have no effect whatever upon the safety, purity, and potency of the product.

11. Two additional comments concerning paragraph (b) of § 640.24 suggested that the 4-hour time period, during which the platelet concentrate must be separated from the whole blood or plasma, should apply only to the separation of platelet-containing plasma from whole blood, and not to the total separation of platelet concentrates from platelet rich plasma. The comments further suggested that the separation of platelet rich plasma from cells into a double bag, and subsequent storage at a 2-degree range between 1° and 6° C until separation of the platelets from the plasma, should be permitted.

The Commissioner is compelled to reject these comments, inasmuch as he is unaware of evidence indicating that platelets prepared from platelet rich plasma which has been stored at a 2-degree range between 1° and 6° C for up to 72 hours, are as safe, pure, and potent as are those platelets which are separated immediately from platelet rich plasma. If adequate data is submitted to substantiate that this practice does not adversely affect the quality of the product, the Commissioner will reconsider his position.

12. The Commissioner has revised paragraph (b) of § 640.24 to clarify the storage temperature of the blood or plasma from which the platelet concentrate is separated. The revised paragraph provides that the whole blood or plasma from which Platelet Concentrate (Hu-

man) is derived be held in an environment maintained at a temperature range of 20° to 24° C until the platelet concentrate is separated. As originally proposed, the paragraph could be misinterpreted to mean that the blood or plasma itself should be kept at the specified temperature, rather than the environment in which the blood or plasma is processed.

13. Nine comments stated that the proposed platelet count of 8 x 10^{10} platelets per unit, set forth in paragraph (c) of § 640.24, was unreasonably high. Furthermore, an additional comment on this paragraph suggested that the wording of the platelet concentrate requirement be more general in nature, setting only a lower limit inasmuch as this limit is the one of relevance to product quality.

The Commissioner concurs and § 640.24(c) of the final regulation has been amended to require that the platelet count be not less than 5.5 x 10^{10} platelets per unit.

14. A further comment regarding paragraph (c) of § 640.24 pointed out that the term "nonhemolyzed," a term applicable to red blood cells, should not be used in reference to platelets, and suggested instead the term "without visual hemolysis."

The Commissioner accepts the suggestion, but has substituted the word "visible" for "visual."

15. The Commissioner has made an additional nonsubstantive change in paragraph (c) of § 640.24 of the final order. The Commissioner has amended the beginning of that paragraph to indicate that the time and speed of centrifugation must have been demonstrated to produce an unclumped product, rather than that it merely be designed to do so. This change has been made to be consistent with the biological product licensing system, whereby such a demonstration must be made prior to issuance of a product license for platelet concentrate.

16. Two comments regarding paragraph (d) of § 640.24 suggested that the permissible pH value of stored platelets should be lowered from the proposed pH of 6.3 to 6.

Since published data support the fact that a pH of 6 or greater will maintain the platelet concentrates in their normal discrete configuration, the Commissioner concurs with the suggestion that the pH value for stored platelets be safely lowered from pH 6.3 to 6, provided the requirement is expressed in terms of a minimum value. Therefore, § 640.24(d) of the final order has been amended to require that the volume of original plasma used for resuspension of the platelets shall maintain them at a pH of not less than 6 during the storage period.

17. One comment regarding paragraph (d) of § 640.24 suggested the final order clarify that the storage temperature of the product must be maintained continuously and also suggested that the regulations prohibit the switching of units from one approved storage temperature to another.

The Commissioner agrees with this suggestion, and since the storage temperature and plasma volume are related, the final order specifies that only one storage temperature and the appropriate volume of resuspension plasma shall be permitted for each individual platelet unit.

18. Another comment suggested that paragraph (d) of § 640.24 be amended so that platelets could be prepared in the "dry" state, which was defined by the commentor as having 2 to 3 milliliters of original plasma remaining with the platelet concentrate. The reason given for preparing the platelet concentrates in such a small quantity of plasma was to ensure that the platelets might be given heterogeneously without the possibility of stimulating the production of immune anti-A or anti-B antibodies in the platelet recipient.

The Commissioner believes that platelet concentrates should not be processed in a manner that enables them to be give in a manner that enables them to be given heterogeneously. Furthermore, he does not have sufficient information to determine if the pH of "dry" platelets could be maintained at the proper level throughout the dating period. Therefore, the Commissioner does not believe the final order should be revised to permit widespread use of "dry" platelet concentrates, in the manner suggested.

19. Two additional comments regarding paragraph (d) of § 640.24 stated that the final order should include a provision to limit the number of red blood cells in the platelet concentrates.

Because of a lack of consensus by the scientific community regarding the number of red blood cells that should be permitted to be present in platelet concentrates, the Commissioner will not attempt, at this time, to define allowable red blood cell limits. When adequate data are available on the subject, the Commissioner will consider the inclusion of such limits in the regulations. Therefore no change is necessary in the final order.

20. One comment regarding paragraph (d) of § 640.24 stated that, inasmuch as the pH at the storage temperature is the critical factor in platelet preservation, the regulations should specify that the pH be measured at the storage temperature. Another comment suggested that the requirement should state that the pH shall be measured at 20° to 24° C, regardless of the storage temperature, because refrigerated platelets will have reached room temperature at varying periods of time sufficient to cause damage to the platelets if the pH is below 6.

The Commissioner agrees that the pH should be measured at a specified temperature. Since § 640.24(d) deals with maintaining the platelet concentrate at the proper pH during the storage period to minimize damage to the platelets, the Commissioner concludes that the final regulation shall specify that the pH be measured on a sample of platelet concentrates which is at the storage temperature.

21. One comment regarding paragraph (a) of § 640.25 *General requirements* suggested that the continuous gentle agitation provision for platelets stored at 20° to 24° C may be misinterpreted to prohibit the agitation of platelets stored at a 2-degree range between 1° and 6° C, inasmuch as the latter storage temperature was not specifically mentioned in the proposal.

The Commissioner concludes that agitation of platelets stored at a 2-degree range between 1° and 6° C is permissible and has so indicated in the final order.

22. Six comments suggested that proposed § 640.25(b)(4), which would have required that a check on sterile technique be performed on four platelet concentrate units per month, be deleted. The reason given was that since Platelet Concentrate (Human) is prepared in a closed system, and the check on sterile technique requirement has been discontinued for other similarly prepared products, such a requirement seems unnecessary for platelet concentrates.

The Commissioner agrees with these comments, and the proposed § 640.25(b)(4) has been deleted from the final order.

23. Four comments expressed the belief that paragraph (b)(1) of § 640.25 should be revised to require that the platelet count for quality control testing be performed at the time of preparation of the platelets, as well as at 72 hours after preparation as proposed.

The Commissioner agrees that a platelet count at the time of preparation, as well as a count after 72 hours, would lead to a more valid assessment of the quality of the platelet concentrate preparations. Section 640:25(b)(1) in the final order has been revised accordingly. Also, in conjunction with the quality control testing and in the interest of clarity, the Commissioner has inserted a statement in § 640.25(b) to specify that, if the results of the quality control testing indicate that the product does not meet the prescribed requirements, immediate corrective action shall be taken and a record maintained of such action.

24. An amendment has been made by the Commissioner to proposed paragraph (c) of § 640.25 to permit all quality control testing pursuant to § 640.25(b) to be performed at an establishment other than the one manufacturing the platelet concentrate, rather than limiting such outside testing only to the platelet count as originally proposed.

The Commissioner believes that outside clinical laboratories often have better equipment and greater expertise to perform accurate quality control testing than the platelet concentrate processing laboratory, and therefore wishes to make utilization of such facilities available insofar as it will lead to a higher quality product. Therefore, in the final regulation outside quality control testing is permited, provided the arrangements are approved by the Director, Bureau of Biologics, Food and Drug Administration.

25. Inasmuch as the Commissioner has expanded the provisions for outside test-

ing as discussed above in comment 24, which will likely result in utilization of outside testing by more platelet concentrate processing laboratories, he believes that a reasonable time limit should be specified in which the test results must be received by the platelet processing laboratory. If a time limit is not set, the value of permitting outside testing is diminished, since the results cannot be immediately evaluated to correct any deficiencies in processing.

The Commissioner therefore has added to § 640.25(c)(1) the requirement that the test results performed by an outside clinical laboratory be received by the platelet processing laboratory within 10 days of the preparation of the platelet concentrate.

26. A comment concerning paragraphs (b) and (c) of § 640.26 *Labeling* stated that the definition of Source Plasma (Human) in § 640.60 (21 CFR 640.60) appears to preclude the use of the designation "source plasma" in the context of these sections.

Although the words "source plasma" in § 640.26 (b) and (c) are used in a generic sense, the Commissioner believes that it would be less confusing to use another term, and in the final regulation, has substituted the words "original plasma" for "source plasma."

27. Another comment concerning § 640.26 suggested that a statement should appear on the label of those platelet concentrates which have been stored at a 2-degree range between 1° and 6° C, instructing the user to bring the platelets to room temperature before mixing and administering.

The Commissioner is not aware of any evidence to support the necessity for such a requirement, and none was provided in the comment. Therefore, he cannot at this time require that the labeling contain those instructions.

28. One comment regarding paragraph (j) of § 640.26 indicated that the labeling instruction to use the product within 2 hours after entering the final container did not afford sufficient time for a regional blood center to pool and deliver platelets to a hospital, and for the hospital to handle the platelets prior to their being transfused. The commentor suggested 4 hours would be sufficient time.

The Commissioner agrees that such services of a regional blood center must not be curtailed, and the final order is therefore being revised to permit 4 hours to elapse between entering a final container and subsequent transfusion. However, the Commissioner does not believe that all situations require 4 hours for such purposes and therefore the final order states that the container label bear instructions requiring that the platelets be used as soon as possible, but in no event longer than 4 hours after entering the final container.

29. Proposed § 640.28 *Plateletpheresis* has been deleted by the Commissioner in the final order, because all applicable requirements for processing platelet concentrates by plateletpheresis have been incorporated into other sections of the regulations, namely, §§ 640.20(b), 640.21 (c), and 640.22(c).

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702 et seq.), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 600, 610, and 640 of Subchapter F of Chapter I of Title 21, Code of Federal Regulations, are amended as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

§ 600.13 [Amended]

1. In § 600.13 by adding immediately after the words "Cryoprecipitated Antihemophilic Factor (Human)," the words "Platelet Concentrate (Human),".

2. In § 600.15 by alphabetically inserting in the listing in paragraph (a) an additional temperature listing as follows:

§ 600.15 Temperatures during shipment.

* * * * *

(a) * * *

Product	*Temperature*
* * *	* *
Platelet Concentrate (Human)	Between 20° and 24° C if suspended in 30 to 50 milliliters of plasma, or between 1° and 10° C if suspended in 20 to 30 milliliters of plasma.
* * *	* *

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.12 [Amended]

3. In § 610.12 by adding in paragraph (g)(4) immediately after the words, "Cryoprecipitated Antihemophilic Factor (Human)," the words, "Platelet Concentrate (Human),".

4. In § 610.53 by adding alphabetically to the list of dating periods a new listing for Platelet Concentrate (Human) as follows:

§ 610.53 Dating periods for specific products.

* * *	* *
Platelet Concentrate (Human).	72 hours from time time of collection of source blood, provided labeling recommends storage at 20° to 24° C or within a 2-degree range of 1° to 6° C. § 610.51 does not apply.
* * *	* *

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

5. In § 640.4 by revising paragraph (i) to read as follows:

§ 640.4 Collection of the blood.

* * * * *

(i) *Storage.* Immediately after collection, unless the blood is to be used as a source for Platelet Concentrate (Human) it shall be placed in storage within a 2-degree range between 1° and 6° C, unless it must be transported from the donor clinic to the processing laboratory. In the latter case the blood shall be placed in temporary storage having sufficient refrigeration capacity to cool the blood continuously toward a 2-degree range between 1° and 6° C until it arrives at the processing laboratory where it shall be stored within a 2-degree range between 1° and 6° C. Blood from which Platelet Concentrate (Human) is to be prepared shall be held in an environment maintained at a temperature range of 20° to 24° C until the platelet concentrates are separated. The red blood cells shall be placed in storage at a 2-degree range between 1° and 6° C immediately after the platelet concentrates are separated.

6. By adding a new Subpart C to read as follows:

Subpart C—Platelet Concentrate (Human)

Sec.

640.20 Platelet Concentrate (Human).
640.21 Suitability of donors.
640.22 Collection of source material.
640.23 Testing the blood.
640.24 Processing.
640.25 General requirements.
640.26 Labeling.

§ 640.20 Platelet Concentrate (Human).

(a) *Proper name and definition.* The proper name of this product shall be Platelet Concentrate (Human). The product is defined as platelets collected from a single donor and suspended in a specified volume of the original plasma.

(b) *Source.* The source material for Platelet Concentrate (Human) shall be plasma which may be obtained by whole blood collection, by plasmapheresis, or by plateletpheresis.

§ 640.21 Suitability of donors.

(a) Whole blood donors shall meet the criteria for suitability prescribed in § 640.3.

(b) Plasmapheresis donors shall meet the criteria for suitability prescribed in § 640.63, excluding the phrase "other than malaria" in paragraph (c)(9). Informed consent shall be required as prescribed in § 640.61.

(c) Plateletpheresis donors shall meet criteria for suitability as described in a license application or an amendment to the product license, and must have the written approval of the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.22 Collection of source material.

(a) Whole blood used as the source of Platelet Concentrate (Human) shall be collected as prescribed in § 640.4 except that paragraphs (d)(2), and (h) shall not apply.

(b) If plasmapheresis is used, the procedure for collection shall be prescribed in §§ 640.62, 640.64 (except paragraph (c)(3)), and 640.65.

(c) If plateletpheresis is used, the procedure for collection shall be as described in a license application or an amendment to a product license, and must have the written approval of the Director, Bureau

of Biologics, Food and Drug Administration.

(d) The phlebotomy shall be performed by a single uninterrupted venipuncture with minimal damage to, and minimal manipulation of, the donor's tissue.

§ 640.23 Testing the blood.

(a) Blood from which plasma is separated for the preparation of Platelet Concentrate (Human) shall be tested as prescribed in § 610.40 of this chapter and § 640.5 (a), (b), and (c).

(b) The tests shall be performed on a sample of blood collected at the time of collecting the source blood, and such sample container shall be labeled with the donor's number before the container is filled.

§ 640.24 Processing.

(a) Separation of plasma and platelets and resuspension of the platelets shall be in a closed system. Platelet Concentrate (Human) shall not be pooled during processing.

(b) Whole blood or plasma from which Platelet Concentrate (Human) is derived shall be held in an environment maintained at a temperature range of 20° to 24° C until the platelet concentrate is separated. The platelet concentrate shall be separated within 4 hours after the collection of the unit of whole blood or plasma.

(c) The time and speed of centrifugation must have been demonstrated to produce an unclumped product, without visible hemolysis, that yields a count of not less than 5.5×10^{10} platelets per unit in at least 75 percent of the units tested.

(d) The volume of original plasma used for resuspension of the platelets shall be determined by the storage temperature, so that it will maintain a pH of not less than 6 during the storage period. The pH shall be measured on a sample of platelet concentrates which is at the selected storage temperature. One of the following storage temperatures and corresponding volume of resuspension plasma shall be used continuously:

(1) 20° to 24° C resuspended in 30 to 50 milliliters of plasma.

(2) A 2-degree range between 1° and 6° C resuspended in 20 to 30 milliliters of plasma.

(e) Final containers used for Platelet Concentrate (Human) shall be colorless and transparent to permit visual inspection of the contents; any closure shall maintain a hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents, under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, potency, or efficacy of the product. At the time of filling, the final container shall be marked or identified by number so as to relate it to the donor.

§ 640.25 General requirements.

(a) *Storage.* Immediately after processing, Platelet Concentrate (Human) shall be placed in storage at the temperature range suitable to the volume of resuspension plasma. If stored at 20° to 24° C, a continuous gentle agitation of the platelet concentrate shall be maintained throughout the storage period. Agitation is optional if stored at a 2-degree range between 1° and 6° C.

(b) *Quality control testing.* Each month four units prepared from different donors shall be tested as follows:

(1) Platelet count—at time of preparation and 72 hours after preparation.

(2) pH determination—72 hours after preparation.

(3) Measurement of actual plasma volume—72 hours after preparation. If the results of the quality control testing indicate that the product does not meet the prescribed requirements, immediate corrective action shall be taken and a record maintained of such action.

(c) *Manufacturing responsibility.* All manufacturing of Platelet Concentrate (Human) shall be performed at the same licensed establishment, except that the quality control testing under paragraph (b) of this section may be performed by a clinical laboratory which meets the standards of the Clinical Laboratories Improvement Act of 1967 (CLIA) (42 U.S.C. 263a) and is qualified to perform platelet counts. Such arrangements must be approved by the Director, Bureau of Biologics, Food and Drug Administration. Such testing shall not be considered as divided manufacturing, as described in § 610.63 of this chapter, provided the following conditions are met:

(1) The results of each test are received within 10 days of the preparation of the platelet concentrate, and are maintained by the establishment licensed for Platelet Concentrate (Human) so that they may be reviewed by an authorized representative of the Food and Drug Administration.

(2) The licensed Platelet Concentrate (Human) manufacturer has obtained a written agreement that the testing laboratory will permit an authorized representative of the Food and Drug Administration to inspect its testing procedures and facilities during reasonable business hours.

(3) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

§ 640.26 Labeling.

In addition to the applicable requirements of § 610.62 of this chapter, and in lieu of the requirements of §§ 610.60 and 610.61 of this chapter, the container label shall bear the following information:

(a) The proper name of the product.

(b) A statement indicating the volume of original plasma present.

(c) A statement indicating the kind and volume of anticoagulant solution present in the original plasma.

(d) Blood group designations of the source blood.

(e) Donor number.

(f) Expiration date and hour.

(g) Type of serologic test for syphilis used and the results.

(h) Type of test for hepatitis B antigen used and the results.

(i) Recommended storage temperature, and if stored at 20° to 24° C, instructions to maintain a continuous gentle agitation during storage.

(j) Instructions to use as soon as possible but not more than 4 hours after entering the container.

(k) Instructions to use a filter in the administration equipment.

(l) A statement to see instruction circular for directions for use.

(m) The statement, "Caution: Federal law prohibits dispensing without prescription."

(n) Name, address, and license number of the manufacturer.

Effective date. This order shall be effective on February 27, 1975. Interested persons may, on or before February 27, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding the amendment to § 640.4(l). Comments received will be available for public inspection at the above office during working hours, Monday through Friday. Any changes in this order justified by such comments will be the subject of a further order amending the specific regulations involved.

(Sec. 351, Pub. L. 410, 58 Stat. 702 as amended (42 U.S.C. 262); 5 U.S.C. 553, 702 et seq.)

Dated: January 22, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2652 Filed 1-28-75;8:45 am]

Title 25—Indians

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

PART 221—OPERATION AND MAINTENANCE CHARGES

Ahtanum Indian Irrigation Project; Water Charges

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 41534 of the FEDERAL REGISTER of November 29, 1974 (39 FR 231), there was published a notice of intention to modify § 221.2 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Ahtanum Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments,

suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the penalty rate for delinquent operation and maintenance accounts for the Ahtanum Indian Irrigation Project. The 1.5 percent rate shall be applied to unpaid assessements charged for Calendar Year 1975 and subsequent years. The 0.5 percent rate shall remain in effect on all previously billed unpaid charges.

The modified § 221.2 shall read as set forth below and become effective February 28, 1975.

§ 221.2 Time of payment.

The charges as fixed in this part shall become due April 1 of each year, and are payable on or before that date. To all the charges assessed against owners of patent in fee lands not paid on July 1 of the year in which they fall due, there shall be added a penalty of one and one half percent per month, or fraction thereof, from April 1 of that year, so long as the delinquency continues.

FRANCIS E. BRISCOE,
Area Director.

JANUARY 22, 1975.

[FR Doc.75-2608 Filed 1-28-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Fort Hall Irrigation Project; Basic and Other Water Charges

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 41534 of the FEDERAL REGISTER of November 29, 1974, (39 FR 231), there was published a notice of intention to modify § 221.33 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Fort Hall Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of March 1, 1907 (34 Stat. 1024) and August 31, 1954 (68 Stat. 1026).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the penalty rate for delinquent operation and maintenance accounts for the Fort Hall Irrigation Project. The 1.5 percent penalty rate shall be applied to unpaid assessments charged for Calendar Year 1975 and subsequent years. The 0.5 percent rate shall remain in effect on all previously billed unpaid charges.

The modified § 221.33 shall read as set forth below and become effective February 28, 1975.

§ 221.33 Payments.

The assessments fixed in § 221.32 shall become due on April 1 of each year, and are payable on or before that date. To all assessments against lands in non-Indian ownership, and against lands in Indian ownership which do not qualify for free water under § 221.34, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one half percent per month or fraction thereof, from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.-34, an approved lease must be on file at the Fort Hall Agency.

FRANCIS E. BRISCOE,
Area Director.

JANUARY 22, 1975.

[FR Doc.75-2609 Filed 1-28-75;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project; Basic and Other Water Charges

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 41534 of the FEDERAL REGISTER of November 29, 1974, (39 FR 231), there was published a notice of intention to modify § 221.87 of Part 221, Subchapter T, Chapter I of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Wapato Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the penalty rate for delinquent operation and maintenance accounts for the Wapato Indian Irrigation Project. The 1.5 percent penalty rate shall be applied to unpaid assessments charged for Calendar Year 1975 and subsequent years. The 0.5 percent rate shall remain in effect on all previously billed unpaid charges.

The modified § 221.87 shall read as set forth below and become effective on February 28, 1975.

§ 221.87 Time of payment.

The charges fixed by § 221.86 shall become due April 1, of each year, and are payable on or before that date. To all charges assessed against lands in non-Indian ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1, following, there shall be added a penalty of one and one-half percent for each month or fraction thereof, from the due date until the charges shall have been paid.

FRANCIS E. BRISCOE,
Area Director.

JANUARY 22, 1975.

[FR Doc.75-2610 Filed 1-28-75;8:45 am]

PART 221—OPERATIONS AND MAINTENANCE CHARGES

Blackfeet Indian Irrigation Project, Montana

On Pages 43228 and 43229 of the FEDERAL REGISTER of December 11, 1974, Volume 39, No. 239, there was published a notice of intention to amend §§ 221.130 and 221.131 of Title 25, Code of Federal Regulations. The purpose of the amendment was to increase the annual Operation and Maintenance rate from $3.00 to $4.50 per acre and the assessment rate for excess water from $1.67 to $2.50 per-acre foot.

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404—79th Congress, 60 Stat. 238) and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U.S.C. 385; 39 Stat. 142; and 45 Stat. 210; U.S.C. 387) and by virtue of authority delegated to the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director BIAM 3.1 (34 FR 637, January 16, 1969 and by authority delegated to the Superintendent by the Area Director April 30, 1971, Release 10–2, 10 BIAM 7.0, Sections 2.70–2.75, notice is hereby given to modify §§ 221.130 and 221.131 of the Blackfeet Indian Irrigation Project. This amendment to be effective for the irrigation season of 1975 which begins April 1, 1975 and thereafter until further notice.

Due notice was published in three local newspapers. Interested groups and individuals were given time to submit written comments, suggestions or objections with respect to the proposed amendments. After full consideration of comments and objections received, the amended regulations are adopted as set forth below:

Sections 221.130 and 221.131 are revised as set forth below:

§ 221.130 Basic assessment.

Pursuant to the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928; 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U.S.C. 385, 387, the basic rate of assessment of Operation and Maintenance charges against the irriga-

ble lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1975 and subsequent years until further notice is hereby fixed at $4.00 per acre per annum for the delivery of not to exceed one and one-half acre feet of water per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated quota of the available supply.

§ 221.131 Excess water assessment.

Additional water, when available, may be delivered upon request at the rate of $2.22 per acre foot or fraction thereof.

GEORGE C. SHELHAMER,
Superintendent.

[FR Doc.75-2674 Filed 1-28-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER 1—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-22]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

AIWW & Hillsboro Inlet, Florida

This amendment changes the regulations for the drawbridge across Hillsboro Inlet and two drawbridges across the AIWW (the Northeast 14th Street bridge and the Atlantic Boulevard bridge, both at Pompano Beach). The draw of the Hillsboro Inlet bridge shall open on signal from 6 p.m. to 7 a.m. From 7 a.m. to 6 p.m. the draw shall open on signal every 15 minutes (i.e. 7-7:15—7:30-7:45, etc.) if any vessels are waiting to pass. The draw of the N.E. 14th Street bridge shall open on signal from 6 p.m. to 7 a.m. From 7 a.m. to 6 p.m. the draw shall open on signal on the quarter hour and three-quarter hour if any vessels are waiting to pass. The draw of the Atlantic Boulevard bridge shall open on signal from 6 p.m. to 7 a.m. From 7 a.m. to 6 p.m. the draw shall open on the hour and half hour if any vessels are waiting to pass. This amendment was circulated as a public notice dated 31 January 1974 by the Commander, Seventh Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-22) on January 25, 1974 (39 FR 3291). Ten responses were received, four supported the proposal, one had no objection and five opposed the proposal on the grounds that the proposed restrictions might provide a safety hazard to navigation. One of these objections suggested that the Hillsboro Inlet drawbridge open every 15 minutes instead of on the hour and half hour and that the reference to charter boats be eliminated because it was felt the 15 minute proviso would provide adequate opening times. This is considered a reasonable suggestion and is adopted in this regulation. While the four other objections have validity, the Coast Guard feels that these regulations will not unduly restrict navigation.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Revising § 117.442 to read as follows:

§ 117.442 Hillsboro Inlet, Fla.; AIA bridge.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting on each quarter hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

2. Adding a new § 117.442a immediately after § 117.442 to read as follows:

§ 117.442a AIWW, NE 14th Street bridge, Pompano, Fla.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting only 15 minutes after and 15 minutes before the hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

3. Revising § 117.443 to read as follows:

§ 117.443 AIWW, Atlantic Boulevard bridge, Pompano, Fla.

(a) From 7 a.m. to 6 p.m. the draw need open on signal of 3 blasts of a whistle, horn or by shouting only on the hour and half hour. However, the draw shall open at any time for the passage of public vessels of the United States, tugs with tows or vessels in distress, and the opening signal from these vessels is 4 blasts of a whistle, horn or by shouting.

(b) From 6 p.m. to 7 a.m. the draw shall open on signal. The opening signal is 3 blasts of a whistle, horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

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

Effective date. This revision shall become effective on March 3, 1975.

Dated: January 24, 1975.

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

[FR Doc.75-2663 Filed 1-28-75;8:45 am]

[CGD 74-234]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Bayou Du Large, La.

This amendment changes the regulations for the State Highway 315 drawbridge across Bayou Du Large, mile 23.2 to allow closed periods from 9 p.m. to 5 a.m. This amendment was circulated as a public notice dated October 15, 1974 by the Commander, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74-234) on October 9, 1974 (39 F.R. 36349). The three responses received offered no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended as follows:

§ 117.540 [Amended]

In § 117.540(b)(2) insert the words "Bayou Du Large, mile 23.2, S-315 highway drawbridge, near Theriot", immediately after the words "Houma Canal, mile 1.7, U.S. 90 highway drawbridge at Houma" in the listing.

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

Effective date. This revision shall become effective on February 28, 1975.

Dated: January 20, 1975.

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

[FR Doc.75-2667 Filed 1-28-75;8:45 am]

[CGD 75-016]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Black Rock Canal, New York

This amendment changes the regulations for the Canadian National Railroad bridge across the Black Rock Canal, mile 3.8, to allow necessary repairs to be accomplished. The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.707b immediately after § 117.707 to read as follows:

§ 117.707b Canadian National Railroad drawbridge, mile 3.8, Black Rock Canal, N.Y.

(a) The draw need not open for the passage of vessels from February 1, 1975 through April 1, 1975.

(b) This regulation shall be revoked as of April 2, 1975.

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

Effective date. This revision shall become effective on January 29, 1975.

Dated: January 24, 1975.

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

[FR Doc.75-2664 Filed 1-28-75;8:45 am]

[CGD 75 015]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Chicago River, Illinois

This amendment changes the regulations for the Roosevelt Road bridge across the South Branch of the Chicago River, mile 2.94, to allow necessary repairs to be accomplished. The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (j) to § 117.663 to read as follows:

§ 117.663 The Chicago River, the Ogden Slip, the North Branch of the Canal, the South Branch, the West Fork of the South Branch, the South Fork of the South Branch, and the West Arm of South Fork of South Branch of the Chicago River, Ill.; bridges.

* * * * *

(j) (1) From January 10, 1975 through February 15, 1975 the draw of the Roosevelt Road bridge need not open for the passage of vessels and the provisions of paragraph (a)(4) of this section shall not apply to this bridge for this period.

(2) This regulation shall be revoked as of February 16, 1975.

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

Effective date. This revision shall become effective on January 29, 1975.

Dated: January 24, 1975.

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

[FR Doc.75-2665 Filed 1-28-75;8:45 am]

[CGD 75 014]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Saginaw River, Michigan

This amendment changes the regulations for the Belinda Street bridge across the Saginaw River, mile 3.96, to allow necessary repairs to be accomplished. The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (k) to § 117.700 to read as follows:

§ 117.700 Saginaw River, Mich.; bridges.

* * * * *

(k) (1) From January 1, 1975 through February 15, 1975 the draw of the Belinda Street bridge need not open for the passage of vessels and the provisions of paragraph (h) of this section shall not apply to this bridge for this period.

(2) This regulation shall be revoked as of February 16, 1975.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 16-5(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on January 29, 1975.

Dated: January 24, 1975.

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

[FR Doc.75-2666 Filed 1-28-75;8:45 am]

[CGD 73-253]

PART 124—CONTROL OVER MOVEMENT OF VESSELS

Explosives or Certain Specified Dangerous Cargoes

On page 22965 of the FEDERAL REGISTER of June 25, 1974, there was published a notice of proposed regulatory development to amend § 124.14(b)(1). The change revises the list of dangerous cargoes involving particular hazards. These dangerous cargoes are considered to involve particular hazards when transported on vessels or handled on waterfront facilities in bulk quantities. Newly developed chemicals and increased knowledge of the characteristics of previously existing chemical indicate a need for revising the present list of cargoes of particular hazard. Interested persons were given opportunity to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. This amendment is effective January 29, 1975.

Approved: January 21, 1975.

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

1. Section 124.14(b)(1) is amended to read as follows:

§ 124.14 Advance notice of arrival of vessel laden with explosives or certain specified dangerous cargoes.

* * * * *

(b) (1) A dangerous cargo considered to involve a particular hazard, when transported in bulk quantities on board vessels, or when handled in bulk quantities on waterfront facilities, is any commodity which by virtue of its properties would create an unusual hazard if released. The commodities subject to this section are:

Acetaldehyde
Acetone Cyanohydrin
Acrolein
Acrylonitrile
Allyl chloride
Ammonia, anhydrous
Butadiene
Butane
Butene
Butylene Oxide
Carbon Disulfide
Chlorine
Chlorosulfonic Acid
Dimethylamine
Epichlorohydrin
Ethane
Ethylene
Ethylene Oxide
Ethylenimine
Ethyl Ether
Hydrofluoric Acid, aqueous (70 percent)
Hydrogen Chloride, anhydrous
Hydrogen Fluoride, anhydrous
Methane
Methyl Acetylene, Propadiene Mixture, stabilized
Methyl Bromide
Methyl Chloride
Motor Fuel Antiknock Compounds containing Lead Alkyls
Oleum
Phosphorus, elemental
Propane
Propylene
Propylene Oxide
Sulfur Dioxide
Toluene Diisocyanate
Vinyl Chloride

* * * * *

(5 U.S.C. 191, 49 USC 1655 (b); E.O. 10173, 10277, 10352; 49 CFR 1.46(b))

[FR Doc.75-2670 Filed 1-28-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

PART 605—WASHINGTON PLAN

Extension of Time

On December 22, 1970, the Department of Labor published the Washington

Plan (35 FR 19352). The Washington Plan is intended to implement the provisions of executive Order 11246 (as amended) and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors in the Washington area, including the District of Columbia, the Virginia cities of Alexandria, Fairfax, Loudoun, and Prince William and the Maryland counties of Montgomery and Prince Georges. During the past year the Department of Labor has encouraged the development of a voluntary hometown plan which would cover all construction trades in the Washington, D.C., area. A viable hometown plan has not as yet been developed. To ensure continued positive efforts towards the elimination of underutilization of monorities in the Washington, D.C., area construction industry, the Washington Plan is extended for a period of time not to exceed 180 days to allow the responsible parties representing labor, management, the minority community, and local government to come forth with a viable voluntary hometown plan. Therefore, in order to allow a reasonable time to accomplish these purposes, the Washington Plan is extended for a period of time not to exceed 180 days. Therefore, until further notice, § 60–5.30 Appendix A of the Washington Plan must be included in all invitations or other solicitations for bids on federally involved construction contracts for projects, the estimated total cost of which exceeds $500,000 in the Washington area. The goals contained in § 60–5.30 Appendix A for the year ending May 31, 1974, will be applicable to invitations and other solicitations for bids on federally involved construction contracts covered by the Washington Plan and all invitations or other solicitations should be revised to reflect this extension through a revised Appendix.

Signed this 23rd day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.75–2644 Filed 1–28–75;8:45 am]

Title 45—Public Welfare

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

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Vocational Education Curriculum, Fiscal Year 1975

On November 1, 1974 there was published in the FEDERAL REGISTER at 39 FR 38666, a Notice of Proposed Rule Making which set forth additional criteria for applications for grants under Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1302(c). The additional criteria were set forth in a proposed Appendix C to Part 103 of the regulations, 45 CFR Part 103.

Interested persons were given 30 days to submit comments, suggestions, or objections to the proposed criteria. No comments were received.

The criteria therefore, are issued as originally published without change, as set forth below.

Effective date. Since the criteria are to be issued as originally published in the FEDERAL REGISTER under notice of proposed rule making without change, the criteria shall be effective on January 29, 1975.

(Catalog of Federal Domestic Assistance No. 13.496; Vocational Education Curriculum)

Dated: December 24, 1974.

T. H. BELL,
Commissioner of Education.

Approved: January 23, 1975.

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

APPENDIX C—VOCATIONAL EDUCATION CURRICULUM FISCAL YEAR 1975

The Office of Education contemplates supporting two project grants in fiscal year 1975 from funds available for the Vocational Education Curriculum program. The awards will be made to begin January 1, 1975, with a two-year multi-year approval and will be funded on a non-competing annual basis. The applicants will submit their project goals and activities over a two-year period. Multi-year approval is intended to offer a project a reasonable degree of stability over time and to facilitate long-range planning. Approval of a multi-year project shall not commit the Office of Education to provide financial assistance from appropriations not currently available.

A. *Awarded applicants' obligations.* One award will provide leadership for the following geographic area: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. The other award will provide leadership for the following geographic area: American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands. Each awardee will be the catalyst in bringing these States to: (1) Share information and plans regarding curriculum materials and needs in order to reduce duplication of efforts, and (2) plan for cooperation in development, testing, evaluation, dissemination and implementation of materials.

In addition each awardee will become a member of the national network for curriculum coordination in vocational and technical education; and as a member awardee will (1) share information regarding materials available and under development; (2) develop and recommend guidelines for curricula and curriculum development that will enhance effectiveness and transportability; (3) establish and maintain a system for determining curriculum needs in vocational and technical education and for reporting conclusions to the field; and (4) coordinate and implement development, diffusion, and utilization activities that will improve the use and acceptance of curriculum products.

The Office of Education will entertain requests for these grants to support travel and travel-related activities necessary for coordination with the consortium States and the national network for curriculum coordination and to facilitate communications and concerted planning on a quarterly basis. Key staff time to be committed to coordination efforts will require a minimum of 15 percent full-time equivalent.

B. *Application Review Criteria.* Criteria will be utilized by the Federal and non-Federal reviewers in reviewing formally transmitted applications in fiscal year 1975. These criteria are consistent with section 100a.26, Review of Applications, in the Office of Education's General Provisions for Programs, published in the FEDERAL REGISTER at 38 FR 30654 on November 6, 1973. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the minimum acceptable score and the maximum score that can be given to a segment of an application in relation to the criteria. Each criterion and the maximum and minimum points therefor are as follows:

Criteria	Score range
1. *Need and Problem*—Application clearly defines the need for the project and delineates the problem rather than symptoms of the problem	5–15
2. *Objectives*—Objectives are clearly stated, capable of being attained by the proposed procedures, and capable of being measured	5–15
3. *Plan*—The management plan shows services to be provided; and procedures for accomplishing each objective are proposed	5–15
4. *Results*—Proposed outcomes are identified and described in terms of impact at State and local levels, Part I program purposes, and cost effectiveness and efficiency	5–15
5. *Institutional Capability*—The application sets forth clearly current curriculum strengths and capability of the applicant to immediately initiate liaison functions with consortium States, and provides assurances of support from cooperating institutions and agencies necessary for project success	7–20
6. *Personnel*—The qualifications and experience of key staff are appropriate for the project	3–10
7. *Budget*—The estimated cost is reasonable in relation to anticipated results and the geographic area, scope, and duration of the project	3–10

[FR Doc.75–2636 Filed 1–28–75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S.O. 1207]

PART 1033—CAR SERVICE

Lehigh Valley Railroad Company (Robert C. Haldeman, Trustee) Directed To Operate Certain Portion of Lehigh and New England Railway Company

JANUARY 24, 1975.

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 (P.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 measures 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 representatives 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 exists 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 therefore:

§ 1033.1206 *Lehigh Valley 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 24, 1975;*

(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 com-

mencement 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 re-routings 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 for 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.75-2711 Filed 1-28-75;8:45 am]

[Corrected S.O. 1208]

PART 1033—CAR SERVICE

Reading Co., Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees, Directed To Operate Certain Portions of Lehigh and New England Railway Co.

JANUARY 24, 1975.

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 21st day of January 1975.

It appearing, That the Lehigh and New England Railway Co. (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 therefore, 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 representatives 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 Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg) 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 Rdg's proximity to the lines of the LNE, the volume of the traffic LNE interchanges with the Rdg, 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 Rdg'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 Rdg for a period of operation of 60 days as provided by section 1(16)(b) of the Act; and that good cause exists for making this order effective upon the date served;

It further appearing, That the Rdg 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:

§ 1033.1208 Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees, directed to operate certain portions of Lehigh and New England railway company.

(a) *It is ordered*, That the Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees (Rdg), be, and it is hereby directed to enter upon that portion of the Tamaqua branch of the Lehigh and New England Railway (LNE) extending between milepost 2.20 west of Hauto, Pennsylvania, and a connection with the Reading Company at milepost 6.55 in the vicinity of Tamaqua, 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 Reading Company 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 Reading Company 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 Reading Company 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 Reading Company in the place and stead of the Lehigh and New England Railway Company and from events occurring on or after January 24, 1975; [1]

(d) *It is further ordered*, That all carriers are hereby directed to pay to the Reading Company, 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 Reading Company 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 Reading Company 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;

[1] Correction.

(h) *It is further ordered,* That the Reading Company 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 Reading Company 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 Reading Company holds for the account of the Leigh and New England Railway Company to compensate it for 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 Reading Company 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 Reading Company 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 Reading Company 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 Reading 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 Depatment 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 Reading Company 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 Reading Company 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.75-2712 Filed 1-28-75;8:45 am]

[S.O. 1190-A]

PART 1033—CAR SERVICE

Union Pacific Railroad Company Authorized To Operate Over Tracks of the Southern Pacific Transportation Company

JANUARY 24, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of January 1975.

Upon further consideration of Revised Service Order No. 1190 (39 FR 26030; 40 FR 2991), and good cause appearing therefor:

It is ordered, That: § 10.33.1190 Union Pacific Railroad Company authorized to operate over tracks of the Southern Pacific Transportation Company, be, and it is hereby, vacated and set aside.

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

It is further ordered, That this order shall become effective at 11:59 p.m., January 23, 1975, and that copies of this order and direction shall be served upon Car Service Division, as agent of the railroads subscribing to the car service the Association of American Railroads, and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

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

[FR Doc.75-2710 Filed 1-28-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER IIII—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 313—WATER RESOURCE DEVELOPMENT PROJECTS HAVING JOINT REGULATIONS

Recreation Use Fees

In accordance with section 210 of Pub. L. 90–483, 82 Stat. 746, Pub. L. 88–578, 78 Stat. 897, Land and Water Conservation Act of 1965, as most recently amended by Pub. L. 93–81, 87 Stat. 178 and Pub. L. 93–303, 88 Stat. 192, this amendment (para. 313.21) sets forth the requirements for a special recreation use fee at certain lake and reservoir areas jointly administrated by the Secretary of the Army and the Secretary of Agriculture (Sam Rayburn Reservoir Area, Angelina River, Texas).

In accordance with section 234 of the River and Harbor Act of 1970, Pub. L. 91–611, 84 Stat. 1833, this amendment (para. 313.22) provides for general citation authority at certain lake and reservoir areas jointly administered by the Secretary of the Army and the Secretary of Agriculture (Sam Rayburn Reservoir Area, Angelina River, Texas).

This amendment is in accordance with the above mentioned public laws and accordingly need not be published under the notice of proposed rulemaking and the procedures thereto.

Dated: January 23, 1975.

RUSSELL J. LAMP, *Colonel, Corps of Engineers, Executive.*

1. In accordance with section 210 of Pub. L. 90–483, 82 Stat. 746, Pub. L. 88–578, 78 Stat. 897, Land and Water Conservation Act of 1965, as most recently amended by Pub. L. 93–81, 87 Stat. 178 and Pub. L. 93–303, 88 Stat. 192, this amendment sets forth the requirements for a special recreation use fee at certain lake and reservoir areas jointly administered by the Secretary of the Army and the Secretary of Agriculture (Sam Rayburn Reservoir Area, Angelina River, Texas).

Add § 313.21 to read:

§ 313.21 Recreation use fees.

(a)(1) Section 2 of 78 Stat. 897 (The Land and Water Conservation Fund Act of 1965), as amended, directs, subject to certain limitations, the collection of daily recreation use fees where the Federal Government provides specialized outdoor recreation sites, facilities, equipment, or services at the place of use or any reasonably convenient location.

(2) At water resources development projects administered by the Secretary of the Army, acting through the Chief of Engineers, fees will not be charged for use in any combination of drinking water, wayside exhibits, roads, overlook sites, visitor centers, scenic drives, toilet facilities, picnic tables or boat ramps (except if mechanical or hydraulic boat lifts are provided).

(b) In addition, fees will not be charged for use of campgrounds which do not have the following: Tent or trailer spaces, drinking water, access roads, refuse containers, toilet facilities, personal fee collection, reasonable visitor protection, and simple devices for containing campfires (if campfires are permitted).

(c) At each Sorps lake or reservoir where camping is permitted, the District Engineer will provide at least one primitive campground, containing designated campsites, sanitary facilities, and vehicular access, where no fees will be charged.

(d) All use fees shall be fair and equitable and will be based on the following criteria:

(1) The direct and indirect amount of Federal expenditure.

(2) The benefit of the recipient.

(3) The public policy or interest served.

(4) The comparable recreation fees charged by other Federal and non-Federal public agencies within the service area of the management unit at which the fee is charged.

(5) The economic and administrative feasibility of fee collection.

(6) The extent of regular maintenance required, and

(7) Other pertinent factors.

(e) Based on the above criteria, District Engineers have recommended to the Office, Chief of Engineers and the Chief has established fees for recreation facilities within the ranges set forth as follows:

(1) $1–$4 per day for family camping.

(2) $3–$25 per day for group camping.

(3) A charge of $.50 for electrical service where available will be made for family campsites, but in no case will the daily fee for family camping exceed $4.

Fees for specialized outdoor recreation facilities not mentioned above may also be established in accordance with the criteria listed in this paragraph.

(f) Any Golden Age Passport permittee shall be entitled upon presentation of such a permit to utilize special recreation facilities at a rate of 50 percent off the established use fee. Golden Eagle Passports, however, do not affect the charging of use fees, since they apply only to entrance fees, which are not charged by the U.S. Army Corps of Engineers.

(g) The District Engineer shall insure that clear notice that a fee has been established is prominently posted at each such area and at appropriate locations therein, and that it be included in publications distributed at such areas.

(h) Failure to pay a prescribed use fee is a violation of the Land and Water Conservation Fund Act, as amended, and subjects the violator to a punishment of a fine of not more than $100.

2. In accordance with section 234 of the River and Harbor Act of 1970, Pub. L. 91–611, 84 Stat. 1833, this amendment provides for general citation authority at certain lake and reservoir areas jointly administered by the Secretary of the Army and the Secretary of Agriculture (Sam Rayburn Reservoir Area, Angelina River, Texas).

Add § 313.22 to read:

§ 313.22 Violation of rules and regulations.

Except for violations coming within the scope of § 313.21 of this regulation, in accordance with section 234 of the River and Harbor Act of 1970 (84 Stat. 1833 16. U.S.C. 460d, as amended), violations of the provisions of this regulation shall subject the violator to a fine of not more than $500 or imprisonment for not more than 6 months, or both. Any person charged with such violation may be tried and sentenced in accordance with the provisions of section 3401 of Title 18 United States Code. All persons designated by the Chief of Engineers for that purpose shall have the authority to issue a citation for violation of these regulations, requiring the appearance of any person charged with violation to appear before the United States magistrate within whose jurisdiction the water resource development project is located for trial.

(Sec. 210, 82 Stat. 746 (16 U.S.C. 460d–3); Sec. 2, 78 Stat. 897 (16 U.S.C. 4601–5); Sec. 1, 87 Stat. 178 (16 U.S.C. 4601–6a); Sec. 4, 88 Stat. 192; Sec. 234, 84 Stat. 1833 (16 U.S.C. 460d))

[FR Doc.75–2603 Filed 1–28–75;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 63]

REQUIRED INFORMATION ON CERTIFICATES

Miscellaneous Amendments

Correction

In FR Doc. 75-1607 appearing on page 3007 in the issue for Friday, January 17, 1975, the following changes should be made:

1. Line 4 in the first paragraph now reading "of Agriculture is proposing and amend—* * *" should read "* * * of Agriculture is proposing an amend— * * *."

2. The 8th line in the first paragraph now reading "* * * Agricultural Marketing Act of 1948, 60 * * *" should read "* * * Agricultural Marketing Act of 1946, 60 * * *".

[7 CFR Part 926]

HANDLING OF TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Proposed Increase in Expenses for the 1974-75 Season

This notice invites written comments relative to a proposed increase of $9,928 in the Industry Committee expenses during the 1974-75 season (April 1, 1974, through March 31, 1975) under Marketing Order No. 926. Said increase would change the seasonal committee budget from $139,183 to $149,111 with no change in the related rate of assessment on handlers of regulated Tokay grapes.

Consideration is being given to the following proposal submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof.

That the Secretary find that provisions pertaining to the committee expenses in paragraph (a) of § 926.214. *Expenses, rate of assessment, and carryover of unexpended funds.* (39 FR 33306) be amended to read as follows:

§ 926.214 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Industry Committee during the period April 1, 1974, through March 31, 1975, will amount to $149,111.

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than February 18, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: January 23, 1975.

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

[FR Doc.75-2627 Filed 1-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 101]

CARBONATED SOFT DRINK BEVERAGES

Proposed Serving and Portion Sizes and Daily Consumption Amounts

In a notice of proposed rule making published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20887), the Commissioner of Food and Drugs proposed general principles and procedures for establishing reasonable and uniform serving sizes for foods for use in nutrition labeling under a new Part 101. Section 1.17(b) (21 CFR 1.17(b)) requires nutrition information on the label or labeling of a food to be declared in relation to the average or usual serving.

The National Soft Drink Association (NSDA), Washington, DC 20036, has submitted a petition pursuant to proposed § 101.2 *Petitions* requesting establishment of serving sizes for carbonated beverages. The regulation proposed by NSDA is as follows:

Section 101.25 Carbonated beverages. The serving size of carbonated beverages shall be 8 ounces, except that a single service container up to 12 ounces shall be the amount in the container.

As grounds in support of the proposal, NSDA set forth the following—Soft drinks are generally available throughout the country in twelve (12) sizes. These sizes reflect the industry's voluntary guidelines adopted November 21, 1968, pursuant to section 5(d) and (e) of the Fair Packaging and Labeling Act at the request of the U.S. Department of Commerce. They decreased by six (6) the number of sizes previously generally available. It should be noted that the guidelines only addressed themselves to sizes up to 32 ounces. Since that time the 48-ounce and 64-ounce sizes have also become available in some markets.

In requesting that the serving sizes up to 12 ounces be the amount in the container, we take notice of the fact that the consumer usually considers soft drinks up to 12 ounces to be a single serving and are not inclined to divide the contents of such packages, or to do other than drink such amounts at one sitting. Also, they are the sizes most often found in vending machines and cold sales for single purchase consumption. In addition, it is not the habit of the industry to market sizes up to 12 ounces with a resealable closure. Permitting the amount in the container to be the serving size up to twelve (12) ounces would encompass the 6, 6½, 7, 8, 10, and 12 ounce sizes.

Thereafter, the sizes currently available would be 16, 24, 26, 28, 30, 32, 48, and 64 ounce sizes. We would apply 8 ounces as the serving size for these. It is readily seen that 8 ounces is the most logical divider for these larger size amounts, thus making for easier comparison by consumers. The 16-ounce-and-over sizes are purchased for their economy and are universally understood by consumers to be multiple serving or party sizes. This recognition is further buttressed by the fact that many of these containers currently feature the resealable closure.

Choice of the serving size of 8 ounces for containers 16 ounces or over, we feel, is the most reasonable break point, not only because of consumers' treatment of up to 12 ounces as a single service drink, but also because the divider of 8 does the least violence to the 6 to 12 ounce mix of single service sizes.

The full petition submitted by NSDA is on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner of Food and Drugs has considered the petition and concludes that the petitioner has furnished reasonable grounds sufficient to warrant publication of the proposal for comment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055; 21 U.S.C. 321, 343, 371(a)) and

under authority delegated to him (21 CFR 2.120), the Commissioner proposes to add a new section to proposed Subpart B of Part 101, to read as follows:

PART 101—SERVING AND PORTION SIZES AND DAILY CONSUMPTION AMOUNTS

§ 101.25 Carbonated soft drink beverages.

The serving size of carbonated soft drink beverages shall be 8 fluid ounces, except that the serving size for a single service container of 12 fluid ounces or less shall be the amount in the container.

Interested persons may, on or before March 31, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2653 Filed 1-28-75;8:45 am]

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Reconsideration, Suspensions, and Terminations

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. On January 4, 1974, there was published in the FEDERAL REGISTER with Notice of Proposed Rule Making (39 FR 1053) interim regulations relating to the first step (reconsideration) of the appellate process under the supplemental security income program (§§ 416.1408-416.1423). On April 2, 1974, there was published in the FEDERAL REGISTER with Notice of Proposed Rule Making (39 FR 12027) interim regulations relating to suspensions and terminations of eligibility under the supplemental security income program (§§ 416.1321-416.1336).

The amendments proposed herein would revise §§ 416.1336(c) and 416.1419 (a) to reduce the time period elapsing between notification of a proposed adverse action and the effectuation of such action from 30 days to 10 days. This revision comports with due process and fully protects the rights of individuals. The change does not shorten the 30-day time period specified in § 416.1412 of the interim regulations for appealing a determination. It merely provides for prompt notice to the Social Security Administration if the change is not to be effectuated by requiring that, for payments to be continued at the previously established rate during the pendency of an appeal, the request for such appeal must be filed within 10 days of the recipient's receipt of notice of the proposed adverse action. Reduction of this time period will facilitate automation of what is now essentially a manual process of notification and case control. It will also expedite processing of reports of change affecting eligibility status or amount of benefits, thus ensuring the recipient of more timely action on his claim while producing a more accurate and easily retrievable record of history of the claim. Moreover, shortening this time period will reduce the amount of overpayment subject to recovery action which arises from the rules contained in the present regulation. Since adverse changes cannot generally be effectuated prior to the expiration of the 30-day period within which a request for reconsideration can be filed, the general rule ensures overpayments in all cases in which the proposed action is correct. Depending on the point in the payment cycle that the advance notice is sent there will be at least one and in about half of all such cases two succeeding monthly payments at the incorrectly large amount. The proposed regulation would thus serve the interests both of supplemental security income recipients and of the Social Security Administration by minimizing the volume and frequency of those overpayments.

The proposed amendments would also (1) revise §§ 416.1416 and 416.1417(c) to provide that the official of the Social Security Administration who conducts and decides case review and informal conference reconsiderations shall have had no prior involvement with the initial determination; (2) revise § 416.1417(a) to specifically provide that the party to a case review reconsideration shall have an opportunity to review the evidence of record; (3) revised § 416.1417(c) to provide that subpoenas issued in formal conference reconsiderations apply to the production of relevant documents as well as the appearance of adverse witnesses; (4) revised § 416.1418(b) to limit the reconsideration procedure available in cases involving medical issues to a case review, as it is not feasible to provide a conference in these situations; and (5) revoke § 416.1420 of the interim regulations, as information contained in this section would now appear in revised § 416.1419(a).

Prior to effectuation and the final adoption of the proposed amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before February 28, 1975.

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

The proposed amendments are to be issued under the authority contained in sections 1102, and 1631 of the Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat., 1476, 42 U.S.C. 1302, 1383.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 13, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 20, 1975.

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

Part 416 of Chapter III of Title 20 of the Code of the Federal Regulations is amended as follows:

1. In § 416.1336, paragraph (c) is revised to read as follows:

§ 416.1336 Notice of proposed adverse action affecting recipient's payment status.

* * * * *

(c) The written notice of intent to suspend, reduce, or terminate payments will allow 30 days from the date of receipt of the notice for the recipient to request the appropriate appellate review (see Subpart N of this part). Payments will be continued for 10 days from the date the recipient receives notice and, if review is requested during this 10-day period, payments will continue until such time as a reconsidered determination (or, where the issue upon which the initial determination was based is cessation of disability due to medical improvement, a hearing decision) is rendered and notice thereof is transmitted to the recipient.

* * * * *

2. Section 416.1416 is revised to read as follows:

§ 416.1416 Reconsidered determination.

The Social Security Administration shall, when a request for reconsideration has been filed, as specified in § 416.1412, reconsider the initial determination in question and the findings on which it was based in the manner described in § 416.1418 or § 416.1419, and upon the basis of the evidence considered in connection with the initial determination and whatever other evidence is submitted by the parties or is otherwise obtained shall make a reconsidered determination affirming, or revising, in whole or in part, the findings and determination in question. The official of the Social Security Administration who makes the reconsidered determination shall have had no prior involvement with the initial determination.

3. In § 416.1417, paragraphs (a), (b), and (c) are revised to read as follows:

§ 416.1417 Reconsideration procedures.

The reconsideration procedures described in paragraph (a), (b), and (c) of this section will be used dependent upon the category of appeal as specified in § 416.1419. The parties will be advised of their rights which may be exercised at the applicable proceeding. On the basis of a case review, informal conference, or formal conference, the Social Security Administration shall render a reconsidered determination as specified in § 416.1416.

(a) *Case review.* After the party or his representative is given opportunity to review the evidence of record and to present oral and written evidence to an official of the Social Security Administration, the case review shall consist of a thorough review of all evidence on record, including additional evidence submitted by the party or his representative or secured by the Social Security Administration. The official making the case review will render the reconsidered determination.

(b) *Informal conference.* The informal conference will consist of the procedure specified in paragraph (a) of this section and additionally, will provide the party or his representative an opportunity to present witnesses. Also, a summary record of the proceedings shall be prepared and made a part of the case file. The official conducting the informal conference will render the reconsidered determination.

(c) *Formal conference.* The formal conference will consist of the procedure specified in paragraph (b) of this section and, additionally, will provide the party or his representative an opportunity to request that the Social Security Administration subpoena adverse witnesses and relevant documents and provide for cross-examination of the adverse witnesses by the party or his representative. The official conducting the formal conference will render the reconsidered determination.

* * * * *

4. In § 416.1418, paragraph (b) is revised to read as follows:

§ 416.1418 Reconsideration of initial determinations on applications.

* * * * *

(b) *Medical issues.* When a request for reconsideration of an initial determination on an application (including cases where payment was made on the basis of presumptive disability pending the initial determination (see §§ 416.951–416.954)) has been filed and the subject of the appeal is a medical issue, the Social Security Administration shall offer the parties to the initial determination an opportunity for a case review (see § 416.1417(a)). On the basis of such case review, the Social Security Administration shall render a reconsidered determination as specified in § 416.1416.

5. Section 416.1419 is revised to read as follows:

§ 416.1419 Reconsideration of initial determinations of continuing eligibility (post-eligibility claims).

(a) *Advance notice of adverse action required.* Section 416.1336 describes the conditions under which notice of an adverse post-eligibility initial determination will be given in advance of effectuation. In such cases, if reconsideration (or hearing, if the initial determination is cessation of disability due to medical improvement) is requested by a party to the determination within the first 10 days of the 30-day period specified in § 416.1410 for requesting reconsideration (or § 416.1425 for requesting a hearing, if the initial determination is cessation of disability due to medical improvement), effectuation of the determination will be delayed until a reconsidered determination (or hearing decision, if the initial determination is cessation of disability due to medical improvement) is rendered and the provisions of § 416.1336(c) regarding continuation of payment will apply unless a party to the determination specifically waives in writing his right to delayed effectuation and continuation of payment. Where reconsideration (or hearing, if the initial determination is cessation of disability due to medical improvement) is requested within the 10-day period specified in this paragraph, the parties to the determination will be provided an opportunity for a formal conference (or at the option of the parties, an informal conference or a case review) or if cessation of disability due to medical improvement is the determination at issue, for a hearing, unless continuation of payment has been waived. The Social Security Administration will effectuate the determination after the close of the 10-day period specified in this paragraph if the reconsideration (or hearing, if applicable) has not been requested by that time, or before the close of such 10-day period if the parties to the determination have so requested in writing. Where appeal is requested after the close of the 10-day period specified in this paragraph but within the 30-day period specified in § 416.1410 (or, the appeal is requested within the 10-day period but continuation of payment has been waived), the parties' appeal will be a reconsideration using the same procedures as specified in § 416.1418. The provisions of this paragraph regarding delay in effectuation of the determination, the provisions of § 416.1336(c) regarding continuation of payment, and the provisions of this paragraph regarding the hearing of formal conference procedures shall not apply, unless such 10-day period is extended under the provisions of § 404.953 of this chapter.

(b) *Advance notice of adverse action not required.* The conditions under which the Social Security Administration may effectuate adverse post-eligibility initial determinations involving reductions, suspensions, or terminations of benefits without advance notice to the parties to such initial determinations are described in § 416.1336. Upon receipt of a timely filed request for reconsideration of such initial determination, the Social Security Administration shall apply the same procedures as specified in § 416.1418.

[FR Doc.75-2514 Filed 1-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74 300]

CONEY ISLAND CREEK, NEW YORK

Drawbridge Operation Regulations

At the request of the City of New York, the Coast Guard is considering amending the regulations for the City of New York highway bridge at Harway (Cropsey) Avenue across Coney Island Creek to delete the requirement that the draw be restored to operable condition within 6 months after notification by the Commandant to do so. This amendment is being considered because there is no navigation along this waterway, and there are no docking facilities or marinas on the waterway. All other drawbridges along this waterway are permanently closed.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before March 4, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising subparagraph (5) of paragraph (f) of § 117.190 to read as follows:

§ 117.190 Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(5) Coney Island Creek; City of New York highway bridge at Harway (Cropsey) Avenue. The draw need not open for the passage of vessels and the provisions of paragraphs (b) through (e) of this section shall not apply to this bridge.

* * * * *

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

Dated: January 24, 1975.

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

[FR Doc.75-2669 Filed 1-28-75;8:45 am]

[33 CFR Part 117]

[CGD 75-024]

MATANZAS RIVER, FLORIDA

Drawbridge Operation Regulations

At the request of the Florida Department of Transportation, the Coast Guard is considering revising the regulations for the Bridge of Lions drawbridge across State Road A-1-A at St. Augustine, Florida. This revision would require that the draw open on signal from 6 p.m. to 7:30 a.m. and on the hour and half hour from 7:30 a.m. to 6 p.m. except that the draw need not open at 8 a.m., 12 noon and 5:30 p.m., Monday through Friday, except holidays. The draw is presently required to open on signal at all times except from 7:30 a.m. to 8:15 a.m., 11:50 a.m. to 12:20 p.m., and 5 p.m. to 5:45 p.m. Monday through Friday. This change is being considered because of an increase in vehicular traffic during the periods affected. The use of visual signals in lieu of sound signals by the bridgetender is proposed in order to reduce the high level of noise in this densely populated area.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 SW. First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before March 4, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.432 to read as follows:

§ 117.432 Matanzas River, Fla.; Bridge of Lions, St. Augustine, Fla.

(a) From 7:30 a.m. to 6 p.m., Monday through Friday, except holidays, the draw shall open only on the hour and half hour if any vessels are waiting to pass. However, the draw need not open at 8:00 a.m., 12:00 noon and 5:30 p.m. At all other times the draw shall open on signal.

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

(c) Signals for all vessels other than those covered in paragraph (b) of this section.

(1) Call signals for opening of draw.

(i) *Sound signals.* Three short blasts of a whistle, horn or siren.

(ii) *Visual signals.* A white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the bridge and facing the draw. This signal shall be used in conjunction with sound signals when conditions are such that sound signals may not be heard.

(2) Acknowledging signals by the bridge operator.

(i) *Sound signals.* None required.

(ii) *Visual signals.*

(A) When the draw cannot be opened promptly or when draw is opened and is to be closed for any reason, the signal is two red lights flashed alternately; or a red flag by day or a red light by night, swung in vertical circles at arm's length in full sight of vessel.

(B) When the draw can be opened promptly, the signal is two amber lights flashed alternately; or a white flag by day or a white light by night, swung in vertical circles at arm's length in full sight of the vessel.

(C) When the draw is open for passage, the signal is two green lights flashed alternately; or a green flag by day or a green light by night, swung in vertical circles at arm's length in full sight of the vessel.

(d) No vessel shall attempt to navigate the draw of the bridge until the green light or green flag acknowledging signals are given.

(e) When vessels are approaching a bridge from the same direction, each vessel shall give the call signal for opening of the draw.

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

Dated: January 24, 1975.

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

[FR Doc.75-2668 Filed 1-28-75;8:45 am]

[46 CFR Part 146]

[CGD 74-276]

MARKING OF PACKAGES

Portable Tank Lettering Heights

The Coast Guard is considering an amendment to the marking and labeling of packages regulations in Part 146, Subchapter N, "Dangerous Cargoes", of Title 46, Code of Federal Regulations. The proposed amendment would amend the maximum height for lettering on a portable tank.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, U.S. Coast Guard Headquarters, 400 Seventh St., SW, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify the notice (CGD 74-276), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81.

The Coast Guard will hold a hearing on February 25, 1975 at 9:30 a.m. in Room 8334, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Executive Secretary at least ten days in advance of the time needed for his presentation, if possible. Written summaries or copies of oral presentations are encouraged.

All communications received before March 17, 1975 will be evaluated before final action is taken on this proposal. The proposed regulation may be changed in the light of comments received.

In a document published on page 32997 of the September 13, 1974, issue of the FEDERAL REGISTER, the Coast Guard amended paragraph (e)(1)(i) of 46 CFR 146.05-15, which prescribes the markings that are required on portable tanks that are used for the transportation of a hazardous material. One requirement in paragraph (e)(1)(i) is, "the height of all required lettering must be at least 2 inches or one-tenth the diameter of the tank (subject to a maximum of 5 inches), whichever is greater."

The 5 inch maximum is included in the final amendment of September 13 in light of a comment, which is discussed in the preamble of that document. The comment addresses the problems of visibility and space for placement of lettering.

The Coast Guard has subsequently determined that a mandatory 5 inch maximum is inconsistent with the Department of Transportation requirement in 49 CFR 173.401(a)(1), which does not have this limitation for portable tanks that are carried by land modes of transportation. Because some portable tanks are carried by both land and water modes of transportation, the Coast Guard is proposing to make the requirement consistent with the Title 49 requirement. The amendment would allow, rather than require, letters to be only 5 inches high.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46, Code of Federal Regulations as follows:

§ 146.05-15 [Amended]

1. By amending paragraph (e)(1)(i) of § 146.05-15 by striking the words "The height of all required lettering must be

at least 2 inches or one-tenth the diameter of the tank (subject to a maximum of 5 inches), whichever is greater" and inserting the words "The height of each letter must be 2 inches or one-tenth the diameter of the tank, whichever is higher, but need not be higher than 5 inches" in place thereof.

(46 U.S.C. 170, 391a., 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: January 22, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-2661 Filed 1-28-75;8:45 am]

[46 CFR Part 146]

[CGD 74-225]

UNSLAKED LIME

Bulk Transportation Requirements

The Coast Guard is considering an amendment to the hazardous articles regulations in Part 146, Subchapter N, "Dangerous Cargoes", of Title 46, Code of Federal Regulations. The amendment would allow the transportation of unslaked lime in bulk on double skin barges.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views, or arguments to the Executive Secretary, Marine Safety Counsel (G-CMC/82), Room 8324, U.S. Coast Guard Headquarters, 400 Seventh Street, SW, Washington, D.C. 20590. Each person submitting comments should include his name and address, identify the notice (CGD 74-225), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81.

The Coast Guard will hold a hearing on February 25, 1975 at 9:30 a.m. in Room 8334, Department of Transportation, Nassif Building, 400 Seventh Street, SW, Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Executive Secretary at least ten days in advance of the time needed for his presentation, if possible. Written summaries or copies of oral presentations are encouraged.

All communications received before March 17, 1975 will be evaluated before final action is taken on this proposal. The proposed regulation may be changed in the light of comments received.

Unslaked lime is a hazardous article under the definition in 46 CFR 146.21-1 (a) because it may heat spontaneously; however, unslaked lime does not burn. The hazard of unslaked lime is the potential to ignite other combustible articles.

Unslaked lime may be transported in packages if the conditions for transportation in 46 CFR 146.27-100, "Table K—Classifications: Hazardous Articles", are met. These regulations, by themselves, do not permit the transportation of unslaked lime in bulk.

The Coast Guard has determined that unslaked lime can be safely transported in bulk if the lime is the only article carried and if certain conditions of transportation are met. Coast Guard Special Permit 25-74, which has been issued to the Union Mechling Corporation, permits bulk transportation of unslaked lime in unmanned, all steel, double skin barges that are equipped with weather tight hatches or covers. No accidents have been reported under this Special Permit. In consideration of the properties of unslaked lime and the experience with Special Permit 25-74, the Coast Guard has determined that transportation of this article is bulk, by itself, and under the conditions of the Special Permit provides effective provision against the hazards of health, life, limb, or property that might be created by this hazardous article.

The Coast Guard has also determined that the originating shipping order and transfer shipping paper requirement in § 146.05-12 and the dangerous cargo manifest requirement in § 146.06-12 do not apply to the transportation of unslaked lime in bulk. These provisions are not intended to apply to bulk transportation in unmanned barges such as the bulk transportation of unslaked lime proposed by this notice. Imposition of these requirements would be an unnecessary economic burden on the shipper and would not affect safety.

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), the Council on Environmental Quality Guidelines (40 CFR, Part 1500), and section 7.g. of the Department of Transportation Procedures for Considering Environmental Impacts (39 FR 35234), the Coast Guard gives notice that an Environmental Impact Statement is not being prepared for the action proposed by this notice. The environmental assessment is that this Federal action will not have a significant impact on the environment. The environmental assessment file is available for inspection with the public docket in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46, Code of Federal Regulations, as follows:

1. By adding a new § 146.27-29 to read as follows:

§ 146.27-29 Unslaked lime in bulk.

(a) Unslaked lime may be transported in bulk in unmanned, all steel, double skin barges equipped with weather tight hatches or covers if no other article is transported in these barges at the same time.

(b) The originating shipping order and transfer shipping paper requirement in § 146.05-12 and the dangerous cargo manifest requirement in § 146.06-12 do not apply to the transportation of unslaked lime under paragraph (a) of this section.

§ 146.27-100 [Amended]

2. By adding to § 146.27-100, "Table K—Classifications: Hazardous articles," under "Lime, unslaked" in column 4, "Required conditions for transportation—Cargo vessel", after the words "(See Note in columns 5, 6, and 7.)" The following:

See § 146.27-100 Unslaked lime in bulk.

(46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: January 22, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.75-2662 Filed 1-28-75;8:45 am]

Federal Highway Administration

[49 CFR Part 395]

[Docket No. MC-57; Notice No. 75-]

SLEEPER BERTHS

Proposed Rule Making on Dual Occupancy

Correction

In FR Doc. 75-817, appearing at page 2209 in the issue of January 10, 1975, the next to last sentence, first paragraph, first column, is corrected to read, "Freightliner recommended that the minimum dimensions of a dual-occupant sleeper berth should be 75 inches long, 52 inches wide, and 24 inches high."

Issued on January 23, 1975.

ROBERT A. KNYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.75-2533 Filed 1-28-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-CE-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Belleville, Kansas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before February 27, 1975 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrange-

ments for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

One of the instrument approach procedures to Belleville Municipal Airport, Belleville, Kansas, has been revised. This revision involves designation of a different radial of the Mankato VORTAC as the final approach course and designation of a different final approach fix. Consquently, it is necessary that the description of the Belleville transition area be altered to reflect the new controlled airspace requirement.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

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

BELLEVILLE, KANSAS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Belleville Municipal Airport (latitude 39°49'00" N., longitude 97°39'00" W.); within 3 miles each side of the 356° bearing from the Belleville Municipal Airport, extending from the 5-mile radius to 8 miles north of the airport.

This amendment is proposed under the authority of Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on January 3, 1975.

GEORGE R. LACAILLE,
Acting Director,
Central Region.

[FR Doc.75-2620 Filed 1-28-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

GRIZZLY BEAR

Proposed "Threatened" Status in the Conterminous 48 States; Correction

In FR Doc. 74-30500 in the issue of January 2, 1975, appearing in the third column on page 6, the second line of the first paragraph now reading "a proposed" should read "an." Also, in the same document, appearing in the second column on page 7, the last word of the title of paragraph 17.42 "species" should be "status."

Dated: January 23, 1975.

MICHAEL J. SPEAR,
Acting Director, Fish and
Wildlife Service.

[FR Doc.75-2675 Filed 1-28-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1500]

TOYS AND OTHER CHILDREN'S ARTICLES PRESENTING INJURY HAZARDS DUE TO SHARP EDGES

Proposed Banning; Correction

In FR Doc. 75-227 published in the FEDERAL REGISTER of January 7, 1975 (40 FR 1488), proposed 16 CFR 1500.47(e)(2) is corrected by changing "0.375±0.0005" in the fourth sentence to read "0.375±0.005".

Dated: January 24, 1975.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.75-2689 Filed 1-28-75;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 34]

[Docket No. RM75-16]

REVISION OF PROCEDURES FOR THE ISSUANCE OF SECURITIES

Proposed Rulemaking

JANUARY 20, 1975.

Notice is hereby given pursuant to 5 U.S.C. 553, sections 3(16), 19, 20, 203, 204, 205, 305, 308 and 309 of the Federal Power Act (41 Stat. 1073, 1074; 49 Stat. 839, 849, 850, 851, 852, 856, 858-859; 16 U.S.C. 796(16), 812, 813, 824b, 824c, 824d, 825d, 825g, 825h), that the Commission proposes to amend Part 34, Application for Authorization of the Issuance of Securities or the Assumption of Liabilities, of the regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, effective January 1, 1975.

In general, it is Commission policy, as set forth in Part 34 of the regulations under the Federal Power Act, to require competitive bidding procedures to be followed by utilities in the issuance or sale of securities subject to our regulations. The regulations also provide for exemption from the competitive bidding requirements if the Commission finds that such requirements are not needed to aid it in a determination as to whether aspects of the proposed issuance or sale are not consistent with the public interest.

During the year 1974, the Commission, relying heavily on information and representations submitted by applicants and taking notice of the unsettled financial and money markets, has approved a number of requests for exemption from the competitive bidding procedures contained in the regulations to enable utilities to secure the necessary funds for expansion of their facilities. In this connection, the Commission notes that the Securities and Exchange Commission has temporarily suspended its competitive bidding requirements with respect to the issuance of common stock by companies subject to the Public Utility Company Holding Act of 1935.

The Commission recognizes that public utility companies are faced with the difficult task of raising huge amounts of capital at a time when financing has become more difficult and that flexibility in financing is needed. On the other hand, the Commission intends to continue to comply with its statutory responsibilities in making determinations that security issuances are in the public interest.

Accordingly, revisions to Part 34 of the Commission's regulations are proposed which would:

(1) Require public invitation of proposals for the purchase or underwriting of security issues involving proceeds of $10 million or more before exemption from the competitive bidding requirements of the Regulations will be considered by the Commission.

(2) Exempt security issues involving proceeds under $10 million from the competitive bidding requirements of the regulations.

(3) Require, when filing negotiated procedures, utilities to submit evidence of having negotiated with at least three purchasers or underwriters and to show that the effective cost of the security issue is reasonable in relation to the state of the financial or money markets before approval of issuance of securities by negotiation would be authorized by the Commission.

(4) Eliminate the requirement that utilities must receive Commission approval to engage in negotiation for the sale or underwriting of securities.

It is proposed to exempt issues involving proceeds of under $10 from the competitive bidding requirements, because such issues may not be attractive to underwriters from a time and cost standpoint when larger offerings of securities are available.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than March 3, 1975, data, views, comments, or suggestions in writing concerning the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the

Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 34 of the Commission's Regulations Under the Federal Power Act would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3(16), 19, 20, 203, 204, 205, 305, 308 and 309 of the Federal Power Act (41 Stat. 1073, 1074; 49 Stat. 839, 849, 850, 851, 852, 856, 858–859; 16 U.S.C. 796(16), 812, 813, 824b, 824c, 824d, 825d, 825g, 825h).

The following are proposed amendments to Part 34 of the Commission's Regulations Under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations:

1. Delete the second sentence from § 34.1a(a)(4). Aso so amended, the text of § 34.1a(a)(4) will read:

§ 34.1a Requirement of public invitation of proposals for the purchase or underwriting of securities.

(a) *Scope of this section.* * * *

(4) The Commission, on applications filed pursuant to § 34.2(f)(2), finds that compliance with the competitive bidding requirements of paragraphs (b) and (c) of this section would not be appropriate to aid the Commission to determine whether any fees, commissions, or other remuneration to be paid, directly or indirectly, in connection with the issue, sale, or distribution of such securities, or whether such issue or sale, or any term or condition of such issue or sale, is not consistent with the public interest. Nothing in this section shall be deemed to preclude the Commission from entering any order which would otherwise be appropriate under applicable provisions of the Act.

* * * * *

2. Amend § 34.2(f). As so amended, the text of § 34.2(f) will read:

§ 34.2 Contents of application: filing fee.

* * * * *

(f) Except where issuance of securities or assumption of obligation or liability either fall within paragraph (e)(1), (2), or (3) of this section or the proceeds to the issuer of the securities will be under $10 million, the applicant:

(1) Shall set forth the proposed method of complying with the competitive bidding requirements of § 34.1a (b) and (c), including summarization of the principal terms of the proposed invitation for bids and submitting a copy of the proposed invitation as part of Exhibit O to the application.

(2) After having complied with paragraph (f)(1) above, may file an amendment applying for exemption from the competitive bidding requirements of § 34.1a (b) and (c) upon findings referred to in § 34.1 (a)(4). The amendment shall set forth specific grounds for exemption from the competitive bidding requirement, i.e., bids not received, bids received for only a portion of an issue, unacceptable interest rate, etc. If such an exemption is denied by the Commission after the application for securities approval has been filed, the requirements of subparagraph (1) of this paragraph shall be complied with by amendment to the application.

(3) For security issues involving proceeds under $10 million and securities exempted by the Commission from competitive bidding after compliance with subparagraph (2) of this paragraph, the applicant must file evidence of having negotiated with at least three purchasers or underwriters, and show that the effective cost of the security issue is reasonable in relation to the state of the financial or money markets before approval of issuance of securities by negotiation will be authorized by the Commission.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2597 Filed 1-28-75;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 701]

FEDERAL CREDIT UNIONS

Service Centers; Organizational and Operational Proceedings

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to revise and amend §§ 701.27–1 and 701.27–2 (12 CFR 701.27–1 and 701.27–2) as set forth below.

The revision to the respective sections is technical in nature. The purpose of the proposed amendments, however, is to provide authority to Federal credit unions and accounting service centers utilizing data processing to lease or sell their software and to sell data processing capacity in excess of their own immediate needs.

The amendatory language is contained in proposed §§ 701.27–1 (a)(2) and (b) and 701.27–2 (a) (1) and (3), (c), and (e)(6). Additionally, the proposed § 701.27–2 amends the present § 701.27–2 (a) by deleting the language, "the functions, facilities, and operations of which are limited to providing data processing services only for such participating credit unions" contained in the first sentence of said section and by deleting the word "sole" contained in the third sentence of said section and inserting in lieu thereof the word "primary."

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rulemaking to the Administrator, National Credit Union Administration, 2025 M St., NW., Washington, D.C. 20456. Comments received prior to February 28, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

HERMAN NICKERSON, Jr.,
Administrator.

JANUARY 21, 1975.

Sections 701.27–1 and 701.27–2 are revised to read as follows:

§ 701.27–1 Purchase and Sale of Accounting Services.

(a) For the purposes of this section:

(1) "Accounting services" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union, by manual, mechanical, or electronic methods, and the furnishing of reports and information derived from such records.

(2) "Gross income" means the gross proceeds of a Federal credit union's operating activities and, in the case of nonoperating transactions consummated at a gain, the net proceeds after deduction of related costs.

(b) A Federal credit union may purchase accounting services for the maintenance of all or a portion of its accounting records. Any purchase of accounting services shall be evidenced by a written agreement, the terms and conditions of which shall expressly include a provision requiring compliance with § 701.14, and a provision requiring the vendor to make any accounting records of the Federal credit union in his possession immediately available for examination by the Administration.

(c) A Federal credit union purchasing accounting services shall notify the Regional Director in writing of the arrangement at least 30 days prior to the date on which such services shall commence. Such notice shall disclose the name and address of the vendor and information with respect to the records to be maintained and the method to be used. A Federal credit union shall notify the Regional Director in writing at least 30 days prior to the discontinuance of the arrangement.

(d) A Federal credit union, in addition to regular payments for services as provided under the written agreement, shall not pay in advance the actual or estimated charges for more than 3 months' services. Where such advance payment is made it shall be amortized over a period not in excess of the period of the written agreement.

(e) No official or employee of a Federal credit union shall be engaged directly in the management or operation of the accounting services purchased pursuant to

this section, except where the vendor of such services is owned and operated by or controlled by one or more credit union leagues. However, in no event shall an official or employee of a Federal credit union receive from the vendor of such services any salary or compensation other than the reimbursement of necessary expenses incurred in connection with the vendor's activities.

(f) A Federal credit union utilizing data processing for the maintenance of its own accounting records may lease or sell its software, and may sell data processing capacity in excess of its own immediate needs; however, gross income derived from such source shall be limited to ten percent (10%) of gross income derived from all sources. All contracts for the sale or lease of software and sale of data processing capacity in excess of the immediate needs of the credit union shall be in writing and shall have the prior approval of the Administrator. Request for such approval should be submitted to the Regional Director together with all pertinent facts in support of the proposal not later than sixty (60) days prior to the proposed effective date of the contract.

§ 701.27–2 Participation in Accounting Service Center.

(a) For the purposes of this section:

(1) "Accounting service center" means that substantially all the functions, facilities, and operations of the service center are limited to providing data processing services for participating credit unions.

(2) "Data processing services" means the maintenance of bookkeeping, accounting, or other records related to the purposes and functions of a credit union, primarily by mechanical or electronic methods, and the furnishing of reports and information derived from such records.

(3) "Gross income" means the gross proceeds of a Federal credit union's operating activities and, in the case of nonoperating transactions consummated at a gain, the net proceeds after deduction of related costs.

(b) A Federal credit union may participate with one or more other credit union(s) (either Federal or state chartered) in the establishment or maintenance of an accounting service center.

(c) An accounting service center operating under this section may lease or sell its software, and may sell data processing capacity in excess of the immediate needs of the participating credit unions; however, gross income derived from such source shall be limited to twenty-five percent (25%) of gross income derived from all sources. All contracts for the sale or lease of software and sale of data processing capacity in excess of the immediate needs of the participating credit unions shall be in writing and shall have the prior approval of the Administrator. Requests for such approval should be submitted to the Regional Director together with all pertinent facts in support of the proposal not later than sixty (60) days prior to the proposed effective date of the contract.

(d) Participation in the accounting service center may be by means of a partnership or other noncorporate arrangement between or among the participating credit unions or by participation in an accounting service center corporation organized for the primary purpose of providing data processing services to the participating credit unions, through ownership of a proportionate amount of the capital stock of such a corporation, provided that the remaining capital stock of such corporation is available for ownership only by the participating credit unions. A Federal credit union's proportionate ownership of the accounting service center shall be in similar proportion to the total ownership of the center as the total facilities and services used by the Federal credit union bears as a percentage to the total facilities and services provided by the accounting service center to all the participating credit unions, but the cost of such ownership shall not exceed 2 percent of its members' shareholdings. Ownership by the participating credit unions will be reviewed not less frequently than every two years and adjusted among them as necessary to bring such ownership into conformity with the percentage of the total facilities and services of the accounting service center used by each of them.

(e) A Federal credit union may not participate in the establishment or maintenance of an accounting service center unless the arrangement provides,

(1) That the operating costs of the accounting service center shall be charged to each of the participating credit unions in such proportion to the total operating costs as the total facilities and services used by each bears as a percentage to the total facilities and services used by all of them;

(2) That each participating credit union will have in its records current information disclosing,

(i) The name of each participant,

(ii) The proportion and amount of ownership of each in the accounting service center,

(iii) The proportion of the facilities and services used by each,

(iv) The current total operating costs of the accounting service center, and

(v) The proportion and the amount of the total operating costs charged to each of the participating credit unions;

(3) That each participating credit union shall, at least annually, be provided by the accounting service center reports disclosing the financial affairs of the service center, including financial position and results of operations. Each such financial statement shall include an attached statement certifying to the participating credit union that the scope of the activities of the service center was confined to (a) (1) of this Part;

(4) That the accounting service center shall establish and maintain the records of participating Federal credit unions in accordance with the requirements of § 701.14;

(5) That the records of participating Federal credit unions in possession of the accounting service center shall be available immediately for examination by the Administration; and

(6) That, when necessary to protect the interests of the participating federally insured credit unions, the books and records of the accounting service center shall be subject to examination by the Administrator.

(f) No official or employee of a participating Federal credit union may receive any salary or compensation from the accounting service center other than the reimbursement of necessary expenses incurred in connection with service center activities.

(g) Each Federal credit union participating in an accounting service center shall notify the Regional Director in writing of the arrangement at least 30 days prior to the date on which such participation shall commence. Such notice shall disclose the name and address of the accounting service center, the name of its managing officer, and shall provide information on the records to be maintained and the method to be used for that purpose. A Federal credit union shall notify the Regional Director in writing at least 30 days prior to discontinuing its participation in an accounting service center.

[FR Doc.75-2613 Filed 1-28-75;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 STATE

[Public Notice 440]

CLAIMS AGAINST THE GOVERNMENT OF THE SYRIAN ARAB REPUBLIC BY U.S. NATIONALS

Notice of Time for Filing

Notice is hereby given that the Department of State will receive at its Office of the Legal Adviser, located at 2201 C Street NW., Washington, D.C. 20520, during the period beginning February 3, 1975, and ending August 4, 1975, claims against the Government of the Syrian Arab Republic by U.S. Nationals for the nationalization, expropriation or sequestration of, or other measures directed against their property by the Government of the Syrian Arab Republic.

(The authority of the Secretary of State to negotiate and settle such claims with foreign governments rests upon the constitutional power of the Executive to conduct the foreign relations of the United States.)

Dated: January 22, 1975.

[SEAL] HENRY A. KISSINGER,
Secretary of State.

[FR Doc.75-2614 Filed 1-28-75;8:45 am]

[CM-5/9]

OCEAN AFFAIRS ADVISORY COMMITTEE

Meeting

The Ocean Affairs Advisory Committee will meet on February 27, 1975, in conference room 1205 of the Department of State, 2201 C Street NW, Washington, D.C. at 9 a.m. This meeting will not be open to the public since the discussions will be devoted to matters exempt from public disclosure under 5 USC 552(b)(1) and the public interest requires that such discussions be withheld from disclosure. These discussions will be confined to classified briefings on Law of the Sea meetings and fisheries negotiations, and will include examination and discussion of classified documents.

LORRY M. NAKATSU,
Acting Deputy Assistant Secretary for Oceans and Fisheries Affairs.

Date: JANUARY 6, 1975.

[FR Doc.75-2683 Filed 1-28-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Correction

In FR Doc. 75-1617 appearing at page 3018 in the issue of Friday, January 17, 1975, in the third paragraph beginning, "Any person registered to manufacture Phenmetrazine * * *" the date now reading "February 3, 1975" should read "February 18, 1975".

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Correction

In FR Doc. 75-1615 appearing at page 3018 in the issue of Friday, January 17, 1975, in the third paragraph beginning, "Any person registered to manufacture Methylphenidate * * *" the date now reading "February 3, 1975" should read "February 18, 1975".

MANUFACTURE OF CONTROLLED SUBSTANCES

Notice of Application

Correction

In FR Doc. 75-1616 appearing at page 3018 in the issue of Friday, January 17, 1975, in the fifth paragraph beginning "Any person registered to manufacture Cocaine * * *" the date now reading "February 3, 1975" should read "February 18, 1975".

Office of the Attorney General

[Order No. 590-75]

ADMINISTRATOR, DRUG ENFORCEMENT ADMINISTRATION

Authority Delegation To Approve Certain Use of Government-Owned Passenger Motor Vehicles

By virtue of the authority vested in me by 28 U.S.C. 509 and 510, and 5 U.S.C. 301, I hereby delegate to the Administrator of the Drug Enforcement Administration the authority under section 5 of the Act of July 16, 1914, as amended (31 U.S.C. 638a(c)(2)) to approve the use of Government-owned passenger motor vehicles for travel between place of domicile and place of employment by officers and employees of the Administration engaged in field work, the character of whose duties makes such transportation necessary, subject to such limitations and conditions that the Administrator deems appropriate.

Dated: January 22, 1975.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.75-2572 Filed 1-28-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 24322]

NEW MEXICO

Pipeline Application

JANUARY 21, 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), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 22, SE¼SW¼;
Sec. 27, N½NW¼;
Sec. 28, E½NE¼ and SW¼NE¼.

These pipelines will convey natural gas across 1.042 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, P.O. Box 1397, Roswell, NM 88201.

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

[FR Doc. 75-2611 Filed 1-28-75;8:45 am]

[NM 24508, 24509, 24510]

NEW MEXICO

Pipeline Application

JANUARY 20, 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), El Paso Natural Gas Company has applied for one 2⅜ and two 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 5 W.,
Sec. 11, SE¼SW¼.
T. 28 N., R. 6 W.,
Sec. 16, NE¼;
Sec. 27, NE¼SE¼.

These pipelines will convey natural gas across .193 miles of national resource lands in Rio Arriba County, New Mexico.

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

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

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Mineral Operations.

[FR Doc.75-2612 Filed 1-28-75;8:45 am]

GEOLOGICAL SURVEY

Producing Oil and Gas Fields, Calif.; Definitions of Known Geologic Structures

Pursuant to 43 CFR 3100.7, and delegations of authority in 220 Department Manual 41G, Geological Survey Manual 220.2.2B(2), and Conservation Division Supplement (Geological Survey Manual) 220.2.1F(2) notice is hereby given that the known geologic structures of producing oil and gas fields have been redefined as follows:

NAME OF FIELD, EFFECTIVE DATE, ACREAGE (5) CALIFORNIA

Asphalto; March 12, 1974; 2,000.
Cymric; March 12, 1974; 11,410.
McKittrick; March 12, 1974; 3,733.
Northeast McKittrick; March 12, 1974; 2,990.
Railroad Gap; March 12, 1974; 2,040.

Maps and diagrams showing the boundaries of the defined structures have been filed with the Bureau of Land Management, Sacramento, California. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025.

W. C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-2676 Filed 1-28-75;8:45 am]

National Park Service

YOSEMITE MASTER PLAN

Notice of Intent

Notice is hereby given that the first phase of the new Master Planning process for Yosemite National Park, California, will begin on Wednesday, February 5, 1975, with a workshop at Park headquarters, the first in a series of such workshops providing for public involvement and citizen participation in the planning process.

The times, dates and locations of subsequent workshops to be held throughout the month of February in communities surrounding the Park will be widely publicized in advance through announcements in the news media and through direct contact with interested individuals and organizations. Concurrent with the workshops will be a series of consultations between members of the Yosemite Master Planning Team and appropriate Federal, State and local government officials.

Subsequent workshops and consultations, to be preceded by adequate advance public notice, will be held beginning in March in various communities throughout the San Joaquin Valley, in the San Francisco Bay Area; in the Los Angeles metropolitan area and in other centers of population as appropriate.

The purpose of these workshops and consultations is to provide the widest possible public involvement, including ideas, suggestions and comments from individuals and organizations on the concepts and composition of a draft Master Plan for Yosemite National Park prior to the actual drafting of such a plan.

It is the intention of the National Park Service, when the draft Master Plan is completed, to submit it to the public for further review through a series of public meetings for which adequate advance public notice also will be given.

Anyone wanting additional information on the workshops and/or the status of the planning process should contact the Superintendent, Yosemite National Park, P.O. Box 577, Yosemite National Park, CA 95389 (Telephone 209-372-4461).

JOHN H. DAVIS,
Acting Regional Director, Western Region, National Park Service.

[FR Doc.75-2869 Filed 1-28-75;9:54 am]

Bureau of Reclamation

EL PASO COAL GASIFICATION PROJECT

Postponement of Public Hearings on Draft Environmental Statement

The public hearings, as announced in the FEDERAL REGISTER, Volume 40, No. 11, Thursday, January 16, 1975, on the draft environmental statement for the proposed El Paso Coal Gasification Project (INT DES 74-77), which were scheduled for February 18, 1975, in Farmington, New Mexico, and February 19, 1975, in Window Rock, Arizona, have been postponed. The postponement has been requested by the chairman of the Navajo Tribal Council upon the recommendation of the Navajo Tribal Environmental Protection Commission.

The public hearings will be rescheduled in the near future. A revised notice will be published in the FEDERAL REGISTER 30 days prior to the new dates of the hearings.

Dated: January 28, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-2898 Filed 1-28-75;11:23 am]

WESTERN GASIFICATION CO.

Postponement of Public Hearings on Draft Environmental Statement

The public hearings, as announced in the FEDERAL REGISTER, Volume 40, No. 2, Friday, January 3, 1975, on the draft environmental statement for the proposed WESCO Coal Gasification Project and expansion of the Navajo Mine by Utah International, Incorporated (INT DES 74-107), which were scheduled for February 4, 1975, in Window Rock, Arizona, and February 5, 1975, in Farmington, New Mexico, have been postponed. The postponement has been requested by the chairman of the Navajo Tribal Council upon the recommendation of the Navajo Tribal Environmental Protection Commission.

The public hearings will be rescheduled in the near future. A revised notice will be published in the FEDERAL REGISTER 30 days prior to the new dates of the hearings.

Dated: January 27, 1975.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.75-2897 Filed 1-28-75;11:23 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

MINNKOTA POWER COOPERATIVE, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Minnkota Power Cooperative of Grand Forks, North Dakota. This loan application requests REA loan funds to finance a 105 mile portion of a 230 kV transmission line from Winnipeg, Manitoba, to a site near Hibbing, Minnesota. Manitoba Hydro will construct the Canadian portion of facilities and Minnesota Power & Light Company and Minnkota Power Cooperative will construct the United States portion.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington,

D.C., Room 4310, or at the borrower's address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 22nd day of January, 1975.

DAVID H. ASKEGAARD,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.75-2631 Filed 1-28-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ARCHIE M. BRAND

Issuance of Permit for Marine Mammals

On September 17, 1974, notice was published in the FEDERAL REGISTER (39 FR 11320) that an application had been filed with the National Marine Fisheries Service by Archie M. Brand, Sparky's School of Seals, Route 4, Box 562, Carthage, Missouri, for a permit to take four California sea lions (*Zalophus californianus*) for public display.

Notice is hereby given that, on January 21, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a permit for the above-mentioned taking to Archie M. Brand, subject to certain conditions set forth therein.

The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JANUARY 21, 1975.

[FR Doc.75-2632 Filed 1-28-75;8:45 am]

BENSON WILD ANIMAL FARM

Notice of Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a public display permit as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Benson Wild Animal Farm, Hudson, New Hampshire 03061, to take three (3) California sea lions (*Zalophus californianus*) for the purpose of public display.

The California sea lions will be taken by a professional collector from the California Channel Islands, acclimated to captivity by the collector and transported via commercial airline to the New Hampshire facility.

The animals will be housed in two areas during the months of April through October. The first area is a wooden building, 19 feet long by 9 feet 6 inches wide with an outside pool, 48 feet long and 5 feet deep. One of the requested sea lions will be trained to perform in a show and will be maintained in this area. The second area is enclosed by steel bars and has a haul-out area of 120 square feet and a pool 12 feet by 6 feet by 4, feet deep. No more than two sea lions are to be maintained in this area during the above mentioned months. During the months of November through March, all the sea lions are maintained in a heated building, 49 feet long and 21 feet wide. The building contains two cement pools measuring 12 feet long by 6 feet wide by 2 feet deep and 24 feet long by 6 feet wide and 32 inches deep. The water supply is from an artesian well and is stored in a 200,000 gallon tank. Two California sea lions are currently maintained in the facility.

Dr. Paul A. Phenix, D.V.M. has provided veterinary care to the Benson Wild Animal Farm. Dr. Roland F. Teibor, Jr., has 30 years experience as a trainer and handler of sea lions.

The Benson Wild Animal Farm is a profit-making corporation chartered in the State of New Hampshire and is visited by some 400,000 people a year. Educational guided tours are offered to any groups requesting them.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with this application are available in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, the Office of the Regional Director, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Office of the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before February 25, 1975, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

JANUARY 15, 1975.

[FR Doc.75-2634 Filed 1-28-75;8:45 am]

BERND G. WUERSIG

Notice of Modification of Permit

Notice is hereby given that, pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to Bernd G. Wuersig, Division of Biological Sciences, University of New York, Stony Brook, New York 11790, on March 28, 1974, as modified on July 8, 1974 (39 FR 24932), is further modified, by means of Modification No. 2, in the following manner:

The period of validity of the Permit is extended from January 31, 1975, to July 31, 1975. A preliminary report is due by September 30, 1975, rather than by March 30, 1975. A final report is due by December 31, 1975, rather than by May 31, 1975.

This modification is effective on January 29, 1975.

The permit as modified is available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 10930.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JANUARY 21, 1975.

[FR Doc.75-2633 Filed 1-28-75;8:45 am]

NORTHWEST FISHERIES CENTER

Issuance of Permit for Marine Mammals

On September 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 32045), that an application, as amended on October 31, 1974 (39 FR 38404), had been filed with the National Marine Fisheries Service by the Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, for a scientific research permit to conduct research on pinniped species inhabiting the Hawaiian Islands and Pacific coastal and offshore areas of the United States and Mexico.

The pinniped species involved in the research are:

Pacific harbor seal (*Phoca vitulina richardii*);
Northern elephant seal (*Mirounga angustirostris*);
Guadalupe fur seal (*Arctocephalus townsendi*);

Hawaiian monk seal (*Monachus schauinslandi*);
California sea lion (*Zalophus californianus*); and
Northern sea lion (*Eumetopias jubatus*).

The research activities to be conducted include:

(1) Tag up to 1000 California sea lions and up to 1000 northern elephant seals;

(2) Conduct aerial surveys and counts, and ground-level counts of populations of the above-mentioned pinniped species;

(3) Kill up to 600 California sea lions, 20 Pacific harbor seals, and 20 northern sea lions for stomach content analysis and other biological information;

(4) Collect any and all dead pinnipeds of the above mentioned species which are found at sea or beached.

Notice is hereby given that, on January 21, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above described activities to the Northwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein.

The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue, North, Seattle, Washington 98109, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

JANUARY 21, 1975.

[FR Doc.75-2635 Filed 1-28-75;8:45 am]

Office of the Secretary

PROPOSED VOLUNTARY ENERGY CONSERVATION SPECIFICATIONS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS AND FREEZERS

Notice of Hearing

On December 31, 1974, notice was given in the FEDERAL REGISTER (39 FR 45334), in accordance with section 9.4 of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation (15 CFR Part 9), that the Department of Commerce proposed to issue separate Voluntary Energy Conservation Specifications for refrigerators, combination refrigerator-freezers and freezers. The notice also advised that interested persons desiring to express their views in an informal hearing may do so if, on or before January 15, 1975, they submit a request to the Assistant Secretary for Science and Technology that such a hearing be held.

Requests for an informal hearing on the proposed specifications, within the time frame set out in the December 31, 1974, notice, have been received. Accordingly, notice is hereby given, pursuant to section 9.4(d) of the cited Procedures, that an informal hearing on the proposed specifications will be held on February 25, 1975, at 10 a.m. e.s.t. in Room 6802, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Persons desiring to testify at such hearing should notify the Assistant Secretary for Science and Technology, Department of Commerce, Room 3862, Main Commerce Building, Washington, D.C. 20230, as promptly as possible, and in any event prior to the hearing date, in order that preparations may be made to accommodate every person who desires to appear.

The following procedures are established for the informal hearing:

I. *Purpose.* The purpose of the informal hearing on the proposed specifications for refrigerators, combination refrigerator-freezers and freezers is to provide all interested segments of the public with an opportunity to comment upon the Department's proposed specifications. This hearing will be held in accordance with section 9.4(d) of the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation (15 CFR Part 9).

II. *Conduct of hearings.* (a) This hearing shall be an informal, nonadversary proceeding at which there will be no formal pleadings or adverse parties.

(b) The presiding officer shall have the right to apportion the time of persons making presentations at the hearing in an equitable manner. Witnesses may submit a written presentation of their views for the record.

(c) The presiding officer and other Department representatives shall have the right to question witnesses appearing at this hearing as to their testimony and other matters relating to the proposed specifications.

(d) The presiding officer shall have the right to terminate or shorten the presentation of any party appearing at this hearing when, in the opinion of said presiding officer, such presentation is repetitive or is not relevant to the purpose of the hearing.

(e) The presiding officer has the right to exercise authority necessary to contribute to the equitable and efficient conduct of these hearings and to maintain order at the hearings.

III. *General provisions.* a. The informal hearing shall be open to the members of the public whether or not such members desire to testify at the hearing.

(b) A transcript will be made of the informal hearing.

(c) Copies of the transcript and all materials presented by the witnesses at the hearing shall be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 7043, Main Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230.

Dated: January 24, 1975.

BETSY ANCKER-JOHNSON,
Assistant Secretary for
Science and Technology.

[FR Doc.75-2642 Filed 1-28-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

COMMUNITY EDUCATION ADVISORY COUNCIL

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, P.L. 92-463, that the first meeting of the Community Education Advisory Council will be held February 13 and 14, 1975, at the U.S. Office of Education, 400 Maryland Avenue SW., Room 4173, Washington, D.C. The Thursday meeting will begin at 8:30 a.m. and end at 5 p.m. The Friday meeting will begin at 8:30 a.m. and end at 3:30 p.m.

The Community Education Advisory Council is authorized under Public Law 93-380. The Council is established to advise the Commissioner of Education on policy matters relating to the interests of community schools. In the fiscal year ending June 30, 1975, the Advisory Council shall be responsible for advising the Commissioner regarding the establishment of policy guidelines and regulations for the operation and administration of the Community Schools Act. In addition, the Council shall create a system for evaluation of the programs. The Council shall present to Congress a complete and thorough evaluation of the programs and operation of the Community Schools Act for each fiscal year ending after June 30, 1975.

The meeting of the Council will be open to the public. The proposed agenda includes:

(1) Introduction and Swearing-in of Members
(2) Discussion of Council charge
(3) Consideration of Policy and Concepts pertaining to Guidelines and Regulations
(4) Other Administrative Matters pertaining to Committee functions.

Records shall be kept of all Council proceedings and shall be available for public inspection in Room 4177-E, Federal Office Building No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202.

Signed at Washington, D.C. on January 24, 1975.

JULIE ENGLUND,
Special Assistant
to the Commissioner.

[FR Doc.75-2624 Filed 1-28-75;8:45 am]

HIGHER EDUCATION PERSONNEL TRAINING PROGRAMS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 541 of Title V, Part E of the Higher Education Act of 1965 (20 U.S.C. 1119b), applications are being accepted from institutions of higher education for grants for higher education personnel fellowships, institutes, and short-term training programs. Processing of these applications will be subject to the availability of funds.

Applications must be received by the U.S. Office of Education Application Control Center on or before March 7, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.461 or 13.462, as appropriate. An application sent by mail will be considered to be received on time by the Application Control Center 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

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C., time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Training and Facilities, Bureau of Postsecondary Education, Office of Education, Rm. 4673, 7th and D St. SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) and the proposed Funding Criteria for Higher Education, Personnel Training Programs published in this issue of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Number 13.461, Higher Education Personnel Development—Institutes and Short-Term Training; and Number 13.462, Higher Education Personnel Fellowships)

Dated: December 31, 1974.

DUANE J. MATTHEIS,
Acting Commissioner of Education.

[FR Doc.75-2638 Filed 1-28-75;8:45 am]

HIGHER EDUCATION PERSONNEL TRAINING PROGRAMS

Proposed Criteria for Funding of Applications for Fellowships, Institutes, and Short-Term Training Programs for Fiscal Year 1975

Pursuant to the authority contained in Title V, Part E, of the Higher Education Act of 1965, as amended (20 U.S.C. 1119b through 1119b-1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare proposes to issue criteria set forth below on the basis of which applications for fellowships, institutes, and short-term training programs submitted under section 541 of Title V-E of the Act (20 U.S.C. 1119b) will be judged. Title V-E of the Act authorizes the Commissioner to make grants to institutions of higher education for the training of persons who are serving or preparing to serve as teachers, administrators, or educational specialists in institutions of higher education.

In addition to evaluation on the basis of the criteria set forth in the General Provisions for Office of Education Programs at 45 CFR 100a.26, the Commissioner will select applications to be funded under Title V, Part E of the Higher Education Act of 1965 on the basis of the following criteria:

(a) The extent to which the proposed training program is concerned with the following priorities:

(1) Programs that focus on ameliorating the shortage of specialized higher education personnel who will serve the needs of the bilingual, handicapped, Native Americans and junior and community colleges.

(2) Programs for financial aid officers and business officers.

(b) The extent to which the application contains concrete data and other information evidencing need in higher education to which the program is addressed.

(c) The extent to which the objectives of the training program are stated clearly and are sharply focused to meet the need.

(d) The extent to which the application contains a clear and detailed description of training procedures which will effectively achieve the objectives.

(e) The extent to which the proposed program includes effective procedures for evaluation of the impact of the training in meeting the need.

(f) The extent to which the proposed staff of the program is qualified to achieve its specific objectives.

(g) The extent to which the application provides evidence that the institution and groups involved in the training program are committed to its objectives.

(h) The ability of the applying institution to offer a high quality higher education personnel preparation program.

(i) The amount and extent of previous planning and development of the program.

(j) The extent to which a carefully conceived and effectively supervised internship experience is included as an integral feature of the training proposal.

Interested persons are invited to submit written comments, suggestions, or objections regarding these criteria to the Division of Training and Facilities, Bureau of Postsecondary Education, U.S. Office of Education, 7th and D Streets SW., Room 4673-ROB, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays, except holidays between 8:30 a.m. and 4:30 p.m. All relevant material received not later than February 28, 1974.

(Catalog of Federal Domestic Assistance Number 13.461, Higher Education Personnel Development—Institutes and Short-Term Training; and Number 13.462, Higher Education Personnel Fellowships)

Dated: December 31, 1974.

DUANE J. MATTHEIS,
Acting Commissioner of Education.

Approved: January 23, 1975.

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

[FR Doc.75-2637 Filed 1-28-75;8:45 am]

STATE POSTSECONDARY EDUCATION COMMISSIONS

Receipt of Information; Closing Date

In order for a State to receive funds appropriated during fiscal year 1975 to support comprehensive statewide planning for postsecondary education as authorized under section 1203 of the Higher Education Act of 1965 (20 U.S.C. § 1142 (b)), it must have established a State Postsecondary Education Commission which, as required by section 1202(a) of that Act, is "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State, including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four year institutions of higher education and branches thereof". States which have not previously submitted information concerning establishment of such a State Commission and which wish to receive such planning funds must submit the following information to the U.S. Commissioner of Education by February 28, 1975:

(1) An indication of which of the following three options for establishing a section 1202 State Commission the State has chosen to follow: (i) Creation of a new Commission, (ii) Designation of an existing State agency or State Commission, or (iii) Expanding, augmenting or reconstituting the membership of an existing State agency or State Commission.

(2) An indication whether any of the following State-administered program authorities contained in the Higher Education Act of 1965 have been assigned to the section 1202 State Commission:

(i) Community Services and Continuing Education (HEA section 105);

(ii) Equipment for Undergraduate Instruction (HEA section 603); and

(iii) Grants for Construction of Undergraduate Academic Facilities (HEA section 704).

(3) The official name, address and telephone number of the State Commission.

(4) The names, mailing addresses, and terms of office of the members of the State Commission.

(5) The name, title, mailing address, and telephone number of the principal staff officer of the State Commission.

(6) A letter, signed by the Governor,

explaining how the membership of the State Commission meets the "broadly and equitably representative" requirements of section 1202(a) and what provisions have been made to ensure continuing compliance with these requirements of the law.

The above information may be sent by mail or hand-delivered.

(a) *Information sent by mail.* Information sent by mail should be addressed to the U.S. Commissioner of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. Such information will be considered to be received on time if:

(1) The information 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

(2) The information is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(b) *Information delivered by hand.* Information to be delivered by hand must be taken to Room 4181, 400 Maryland Avenue SW., Washington, D.C. Hand-delivered information will be accepted daily, between the hours of 8 a.m. and 4 p.m. Washington, D.C., time, except Saturdays, Sundays, and Federal holidays. Information will not be accepted after 4 p.m. on the closing date.

(20 U.S.C. 1142b)

Dated: January 23, 1975.

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

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

[FR Doc.75-2699 Filed 1-28-75;8:45 am]

POSTSECONDARY EDUCATION COMPREHENSIVE STATEWIDE PLANNING GRANTS PROGRAM

Receipt of Application; Closing Date for Fiscal Year 1975

Notice is hereby given that pursuant to the authority contained in section 1203 of Title XII of the Higher Education Act of 1965, as amended (20 U.S.C. section 1142b), applications from State Postsecondary Education Commissions for grants under the Postsecondary Education Comprehensive Statewide Planning Grants Program are being accepted. Such Commissions must be established pursuant to section 1202(a) of the Act and information of establishment must have been submitted as required by the Notice of Closing Date for Receipt of Information, published in the FEDERAL REGISTER on March 26, 1974, or as required by the similar notice published in this issue of the FEDERAL REGISTER.

Applications for such grants are available from the State Planning Commissions Program Office, Bureau of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. Such applications must be completed and received at the above office on or before February 28, 1975.

The applications may be returned by mail or hand-delivered.

A. *Applications sent by mail.* An application sent by mail should be addressed to the State Planning Commissione Program Office, Bureau of Postsecondary Education, U.S. Office of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. Such applications will be considered to be received on time 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

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* Applications to be delivered by hand must be taken to room 4656, Regional Office Building 3, 7th and D Streets SW, Washington, D.C. Hand-delivered applications will be accepted daily, between the hours of 8:00 a.m. and 4:00 p.m. Washington, D.C. time, except Saturdays, Sundays, and Federal holidays. Applications will not be accepted after 4:00 p.m. on the closing date.

(20 U.S.C. 1142b)

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

Dated: JANUARY 23, 1975.

T. H. BELL,
Commissioner of Education.

[FR Doc.75-2698 Filed 1-28-75; 8:45 am]

Food and Drug Administration

GERIATRIC SUBCOMMITTEE OF THE PSYCHOPHARMACOLOGICAL AGENTS ADVISORY COMMITTEE

Notice of Rescheduling

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C App. D, the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of January 15, 1975 (40 FR 2732), public advisory committee meetings and other required information in accordance with provisions set forth in sections 10(a) (1) and (2) of the act.

Notice is hereby given that the meeting of the Geriatric Subcommittee of the Psychopharmacological Agents Advisory Committee scheduled for Feb. 17, 1975 at 200 C St. SW., Washington, D.C., has been rescheduled for Feb. 24 in Rm. 4131, 330 Independence Ave. SW., Washington, D.C., because Feb. 17 is a holiday.

Dated: January 23, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2650 Filed 1-28-75;8:45 am]

HIGH INTENSITY MERCURY VAPOR DISCHARGE LAMPS

Open Meeting Regarding Radiation Safety

The Bureau of Radiological Health, Food and Drug Administration, has recently become aware of a number of injuries which reportedly occurred following exposure to ultraviolet emissions from certain damaged high intensity mercury vapor discharge lamps used for lighting purposes in gymnasiums of some public schools. Laboratory testing of several lamps of this type, conducted within the Bureau of Radiological Health, has confirmed that the lamp model involved in the reported incidents can continue to function after removal of its outer envelope, resulting in emission of ultraviolet radiation in excess of that emitted by the intact lamp. Because lamps of this type are widely used in schools, sports arenas, commercial places and industrial facilities, and for outdoor applications such as floodlighting and streetlighting, large populations may be exposed to a potential radiation hazard.

Information concerning the product design and the performance characteristics of this type of electronic product, including spectral irradiance, photometric data, physical description, theory of operation, and other optical properties of each model is necessary for an evaluation of the nature and extent of the problem. For the purposes of information-collection and discussion of possible options such as establishing performance standards or requiring manufacturers' product performance information under the authority of the Radiation Control for Health and Safety Act of 1968, for protection of the public health and safety, the Commissioner of Food and Drugs has scheduled an open meeting at 9 a.m. on February 13, 1975. The meeting will be held at the Bureau of Radiological Health, Rm. 400, 12720 Twinbrook Parkway, Rockville, MD 20852. Those who wish to attend and/or participate should contact the Director,

Bureau of Radiological Health, (301) 443-4690.

Dated: January 23, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2651 Filed 1-28-75;8:45 am]

REQUIREMENTS FOR MARKETING HEPATITIS B SURFACE ANTIGEN IN VITRO DIAGNOSTIC PRODUCTS

Notice to Manufacturers

Hepatitis B surface Antigen (HBsAg), also referred to as hepatitis B antigen and hepatitis associated (Australia) antigen, is a component on the surface of hepatitis B virus and may be used as an in vitro diagnostic product to detect the presence of antibody to HBsAg. The antibody appears in the serum of individuals who have had viral hepatitis, type B, which is caused by infection with the virus. Viral hepatitis, type B, is a disease marked by acute or subacute liver dysfunction with malaise, anorexia, nausea and vomiting, enlargement of the liver, and jaundice, usually self-limited in course, but sometimes leading to chronic liver disease and death.

Certain individuals, such as hemophiliacs, may require transfusion with certain blood derivatives which carry a high risk of transmitting hepatitis B virus. Since individuals having the antibody to HBsAg are unlikely to be reinfected by the hepatitis B virus, information regarding the presence of the antibody in the serum of such individuals is valuable in evaluating the benefit from use of such blood derivatives against the risk of transmitting the virus.

Additionally, detection of antibodies to HBsAg in recipients of blood and blood products provides a laboratory approach for obtaining epidemiological information regarding frequency of infection with hepatitis B virus in the U.S. population. Such information is useful in the continuing assessment of the safety of blood and blood products, and in measuring the impact of various remedies designed to reduce the incidence of post-transfusion viral hepatitis, type B.

HBsAg, when used for the prevention, treatment, or cure of diseases or injuries of man, is a biological product within the meaning of section 351 of the Public Health Service Act (42 U.S.C. 262) and is also a drug as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). In addition, when used as an in vitro diagnostic product to detect antibody to HBsAg in human serum, it is subject to the requirements of Part 328 of Title 21 of the Code of Federal Regulations concerning labeling and procedures for the development of product class standards for all in vitro diagnostic products for human use. Section 328.35 (21 CFR 328.35) of these regulations provides that compliance with the requirements of Part 328 shall constitute compliance with the labeling and licensing requirements of section 351 of the Public Health Service Act, and the labeling and new drug requirements of the Federal Food, Drug, and Cosmetic Act, unless the Commissioner finds that additional requirements should be imposed pursuant to either statute to protect the public health.

In view of the potential health hazards of hepatitis to laboratory personnel, the public, and the environment from improper handling of HBsAg before, during, and after its use in an in vitro diagnostic product, the Commissioner concludes that protection of the public health requires that HBsAg products not only be labeled in accordance with the provisions of 21 CFR Part 328 but also be marketed only under the strict regulatory controls of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and section 351 of the Public Health Service Act. Pursuant to § 312.1 (g) (21 CFR 312.1(g)), current investigation of these products requires that a "Notice of Claimed Investigational Exemption for a New Drug" be submitted for approval to the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014. Such products may not lawfully be marketed in interstate commerce until they are licensed pursuant to section 351 of the Public Health Service Act to ensure the manufacture of HBsAg in vitro diagnostic products that are safe, pure, potent, and efficacious. The Commissioner will propose additional standards for such products in a notice of proposed rule making to be published in the FEDERAL REGISTER in the near future.

This notice is issued pursuant to the Federal Food, Drug and Cosmetic Act (secs. 201, 502, 505, 508, 510, 701, 52 Stat. 1040–1042, 1050–1053, 1055–1056, as amended, 76 Stat. 789–790, 794 as amended; 21 U.S.C. 321, 352, 355, 358, 360, 371), and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: January 21, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-2654 Filed 1-28-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[Docket No. HM-112; Notice No. 73-9]

HAZARDOUS MATERIALS

Consolidation of Regulations and Miscellaneous Proposals; Public Hearing Regarding Transportation Aboard Aircraft

Notice is hereby given that the Hazardous Materials Regulations Board ("the Board") will hold a public hearing beginning at 9:30 a.m. on February 10, 1975 in Room 300, Federal Office Building 10A (commonly referred to as the FAA Building) located at 800 Independence Avenue, SW., Washington, D.C. to receive comments from interested persons on the present regulations pertaining to the transportation of hazardous materials aboard aircraft or the need to issue new regulations which might improve the protections afforded the traveling public and aircraft crews.

The present regulations pertaining to the transportation of hazardous materials aboard aircraft are found in Part 103 of Title 14, Code of Federal Regulations, and by references contained therein, Title 49 Code of Federal Regulations, Parts 170–189. The basic design of the system of regulation found in Part 103 is the incorporation of the partial exemption (specification packaging, marking, and labeling) sections in Title 49 for transportation of hazardous materials aboard passenger-carrying aircraft and the requirements pertaining to shipment via rail express for cargo-only aircraft. The system has been basically the same for more than 20 years without substantial revision.

On January 24, 1974, the Board published a notice of proposed rule making (39 FR 3022) under Docket HM-112 proposing a new Part 175 under Title 49 to replace Part 103 of Title 14. Also proposed were a number of revisions to the new list of hazardous materials (§ 172.-101) and certain sections of Part 173 which, if adopted, would no longer permit the transportation of certain materials aboard passenger-carrying aircraft. However, the Board did not propose a complete revision of the regulations in this regard based on an evaluation of each material or generic classification listed.

In comments dated August 30, 1974, the Airline Pilots Association (ALPA) indicated its "* * * basic policy and recommendation that hazardous materials should be banned from passenger-carrying aircraft except for those items which are medically necessary for the good of the population, dry ice for the prevention of perishable goods, and magnetic material when packaged and stowed under the appropriate regulations * * *." In addition, during their meeting held November 18 to 27, 1974, the ALPA Board of Directors adopted a resolution calling for (1) discontinuing the transportation of all hazardous materials aboard passenger-carrying aircraft except for certain radiopharmaceuticals, magnetized materials, and dry ice, and (2) limiting the hazardous materials to be carried in cargo-only aircraft to only those materials presently authorized aboard passenger-carrying aircraft.

In light of the foregoing, the Deputy Secretary of Transportation established a task force to make a complete and informed review of the hazardous materials presently being moved in air commerce. The task force is made up of representatives of the Federal Aviation Administration and the Office of Hazardous Materials and is under the direction of the Director of the Office of Hazardous Materials. The task force has been directed to address the points in the ALPA Resolution and to examine those hazardous materials being carried on passenger-carrying and cargo-carrying aircraft

with a view toward taking those materials that could be moved by surface transportation off aircraft when no justification for movement in air commerce can be shown. The purpose of this hearing is to assist the task force in obtaining the views of interested members of the shipping industry, the public, and the transportation industry.

This hearing will focus on the materials presently authorized to be transported aboard aircraft. It is contemplated that a second public hearing will be held on the operating requirements that possibly should be imposed in addition, or as an alternative, to those presently specified or proposed in Docket HM-112; Notice 73-9. The time, location and details pertaining to the hearing on operating requirements will be announced in a later issue of the FEDERAL REGISTER.

Commenters are also advised that this proceeding does not include those matters pertaining to radioactive materials covered by FAA Docket No. 3668; Notice 74-18 (39 FR 14612) published April 25, 1974 and those on implementation of regulations necessary to accomplish compliance with section 108 of the Hazardous Materials Transportation Act (Pub. L. 93-633).

The departmental task force will prepare a report following consideration of the comments presented at the hearing, or in writing. That report will be made part of this docket and may serve as the basis for further rule making.

In preparation of views for presentation, commenters should consider the potential hazards of materials presently authorized aboard passenger-carrying aircraft, cargo-only aircraft, or both, taking into account (1) the quantity authorized, (2) the prescribed packaging, (3) the nature and degree of the potential hazard, i.e., toxicity, flammability, corrosivity, pyrophoricity, explosivity, etc., (4) the potential for commingling with other materials having incompatible characteristics and (5) any other factor that should be considered relative to the safety of the passengers, crew, or operation of an aircraft. Commenters may also present views on the necessity that certain identified materials be permitted aboard aircraft in the future in the public interest even though this notice contains no specific proposal to change the regulations to prohibit the transportation of any particular material via aircraft.

Presiding at the hearing will be the Director of the Office of Hazardous Materials as a designated representative of the Board Member for the Federal Aviation Administration in accordance with 49 CFR 170.31(b). Any person who wishes to make an oral statement at the hearing should notify the Director in writing or preferably by telephone or telegram providing his name, address, telephone number, and the approximate time needed for his presentation. The notification should be provided on or before February 4, 1975 and addressed to Director, Office of Hazardous Materials, Department of Transportation, Washington, D.C. 20590 (202-426-0656).

Interested persons not desiring to make oral presentations are invited to give their views in writing. Communications should identify the docket number and be submitted in duplicate to the Director at the above address by February 20, 1975.

A transcript of the hearing will be made and anyone may purchase a copy of the transcript from the reporter. A copy of the transcript and copies of all comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215 Trans Point Building, Second and V Streets, SW., Washington, D.C., both before and after the closing date for comments.

(Transportation of Explosives Act (18 U.S.C. 831-835); sec. 6, Department of Transportation Act (49 U.S.C. 1655); Title VI and sec. 902(h), Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h), and 1655(c)))

Issued in Washington, D.C. on January 27, 1975.

W. J. BURNS,
Director,
Office of Hazardous Materials.

[FR Doc.75-2778 Filed 1-28-75;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Notice of Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 5 U.S.C. App. I) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised) dated March 27, 1974, that a meeting of the General Advisory Committee on Arms Control and Disarmament is scheduled to be held on Thursday, February 13, 1975 from 9 a.m. to 5 p.m., and on Friday, February 14, 1975 from 9 a.m. to 3:30 p.m., at 2201 C Street, N.W., Washington, D.C. in Room 7516. The purpose of the meeting is for the Committee to receive classified briefings and hold classified discussions concerning continuing international negotiations and other arms control issues.

The meeting will be closed to the public. A determination has been made by the Director of the Arms Control and Disarmament Agency in accordance with section 10(d) of the Federal Advisory Committee Act and paragraph 8d(2) of Office of Management and Budget Circular No. A-63 (Revised) that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: January 24, 1975.

SIDNEY D. ANDERSON,
Advisory Committee
Management Officer.

[FR Doc.75-2639 Filed 1-28-75;8:45 am]

CIVIL AERONAUTICS BOARD

[(Order 75-1-51); Docket No. 25280
Agreement C.A.B. 24475 R-2]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Cargo Traffic Procedures

Correction

In FR Doc. 75-1655 appearing at page 3032 of the issue for Friday, January 17, 1975, the first line of the text is corrected by inserting, "Issued under delegated authority.".

[Order 75-1-82; Docket No. 25280; Agreement C.A.B. 24874 R-1 and R-2; 24887 R-1 through R-4; 24888; 24895 R-1 through R-11]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority January 20, 1975.

Agreements adopted by the Traffic Conferences of the International Air Transport Association relating to specific commodity rates.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted pursuant to the provisions of IATA Resolution 590 dealing with specific commodity rates and reflect unprotested filings by various carriers.

With respect to air transportation as defined by the Act, the agreements propose revisions to the specific commodity rate structures applicable over the Atlantic and Pacific. We will approve these revisions, outlined in the attachment hereto, which reflect reductions from otherwise applicable general cargo rates. The Board will, however, disapprove one South Pacific rate which reflects a five percent increase recently disapproved by the Board.[1] Jurisdiction will be disclaimed on those portions of the agreements involving rates wholly between foreign points, which are not combinable with rates to/from U.S. points.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

(1) It is not found that Agreements C.A.B. 24874, R-1 and R-2; C.A.B. 24887, R-1 through R-3; and C.A.B. 24895, R-1 through R-11 are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered;

(2) It is found that Agreement C.A.B. 24887, R-4 is adverse to the public interest and in violation of the Act; and

(3) It is not found that Agreement C.A.B. 24888 affects air transportation within the meaning of the Act.

[1] Order 74-12-23 (December 6, 1974).

Accordingly, *it is ordered That:* 1. Agreements C.A.B. 24874, R–1 and R–2; C.A.B. 24887, R–1 through R–3; and C.A.B. 24895, R–1 through R–11; be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing;

2. With respect to the North/Central Pacific market area, specific commodity rates established pursuant to Resolution 590 with any United States point as an origin or destination, shall be available to and/or from any other United States city having an intermediate position based on shortest operated mileages, at levels no greater than those established for the more distant point;

3. Agreement C.A.B. 24887, R–4, be and hereby is disapproved; and

4. Jurisdiction be and hereby is disclaimed with respect to Agreement C.A.B. 24888.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

IATA commodity item No.[1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight in kilograms	Market
RATES ADDED UNDER EXISTING COMMODITY DESCRIPTIONS			
7067 [2]	125	1,000	Auckland to Los Angeles.
1407 [3]	141	100	Brussels to New York.
	107	1,000	Do.

[1] See applicable tariff for commodity descriptions.
[2] Agreement C.A.B. 24874.
[3] Agreement C.A.B. 24895.

IATA commodity item No.	Minimum charge	Pivot weight	Overpivot rate (Cents per kilogram)	Market
2211—Ladies Dresses, Men's Suits, and Men's Shirts, shipped in type 8B containers.[1]	$771	497	153	Hong Kong/Taipei to U.S. west coast.
	887	465	177	Hong Kong/Taipei to Chicago.
	930	497	185	Hong Kong/Taipei to New York.

[1] Agreement C.A.B. 24874.

IATA commodity item No. [1]	Specific commodity rate: Cents per kilogram	Specific commodity rate: Minimum weight in kilograms	Market
RATES EXTENDED UNDER EXISTING COMMODITY DESCRIPTIONS			
9215 [2]	95	500	Copenhagen to New York.
0220 [2]	124	500	Tel Aviv to New York.
4312 [2]	341	100	New York to Bombay/Delhi.
4416 [2]	278	500	Madras to New York.
4505 [2]	256	100	Bangalore to New York.
4702 [2]	341	500	New York to Bombay/Delhi.
	345	500	New York to Calcutta.
	347	500	New York to Madras.
7062 [4]	301	100	Bombay to New York.
8280 [4]	217	100	Do.
	201	300	Do.
9001 [4]	203	500	Bombay/Delhi to New York.
9093 [4]	276	100	Do.
	249	200	Do.
	280	100	Calcutta to New York.
	254	200	Do.
	281	100	Madras to New York.
	255	200	Do.
	334	100	New York to Bombay/Delhi.
	299	200	Do.
	337	100	New York to Calcutta.
	302	200	Do.
	339	100	New York to Madras.
	304	200	Do.
RATES ADDED UNDER NEW COMMODITY DESCRIPTIONS			
3407—Steel and Aluminum Cooking Utensils.[4]	99	500	New York to Shannon.
	100	500	New York to Dublin.
1475—Plants [5]	160	1,000	Abidjan to New York.

[1] See applicable tariff for commodity descriptions.
[2] Agreement C.A.B. 24887.
[3] Agreement C.A.B. 24895.
[4] Agreement C.A.B. 24887.
[5] Area of application changed to include North Atlantic—Agreement C.A.B. 24895.

[FR Doc.75-2488 Filed 1-28-75;8:45 am]

[Dockets 21549 and 21548; Order 75–1–99]

BRANIFF AIRWAYS, INC.

Suspension and Certificate Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of January, 1975.

Application of Braniff Airways, Inc., for authority to suspend service temporarily at Antofagasta, Chile—Docket 21549. Application of Braniff Airways, Inc., for the amendment of its certificate of public convenience and necessity for route 153 so as to delete Antofagasta, Chile—Docket 21548.

On November 27, 1974, Braniff Airways, Inc. (Braniff), filed an application requesting a continuation of its authorization to suspend service at Antofagasta, Chile, on route 153, pending final Board action on its application in docket 21548 to delete Antofagasta.[1] Relief is requested either (1) by amendment of order 69–11–138 to delete the words, "for a period of five years or" and "whichever first occurs" from ordering paragraph 1 of said order or (2) by the issuance of a further order authorizing temporary suspension until final Board decision on its deletion application in docket 21548.

In support of its request, Braniff alleges, *inter alia*, that: its predecessor in interest, Panagra, was authorized to serve Antofagasta as the air gateway to Chuquicamata, a mining center in northern Chile then operated by a U.S. company, Anaconda; the nationalization by the Chilean Government of copper operations in that country diminished and essentially eliminated the requirements for air service between the United States and Antofagasta; since January 1970, when Braniff suspended its services, even the Chilean carriers, LAN Chile (LAN) and Linea Aerea del Cobre (LADECO), have eliminated all international service to and from Antofagasta, indicating that such services could not now be profitably operated;[2] Antofagasta is about a third of the size of the next smallest city on Braniff's Latin American routes, Panama City; and the point lacks the standing as a national capital which the latter enjoys; service via connections at Santiago is adequate for Antofagasta's limited demand for international service; the general deterioration of the Antofagasta economy would make it prohibitively expensive to reinstate service; the traveling public would be harmed by lessening the quality of Braniff's service between Santiago and Lima that would result from adding Antofagasta as an intermediate point; and there is every indica-

[1] By order 69–11–138, Nov. 28, 1969, the Board authorized Braniff to suspend its services temporarily at Antofagasta for a period of 5 years or until final Board decision in Braniff's application to delete Antofagasta, docket 21548, whichever first occurred. By order 74–11–145, Nov. 27, 1974, Braniff's request for waiver of the timeliness-of-filing requirements of section 377.10(c) of the Board's Special Regulations was granted in order to continue the authority granted by order 69–11–138 after Nov. 28, 1974.

[2] The city is now served primarily by DC–6B and Hawker-Siddeley 748 aircraft on internal routes in Chile. LAN does operate one weekly flight with 727 aircraft.

tion that U.S.-flag service will not be required in the future and that the point should be deleted from Braniff's certificate.

No answers to the application have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to (1) continue Braniff's authority to suspend service temporarily at Antofagasta, Chile, until 90 days after final decision on its deletion application (docket 21548) and (2) issue an order to show cause why the Board should not grant the requested deletion. We note that no person has objected to the temporary suspension, and that reinstitution of Braniff's service to this relatively minor point, particularly in light of the nationalization of the Chuquicamata operations, could only mean future unprofitable operations and a barrier to better service in the more important markets on route 153 (*e.g.*, United States-Santiago markets). Accordingly, we find that continuation of the temporary suspension will be in the public interest.

In addition, we tentatively find and conclude that the public convenience and necessity require the amendment of Braniff's certificate for route 153 so as to delete the point Antofagasta, Chile.[3] The facts and circumstances which we have tentatively found to support our proposed ultimate conclusion appear below.

Braniff's predecessor, Panagra,[4] inaugurated service to Antofagasta in 1929 primarily as a courtesy to Anaconda, which had a need for reasonably direct air service between Chuquicamata and its corporate headquarters and other operations in the United States. With the nationalization of the Chuquicamata operations, not only was that historical justification no longer valid, but what had been a marginally profitable operation in the past appeared likely to become a very unprofitable one in the future. During the 12 months ended August 31, 1969, just prior to Braniff's suspension, the carrier enplaned a total of only 964 passengers, less than half of whom were destined to U.S. points. That many of those passengers were citizens returning to the United States is evidenced by the fact that Braniff deplaned in Antofagasta during the same 1-year period only six passengers, who had an on-line point of origin in the United States. The point is comparatively smal, and the relatively light traffic it generates cannot be served by an intercontinental carrier such as Braniff except at a severe loss. Thus, reinstitution of service to Antofagasta would involve an unnecessary increase in operating costs, would result in loss of through traffic (to and from Santiago) because of additional stop and additional flight time required,[5] and would otherwise not be economically sound. Moreover, the point is already served on local schedules by two foreign air carriers, LAN and LADECO.[6] In these circumstances, we do not believe that any useful public purpose would be served by the retention of Braniff's dormant certificate authority at Antofagasta.[7] Finally, the absence of opposition to Braniff's application lends support to our decision that the show-cause procedure is appropriate.

Interested persons will be given 30 days following the date of adoption of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

ACCORDINGLY, *it is ordered* that:

1. Braniff Airways, Inc., be and it hereby is authorized to suspend service temporarily at Antofagasta, Chile, until 90 days after final decision on its application to delete Antofagasta, Chile, in docket 21548;

2. The authority granted in paragraph 1 above may be amended or revoked at any time at the discretion of the Board without hearing;

3. All interested persons are directed to show cause why the Board should not issue an order makihg final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Braniff Airways, Inc., for route 153 so as to delete Antofagasta, Chile, therefrom;

4. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of adoption of this order, file with the Board and serve upon all persons listed in paragraph 7 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [8]

5. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

6. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

7. A copy of this order shall be served upon Braniff Airways, Inc.; LAN Chile Airlines, Inc.; the U.S. Department of State (Attn: Chief, Aviation Division); and the U.S. Postal Service (Attn: Assistant Postmaster General—Bureau of Transportation).

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-2686 Filed 1-28-75;8:45 am]

[Docket 26545]

CAPITOL INTERNATIONAL AIRWAYS, INC.

Enforcement Proceeding; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding currently scheduled for January 28, 1975 (39 FR 45314, December 31, 1974), is postponed indefinitely.

Dated at Washington, D.C., January 24, 1975.

[SEAL] BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc.75-2684 Filed 1-28-75;8:45 am]

[Docket 26961 Order 75-1-92]

WILLY P. DAETWYLER ET AL.

Transfer of Foreign Indirect Air Carriers; Order To Show Cause

Application of Willy Peter Daetwyler (Switzerland d/b/a, Interamerican Airfreight Co. (U.S.A.) and Daetwyler Airfreight Corporation (Swiss), for transfer of foreign indirect air carrier permit pursuant to section 402(g) of the Federal Aviation Act of 1958.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23rd day of January, 1975.

Willy Peter Daetwyler (Switzerland) d/b/a Interamerican Airfreight Co. (U.S.A.), hereinafter referred to as Daetwyler, is the holder of a foreign indirect air carrier permit issued pursuant to Order 71-10-114, approved October 23,

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[3] We also tentatively find that Braniff is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[4] In 1966, the Board approved the merger of Braniff and Pan American-Grace Airways (Panagra). *Panagia Acquisition Case*, 45 C.A.B. 495 (1966).

[5] A stop at Antofagasta would add at least an hour and a quarter in elapsed time between the United States and Santiago.

[6] LAN and LADECO presently provide daily service to Santiago where U.S.-bound passengers can connect with Barniff's Santiago-United States flights.

[7] The action we propose by this order is similar to that taken with respect to previous applications of Braniff and other international carriers to delete dormant operating authorizations. See, *e.g.*, *United States-South America Route Investigation*, 49 C.A.B. 500 (1968).

[8] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

1971.[1] By application filed in Docket 26961, dated August 19, 1974, Daetwyler and Daetwyler Airfreight Corporation (Swiss), hereinafter referred to as Airfreight, request approval of the transfer to Airfreight of the above-mentioned foreign indirect air carrier permit of Daetwyler.[2]

In support of the request the applicants state, inter alia, that: the issuance of a permit to Mr. Daetwyler personally has required him to forego the advantages of limited liability afforded by a corporation; Mr. Daetwyler has formed a corporation named "Daetwyler Airfreight Corporation" under the laws of Switzerland; and Swiss law prohibits the use of the name of a country in a corporate name, but that in order to comply with the Board's requirement that the name under which operations in the United States are conducted accurately reflect the identity and nationality of the permit holder, the name which will actually be used is "Daetwyler Airfreight Corp. (Swiss) d/b/a Interamerican Airfreight Corp.[3] (U.S.A.)." The applicants further state that: the assets, facilities, personnel and operations of Daetwyler will be taken over by Airfreight; as of November 30, 1974, Daetwyler had assets of $234,657 and in the accounting period from April 20, 1974 to November 30, 1974, earned a profit from operations of $29,051 on revenues of $946,544; and Daetwyler's current assets exceed current liabilities by $104,052.

In regard to the control and ownership of Airfreight, the applicants indicate that Airfreight is wholly owned by Mr. Daetwyler[4] and that he is also the Chairman of the Board of Directors and President of the corporation. There are no other officers at the present time, and there are two other directors who are Swiss attorneys.

On the basis of the foregoing, the Board tentatively finds and concludes that:

(1) Airfreight is fit, willing, and able properly to perform the indirect air transportation proposed in its application and to conform to the provisions of the Act and the rules, regulations and requirements of the Board thereunder;

(2) Airfreight is substantially owned and effectively controlled by nationals of Switzerland;

(3) A hearing on the application is not required in the public interest;

(4) The transfer to Airfreight of the permit held by Daetwyler is in the public interest; and

(5) The exercise of the privileges granted by said permit shall be subject to the terms, conditions, and limitations prescribed therein, those set forth below in subparagraphs (a) through (d), and such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board:

(a) In respect to operations conducted pursuant to the authority granted by said permit, the holder, with respect to the use of aircraft, shall be subject to the provisions of §§ 297.21, 297.22, and 297.23 of the Board's Economic Regulations, as now or hereafter amended;

(b) Prior to the commencement of operations under said permit and at all times thereafter, the holder shall comply with the insurance coverage provisions of § 297.45 of the Board's Economic Regulations, as now or hereafter amended, except that it shall not be necessary for the holder to provide public liability insurance for its operations outside the United States;

(c) In using the authority granted herein (1) the name Daetwyler Airfreight Corp. (Swiss) d/b/a Interamerican Airfreight Corp. (U.S.A.) shall appear on all of the holder's advertising, air waybills, stationery and the like; (2) the above name will always be used in its entirety; and (3) the name Daetwyler Airfreight Corp. (Swiss) shall be displayed at least as prominently as the name Interamerican Airfreight Corp. (U.S.A.);

(d) The holder shall file with the Board annual traffic and financial reports at such time and in such form as the Board may hereafter prescribe: *Provided, however,* That until such time as the Board prescribes the form of reports for foreign indirect air carriers, the holder shall file in duplicate with the Board's Bureau of Accounts and Statistics annual traffic and financial reports within two months after the expiration of its fiscal year, setting forth in pounds the cargo carried each month during the last fiscal year, the total cargo carried during this period, the points between which the cargo was carried, and the profit or loss from its operations during this period.

Accordingly, we have decided to issue an order directing interested persons to show cause why we should not approve the transfer of Daetwyler's permit to Airfreight, in the form and manner set forth in the Appendix to this order.

Accordingly, it is ordered that:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein and why an order should not be issued, subject to approval by the President pursuant to section 801 of the Act, transferring the foreign air carrier permit heretofore issued to Willy Peter Daetwyler (Switzerland) d/b/a Interamerican Airfreight Co. (U.S.A.) by Order 71-10-114, approved October 23, 1971, to Daetwyler Airfreight Corp. (Swiss) d/b/a Interamerican Airfreight Corp. (U.S.A.) in the form attached hereto;

2. Any interested persons having objections to the issuance of an order making final the tentative findings and conclusions stated herein and transferring the said permit, shall, within 21 days after the date of adoption of this order, file with the Board and serve on the persons named in paragraph 5 below a statement of objections specifying the part or parts of the tentative findings or conclusions objected to and stating the specific grounds of any such objections, supported by statistical data and other materials and evidence relied upon to support the statement of objections;[5]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Willy Peter Daetwyler (Switzerland) d/b/a Interamerican Airfreight Co. (U.S.A.), Daetwyler Airfreight Corp. (Swiss), the Departments of State and Transportation, and the Ambassador of Switzerland.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

PERMIT TO FOREIGN INDIRECT AIR CARRIER (AS REISSUED)

Daetwyler Airfreight Corporation (Swiss) d/b/a Interamerican Airfreight Corporation (U.S.A.) is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage indirectly in foreign air transportation of property from any point or points in the United States to any point or points outside the United States.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting the right to engage in indirect air transportation of property now in effect, or that may become effective during the period this permit remains in effect, to which the United States and Switzerland shall be parties.

This permit shall be subject to the condition that in the event that any practice develops which the Board regards as inimical to sound economic conditions, the holder and the Board will consult with respect thereto and will use their best efforts to agree upon modifications thereof satisfactory to the Board and the holder.

The exercise of the privileges granted hereby shall be subject to the terms, condi-

[1] Petition for Reconsideration denied, Order 72-6-92.

[2] A request by the applicants to extend the permit beyond the present expiration date of October 23, 1976 has been withdrawn. A copy of the application has been transmitted to the President of the United States in accordance with the requirements of section 801 of the Act.

[3] The term "Corp." is being used instead of "Co.", as in the present permit, because of an uncertainty as to whether the term "Co." effectively limits the stockholders' liability internationally.

[4] The fully paid-in share capital is 100,000 Swiss francs or approximately U.S. $40,000.

[5] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

tions and limitations set forth in Order ---- dated ---------- and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

By accepting this permit the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

This permit shall become effective on ---------- and shall terminate on October 23, 1976: *Provided, however,* That if during said period the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and Switzerland are or shall become parties, then and in that event this permit shall continue in effect during the period provided in such treaty, convention, or agreement.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the

[SEAL] ——— ———,
Secretary.

Issuance of this permit to the holder approved by the President of the United States on ---------- in Order -------.

[FR Doc.75-2685 Filed 1-28-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Tuesday, February 18 and Wednesday, February 19, 1975, from 9 a.m. to 5 p.m. both days, in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Consumer Product Safety Act (Pub. L. 92-573). This Act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the Act.

The Advisory Council will meet in task groups on the morning of February 18, beginning at 9 a.m., through approximately 2:30 p.m. The task groups of the Advisory Council were established at a prior meeting to consider matters in the following areas: Bans and recalls, standards, education/public information, enforcement and surveillance, and state relations. A portion of the afternoon session on February 18 will be devoted to a briefing by the task groups to the full Council of their discussions.

Specific agenda topics to be covered on February 19 have not yet been finalized. However, information pertaining to the agenda will be available subsequent to this notice.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: January 24, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-2688 Filed 1-28-75;8:45 am]

DEFENSE COMMUNICATIONS AGENCY

DCA SCIENTIFIC ADVISORY GROUP

Closed Meeting

The DCA Scientific Advisory Group will hold a closed meeting on 20 and 21 February 1975 in the Defense Communications Agency, Director's Conference Room at Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia.

The agenda items will be R&D, The Advanced Systems Concepts Group, WWMCCS System Engineering, AUTODIN II, Survivability, ADP Security, and group discussion.

Any person desiring information about the advisory group may telephone (area code 202-692-1765) or write Chief Scientist—Associate Director, Technology, Headquarters, Defense Communications Agency, 8th Street and South Courthouse Road, Arlington, Virginia 22204.

This meeting is closed because the material to be discussed is classified requiring protection in the interest of National Defense. (Freedom of Information Act, 5 U.S.C. 552(b).)

PHILIP J. VINCENZES,
Major, USA,
Committee Management Officer.

[FR Doc.75-2673 Filed 1-28-75;8:45 am]

DEFENSE MANPOWER COMMISSION

NOTICE OF MEETING

Briefing by Secretary of Defense

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the Commissioners of the Defense Manpower Commission will meet on February 13, 1975, to be briefed by the Office of the Secretary of Defense. The briefings will be held at 1:00 p.m. at the Pentagon, Washington, D.C.

The Commission was established by Public Law 93-155 to, among other things, conduct a comprehensive study and investigation of the overall manpower requirements of the Department of Defense on both a short and long term basis with a view to determining what the manpower requirements are currently and will likely be over the next ten years, and how manpower can be more effectively utilized in the Department of Defense.

In carrying out its study and investigation, the Commissioners must give special consideration to strategic considerations bearing on their deliberations:

Accordingly, the Office of the Secretary of Defense will present to the Commission authoritative, high-level briefings, covering:

(1) The world-wide strategic environment, present and projected for the next decade;

(2) National security policy affecting military planning and Defense manpower requirements; and strategic and policy guidance for planning and programming within the Department of Defense;

(3) Military strategy and related force and manpower requirements, for as far into the next decade as practicable, including an explanation of the concept of employment of the Army's planned 16-division force (and its support, airlift/sealift, and impact on Reserve Force requirements); and

(4) The Unified Command Plan.

Attendant to these responsibilities, section 703(c) of the Act charged the Commission with the responsibility to "establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties * * *." The briefing will be informational in nature and concerned with a wide variety of topics relating to the strategic considerations of the Department of Defense. The presentations to be provided at the briefings will contain classified information concerning military force structures programmed through 1980, which will contain information on proposed personnel plans in the area of personnel requirements, training, utilization, management, and costs which have not yet been approved by the Secretary of Defense.

These briefings will include, among other things, presentations on the generation of manpower requirements, budgetary process, military employment capabilities plan, procurement, training, manpower utilization, manpower requirements based on mobilization tasking, reserve manpower requirements, training, and administration.

The briefings must be held under conditions which are conducive to an unrestricted presentation of information and materials while safeguarding classified information. The briefers have informed the Commission that all portions of the briefings will cover information which is classified and that since classified information will be integrated throughout both the briefings and question-answer periods it would be impractical to separate this information for purposes of separate presentations. This complete presentation of all relevant information on each subject area is a necessity if the briefings are to fulfill the purpose of a thorough indoctrination of the Commission members.

Therefore, in accordance with provisions of Section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office

of Management and Budget that these briefings fall within Exemption (1) of 5 U.S.C. 552(b), and will not be open to the public.

Dated: January 15, 1975.

BRUCE PALMER, Jr.,
General, USA (Ret.),
Executive Director.

[FR Doc.75-2786 Filed 1-28-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 326-4]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of December 1, 1974 and December 31, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definition of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and adresses of the sources for copies of EPA comments listed in Appendices, I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: January 17, 1975.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between December 1, 1974 and December 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-B61001-00	White Mountain National Forest, Timber Management Plan, Reinventory of Timber Resources, Maine and New Hampshire.	LO-1	B
D-AFS-D65001-VA	Piney River Unit, Management Plan, George Washington National Forest, Va.	ER-2	D
D-AFS-G65003-TX	Cross Timber Unit Plan, Caddo Cross Timbers National Grasslands, Fannin County, Tex.	LO-2	G
D-AFS-G65004-TX	Caddo Unit Plan, Caddo Cross Timbers National Grasslands, Wise and Montague Counties, Tex.	LO-2	G
D-AFS-G65005-AR	Plan for Managing the Petit Jean Unit on the Ouachita National Forest, Ark.	LO-2	G
D-AFS-J65006-UT	Land Use Plan for the Boulder Mountain Planning Unit, Utah.	LO-2	I
D-AFS-L61010-WA	Soleduck Planning Unit, Washington	LO-1	K
D-AFS-L61011-ID	Red Rock Peak Planning Unit, Salmon National Forest, Intermountain Region, Idaho.	LO-1	K
D-REA-F68003-MN	230 KV Transmission Line, Winger to Wilton, Minn.	LO-2	F
D-SCS-F36005-WI	Brillion Watershed, Calumet and Manitowoc Counties, Wis.	LO-1	F
D-SCS-K36005-HI	Honolulu Watershed Project, Maui County, Hawaii	ER-2	J
D-SCS-L36008-OR	Little Luckiamute River Watershed Work Plan, Polk County, Oreg.	LO-1	K
Corps of Engineers:			
D-COE-C35002-NY	Maintenance of Browns Creek Long Island Navigation Project, N.Y.	LO-2	C
D-COE-C36007-NY	Flood Control on Scajaquada Creek and Tributaries, N.Y.	LO-1	C
D-COE-D32001-VA	Port of Hampton Roads, Channel Deepening Study, Va.	ER-2	D
D-COE-E36002-NC	Carolina Beach and Vicinity, Hurricane Protection and Beach Erosion, North Carolina.	ER-2	E
D COE-E36008-NC	Swift Creek Flood Control Project, Edgecombe and Nash Counties, N.C.	ER-2	E
D-COE-F32004-MI	Keweenaw Waterway, Houghton County, Mich.	ER-2	F
D-COE-F32005-IL	Illinois Waterway, Nine-foot Channel, operations and maintenance, Ill.	ER-2	F
D-COE-F32006-MN	Two Harbors, harbor operation and maintenance, Lake County, Minn.	LO-2	F
D-COE-F32007-OH	Operations and maintenance, Conneaut Harbor, Ashtabula County, Ohio.	LO-2	F
D-COE-F32009-MI	Holland Harbor, construction, Mich.	LO-2	F
D-COE-F35002-WI	Kewaunee Harbor, maintenance-dredging and contained spoil disposal, Wis.	LO-1	F
D-COE-F32003-IL	Waukegan Harbor, maintenance-dredging and disposal areas, Ill.	LO-1	F
D-COE-F35004-WI	Sturgeon Bay and Lake Michigan Ship Canal, maintenance-dredging and spoil disposal, Wis.	ER-2	F
D-COE-F36004-IL	Kent Creek, local flood protection project, Rockford, Ill.	LO-2	F
D-COE-F68001-OO	Regulation of Lakes Superior and Ontario, Plan 50-901	ER-2	F
D-COE-G30002-TX	Freeport hurricane flood protection, freeport and vicinity, Tex.	LO-2	G
D-COE-G32005-TX	Maintenance-dredging, Galveston Harbor and Channel, Galveston County, Tex.	LO-2	G
D-COE-G32006-OO	Mississippi River and tributaries, Mississippi River levees and channel improvement, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.	3	G
D-COE-G34003-OK	Kaw Lake, Arkansas River, east of Ponca City, Kay and Osage Counties, Okla.	LO-2	G
D-COE-G34004-OK	Operation and maintenance program, Oologah Lake, Verdigris River; Hulah Lake, Caney River; Heyburn Lake, Polecat Creek, Okla.	LO-2	G
D-COE-K36004-HI	Kapaakea flood control, Molokai, Hawaii	ER-2	J
D-COE-L36009-OR	Elk Creek at Cannon Beach, Clatsop County, Oreg.	LO-1	K
Department of the Treasury:			
D-TRE-D81001-DC	Bureau of Engraving and Printing, additional facility, Washington, D.C.	LO-2	D
Delaware River Basin Commission:			
D-DRB-D35005-PA	Bristol Oil Corp., Rohm and Haas Co., proposed dock and oil/chemical storage facilities, Pennsylvania.	LO-1	D
Federal Power Commission:			
D-FPC-L05001-WA	Exhibit R Recreation Plan, Rocky Beach Hydroelectric Power Project, Columbia River, Chelan County, Wenatchee, Wash.	LO-1	K
General Services Administration:			
D-GSA-B80002-MA	Proposed construction of a federal office building, Berkshire County, Pittsfield, Mass.	LO-1	B
D-GSA-E81003-MS	Federal Building, Jackson, Miss.	LO-2	E
D-GSA-K81002-AZ	Border Station Complex, Lukeville, Ariz.	LO-1	J

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Housing and Urban Development:			
D-HUD-B80002-MA	Murray Industrial Park Project, Suffolk County, Mass.	ER-2	B
Department of the Interior:			
D-NPS-J61004-WY	Grizzly Bear Management Program, Yellowstone National Park, Wyo.	LO-2	I
D-BOR-A61276-00	Upper Delaware National Scenic and Recreation River between Hancock, N.Y., and Matamoras, Pa.	LO-1	A
D-BOR-F60001-MN	Minnesota Memorial Hardwood Forest, land acquisition Minn.	LO-1	F
D-BPA-L08001-WA	Facility location evaluation for Franklin-Badger Canyon, 230 KV line and Badger Canyon Substation, study area 74-68, Franklin and Benton Counties, Wash.	LO-1	K
D-BPA-L08002-WA	Facility location evaluation for Horse Heaven Hills Area Service, Horse Heaven Substation, study area 75-7, Benton County, Wash.	LO-1	K
D-BPA-L08003-WA	Facility location evaluation for Shelton-Kitsap 230 KV line, study area 75-4, Kitsap and Mason Counties, Wash.	LO-1	K
D-BPA-L08004-ID	Facility location evaluation for West Burley Substation, study area 75-9, Cassia County, Idaho.	LO-1	K
D-BPA-L08005-WA	Facility location evaluation for Pleasant Prairie Service, Bigelow Substation, study area 75-8, Spokane County, Wash.	LO-1	K
D-BPA-L08006-WA	Facility location evaluation for Lake Isabella Service, Kamilche Substation, study area 75-12, Mason County, Wash.	LO-1	K
D-BPA-L08007-ID	Facility location evaluation for Yale Service, Raft Substation, study area 75-10, Cassia County, Idaho.	LO-1	K
D-BPA-L08008-OR	Facility location evaluation for Pebble Spring-Marion, 500 KV line, study area 75-38, Clackamas, Gilliam, Hood River, Marion, Morrow, Sherman, and Wasco Wasco Counties, Oreg.	LO-1	K
D-BPA-L08009-00	Facility location evaluation for prototype 1100 KV test facilities, study area 75-15, States of Oregon, Washington, Idaho, and Montana, localized, Gilliam and Sherman Counties, Oregon.	LO-1	K
D-BPA-L99001-00	Proposed fiscal year 1976 program	LO-1	K
Department of Defense:			
D-DNA-K39003-TT	Clean up, rehabilitation, resettlement of Eniwetok Atoll, Marshall Islands.	ER-2	J
D-UAF-K11003-CA	Joint city/Air Force use of Norton Air Force Base, San Bernardino County, Calif.	ER-2	J
D-USA-L11001-AK	Construction and operation, parachute drop zone and short-field assault landing strip, Fort Richardson, Alaska.	LO-1	K
D-USA-J60000-CO	Land acquisition at Fort Carson, Colo.	ER-3	I
D-USN-E85002-SC	536 Navy family housing units in fiscal year 1975, Naval Weapons Station, Charleston, S.C.	ER-2	E
Department of Transportation:			
D-FAA-E51003-FL	Tallahassee Municipal Airport, Tallahassee, Fla.	ER-2	E
D-FAA-E51005-MS	Hawkins Field, Jackson, Miss.	ER-2	E
D-FAA-K51002-CA	San Jose Airport, land acquisition program, Santa Clara County, Calif.	LO-2	J
DS-FHW-A41179-SC	Air Quality Report, proposed James Island Expressway, Charleston, S.C.	ER-2	E
DS-FHW-A41523-AL	Project I-565-6(1), Madison and Limestone Counties, Air Quality Analysis Supplement, Alabama.	ER-2	E
D-FHW-B40006-MA	U.S. 6, Dennis-Harwich Brewster-Orleans Road Improvement, Barnstable County, Mass.	LO-2	B
D-FHW-C40008-NY	Rochester Outer Loop, Scottsville Road to Winston Road, Monroe County, N.Y.	ER-2	C
D-FHW-D40005-PA	LR 1036, Section AOO, Lycoming County, Pa.	LO-2	D
D-FHW-D40006-MD	I-95 from I-395 to I-83, Fort McHenry Crossing, Baltimore, Md.	ER-1	D
D-FHW-D40007-WV	WV-1, Project No. 5-617, Pritchard to Fort Gay, Wayne County, W. Va.	LO-2	D
D-FHW-E40018-KY	Newport, Campbell County, Fourth and Fifth Streets between Washington and Linden Ave, Ky.	ER-2	E
D-FHW-E40022-SC	Gantt Freeway, Greenville County, Greenville, S.C.	ER-2	E
D-FHW-E40023-FL	State Job 87170-1511, FP F-043-1, State Road FL-826, Air Quality Analysis, Dade County, Fla.	ER-2	E
D-FHW-F40016-OH	Park Avenue West Widening, Mansfield, Richland County, Ohio.	LO-2	F
D-FHW-F40017-MN	U.S. 212, Cologne to Eden Prarie, Carver and Hennepin Counties, Minn.	LO-2	F
D-FHW-F40020-OH	U.S. 33 Bypass of the City of Lancaster, Fairfield County, Ohio.	LO-2	F
D-FHW-G40015-OK	U.S. 77, Shields Boulevard from southeast 25th Street northerly 1.6 miles to southwest 3d Street in Oklahoma City, Okla.	LO-2	G
D-FHW-G40016-TX	U.S. 82-277 and Spur 447, Wichita Falls from 0.65 miles west of FM 369, east and northeast to Homes Street near TX-240, Tex.	LO-2	G
D-FHW-G40017-NM	NM-S-1336(12)(18)(19)(20)(21), 6.5 miles north of Crownpoint north in McKinley and San Juan Counties, N. Mex.	LO-2	G
D-FHW-G40018-NM	Junction U.S. 285 and NM-74, north approximately 7.2 miles north, Rio Arriba County, N. Mex.	LO-2	G
D-FHW-H40011-KS	U.S. 59, Douglas County, Kans.	LO-2	H
D-FHW-H40012-IA	U.S. 61, Muscatine County, Iowa.	LO-2	H
D-FHW-K40008-CA	State Route 252, CA-252, City of San Diego, San Diego County, Calif.	ER-2	J
D-FHW-K40010-CA	Route 120 from Route 5 at Mossdale to Route 99, San Joaquin County, Calif.	LO-1	J
D-FHW-L40011-OR	29th Avenue, Alder Street section, Amazon Parkway, 30th Avenue, Fans 5104, Lane County, Oreg.	LO-1	K

APPENDIX II—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objection to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Dec. 1, 1974, and Dec. 31, 1974*

Identifying number	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
F-AEC-A06138-MA, FS-AEC-A06138-MA.	Pilgrim Nuclear Power Station, Units 2 and 3, Docket Nos. 50-471 and 50-472, Massachusetts.	EPA continues to have environmental reservations concerning the proposed action—the issuance of a license to construct Unit 2. This opinion is based on possible noncompliance of the proposed once-through cooling system with the requirements of the Federal Water Pollution Control Act Amendments of 1972. EPA guidelines under Sec. 301 call for closed-cycle cooling unless the applicant can demonstrate that an exemption under Sec. 316 of the FWPCA is warranted. In the opinion of EPA such an exemption is not justified at this time based on the information presented in the final environmental impact statement. EPA recommends that the AEC encourage the applicant (Boston Edison) to apply as soon as possible for a discharge permit under the National Pollutant Discharge Elimination System (Sec. 402 of the FWPCA). Further, EPA recommends that the AEC incorporate, as a specific condition of its construction permit, that the applicant comply with all the requirements imposed by EPA under the Federal Water Pollution Control Act.	A
Department of Agriculture:			
F-AFS-A65005-MT...	Cube-Iron Silcox Planning Unit, Lolo National Forest, Mont.	EPA requested that more information be provided in the final statement. This included additional details of the water quality monitoring system and a suggestion that it be expanded to determine baseline conditions prior to logging operations. Also EPA requested that the methods and timing of slash burning be defined and suggested alternatives such as mechanical reduction be considered.	I
F-AFS-F61003-MN...	Prairie Portage Dam, Superior National Forest, Minn.	EPA had no objections to the project as proposed.	F
F-SCS-A36210-KY...	Short Creek Watershed, Grayson County, Ky.	EPA generally had no objections to the proposed project.	E
Corps of Engineers:			
F-COE-A07082-MN.	Sherburne County Generating Plant, Minnesota.	EPA did not have the necessary information to determine whether the cooling water intake meets the requirements of sec. 316(b) of the Federal Water Pollution Control Act. EPA has recommended to the Corps of Engineers that the issuance of the sec. 10 permit should stipulate that the applicant provide EPA this information.	F
F-COE-A35068-VA.	James River, Maintenance-Dredging, Virginia.	EPA expressed environmental reservations on the proposed permit. EPA recommended that overboard disposal of polluted dredge spoil be discontinued and other alternatives be reevaluated. The disposal should not involve marshes, wildlife refuges, or wetlands and should be carried out in such a manner as to preclude return to the waterway. Reevaluation of the benefit-cost ratio was recommended in light of the rather limited use of the channel, the cost of maintenance, and the disruption of the polluted sediments.	D

Identifying number	Title	General nature of comments	Source for copies of comments
F-COE-A36272-FL..	C-135 and Lower Hillsborough River Basin, Four River Basins, Hillsborough County, Tampa, Fla.	EPA expressed environmental reservations concerning the reduction of shallow groundwater levels in the Harney Flats area which could eliminate artesian wells, springs, and seeps; land drainage along the route of C-135 and C-132 which could result in a change in vegetation; and the draining of Harney Flats which could open the area for possible suburban development. EPA is also concerned about the allocation of freshwater flow and believes it should be addressed.	E
F-COE-A36359-OH.	Mill Creek Local Protection, Ohio.	EPA generally had no objections to the proposed project.	F
F-COE-F32003-ML..	Fiscal Year 1975 Navigation Extension Demonstration Program.	EPA generally had no objections to the proposed project. However, EPA requested that specific mitigating actions be taken to reduce structural damage to docks and piers in the St. Mary's River and these incorporated as a part of the demonstration program.	F
Department of the Interior:			
F-BLM-A01027-WY..	Proposed Development of Coal Resources, Eastern Powder River Coal Basin, Wyo.	EPA determined that the final impact statement was unresponsive to comments made on the draft statement. The mining plans as proposed for approval were not described and only the proposals submitted by the companies were defined. Continuation of this planning effort through a regional mining plan is needed to define concurrent developments, correct inaccuracies and omissions, define the proposed Federal action of approving the mining plans, and describe secondary effects of the end use of coal.	I
F-BLM-A67005-FL..	Phosphate Leasing on the Osceola National Forest in North Central Florida.	EPA determined the proposed action to be unsatisfactory from the standpoint of environmental quality and public welfare. The determination was made based on the magnitude and irreversible impacts of the action as well as in consideration of the public interest as expressed in comments on the draft environmental impact statement by the State of Florida. EPA maintained that the proposed action would be inconsistent with the intent of the Weeks law of 1911, the authority by which the Osceola Purchase Unit was acquired. EPA recommended that the Osceola phosphate deposit be designated a national strategic reserve for phosphate and no leases should be issued at this time. Because of the potentially significant environmental consequences of accelerated development of phosphate, EPA further recommended the issuance of a programmatic environmental impact statement which would comprehensively cover the phosphate leasing, mining, and exportation program from a nationwide perspective.	A
Department of Housing and Urban Development:			
F-HUD-A89140-CA..	Yerba Buena Center Urban Renewal, San Francisco County, Calif.	EPA has no objections to proceeding with the project as proposed provided careful review of design plans are performed to insure the conformance with noise criteria on residential dwelling units. EPA also urges active implementation of the parking management statement to reduce parking and increase mass transit usage.	
Department of Transportation:			
F-DOT-A40527-AK..	Copper River Highway, Mile 39 to Mile 116, Alaska.	EPA generally had no objections to the proposed project.	K
F-DOT-A41402-MT..	Improvement of Highway 6.8. 12, West of Helena, Mont.	EPA expressed environmental reservations on the proposed project. The final statement does not adequately assess the potential secondary impacts induced by this highway project. The land use, water quality, and public service impacts have been dismissed as outside FHWA's jurisdictional authority and therefore not a project concern. The alternative of a completely 2-lane facility, instead of the proposed 2-lane and 4-lane improvement was not considered. The proposed project will likely promote further 4-lane construction for which impacts are not addressed in this statement. As was recommended in EPA's comments on the draft statement, the environmental impacts should be evaluated on a larger scale so that the total concept of the project is developed.	J
F-FHW-A42128-FL..	Nassau County, Yulee, State Job 74060-1503, FL-200, Federal Job S-139(4), Florida.	EPA generally had no objections to the proposed project. However, EPA recommended that further discussion on short-term effects of the project on air quality be provided, along with specific steps to curb these effects.	E

Identifying number	Title	General nature of comments	Source for copies of comments
F-FHW-A42141-FL..	State Job 72250-1514, Federal Job SU-100(4), FL-105, Duval County, Fla.	EPA generally had no objections to the proposed project.	E
F-FHW-A42170-IL..	I-55, Normal to Gardner, McLean, Livingston, and Grundy Counties, Ill.	....do....	F
F-FHW-A42231-WI..	US 18 and US 151, Dodgeville to Mt. Horeb, Iowa, and Dane Counties, Wis.	....do....	F
F-FHW-A42248-FL..	State Job 72220-1501, Federal Job UM-5208(1) 103rd St. and Timuquana Rd., Duval County, Fla.	....do....	E
F-FHW-A42300-TX..	Loop 340, From US 84 in Bellmead to FM 3051, McLennan County, Tex.	EPA comments on the draft statement were not incorporated in the final statement. Therefore, EPA requested that FHWA reconsider our draft comments.	G
F-FHW-A42342-OH..	OH-41, Clark County, German and Springfield Townships, Ohio.	EPA expressed environmental reservations on the proposed project. EPA recommended that a portion of stream channelization be eliminated. EPA also recommended noise mitigative actions be considered for 47 residences other than noise barriers.	F
F-FHW-F40063-OH..	Relocation of OH-7 Between Martins Ferry to Little Rush Run, Belmont and Jefferson Counties, Ohio.	EPA expressed environmental reservations on the proposed project. EPA is opposed to any fill in the embayment and backwater area from Indian Short Creek north of Tiltensville. The proposed project would fill in these wetland areas which is contrary to EPA's wetlands policy; Therefore, EPA recommended that abandonment of the portion of the project which would require filling these valuable areas.	F
F-FHW-E40002-TN..	TN-137, Washington County, Tenn.	EPA generally had no objections to the proposed project. EPA recommended that an ambient noise monitoring program be initiated following completion of the project to determine the effectiveness of the "retrofit" type methodology for solving noise problems.	E
FS-FHW-K40001-CA.	Route 15, San Diego, from I-805 to ½ Mile South of Route 8, San Diego County, Calif.	EPA generally has no objections to the proposed project.	J

APPENDIX IV.—*Regulations, legislation and other Federal agency action for which comments were issued between Dec. 1, 1974, and Dec. 31, 1974*

Identifying number	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
A-DOA-A65109-00..	Opportunities to Increase Red Meat Production From Ranges of the United States.	EPA believes that the report presents a useful description of the nature of range economy and of the USDA role in and opportunities for expanding red meat production from the nation's ranges. EPA pointed out that the success of any program to expand red meat production from ranges is predicated on the assumption that the ranges will be more efficiently managed.	A
Federal Power Commission:			
R-FPC-A09028-00...	18 CFR Part 141, 260, Future Financing Requirements.	EPA could foresee no unfavorable effects on the environment resulting from this proposal.	A
Department of Housing and Urban Development:			
R-HUD-A80148-00..	24 CFR Part 570, Community Development Block Grants.	EPA suggested that applicability requirements (Sec. 590.046) are unnecessarily vague concerning assessment of the environmental impact of proposed innovative projects. EPA suggested that they be explicitly subject to the review process specified in HUD circular 1390.1.	A
Department of the Interior:			
A-NPS-A61274-00...	Administrative Policies for the National Park system.	EPA was in general agreement with the document as written, but noted several instances where reference to Executive Order 11752, "prevention, control and abatement of environmental pollution at Federal facilities" should be made. EPA also recommended coordination with regional Federal facilities offices of EPA.	A
Department of Transportation:			
R-DOT-A80145-00..	23 CFR Part 450 and 49 CFR Part 613, Urban Transportation Planning.	EPA believes the regulations specify a sound set of requirements which will insure timely and responsive areawide multimodal transportation planning. EPA offered numerous comments for FHWA's consideration.	A
R-DOT-A80146-00..	23 CFR Part 450, Metropolitan Planning Funds.	....do....	A
R-DOT-A80147-00..	23 CFR Part 450 and 49 CFR Part 613, Transportation Improvement Program.	....do....	A
R-RWA-A53036-00..	49 CFR Part 931, Rail Lines, Interim Discontinuance of Service or Abandonment.	EPA offered several comments in an effort to strengthen the regulations from an environmental point of view.	A

APPENDIX V—SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 230 South Dearborn Street, Chicago, Ill. 60604.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Tex. 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colo. 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc.75-2214 Filed 1-28-75;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF OAKLAND, ET AL.

Agreement Filed

Correction

In FR Doc. 75-1053 appearing at page 2474 in the issue for Monday, January 13, 1975, change the comments date in the second paragraph from February 10, 1975 to February 3, 1975.

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE APPLICANTS

Notice

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicated with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Dan Antonoglou, 17710 N.W. 32nd Avenue, Miami, Florida 33054.

Crown Moving & Storage Company d/b/a, Crown Overseas Forwarders, 180 Quint Street, San Francisco, California 94124. Officers and Directors: Robert J. Menne, President/Director, Thomas A. Doyle, Vice President/Director, John P. Bevan, Secretary/Treasurer/Director, Carlos da Costa, Director, Jeremy Godbeer, Director, Robert Bowen, Office-Manager, John J. Broucaret, Director.

Pouch Forwarding Corporation, One Edgewater Street, Clifton, Staten Island, New York. Officers: A. T. Pouch, Jr., President/Director, Louis P. Phillips, Vice President/Director, James Bostwick, Treasurer/Director, P. H. Stetler, Secretary/Director.

Mattoon & Co. Inc., 244 Jackson Street, San Francisco, California 94111. Officers: Arthur J. Fritz, President/Director, Edward F. Hennessey, Vice President/Director, Olive M. Reynolds, Secretary/Treasurer/Director.

By the Federal Maritime Commission.

Dated: JANUARY 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2693 Filed 1-28-75;8:45 am]

CITY OF LOS ANGELES HARBOR DEPARTMENT AND FREIGHTCARE, LTD.

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 17, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Walter C. Foster
Deputy City Attorney
Harbor Division
P.O. Box 151
San Pedro, California 90733

Agreement No. T-3049, between the City of Los Angeles Harbor Division (City) and Freightcare, Ltd. (Freightcare), permits Freightcare, for a term cancelable after one year on 30 days' notice, to occupy space at Berth 158, Los Angeles, California, for the purpose of warehousing, storage, assembling, distributing of goods, wares and merchandise, and for purposes incidental thereto. As compensation, the City is to receive $4,825.21 monthly.

By Order of the Federal Maritime Commission.

Dated: January 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2694 Filed 1-28-75;8:45 am]

[No. 75-2]

CONSOLIDATED EXPRESS, INC., v. PUERTO RICAN FORWARDING CO., INC., AND NEW ENGLAND FORWARDING CO., INC.

Filing of Complaint

JANUARY 23, 1975.

Notice is hereby given that a complaint filed by Consolidated Express, Inc. against Puerto Rican Forwarding Co., Inc. and New England Forwarding Co., Inc. was served by the Commission on January 23, 1975. The complaint alleges violations by respondents of sections 16, 18, and 44 of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933 in connection with non-vessel operating common carrier by water operations in the domestic offshore trade to Puerto Rico. The complaint further alleges violation by Puerto Rican Forwarding Co., Inc. of section 18 of the Shipping Act, 1916 and section 2 of the Intercoastal Shipping Act, 1933 in connection with its services as agent for Seatrain, Inc.

Hearing in this matter shall commence on or before July 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2697 Filed 1-28-75;8:45 am]

[Independent Ocean Freight Forwarder License No. 1095]

JET AIR FREIGHT

Order of Revocation

The Federal Maritime Commission received notification that Jet Air Freight, 900 West Florence Avenue, Inglewood, California 90301 wishes to voluntarily surrender its Independent Ocean Freight Forwarder License No. 1095 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) Section 7.04(f) (dated 9/15/73);

It is ordered, that Independent Ocean Freight Forwarder License No. 1095 be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1095 of Jet Air Freight be and is hereby revoked effective January 6, 1975, without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL

REGISTER and served upon Jet Air Freight.

ROBERT S. HOPE,
Managing Director.

[FR Doc.75-2696 Filed 1-28-75;8:45 am]

LOS ANGELES HARBOR DEPARTMENT AND METROPOLITAN STEVEDORE CO., 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 17, 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:

Frank Wagner, Esquire
Deputy City Attorney
Harbor Division
P.O. Box 151
San Pedro, California 90733

Agreement No. T-3035, between the City of Los Angeles Harbor Department (City) and Metropolitan Stevedore Co., Inc. (Metropolitan), is a five-year permit which grants Metropolitan the right to use certain berths for docking and servicing vessels and for handling cargo and passengers in its capacity as agent on an agency agreement basis, stevedore, or terminal operator. City retains the right of secondary use when such use does not interfere with Metropolitan's use of the premises. As compensation for use of the premises, City will receive revenues for services performed in accordance with the Port of Los Angeles Tariff No. 3, with Metropolitan assuming a minimum obligation of $210,000 during each 12-month period of the term of the permit. At the end of each 12-month period, the difference between the minimum obligation and the total revenue accrued during the 12-month period will be divided. Fifty percent of revenue accrued in excess of $210,000 but not in excess of $300,000 will be paid to City; in addition, Metropolitan will pay to City 25 percent of all revenue accrued in excess of $300,000. All revenue due City from cargo which is discharged or loaded at the wharf area subject to the permit and brought to point of rest upon such premises, together with all dockage revenue, shall apply on the minimum obligation of Metropolitan and to the compensation division set forth in the agreement. All other revenue due City which is not included above, shall not be applied to the minimum obligation nor to the revenue division described.

By order of the Federal Maritime Commission.

Dated: January 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-2695 Filed 1-28-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Order Denying Motion to Reject and Amending Prior Order

JANUARY 23, 1975.

On October 31, 1974, Arkansas-Missouri Power Co. (Ark-Mo) tendered for filing proposed changes in its Resale Service Rate Schedule R-1 and its Transmission Service Rate Schedule W-1. Ark-Mo stated that the proposed changes wil increase the rates for wholesale electric service rendered to its wholesale customers[1] by $86,380, or 23.6 percent, based on 12 months ending May 1974. Rates for transmission service rendered to Ark-Mo's wheeling customers[2] are proposed to increase by $105,071, or 65.2 percent, based on 12 months ending May 1974. Ark-Mo further stated that these proposed changes will increase the rates of return for the resale and wheeling classes to 9.13 percent.

Notice of the proposed changes was issued November 11, 1974, with protests and petitions to intervene due on or before November 21, 1974.

By Commission Order dated November 29, 1974, the proposed changes were accepted for filing and suspended for thirty days, the use thereof deferred until January 1, 1975, subject to refund. Motions to reject had been filed by Arkansas Electric Cooperative Corporation (Arkansas Cooperative) and Mississippi County Electric Cooperative (Mississippi Cooperative), alleging that the Mobile-Sierra doctrine[3] prohibited such a unilaterally filed change. The Commission, inter alia, denied the motion of Mississippi Cooperative, and postponed the effective date of the proposal as to Arkansas Cooperative until June 30, 1977, the expiration date of its present contract. Pursuant to Municipal Electric Utility Association of Alabama v. F.P.C.,[4] the Commission required that, as each of the fixed rate contracts expires,[5] Ark-Mo will file with the Commission a superseding service agreement capable of serving as the notice of terminaton of contractual service required by 18 CFR § 35.15, and an amended list of purchasers.

On December 3, 1974, the City of Thayer (Thayer) filed a motion to reject as a supplement to its petition to intervene filed on November 21, 1974. Thayer states that the triparte contract under which it receives wheeling service from Ark-Mo, and particularly Article III, Section 3 thereof, precludes Ark-Mo from unilaterally filing for an increase in said wheeling rate.

On December 18, 1974, Ark-Mo filed a response to Thayer's motion, stating that (1) the motion was not timely filed, and (2) the motion lacked merit. In support of its first point Ark-Mo argues that Thayer's petition to intervene (filed on November 21, 1974 and granted by Order dated November 29, 1974) failed to raise the issue now under consideration, and as such Thayer's participation should be specifically limited to matters affecting the rights and interests set forth in that petition. Ark-Mo looks to the intent of the parties as support for the second point. Although Ark-Mo admits that Article II of the contract in question governs the sale of power and energy by Southwestern Power Administration (SPA) to Thayer (and specifically allows SPA to unilaterally seek rate changes), and Article III governs the transmission service provided by Ark-Mo to Thayer (which contains no such provision as to Ark-Mo), the company contends that Article III is so cursory in nature in relation to the remainder of the contract that the intended relationship between Ark-Mo and Thayer must be governed in substantial part by the rest of the Contract as well, including Article II.

The term of the aforementioned triparte contract is set forth in Article VI, Section 2 which provides that the contract "shall remain in force and effect until midnight June 30, 1983, unless sooner terminated as provided herein." Article III, Section 3 of the contract reads as follows:

> Section 3. Compensation to Company for Transmission Service.
>
> Thayer shall compensate the Company each month for the transmission and delivery service performed pursuant to Section 2 of this Article III at the rate of $0.50 per kilowatt of "Firm Billing Demand" per month.

While the contract contains a provision for termination before June 30,

[1] City of Campbell, Missouri, the Gideon-Anderson Lumber Co. of Gideon, Missouri, and Missouri Utilities.

[2] Arkansas Electric Cooperative Corp., the Mississippi County Electric Cooperative, Inc., and the City of Thayer.

[3] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[4] 485 F2d 967 (D.C. Cir. 1973).

[5] Ark-Mo recognized, in its original filing, that Gideon-Anderson Lumber Company and the City of Campbell were also served under fixed-term, fixed-rate contracts.

1983, as between Thayer and the supplier (Southwestern Power Administration), the contract does not provide for a termination of the transmission service rendered by Ark-Mo before June 30, 1983.

Section 1.11(a) of the Commission's regulations provides that any modification or supplement to an application, complaint, petition or other pleading shall be deemed as an amendment to the pleading. We find that good cause exists to reconsider Thayer's petition to intervene, as amended, and that no prejudice will result therefrom, especially in light of the fact that Ark-Mo has had an opportunity to respond to the merits of the amendment.

Our examination of this Contract in its entirety does not reveal any suggestion that Ark-Mo could file a unilateral change in rates or terms and conditions of service. The Contract is clear on its face and any attempt to ascribe to Ark-Mo the rights so specifically accorded to SPA in Article II would be to reach beyond the boundaries of reasonable interpretation. We find, therefore, that to permit the proposed rate change as to Thayer before June 30, 1983, the expiration date of said contract, would be to violate the rule set forth in the Mobile-Sierra cases. Accordingly, we shall provide for the applicability of the proposed changes to Thayer in a manner similar to that utilized for the other fixed term, fixed rate contracts considered in this Docket.

The Commission finds. Good cause exists to modify the order in the above docket of November 29, 1974 as hereinafter provided.

The Commission orders. (A) Our order in the above docket of November 29, 1974 is hereby amended to grant a waiver of the ninety day notice requirement of the Commission's Regulations as to the City of Thayer on condition that, when its contract expires, Ark-Mo will file with the Commission, pursuant to Municipal Electric Utility Association of Alabama v. F.P.C., supra, a superseding service agreement capable of serving as the notice of termination of contractual service required by 18 CFR § 35.15, and an amended list of purchasers.

(B) The motion of Thayer to reject is hereby denied.

(C) In all other respects, the order of November 29, 1974 is hereby upheld.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2535 Filed 1-28-75;8:45 am]

[Docket No. E-8551]

BLACK HILLS POWER AND LIGHT CO.

Application

JANUARY 22, 1975.

Take notice that on January 14, 1975, an Amendment to its Application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Co. (Applicant), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota, Wyoming and Montana, with its principal business office at Rapid City, South Dakota, seeking an Order authorizing the issuance of up to $6.4 million of Short-Term Notes, which is an increase of $850 thousand over the amount currently authorized. Applicant proposes to issue such Short-Term Notes to enable it to carry on its construction program and to maintain an adequate working cash position. Depending on the source of funds, Applicant will pay either the prime rate of interest in effect at the time of issuance of the Short-Term Notes or an interest rate not to exceed one percent over the prime rate on a floating basis. No underwriter's or finder's fee has been or will be paid in connection with the issuance of any such notes.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2536 Filed 1-28-75;8:45 am]

[Docket No. RP72-142; PGA75-1]

CITIES SERVICE GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Change, and Denying Waiver

JANUARY 22, 1975.

On December 3, 1974, Cities Service Gas Co. (Cities) tendered for filing alternate purchased gas cost adjustment (PGA) increases[1] pursuant to its PGA clause. Cities also filed a revised surcharge to recover deferred purchased gas costs. The alternate rate increases of 4.62¢ and 4.29¢ per Mcf are designed to track increased purchased gas costs. The 4.62¢ per Mcf increase is based, in part, on the full amount of an increase filed by Amoco Production Co. (Amoco)[2] and a surcharge to recover the $13,440,307 balance in the deferred purchased gas cost account as of October 22, 1974. The alternate 4.29¢ per Mcf increase tracks only a portion of Amoco's increase due to the Commission's conditional acceptance of such increase.

Cities requests waiver of the provision in its PGA clause which requires PGA rate changes to be made effective on the first day of any billing period (i.e., January 23, 1975), to permit an effective date of January 22, 1975. Cities states that after a one day suspension, the increased rates would then become effective on the first day of Cities' February billing period. Cities further states that if such waiver is granted, it agrees that none of the subject increases would be collected on January 22, 1975 and that 0.05¢ per Mcf of the 4.62¢ per Mcf current adjustment is collected subject to possible refund pending further Commission order in this docket. We do not believe that Cities has shown good cause to grant waiver of its PGA clause in order to permit an effective date of January 22, 1975, and accordingly, we shall deny Cities' requested waiver.

Cities' December 3, 1974, filing was noticed with comments, protests and petitions to intervene due on or before December 27, 1974. No comments, protests or petitions have been received.

Our review of Cities' December 3, 1974, filing indicates that it is based in part upon small independent producer and emergency purchases[3] at rates in excess of the rate levels established by Opinion No. 699-H.[4] Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept Cities' alternate 4.29¢ per Mcf increase as proposed in its December 3, 1974, filing and suspend it for one day to become effective January 24, 1975, subject to refund. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[5] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

Further reivew of Cities' December 3, 1974, filing indicates that the claimed increased costs other than those costs associated with that portion of the small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H are fully justified and comply with the standards set forth in Docket No. R-406. Accordingly, Cities

[1] The alternate tariff sheets reflecting the proposed increase are designated as Substitute Ninth Revised Sheet No. PGA-1 to Second Revised Volume No. 1.

[2] On September 20, 1974, Amoco filed Supplement 152 to Rate Schedule 84 for certain production pursuant to Opinion No. 699. On November 21, 1974, the Commission conditionally accepted the proposed increase.

[3] Cities has removed from the current cost of purchased gas the effect of all emergency purchases and has elected to recover these costs through the deferred purchased gas cost account.

[4] Opinion No. 699-H, Docket No. R-389-B, issued December 4, 1974.

[5] Federal Power Commission v. Texaco, Inc., et al. Docket Nos. 72-1490 and 72-1491, Opinion issued June 10, 1974.

may file a substitute tariff sheet to become effective January 23, 1975, reflecting increased costs other than that portion of those increased costs associated with small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H referred to in this order.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that Cities' alternate 4.29¢ per Mcf increase as reflected in its Substitute Ninth Revised Sheet No. PGA-1 to Second Revised Volume No. 1, contained in Appendix B of Cities' December 3, 1974, filing, be accepted for filing, suspended and permitted to become effective January 24, 1975, subject to refund.

(2) The claimed increased costs, other than those associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

(3) Good cause does not exist to grant waiver of the provision in Cities' PGA clause which requires PGA rate changes to be made effective on the first day of any billing period, to permit a January 22, 1975, effective date.

The Commission orders. (A) Cities' alternate 4.29¢ per Mcf increase as reflected in its Substitute Ninth Revised Sheet No. PGA-1 to Second Revised Volume No. 1, contained in Appendix B of Cities' December 3, 1974, filing is hereby accepted for filing, suspended for one day and permitted to become effective January 24, 1975, subject to refund, pending further Commission order in this docket.

(B) Cities may file to become effective January 23, 1975, substitute tariff sheets reflecting that portion of Cities' rates as filed in Appendix B of Cities' December 3, 1974, filing which reflect increased costs other than those costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699-H.

(C) Cities' request for waiver of the provision in its PGA clause which requires PGA rate changes to be made effective on the first day of any billing period, to permit an effective date of January 22, 1975, is hereby denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2537 Filed 1-28-75;8:45 am]

[Docket Nos. RP71-106 (1973 Phase), RP72-142]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

JANUARY 20, 1975.

Take notice that Cities Service Gas Co. (Cities) on January 8, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. Cities states that it is filing three revised tariff sheets in order to remove a 0.59¢ per Mcf temporary rate increase associated with the amortization of a portion of the payment by Cities of a judgment paid to Western Natural Gas Co., pursuant to and in compliance with the terms and conditions of the Commission's Order Approving Settlement of September 5, 1974 in Docket No. RP71-106 (1973 Phase).

The sheets filed herewith and those superseded or replaced are as follows:

Filed herewith	*Superseded or replaced*
Alternate Ninth Revised Sheet PGA-1.	Ninth Revised Sheet PGA-1
Alternate Substitute Ninth Revised Sheet PGA-1.	Substitute Ninth Revised Sheet PGA-1 in Appendix B
Second Alternate Substitute Ninth Revised Sheet PGA-1.	Substitute Ninth Revised Sheet PGA-1 in Appendix A

Cities states that copies of its filing were served on all jurisdictional customers, interested state commissions and all jurisdictional customers, interested state commissions and all parties to the proceedings in Docket No. RP71-106 (1973 Phase), RP72-142 and PGA75-3.

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.75-2538 Filed 1-28-75;8:45 am]

[Docket No. CP75-204]

COLORADO INTERSTATE GAS CO.

Application

JANUARY 21, 1975.

Take notice that on January 13, 1975, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant) P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75-204 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction during the 12-month period beginning April 1, 1975, and the operation of natural gas facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally co-extensive with said system.

Applicant requests, if the rule proposed in Docket No. RM75-2 is promulgated prior to the issuance of an order on this application, expenditure authorization of up to $1,416,000 per project and up to $5,664,000 in total for all gas purchase facilities. Otherwise, Applicant states, the total cost of the proposed facilities will not exceed $4,000,000 and no single project will exceed $1,000,000, which cost will be financed from current working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2539 Filed 1-28-75;8:45 am]

[Docket No. RP73-85; Docket No. RP73-86]

COLUMBIA GULF TRANSMISSION CO. AND COLUMBIA GAS TRANSMISSION CORP.

Order Approving Stipulated Issue and Rejecting Proposed Stipulation and Agreement and Remanding for Further Hearing and Setting Procedural Dates

JANUARY 20, 1975.

At a pre-hearing conference convened by notice of the Presiding Administrative Law Judge, issued May 21, 1974, Counsel for Columbia Gas Transmission Corp. (Columbia) and Columbia Gulf Transmission Co. (Columbia Gulf) presented a stipulation and agreement by and between certain wholesale customers of Columbia and various municipalities and state commissions in a proposed settlement of the instant case. Columbia requested that the stipulation and agreement (Exhibit 84) and the entire record, including the direct testimony and exhibits filed by Columbia, Columbia Gulf and by Staff be certified to the Commission for approval.

Seventeen parties represented at the pre-hearing conference expressed support on the record for the stipulation and agreement, either in its entirety, or to the extent to which they had an interest therein.[1]

Both Staff and the City of Charlottsville expressed objections to the Stipulation and Agreement. Staff in its comments on the proposed Stipulation and Agreement asks that the case be remanded for further hearing on nine (9) specific points.

Staff specifically opposes a depreciation accrual rate of 4.25 percent for Columbia Gulf's onshore plant, and supports its own recommendation of 3.90 percent and discusses at length the methodology of its Witness Deutsch, used in coming to the conclusion that a 3.90 percent depreciation rate is reasonable.

Staff also questions the depreciation rate provided in the agreement for Columbia Gas' transmission and storage plant. Staff states that the methodology used by its Witness and Columbia Gas' Witness Melton are the same in that both witnesses used the straight line remaining life method in conjunction with truncated survivor curves. However, while Witness Melton used a 20-year remaining life span on all transmission and storage plant, Staff's witness classified the plant into gas supply oriented facilities, to which he assigned a 20-year remaining life, and market delivery oriented facilities, to which he assigned a 29-year remaining life. Staff's witness discusses the potential for new sources of gas and concludes that the market delivery oriented facilities will be delivering gas at least until the year 2,000 from these alternate sources of gas.

Columbia Gas filed for an increase in its annual depreciation accrual rate for gathering plant from 5 percent to 7 percent. The Agreement reflects a rate of 6 percent. Staff recommended a rate of 5.5 percent. Staff's recommendation is based on a study made by its witness Edward H. Feinstein. Based on Feinstein's analysis, staff submits that the Agreement reflects excessive depreciation rates for Columbia Gas.

Staff believes that Columbia's proposed rate of return of 9 percent is not in the public interest and that a figure of 8.29 percent more clearly reflects the just and reasonable rate of return. Staff points to a factual difference on Columbia's capitalization and states that Columbia's witness omitted two stock issuances in computing its capitalization.

Staff disputes Columbia's figure of 6.93 percent for the embedded cost of long-term debt. Staff believes that the figure does not reflect the proper amount of gains realized in the acquisition of debt at a discount as computed under the Manufacturers' Light and Heat method (Opinion No. 583, 44 FPC 314). Staff says that the 6.93 percent included out-of-line costs of nearly 12 percent and 19.3 percent, respectively on two long-term loans amounting to $110 million at a time when the prime rate stood at 9 percent and A-rated bonds (Columbia's rating) were yielding 8½ percent. Staff states that in computing gains realized in the acquisition of bonds at a discount, Columbia improperly applied the method provided by Commission Order No. 505 which was intended to provide accounting treatment of such gains. Staff recomputed such gains under the terms of Opinion No. 583 which is the proper method for rate of return purposes.

With regard to the cost of the long-term loans, consisting of $50 million from First National City Bank and $60 million from a group of six banks for advances to British Petroleum, Staff suggests a cost of 9 percent, the rate prevalent at the time for like loans by comparable size companies. Staff states that the cost claimed by Columbia allowed for a premium above the spot prime, plus a commitment fee, plus a compensating balance requirement. Staff states that Columbia's capital structure was not such as to call for the arrangement of such "distress loans", and that Columbia could have acquired these funds via long-term financing at the then prevailing rate of 8½ percent, on A-rated bonds. In essence, Staff urged the company to fund such term loans to spare the ratepayer the exorbitant costs claimed which Columbia could support only by referring to oral agreements with the lenders. In the computation of the cost applicable to the two loans Staff suggests a rate ½ percent above the going rate for A-rated bonds at the time on said loans, which would reduce embedded cost substantially.

Staff disputes Columbia's method used for calculating a fair rate of return on equity. Staff witness used a modified comparative earnings approach which it states is supported by two Supreme Court cases.[2] Staff states that its witness in using the comparative earnings test was able to find at least 7 enterprises with corresponding risks with those of Columbia.

Staff disagrees with Columbia's position on computing the interest deduction for income tax purposes on short term loans. Staff believes that Opinion No. 600 requires that short term interest be used in income tax calculation for rate purposes, if it is so used by the company for tax purposes.

Staff disagrees with the inclusion of certain sums for Columbia Gulf and Columbia for advertising expenses in Columbia's exhibits. Staff states that the figures are excessive and recommends that only expenses associated with conservation of gas advertising be included pursuant to Order No. 498, and that expenses associated with supply advertising be eliminated.

Staff objects to the inclusion in Columbia's rate base of a proposed agreement for advance payment to Columbia Gas Development in Canada of $4,825,780. Staff says this figure should be eliminated in light of a recent Commission Opinion in Texas Eastern, Opinion Nos. 672, 672-A and Michigan Wisconsin, Opinion No. 685.

Staff objects to the volume figures used by Columbia. Staff opposed the use of updated figures for volumes and the adjustment procedure for variations since this would result in rates calculated from a cost of service based upon a test period ended July 31, 1973, while the volumes would be based upon actual volumes sold for the twelve months ended October 31, 1974.

The Agreement provides that the issue of conjunctive billing be postponed until Columbia's rate case in Docket No. RP 74-82. Staff opposed any deferral of this issue.

Staff orally opposed inclusion in Columbia's rate case of $1,053,000 related to possible future federal tax liability. Staff withdrew its objections to the inclusion of this amount and believes that it is proper to include these amounts subject to refund. Staff therefor recommends that the Commission approve Article IX of the Agreement. Staff also has no objection to commodity rates reflected in the agreement to the extent that they are equal to or greater than 45 cents, including purchased gas adjustments. Staff says, however, that since the agreement cost-of-service is excessive, all downward adjustments in Columbia's rates should be on the demand components.

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[1] Washington Gas Light Co.; Public Service Commission of the District of Columbia; Baltimore Gas and Electric Corp.; United Natural Gas Co.; Pennsylvania Gas and Water Co.; Ohio Public Utilities Commission; Public Service Commission of Kentucky; Public Service Commission of West Virginia; Dayton Power and Light Co.; Roanoke Gas Co.; Orange and Rockland Utilities; Cincinnati Gas and Electric Co.; Union Light, Heat and Power Co.; New York State Electric and Gas Corp.; West Ohio Gas Co.; Columbia Distribution Co. and Pennsylvania Public Service Commission.

[2] Bluefield Water Works & Improvement Co. v. Public Service Commission of West Virginia, 262 U.S. 679 (1922) and FPC v. Hope Natural Gas Co., 320 U.S. 591 (1944).

Staff and all other parties concur in Article III of the Agreement which provides for a phased removal of the multiple zone system for Columbia Gas over a 6 to 7 year period, culminating in a single zone for the Columbia Gas system.

Article III of the Agreement provides that the existing zone rates on Columbia's system shall be modified, in the following manner, to result in a single system-wide rate structure:

1. The present rate differentials shall be reduced by:
(a) One-third on November 1, 1974,
(b) A further one-sixth on November 1, 1976, and
(c) A further one-sixth on November 1, 1978.
2. Final elimination of zone rates no later than January 1, 1980.

The transition to system-wide rates is therefore gradual, specific and will be accomplished within a six-year period. Article III further provides that it shall survive the termination of the Agreement and that this Article can and should be approved by the Commission without regard to action taken on any other Article of the Agreement.

As reflected in the certified record, Article III resolves a difficult and long standing controversy among the parties to this proceeding. The customers, respective State Commissions and Commission staff actively participated in resolving the rate zoning issue. No party has objected to Article III, therefore we believe the result reached by the parties represents a fair compromise of the various positions taken by the parties on a complex issue.

Since Article III and all its terms and conditions are severable from the Agreement and because we believe this Article represents a reasonable, fair and final resolution to this controversial issue, we see no need for further hearing on the issue of proper rate zones on Columbia's system. Therefore, Article III is severed from the Agreement and shall be approved in its entirety.

The City of Charlottsville requests that the Commission either reject Columbia's proposed rate settlement or accept it on condition that the rate will be adjusted to reflect an overall rate of return of 8.5 percent with corresponding changes in the federal and state taxes, and to reflect as a deduction short term interest of over $2.2 million in the determination of federal and state income taxes. Charlottsville cautions the Commission in this and all rate proceedings not to be deceived by the settlements, which are sponsored by a pipeline and supported by virtually all the investor owned customers, into thinking that any real give and take negotiations took place.

On May 31, Presiding Administrative Law Judge Michel Levant certified the proposed settlement and record to the Commission. Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company in their comments in support of the proposed settlement point out that they have filed for additional rate increases in Docket No. RP74-81 and RP74-82 and therefore the proposed stipulation and agreement will be applicable for a locked-in period.

We have set forth in detail the many objections advanced by Staff and Charlottsville. While we do not herein find that the objections of Staff or Charlottsville warrant a decision in their favor on any or all of these points, we do find that questions remain which cannot be resolved on the basis of the present record. We must therefore remand for the development of a complete record on each of these issues. We specifically approve Article III providing for phased removal of the multiple zone system for Columbia Gas.

The Commission finds. (1) Good cause has been shown for approving Article III of the proposed Stipulation and Agreement which provides for a phased removal of the multiple zone system for Columbia Gas over a six to seven year period, culminating in a single zone for the Columbia Gas system.

(2) Good cause has not been shown for approving those parts of the proposed Stipulation and Agreement which are contested by staff and the City of Charlottesville.

The Commission orders. (A) Article III of the proposed Stipulation and Agreement is approved and made effective as provided therein.

(B) Except as provided in Ordering Paragraph (A) above the proposed Stipulation and Agreement is rejected, and the proceeding is remanded to the Presiding Administrative Law Judge for the purpose of further hearings and disposition.

(C) Intervenors shall file their direct testimony and evidence on or before February 7, 1975.

(D) Any rebuttal testimony or evidence shall be filed on or before February 28, 1975.

(E) Hearing for cross-examination shall commence on March 12, 1975.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2540 Filed 1-28-75;8:45 am]

[Docket No. RP73-65, PGA75-65]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

JANUARY 22, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia) on January 14, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, as follows:

Nineteenth Revised Sheet No. 16.
Sixth Revised Sheet No. 64A.
Tenth Revised Sheet No. 64B.

These proposed changes result from the implementation of Columbia's Purchased Gas Adjustment provision contained in Section 20 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1.

Columbia states that it has, as a part of its deferred purchased gas cost account increase, included an estimated amount computed to provide for the recovery of Opinion 699 producer increases incurred up to the proposed March 1, 1975, effective date. Such amount is included pursuant to Opinion 699-G in FPC Docket No. R-389-B.

In recognition of the Commission's policy of suspending for one day that portion of pipeline company PGA filings, which are based on small producer purchases at rates above the effective national rate, Columbia also tendered for filing Alternate Nineteenth Revised Sheet No. 16 and Alternate Sixth Revised Sheet No. 64A. These tariff sheets exclude amounts attributable to small producer purchases which are in excess of the effective national rate.

In the event that the Commission suspends Nineteenth Revised Sheet No. 16 and Sixth Revised Sheet No. 64A, Columbia proposes that Alternate Nineteenth Revised Sheet No. 16 and Alternate Sixth Revised Sheet No. 64A be effective March 1, 1975.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 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 7, 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.75-2541 Filed 1-28-75;8:45 am]

[Project No. 2662]

CONNECTICUT LIGHT & POWER CO.

Application for Withdrawal of Application for License

JANUARY 22, 1975.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the Connecticut Light and Power Co. (Applicant) (Correspondence to: Edwin L. Johnson, Vice-President, The Connecticut Light and Power Company, P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed on November 2, 1967, for

[1] The dissenting opinions of Commissioners Brooke and Moody are filed as part of the original document.

constructed Scotland Project No. 2662 located on the Shetucket River in Windham County, Connecticut in the Town of Windham near the City of Willimantic.

The request for approval to withdraw the application for license is based on a decision of the United States Court of Appeals for the Second Circuit, Farmington River Power Co. v. Federal Power Commission, 455 F. 2d 86 (2d Cir. 1972). Applicant argues that the decision makes the Commission's jurisdiction over the project questionable.

The constructed Scotland Project consists of: (1) A dam incorporating a 30-foot high earth dike about 183 feet long, a concrete spillway section containing five 20-foot wide by 14-foot high tainter gates, an Ambursen-type ungated spillway section about 89 feet long, a gravity-type ungated spillway section about 19 feet long, and a powerhouse section containing one generating unit rated at 2,000 kW; (2) A reservoir covering about 134 acres at normal full pond elevation 127.0 feet (USGS Datum) with normal drawdown of about 2 feet; and (3) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before March 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2542 Filed 1-28-75;8:45 am]

[Project No. 2338]

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (CORNWALL PROJECT)

Extension of Time

JANUARY 22, 1975.

On January 17, 1975, the Department of the Interior filed a motion for extension of time in which to respond to Cross-Motions of Scenic Hudson Preservation Conference and Hudson River Fishermen's Association filed January 6, 1975, which were in answer to the December 23, 1974 motion of Consolidated Edison Company of New York, Inc., in the above-designated matter.

Notice is hereby given that the time for responding to the above cross-motions is extended to and including January 27, 1975. Due to this extension, the motion of Consolidated Edison shall not be deemed to have been denied as would otherwise be the case pursuant to § 1.12(e) of the Commission's rules of practice and procedure.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2543 Filed 1-28-75;8:45 am]

[Docket No. E-9214]

CONSUMERS POWER CO.

Application

JANUARY 23, 1975.

Take notice that on January 14, 1975, Consumers Power Co. (the "Applicant") filed an application, pursuant to Section 204 of the Federal Power Act, with the Federal Power Commission seeking authorization to issue securities hereinafter more fully described. The Applicant intends to enter into one or more Acceptance Facility Agreements (the "Agreement") with one or more banks (the "Banks") for the purpose of financing the Applicant's acquisition and storage of Fuel (as defined in the Agreement) for use in certain of its generating facilities. Pursuant to the Agreement, the Banks will make available to the Applicant an aggregate amount not to exceed the lesser of $35,000,000 (the "Maximum Commitment") or the fair market value of the Fuel stored at certain of the Applicant's generating facilities and subject to security interests granted by the Applicant to the Banks (the "Commitment"). Unless extended by agreement, the Commitment will be available to the Applicant until the earlier of December 31, 1975 or the Termination Date (as defined in the Agreement).

The Applicant will, from time to time, issue its drafts, in multiples of $100,000, (the "Drafts"), which shall mature not more than 180 days from the date of issuance thereof. Within the limits of the Commitment, the Applicant will present such Drafts to one of the Banks for acceptance. Each Draft submitted for acceptance shall have attached thereto a Certificate of Ownership of Fuel (as defined in the Agreement) and shall correspond to copies of suppliers' invoices relating to the Fuel to be financed by the acceptance of the applicable Draft. Upon acceptance, the accepting Bank will make available to the Applicant the full amount of such Draft. Each Bank may at any time sell, discount or otherwise dispose of any or all Drafts accepted by it.

The Applicant shall pay to the accepting Bank, on the business day next preceding the maturity date of each Draft, the face amount thereof. In addition, the Applicant will pay to the accepting Bank, on the date of acceptance of each Draft, (i) an amount equal to 2 percent per annum of the face amount of such Draft for the period of the Draft but not less than 60 days (the "Acceptance Charge") and (ii) an amount equal to (x) the bid rate, in effect in The City of New York on such date, for acceptances of commercial drafts or bills eligible for discount with the Federal Reserve Bank and having similar maturities times (y) the face amount of such Draft (the "Discount").

As security for repayment by the Applicant of all amounts owing to the Banks with respect to the Drafts, the Applicant will grant to the Banks security interests in certain Fuel presently owned or hereafter acquired by the Applicant and in all documents of title relating to such Fuel.

The Applicant may, upon at least one day's notice to the Banks, prepay the entire amount owing with respect to any Draft, and shall, upon removal of Fuel from storage for any purpose other than use in a generating facility, prepay the amount then outstanding under such Drafts in an amount equal to the fair market value of the Fuel so removed. The Applicant or any Bank shall have the right, upon at least one business day's notice, to terminate or reduce the unused portion of such Bank's Maximum Commitment.

Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Jackson, Michigan, and is engaged in the electric and natural gas business in the State of Michigan.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with 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 proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2544 Filed 1-28-75;8:45 am]

[Docket No. E-9216]

DAYTON POWER AND LIGHT CO.

Tariff Change

JANUARY 21, 1975.

Take notice that The Dayton Power and Light Company, on January 15, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $1,756,930 based on the 12 month period ending December 31, 1975. The Company states that the proposed Fuel Adjustment Clause is designed to conform with present Commission regulations concerning the form of such clauses. In addition, a delayed payment charge provision has been included in the proposed rate

schedule.

The proposed effective date for the increased rates is March 1, 1975.

The Company has requested the minimum suspension period.

The Company states that the additional revenue which would result from the proposed rates is needed to offset increases in the cost of labor, materials, taxes and other expenditures, as well as increases in the cost of facilities and the cost of capital.

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. 20425, 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 application are on file with the Commission and are available for public inspection.

Copies of the filing were served upon the Company's fourteen (14) jurisdictional customers.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2545 Filed 1-28-75;8:45 am]

[Project No. 1000]

LOUISVILLE GAS AND ELECTRIC CO.

Application for Surrender of Minor-Part Transmission Line License

JANUARY 20, 1975.

Public notice is hereby given that an application was filed on October 21, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Louisville Gas and Electric Company (Correspondence to Mr. George J. Meigurger, Gallagher, Conner and Boland, 821 15th Street NW., Washington, D.C. 20005 and Mr. W. B. Thurman, Vice President, Louisville Gas and Electric Company, 311 West Chestnut Street, P.O. Box 354, Louisville, Kentucky 40201) for the surrender of a minor-part transmission line license for Ohio Falls Project No. 1000 located on the Ohio River in Louisville, Kentucky. The project is located adjacent to the U.S. Corps of Engineers' McAlpine Locks and Dam and affects United States lands.

Project No. 1000 includes a 66-kV transmission line from the Applicant's Ohio Falls Plant Project No. 289 to the Waterside steam-electric plant and a 66-kV line from the Ohio Falls Plant to its Canal steam-electric plant.

The Applicant states that the appropriate portions of Project No. 1000 have been included as project works in their application for license for Ohio Falls Project No. 289 filed on November 9, 1972. The Applicant requests permission to surrender the license for project No. 1000 and to include those facilities within Project No. 289.

Any person desiring to be heard or to make protest with reference to said application should on or before March 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make to protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2598 Filed 1-28-75;8:45 am]

[Docket Nos. RP73-102 and RP73-14 (PGA 75-1); Docket No. RP73-102 (PGA 75-2)]

MICHIGAN WISCONSIN PIPE LINE CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Interventions

JANUARY 20, 1975.

On October 31, 1974, at Docket Nos. RP73-102 and RP73-14 (PGA 75-1), this Commission issued an order which accepted for filing and made effective, in part, a proposed change in rates tendered by Michigan Wisconsin Pipe Line Company (Mich-Wisc) on September 13, 1974. Our order imposed a condition on our acceptance that Mich-Wisc was to file substitute tariff sheets reflecting elimination of certain costs which were included in Mich-Wisc's September 13, 1974 filing.

Notice of Mich-Wisc's filing was issued on September 25, 1974, with protests and petitions to intervene due on or before October 10, 1974.

On December 27, 1974, at Docket Nos. RP73-102 and PGA 75-2, we accepted for filing and placed into effect, subject to condition, a rate increase application tendered by Mich-Wisc on November 15, 1974. Notice of the company's filing at these dockets was issued on December 5, 1974, with protests or petitions to intervene due on or before December 23, 1974.

Michigan Gas Utilities Co. and Wisconsin Power and Light Co. each filed petitions to intervene in these separate proceedings on December 19, 1974, and December 23, 1974, respectively. Since these petitioners may have a substantial interest in these proceedings and there have been no objections to their intervention, we shall permit the petitioners to intervene in each proceeding.

The Commission finds:

(1) Participation by the above mentioned petitioners in these proceedings may be in the public interest.

(2) Although the petitions to intervene at Docket Nos. RP73-102 and RP73-14 (PGA 75-1) were not timely filed, good cause exists for permitting such interventions.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intrvenors 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 might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of these proceedings.

(C) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure Mich-Wis shall promptly serve copies of its filings upon the above-mentioned intervenors, unless such service has already been effected pursuant to Part 154 of the regulations under the Natural Gas Act.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2564 Filed 1-28-75;8:45 am]

[Docket No. E-1935]

MISSISSIPPI POWER CO.

Order Granting Petitions To Intervene

JANUARY 20, 1975.

On November 29, 1974, the Mississippi Power Co. (Mississippi) tendered for filing Second Revised Sheet Nos. 3 and 4 to its FPC Electric Tariff Original Volume No. 1. Mississippi states that the proposed increase, which would affect the three cooperatives of Coast Electric Power Association, East Mississippi Power Association, and Singing River Electric Power Association, will produce added revenues of $3,380,418.10 based on the twelve month period following the effective date of January 1, 1975.

Notice of Mississippi's filing was issued on December 5, 1974, with comments, protests, or petitions to intervene due on or before December 20, 1974. On December 20, 1974 a protest and petition to intervene was filed on behalf of Coast Electric Power Association, East Mississippi Power Association, and Singing River Electric Power Association. In their protest and petition to intervene the power associations contend that Mississippi's filing includes a cost-of-service study which greatly inflates its cost-of-service for furnishing service to the power associations and consequently understates the rate of return earned by Mississippi from sales to the power associations both at

the existing rates and the proposed rates. The power associations also contend that the fuel clause contained in Mississippi's filing violates Opinion No. 517. The power associations requested therefore that the proposed rate increase be suspended for the full five-month statutory period.

In our order[1] issued December 31, 1974, in this docket we stated that our review of Mississippi's filing indicated that the proposed changes in rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Upon such a review, we concluded that a one-day suspension period was appropriate. With respect to the power associations' cost-of-service allegations we note that these issues are appropriately dealt with in an adjudicative hearing. Our order in this proceeding of December 31, 1974 so provided for a hearing. Our order of that date further rejected Mississippi's proposed fuel clause without prejudice to Mississippi's right to file a revised fuel clause conforming with the regulations as set forth in § 35.14(a)(1) or, in the alternative, a revised clause conforming to the new fuel clause regulations set forth in Order No. 517.[2]

The Commission finds:

Intervention of Coast Electric Power Association, East Mississippi Power Association, and Singing River Electric Power Association may be in the public interest.

The Commission orders. (A) The parties listed above 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 asserted rights and interests specifically set forth in said petitions for leave 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 of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2568 Filed 1-28-75;8:45 am]

NATIONAL POWER SURVEY

Notice of Meeting

Agenda, for a Meeting of the Technical Advisory Committee on Conservation of Energy to be held at the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C., February 19, 1975, 9:30 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Review of draft report of the Task Force on Conservation and Fuel Supply.
B. Other Business.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2599 Filed 1-28-75;8:45 am]

[Docket Nos. RP71-107 (Phase II), PGA 75-1, RP72-127, RP74-9 and R&D 75-1]

NORTHERN NATURAL GAS CO.

Tariff Filing

JANUARY 20, 1975.

Take notice that on January 9, 1974, Northern Natural Gas Company (Northern) tendered for filing, as a part of Northern's F.P.C. Gas Tariff the following tariff sheets:

Third Revised Volume No. 1:
Second Substitute Fifth Revised Sheet No. 4a.
Sixth Revised Sheet No. 4a.
Original Volume No. 2:
First Substitute First Revised Sheet No. 502.
Second Revised Sheet No. 502.
First Substitute Fourth Revised Sheet No. 1c.
Fifth Revised Sheet No. 1c.

These tariff sheets are filed by Northern pursuant to Federal Power Commission "Order Accepting For Filing and Suspending Proposed PGA and R&D Rate Adjustment, Setting Limited Issue For Hearing and Denying Request to Track Certain Costs Under R&D Clause", Docket Nos. RP71-107 (Phase II), PGA 75-1, RP72-127, RP74-9 and R&D 75-1, issued December 26, 1974.

Sixth Revised Sheet No. 4a, Second Revised Sheet No. 502 and Fifth Revised Sheet No. 1c tariff sheets were accepted for filing, suspended for one day and permitted to be effective, subject to refund, on December 28, 1974, pursuant to ordering paragraph (A) of the above-referenced Commission Order and are refiled herein to update the page designations and the effective dates.

Second Substitute Fifth Revised Sheet No. 4a, First Substitute First Revised Sheet No. 502 and First Substitute Fourth Revised Sheet No. 1c tariff sheets, which are to become effective December 27, 1974, without refund obligation, reflect increased R&D costs associated with those R&D projects not set for hearing and those increased PGA costs other than those increased PGA costs associated with that portion of small producer and emergency purchases in excess of the rate level prescribed in Opinion No. 699-H and are filed pursuant to Pages 5 and 6 of the above-referenced Commission Order.

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.75-2576 Filed 1-28-75;8:45 am]

[Docket Nos. RP74-91-16, RP74-91-17, RP74-91-18, RP75-41-1, RP75-41-2, RP75-41-3, RP75-41-4]

TENNESSEE GAS PIPELINE CO., ET AL.

Order Granting Motion for Consolidation of Proceedings, Consolidating Proceedings, Modifying Previous Order, Granting Temporary Relief, Denying Temporary Relief, Setting Formal Hearing, Establishing Procedures, Permitting Interventions, and Denying Request for Rehearing of Notice

JANUARY 17, 1975.

By order issued December 24, 1974, in Docket No. RP75-45, we initiated an investigation into the causes for the recent increased curtailment imposed by Tennessee Gas Pipeline Company (Tennessee). Petitions seeking relief from Tennessee's curtailment have been filed by Humphreys County Utility District of Tennessee (Humphreys), East Tennessee Natural Gas Company (East Tennessee), and Pennsylvania Gas & Water Company (Penn Gas). Additionally, petition seeking relief from the curtailment imposed by East Tennessee have been filed by Natural Gas Utilities District of Hawkins County, Tennessee (NGUD), Colonial Natural Gas Company (Colonial), Atomic Energy Commission (AEC), and Aluminum Company of America (Alcoa).

Humphreys, in its filing in Docket No. RP74-91-16, requests relief in the amount of 9,340 Mcf per day from Tennessee's curtailment through March 31, 1975, together with a request for interim relief pendente lite. Humphreys states that its relief request are to enable it to serve the alleged needs of its four firm industrial customers, E. I. DuPont de Nemours Company, Inc. (DuPont), Inland Container Corporation (Inland), Consolidated Aluminum Corporation (Consolidated), and Foote Mineral Company (Foote). In support of its petition, Humphreys states that these industrials provides most of the employment and revenues for the county and that the sudden change in Tennessee's curtailment has

[1] Mississippi Power Co., Docket No. E-9135, order issued December 31, 1974.
[2] Order No. 517, Docket No. R-479, issued November 13, 1974.

placed them in an impossible position since there was no prior indication of their exposure to curtailment and the development of alternate fuel capability was not considered necessary. Specifically, Humphreys requests on a daily basis 5,000 Mcf for DuPont, 2,500 Mcf for Inland, 1,500 Mcf for Consolidated and 340 Mcf for Foote. The request for interim relief contained in Humphreys' petition is justified and should be granted as hereinafter ordered and conditioned.

In its filing in Docket No. RP74–91–18, Penn Gas requests relief from Tennessee's curtailment to enable it to receive 2,507,676 Mcf during the period January 1, 1975–March 1, 1975.[1] Penn Gas states that its request represents a volumetric increase of 844,420 Mcf above the level of deliveries announced by Tennessee for that period. Petitions in support were filed by AVCO Lycoming Williamsport Division of AVCO Corporation (AVCO) and the Secretary of the Army (Army), customers of Penn Gas. We shall treat those supportive petitions as petitions to intervene in the Docket No. RP74–91–18 proceeding.

Penn Gas' request for interim relief should be denied except for the requests for relief to serve the U.S. Army's facility operated by Chamberlain Manufacturing Company and the Scranton Defense Plant.

We note that the volumes set forth in Penn Gas' petition differ from those contained in the Army's petition. Penn Gas has requested an average daily volume for Scranton Defense Plant of 86 Mcf per day whereas the Army requests an average of 233 Mcf per day. Both Penn Gas and the Army request an average daily quantity of 1,150 Mcf per day for the ammunition plant operated by Chamberlain Manufacturing Company. The alleged impact on crucial national defense production at the U.S. Army ammunition facility and the Scranton Defense plant served by Penn Gas warrants grant of limited interim relief in the volumes specified in Army's petition as hereinafter conditioned. However, the relief sought by Penn Gas for its other customers cannot be granted at this time because Penn Gas has not provided basic information required by Order No. 467–C (§ 2.78(K) of the Commission's regulations) regarding any flexibility which may be available to Penn Gas. The volumes of relief gas requested for those customers are denied without prejudice to Penn Gas supplying the necessary information required by Order No. 467–C for each of its operating divisions.

Colonial, the petitioner in Docket No. RP75–41–2, operates several small nonintegrated distribution systems in Southwestern Virginia. It is here seeking relief to supply needs of 21 of its industrial customers requiring service in the amount of 6,899 Mcf per day for Priority 2 use and 1,185 Mcf per day for Priority 3 use. However, in its petition, Colonial does not detail the needs of all 21 customers. Consequently, we can only rule on Colonial's request for interim relief on those customers specifically detailed in the petition. Of those detailed, we find that the following interim relief is justified for a limited period of 30 days:

Customer:	Daily volume Mcf
Lynchburg Foundry	1,100
Yaloy, Inc.	130
Wolverine	150
Brunswick	144
Westinghouse	1,500
HAPCO Co.	50
American Screw	370
Polypenco	120
Burlington	1,200
Sundstrand Compressors	63
Total	4,827

Interim relief is denied to the following customers of Colonial because of the insufficient justification for such relief in the petition: Hercules Incorporated, Hubbell Lighting, Corning Glass, and Federal Mogul. Relief for White Motor Corporation is inappropriate because its plant is a new facility scheduled to begin operations during the first quarter of 1975 and is not yet attached. Interim relief is not justified for Aeroquip Corporation, since the volumetric requirements data has not been supplied, and Emory & Henry College, since its use of natural gas is for boiler fuel that is presently converted to fuel oil. The petition does not give any specificity to the needs of the remaining 5 customers mentioned in Colonial's petition and, therefore, no interim relief is justified for those customers.

AEC's petition filed in Docket No. RP5–41–3 indicated that the supportive data required by Order No. 467–C did not seem relevant and, therefore, was not included in its petition. By telegram dated January 9, 1975, the Secretary requested AEC to submit the data required by our Order No. 467–C. AEC responded to the Secretary's request on January 15, 1975, setting forth the Order 467–C data in support of its request for relief. The data submitted by AEC justifies its request for interim relief as hereinafter conditioned.

Alcoa's request for interim relief in Docket No. RP75–41–4 is justified and should be granted in the following monthly volumes for a limited period of 30 days:

	Mcf
January	313,000
February	249,200

By motion filed January 3, 1975, Alcoa indicated that it is likely that the above requirement could be further reduced and, if so, it would file to amend its request in the near future. Therefore, the above granted relief will be made subject to any reduction in the volumes actually required as well as the conditions hereinafter ordered for all the interim relief volumes granted in this order.

The interim relief granted herein for the customers of East Tennessee amounts to an average daily volume of 9,089 Mcf. Even with the interim relief granted to Humphreys and Penn Gas in the amount of 1,383 Mcf per day also taken into consideration, residential and service does not appear to be in jeopardy.[2] However, we will condition the grant of interim relief in order to assure that it will not jeopardize service to the residential and commercial consumers on Tennessee's and/or East Tennessee's systems. Additionally, we will limit the interim relief to a period of 30 days from the date of this order because of the future uncertainties of the effect of this grant on the other customers on Tennessee's and East Tennessee's systems.

By order issued December 30, 1974, in Docket No. RP75–14–1, temporary relief was granted to NGUD and a formal hearing was set to convene January 28, 1975, with testimony and exhibits required to be filed by NGUD and East Tennessee on or before January 17, 1975. East Tennessee, in its petition, moved for consolidation of the four petitions for relief filed against it as well as its petition filed against Tennessee. We will grant East Tennessee's motion for consolidation, consolidate those proceedings with the proceeding involved in Docket No. RP74–91–16, and modify our order of December 30, 1974, issued in Docket No. RP75–41–1 to include therein procedures to accommodate the proceedings consolidated by this order.

The Commission finds:

(1) The proceedings involved in Docket Nos. RP74–91–16, RP74–91–17, RP74–91–18, RP75–41–1, RP75–41–2, RP75–41–3, and RP75–41–4 contain common questions of law and fact and, consequently, good cause exists to consolidate those proceedings, to set that consolidated proceeding for formal hearing, and to establish the procedures for that hearing, all as hereinafter ordered.

(2) Good cause exists to grant and to deny interim relief pendente lite as hereinafter ordered and conditioned.

(3) The participation by AVCO and Army in Docket No. RP74–91–18 may be in the public interest.

The Commission orders:

(A) East Tennessee's motion for consolidation of proceedings is granted.

(B) The proceedings involved in Docket Nos. RP74–91–16, RP74–91–17, RP74–91–18, RP75–41–1, RP75–41–2, RP75–41–3 and RP75–41–4 are hereby consolidated for purposes of hearing and decision.

(C) Our order issued December 30, 1974, in Docket No. RP75–41–1 is hereby modified to permit that proceeding to be heard and decided in the consolidated proceeding. In all other respects, including the dates for filing testimony and exhibits in that proceeding, remain in full force and effect.

(D) Pursuant to the authority of the Natural Gas Act, particularly sections 4,

[1] On January 17, 1975, Penn Gas filed a request for rehearing of our Notice of its filing in order to expedite consideration of its request for relief. Our action in this order moots its request and we will therefore deny the request for rehearing.

[2] Tennessee's Priority 2 requirements total more than 500,000,000 Mcf annually.

5, 7, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing January 28, 1975, at 10 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 concerning the request for relief, other than interim relief, contained in the petitions filed in the proceedings consolidated herein.

(E) All petitioners other than NGUD and East Tennessee insofar as its presentation in Docket No. RP75–41–1 is concerned together with those in support of the requested relief shall file and serve their evidence on all parties including Commission Staff at the start of the hearing convened in paragraph (D) above.

(F) Tennessee is hereby ordered to deliver to Humphreys relief volumes in the amount of 9,340 Mcf per day pendente lite for redelivery to its customers as set forth above, and as hereinafter conditioned.

(G) Tennessee is hereby ordered to deliver to Penn Gas for redelivery to the U.S. Army and Scranton Defense Plant the volumes requested by Army in its petition as hereinafter conditioned.

(H) Tennessee is hereby ordered to deliver to East Tennessee for redelivery to Colonial for service to Colonial's customers pendente lite as follows:

Customers:	*Daily volumes in Mcf*
Lynchburg Foundry	1,100
Yaloy, Inc	130
Wolverine	150
Brunswick	144
Westinghouse	1,500
HAPCO Co	50
American Screw	370
Polypenco	120
Burlington	1,200
Sundstrand Compressors	63

Additionally, Tennessee shall deliver to East Tennessee for redelivery to Alcoa (subject to reduction upon motion of Alcoa) the following monthly volumes as hereinafter conditioned:

January—313,000 Mcf
February—249,200 Mcf

Tennessee shall deliver to East Tennessee for redelivery to AEC the volume equivalent to 725 Mcf on an average day as hereinafter conditioned and also 1000 Mcf of natural gas on a one time basis for the start up of AEC's new boiler as requested in AEC's petition as supplemented.

All other requests for relief pendente lite included in the proceedings consolidated herein are denied.

(I) The relief granted in paragraphs (F), (G), and (H), above is limited to a period of 30 days from the date of issuance of this order without prejudice to requests for renewal if this proceeding has not been finally determined. The relief granted above is further conditioned as follows: (1) the relief granted shall terminate if the grant on any day would impair service to residential and/or commercial consumers on the systems of Tennessee and/or East Tennessee; and (2) the relief granted is subject to any pay back provisions that the Commission may require upon review of the record.

(J) The Presiding Administrative Law Judge is directed to expedite this proceeding to the extent possible in order to issue his initial decision and certify the completed record within 30 days from the date of this order. Briefs on exceptions and briefs in support of the initial decision shall be filed 7 days after issuance of the initial decision. Answering briefs will not be permitted.

(K) Notices of intervention and petitions to intervene in this consolidated proceeding may be filed with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 24, 1975, in accordance with the Commission's Rules of Practice and Procedure.

(L) AVCO and Army are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, That participation of such petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene and *Provided, further*, That the admission of such petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(M) Penn Gas's request for rehearing of notice is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–2588 Filed 1–28–75;8:45 am]

[Docket No. RP75–19]

TEXAS GAS TRANSMISSION CORP.

Order Granting Interventions

JANUARY 23, 1975.

On September 30, 1974, Texas Gas Transmission Corporation tendered for filing a general increase in its rates subject to Commission jurisdiction. Notice of such filing was issued on October 9, 1974, with protests and petitions to intervene due on or before October 22, 1974.

Timely petitions to intervene were filed by seventeen parties.[1] In addition, four petitions to intervene were filed after October 22, 1974.[2]

Upon review, we are of the opinion that the participation of the above-named petitioners may be in the public interest and therefore, their interventions shall be granted.

The Commission finds:

The participation of the above named parties may be in the public interest.

The Commission orders. (A) The above named parties are permitted to intervene in this proceeding subject to the rules and regulations of the Commission and the procedures set forth in the Commission Order of October 30, 1974, in this docket; *Provided, however*, That participation of said intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene, and *Provided, further*, The admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–2589 Filed 1–28–75;8:45 am]

[1] City of Columbus, Ohio; City of Hamilton, Ohio; Columbia Gas of Ohio, Inc.; Columbia Gas Transmission Corporation; Consolidated Gas Supply Corporation; Hoosier Gas Corporation; Jackson Utility Division, City of Jackson, Tennessee; Michigan Wisconsin Pipe Line Company; Ohio Valley Gas Corporation; Public Service Commission of the State of New York; Public Service Electric and Gas Company; Rochester Gas and Electric Corporation; Southern Indiana Gas and Electric Company; Tennessee Public Service Commission; Terre Haute Gas Corporation; Texas Eastern Transmission Corporation; and Western Kentucky Gas Company.

[2] Joint petition of Cincinnati Gas & Electric Company and Lawrenceburg Gas Transmission Corporation; Joint petition of Indiana Gas Company, Inc. and Ohio River Pipeline Corporation; Louisville Gas and Electric Company; and United Cities Gas Company.

[Docket No. RP75–3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Tariff Sheets

JANUARY 22, 1975.

Take notice that on January 15, 1975, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing Third Substitute Twelfth Revised Sheet No. 5 and Second Substitute Eighth Revised Sheet No. 6 to its FPC Gas Tariff First Revised Volume No. 1; and Second Substitute Fourteenth Revised Sheet No. 5, Second Substitute Tenth Revised Sheet No. 321, Second Substitute Sixth Revised Sheet No. 416, and Second Substitute Fifth Revised Sheet No. 495 to its FPC Gas Tariff Original Volume No. 2. Transco states that on December 23, 1974, it submitted revised tariff sheets which did not reflect Transco's alternate proposal in Transco's tracking filing of November 29, 1974, in Docket No. RP72–99, to recoup the curtailment related credits and debits under the procedures of its curtailment plan which became effective November 16, 1974. Transco states that its December 23, 1974 filing did provide, however, that if the Commission accepted Transco's alternate proposal (alternate

tariff sheets) in its November 29, 1974 tracking filing, Transco would file revised tariff sheets to reflect such changed rates. According to Transco, the Commission accepted Transco's alternate proposal in Docket No. RP72-99 on December 31, 1974, and consequently, the sheets in the instant filing reflect the acceptance of that proposal.

Transco requests a February 1, 1975 effective date for this filing and states that the filing also includes a revised schedule No. 4 to Appendix B of its December 23, 1974 filing. Transco further states that a copy of this filing was mailed to all purchasers and state commissions to whom its December 23, 1974 filing was mailed.

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. All such petitions or protests should be filed on or before February 7, 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.75-2590 Filed 1-28-75;8:45 am]

[Docket No. ID-1741]

JAMES E. TRIBBLE

Supplemental Application

JANUARY 22, 1975.

Take notice that on November 18, 1974, James E. Tribble (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following positions:

Director, Connecticut Yankee Atomic Power Company, Public Utility.
Vice President and Director, Maine Yankee Atomic Power Company, Public Utility.
Vice President and Director, New England Power Company, Public Utility.
Director, Vermont Yankee Nuclear Power Corporation, Public Utility.
Director, Yankee Atomic Electric Company, Public Utility.

Connecticut Yankee Atomic Power Company is engaged in the generation and sale of electricity. The Company sells its entire net electrical output to its utility company stockholders.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2591 Filed 1-28-75;8:45 am]

[Docket Nos. E-7571 and E-7572]

UNION ELECTRIC CO. AND MISSOURI POWER AND LIGHT CO.

Filing of Amendment to Electric Service Agreement

JANUARY 22, 1975.

Take notice that on January 3, 1975, Union Electric Company (Union) and Missouri Power and Light Company (Missouri) tendered for filing a title page and an Amendment to the Electric Service Agreement between Union and Missouri (Union's FPC Electric Tariff No. 49) and a title page and Amendment to the Electric Service Agreement between Missouri and Missouri Edison Company (MPL FPC Electric Tariff No. 25). Union and Missouri state that this filing is being made pursuant to the order issued November 27, 1974 in these dockets.

Copies of this filing have been mailed to all parties of record.

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 appropirate 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.75-2592 Filed 1-28-75;8:45 am]

[Docket No. RP72-133 PGA75-1]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

JANUARY 22, 1975.

Take notice that on January 13, 1975, United Gas Pipe Line Company (United) tendered for filing to be effective January 1, 1975 (1) Twenty-First Revised Sheet No. 4 (designated as Twenty-First Revised Sheet) which contains a Current Adjustment of 6.19¢ per Mcf and a Surcharge Adjustment of 2.72 percent per Mcf and (2) an alternate Twenty-First Revised Sheet No. 4 (designated as Alternate Twenty-First Revised Sheet) which contains a Current Adjustment of 6.19¢ per Mcf and a Surcharge Adjustment of 4.67¢ per Mcf. In addition, United tendered for filing to be effective January 2, 1975 (1) Twenty-Second Revised Sheet No. 4 (designated as Twenty-Second Revised Sheet) which contains a Current Adjustment of 6.32¢ per Mcf and a Surcharge Adjustment of 2.73¢ per Mcf and (2) an alternate Twenty-Second Revised Sheet No. 4 (designated as Alternate Twenty-Second Revised Sheet) which contains a Current Adjustment of 6.32¢ per Mcf and a Surcharge Adjustment of 4.69¢ per Mcf.

United states that the proposed tariff sheets are being filed pursuant to Federal Power Commission Order issued December 31, 1974 in this docket. United states that in that order, the Commission (1) accepted for filing, suspended for one day and permitted to become effective January 2, 1975, subject to refund, the alternate Twentieth Revised Sheet No. 4 contained in Appendix B of United's November 15, 1974 PGA filing in this docket, on the condition that United modify said sheet to eliminate all producer rate changes which did not become effective by January 1, 1975, and (2) authorized United to file, to become effective for the one day for which its November 15, 1974 filing is suspended (i.e. January 1, 1975), substitute tariff sheets which reflect the increased costs included in United's November 15, 1974 filing other than (a) the costs associated with the portion of small producer and emergency purchases which are made at rate levels in excess of those prescribed in Opinion No. 699-H and (b) costs based on producer rate changes which did not become effective by January 1, 1975. According to United, the December 31, 1974 order was made without prejudice to any future action which may be taken by the Commission in regard to a December 18, 1974 filing by United in this docket, and the December 18, 1974 filing contained in Surcharge Adjustment computed in accordance with the Commission's Order issued November 29, 1974 in Docket No. RP75-22 and was filed pursuant to that Order.

United states that because of the pendency of the December 18, 1974 filing, United has submitted the proposed tariff sheets in alternative form. United has requested that the Alternate Twenty-First Revised Sheet and the Alternate Twenty-Second Revised Sheet be allowed to become effective on January 1 and January 2, 1975, respectively, if the Commission approves United's December 18, 1974 filing. If the Commission does not approve the December 18, 1974 filing, United requests that the Twenty-First Revised Sheet and Twenty-Second Revised Sheet be allowed to become effective on January 1, and January 2, 1975, respectively.

United states that a copy of each of the Tariff Sheets and supporting data is being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition

to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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.75-2593 Filed 1-28-75;8:45 am]

[Docket No. E-9147]

VIRGINIA ELECTRIC AND POWER CO.

Order Accepting Proposed Rate Increase for Filing, Suspending for Thirty Days, Establishing Procedures, Permitting Interventions, Denying Motions To Reject and Denying Motions To Suspend for Maximum Suspension Period

JANUARY 22, 1975.

On December 2, 1974, Virginia Electric and Power Company (Vepco) tendered for filing proposed changes[1] to its FPC Electric Tariff, Original Volume Nos. 1 and 2 applicable to Resale Municipalities and Private Utilities and proposed changes[2] in its electric resale rate schedules applicable to REA Cooperatives. According to Vepco, these changes would increase annual revenues from its Cooperative customers by $12.6 million and annual revenues from its Municipal customers by $8.1 million based on estimated usages for the calendar year 1975. The filing reflects the substitution of a 90 percent demand ratchet for the presently effective 50 percent demand ratchet, proposes recovery of a 10.10 percent rate of return, and contains a voltage discount for customers taking service at a voltage of 69 kV or higher.

In support of its proposed increase, Vepco alleges the deterioration of the general financial health of the company, as evidenced by a downgrading of the company's bond rating and a decline in company earnings. Vepco further states that the increased costs of construction funds have caused substantial cutbacks in its planned construction program. Finally, Vepco requests that suspension of its filing be limited to one day.

By letter of the Commission Secretary dated December 20, 1974, Vepco was notified that its filing was deficient in certain respects and would not be assigned a filing date until such deficiencies were cured by the submittal of additional material. On December 23, 1974, Vepco supplied this additional material and requested that its filing be permitted to become effective as of January 22, 1975.

Notice of Vepco's filing was issued on December 5, 1974, with protests, notices of intervention and petitions to intervene due on or before December 23, 1974. In response to this notice, ElectriCities of North Carolina (ElectriCities)[3] filed a Petition to Intervene and Motion to Reject on December 23, 1974, and also on that date a group of cooperatives (Coops)[4] filed its Petition to Intervene and Motion to Reject. On January 6, 1975, Vepco filed answers to each of the intervenor pleadings in which Vepco generally addressed each intervenor argument, stated its lack of opposition to the intervention of both parties, and opposed all motions and requests for maximum suspension made by each party.

In its pleading, ElectriCities attacks Vepco's filing on numerous grounds. In support of its Motion to Reject (or in the alternative its Request for Hearing and Maximum Suspension), ElectriCities cites various deficiencies in Vepco's initial filing which, having been cured as previously noted, no longer constitute a ground for rejection. In addition, ElectriCities asserts various technical criticisms concerning the merits of and support for Vepco's proposed increase. More specifically, ElectriCities alleges that Vepco's proposed rates will produce unlawful discrimination due to the discrepancy in voltage discounts between municipal and cooperative customers. We believe that this latter allegation and ElectriCities various technical assertions regarding Vepco's filing are proper subjects for consideration in the development of an evidentiary record in this docket and, accordingly, are not grounds for rejection of the filing. ElectriCities further states that Vepco's proposed 90 percent demand ratchet which is based upon customers' peak takes occurring during 1974 is a form of retroactive ratemaking and is therefore unlawful. Again, such will be a proper subject for examination in the development of the evidentiary record in the proceedings which will subsequently be established in this docket, and as all amounts collected by Vepco under its proposed rates will be subject to refund pending final resolution of the issues raised by its filing, retroactive ratemaking will not be effected, and thus, such a criticism does not constitute a ground for rejection. ElectriCities attacks Vepco's fuel adjustment clause as not complying with standards set forth in Order No. 517.[5] We note that as that order requires compliance only for rate changes filed on or after January 1, 1975, Vepco is not compelled to comply with such and ElectriCities' objection is therefore invalid as a ground for rejection.

Finally, ElectriCities asserts a multitude of anticompetitive acts on the part of Vepco. The first of these is that Vepco's proposed wholesale rates have the effect of placing ElectriCities' members in a "price squeeze", in that they would not enable Vepco's wholesale customers to sell power at rates equivalent to those of Vepco's General Service retail rates in North Carolina. As we have noted in the past,[6] our jurisdiction is limited to wholesale rates which must be designed to recover fully allocated wholesale costs. To establish wholesale rates upon the basis of retail rate levels would constitute the exercise of our jurisdiction on the basis of events and regulatory affairs over which we have no control. Retail rates, and the accounting and ratemaking principles underlying such, are under the exclusive jurisdiction of the appropriate state regulatory agency. The Federal Power Act does not grant us authority to fashion relief on the basis of retail rates. For these reasons, ElectriCities' allegation of "price squeeze" cannot constitute a ground for rejection, and ElectriCities' participation in this proceeding is limited so as to exclude this issue.

Aside from its "price squeeze" allegation, however, ElectriCities contends that Vepco's proposed 5 year contract provisions are unduly restrictive of customer rights and are therefore anticompetitive, that Vepco has engaged in various anticompetitive acts which have strengthened its alleged monopoly position by preventing its customers from developing their own sources of power, and that Vepco has acted in an anticompetitive fashion to prevent certain municipalities from joining power pools whereby they could become a more effective competitive force. Since evidence relating to the alleged anticompetitive practices is not probative of the justness and reasonableness of the wholesale rates proposed in Vepco's filing, we shall consider the merits of such allegations in a separate phase of this proceeding (Phase II), which will be the subject of a hearing and decision separate and apart from the investigation into the justness and reasonableness of the wholesale rates proposed in Vepco's

[1] Eighth Revised Sheet No. 2, Third Revised Sheet No. 10, Original Sheet No. 10A, Original Sheet No. 10B, Third Revised Sheet No. 12, First Revised Sheet No. 12A, Second Revised Sheet No. 13, and Original Sheet No. 13A to Original Volume No. 1; and Seventh Revised Sheet No. 2, Revised Schedule RS, Resale Service, Municipalities and Private Utilities to Original Volume No. 2.

[2] Schedule RC, Resale Service Rural Electric Cooperatives; Schedule RC-F, Excess Facilities Service, Rural Electric Cooperatives; and Contract Supplement B-29 for Prince William Electric Cooperative.

[3] Composed of all municipalities in North Carolina which within and within the vicinity of their municipal boundaries own and operate their own electric systems, and also the following Virginia municipalities: Towns of Blackstone, Culpepper, Iron Gate, Manassas and Wakefield, the City of Franklin and the Harrisonburg Electric Commission.

[4] Old Dominion Electric Cooperative (for and on behalf of itself and its Vepco-served member electric cooperatives), Northern Neck Electric Cooperative, North Carolina Electric Membership Corporation (for and on behalf of itself and its Vepco-served member electric cooperatives), and Roanoke Electric Membership Corporation.

[5] Order No. 517, issued in Docket No. R-479, on November 13, 1974.

[6] See, e.g., Southern California Edison Company, Docket No. E-8570, issued April 25, 1974, rehearing denied June 5, 1974; Pacific Gas and Electric Company, Docket No. E-7777 order issued March 14, 1974, rehearing denied May 15, 1974.

filing. In this regard, we shall require ElectriCities to direct their evidentiary presentation specifically to the conduct and contract provisions which they allege to be improper and the proposed relief sought. Such evidence will, of course, be subject to motions to strike if it appears that the relief sought is beyond the scope of this Commission's jurisdiction.

We believe that this procedure will provide an appropriate forum for the full development of a complete evidentiary record concerning the alleged anticompetitive conduct. (cf. Pacific Gas and Electric Company, Docket No. E-7777, order issued March 14, 1974; Wisconsin Public Service Corporation, Docket No. E-8867, order issued August 23, 1974; Carolina Power and Light Company, Docket No. E-8884, order issued August 26, 1974). If Vepco is shown to have restricted its customers ability to develop other sources of generation or resale markets, we will not hesitate, to the extent we have jurisdiction over the conduct and contracts involved, to order appropriate reformation of the contracts or any other measures which may be shown to be necessary to remedy the conduct involved.

In the pleading of the Coops, the sole ground for rejection of the filing is the deficiency in supporting data which was subsequently cured, and accordingly, rejection is unwarranted. In regard to their petition to intervene and motion to suspend the rates applied for for the full statutorily allowable five months period, however, the Coops (in addition to asserting various technical issues which will require evidentiary development in the proceedings to be held in this docket) contend that Vepco's proposed rates to the Coops are excessive due to Vepco's elimination, by the instant filing, of historical rate differentials previously maintained between the Coops and Vepco's other wholesale customers. Since the issues raised by the Coops' pleading may bear directly on the establishment of just and reasonable rates to be charged by Vepco, we believe that evidence regarding the Coops' allegations would be appropriate for consideration in the Phase I proceedings hereinafter ordered.

Our review of Vepco's rate filing and the related pleadings indicate that issues have been raised which may require development in an evidentiary hearing. The proposed increased rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed increased rates for filing, suspend such for thirty days until February 21, 1975, and establish hearing procedures to determine the justness and reasonableness of the proposed rates and charges.

The Commission finds. (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter into hearings concerning the lawfulness of the rates and charges contained in Vepco's proposed filing in this docket and enter into separate hearings concerning the alleged anticompetitive activities of Vepco as hereinafter ordered.

(2) Good cause exists to permit the intervention of the above named intervenors as hereinafter conditioned and ordered.

(3) Good cause exists to deny the respective Motions to Reject and Motions to Suspend for the Full Statutory Period of the above named intervenors.

The Commission orders. (A) Pending a hearing and a decision thereon, Vepco's proposed changes in its rates and charges are accepted for filing as of December 23, 1974, and suspended for thirty days, the use thereof deferred until February 21, 1975, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on May 13, 1975, at 10 a.m., edt, in a hearing room at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning all issues, other than those issues to be considered in Phase II of these proceedings hereinafter ordered, which bear on the lawfulness and reasonableness of the rates and charges proposed in Vepco's December 2, 1974 filing (Phase I).

(C) With respect to Phase I of these proceedings, the Commission Staff shall file its evidence and exhibits on or before March 24, 1975. Any intervenor evidence and exhibits shall be filed on or before April 8, 1975. Rebuttal evidence of Vepco shall be filed on or before April 22, 1975.

(D) A second phase (Phase II) of this proceeding is hereby instituted for the development of a complete evidentiary record concerning Vepco's anticompetitive activities which have been alleged by intervenor ElectriCities and over which this Commission has jurisdiction to grant relief. Intervenor evidence in support of their allegations of Vepco's anticompetitive conduct shall be filed on or before March 24, 1975. Staff evidence, if any, shall be filed on or before April 14, 1975. Vepco shall file its prepared evidence on or before May 5, 1975. Any intervenor rebuttal evidence shall be filed on or before May 19, 1975. A public hearing for the purpose of cross-examination of the filed testimony and exhibits shall commence on June 2, 1975, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 10 a.m., edt.

(E) A Presiding Administrative Law Judge shall preside at the hearings initiated by this order, and shall conduct such hearings in accordance with the Federal Power Act, the Commission's rules and regulations, and terms of this order.

(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 over which this Commission has jurisdiction and which affect the rights and interests specifically set forth in their petitions to intervene. As to Phase II, these matters are limited to the alleged anticompetitive activities and contract provisions of Vepco over which this Commission has jurisdiction.

(G) The motions of the intervenors for the maximum suspension of Vepco's filing are hereby denied.

(H) The motions of the intervenors to reject Vepco's filing are hereby denied.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2594 Filed 1-28-75;8:45 am]

[Docket No. E-8947]

DELMARVA POWER AND LIGHT CO.

Conference

JANUARY 21, 1975.

A public conference will be held in Conference Room 8402 commencing at 10 a.m., edt, on February 3, 1975 pursuant to section 1.18 of the Commission's rules of practice and procedure. The conference was requested by counsel for the Delmarva Power and Light Company by letter dated December 20, 1974.

The purpose of this conference is for the staff to meet with the representatives of Delmarva to block out guidelines for the development of answers to the staff's data requests.

Any person desiring to attend the conference may do so. The conference will be attended and moderated by Commission staff counsel.

Copies of this notice of conference shall be published in the FEDERAL REGISTER and sent to all parties.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2546 Filed 1-28-75;8:45 am]

[Docket No. E-8522]

DELMARVA POWER AND LIGHT CO.

Motion for Approval of Settlement

JANUARY 22, 1975.

Take notice that on January 7, 1975, Delmarva Power and Light Company (Delmarva) filed a motion for approval of its tendered stipulation and agreement at this docket. The proposed stipulation and agreement arises from a proceeding which originated on November 30, 1973, when the company tendered for filing certain proposed changes in their intercompany Power Supply Agreement, dated July 16, 1964, designated Rate Schedule FPC No. 33 for Delaware, Rate Schedule FPC No. 10 for Maryland, and Rate Schedule FPC No. 5 for Virginia, together with a supplement thereto dated August 27, 1965, designated sup-

plement No. 2 to each of the respective rate schedules listed above.

Delmarva, within its motion, states that the power supply agreement is a self-adjusting cost of service which is designed to allocate among the three companies constituting the Delmarva System the fixed charges and variable costs of generation and power supply transmission, together with the production materials and supplies associated therewith, for the integrated system, based upon usage. The changes proposed at this proceeding have the sole effect of increasing the rate of return component of fixed charges. The proposed settlement would reduce the rate of return from the requested level of 9 percent to 8.625 percent effective January 2, 1974.

Any person desiring to comment upon the proposed agreement should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before February 7, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2547 Filed 1-28-75;8:45 am]

[Docket No. E-9217]

DUKE POWER CO.

Electric Rate Schedule; Proposed Change

JANUARY 22, 1975.

Take notice that on January 17, 1975, Duke Power Company (Duke) tendered for filing proposed changes in Duke Power Company Rate Schedule FPC No. 32 for delivery point No. 1 and No. 173 for delivery point No. 2. Duke states that these changes concern the company's contract with the City of Lexington, North Carolina. The proposed changes would increase contract demand at delivery point No. 1 from 17,500 KW to 40,000 KW and would decrease contract demand at delivery point No. 2 from 35,000 KW to 23,700 KW. Duke further states that the requisite agreement for the changes has been obtained and is shown by the signature of both parties on the contract which accompanied the tendered filing. The proposed effective date is February 19, 1975.

A copy of the filing has been mailed to the City Clerk of the City of Lexington.

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 7, 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.75-2548 Filed 1-28-75;8:45 am]

[Docket No. RP75-42-1]

EL PASO NATURAL GAS CO. (PAUL LIME PLANT, INC.)

Petition for Extraordinary Relief

JANUARY 22, 1975.

Take notice that on December 12, 1974, Paul Lime Plant, Inc. (Paul Lime), of Paul Spur, Arizona, filed in Docket No. RP72-6 a petition for relief from the currently effective curtailment plan of El Paso Natural Gas Company (El Paso). The petition was filed pursuant to § 1.7(b) of Commission's rules of practice and procedure and requests an emergency exemption from curtailment for a period not to exceed sixty (60) days commencing December 11, 1974.

Paul Lime states that its contract with El Paso contains a maximum delivery obligation of 6,200 Mcf at 14.73 psia and that it utilizes the gas for space heating in company housing and plant offices, as well as Priority 3 gas kiln requirements. Paul Lime further states that during the emergency 60 day period it will minimize its Priority 3 needs by operating only two (2) of its three (3) rotary kilns, resulting in a maximum gas usage of 3,800 Mcf/d. In addition, Paul Lime represents that following the period of exemption from curtailment, it will have sufficient alternate fuel capability to allow it to pay back gas to El Paso by reducing its takes over a reasonable period.

Paul Lime further asserts that failure to obtain the relief requested would result in a shutting down of its plant, idling 48 employees and would have a detrimental effect on certain companies whose manufacturing processes depend, in part, on the availability of the product which Paul Lime produces (calcium oxide).

Based upon telephonic representations of the above facts to El Paso, El Paso commenced temporary emergency deliveries of gas to Paul Lime on December 11, 1974, pending the filing of the instant petition and pending subsequent Commission action thereon.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 5, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2549 Filed 1-28-75;8:45 am]

[Docket No. CP75-203]

EL PASO NATURAL GAS CO.

Application

JANUARY 20, 1975.

Take notice that on January 9, 1975, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed an application in Docket No. CP75-203 pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain meter stations and tap facilities, together with the natural gas service rendered by means of such facilities, in Sutton and Midland Counties, Texas, and San Juan County, New Mexico, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that Applicant's Sonora meter station, the continued operation of which was authorized by Commission order issued April 21, 1969, in Docket No. CP69-23 (42 FPC 562) for the purpose of providing a back-up fuel supply for the Sonora Light and Power Plant at Sonora, Texas, has become unnecessary because such plant has discontinued operation. The application states further that Applicant has elected to exercise its right to terminate direct sales of natural gas to Mobil Oil Corporation (Mobil) heretofore utilized in Mobil's secondary recovery program in the Pegasus Field, Midland County, Texas, thereby obviating the need for the Pegasus repressuring meter station No. 2, the continued operation of which was authorized in Docket No. CP69-23.

The application further states that Applicant has heretofore installed five tap facilities, the continued operation of which was authorized in Docket No. CP69-23 to enable Southern Union Gas Company (Southern Union) to serve right-of-way grantors of Applicant, in San Juan County, New Mexico, but that Southern Union has recently agreed with Applicant that natural gas service at the subject tap locations is no longer required inasmuch as such service is being provided by Southern Union by use of its own facilities.

Applicant proposes to abandon the A.H. Andrews Tap, Joe O. Campbell Tap, Edward J. Jameson Tap, Jay Wilson Tap, R. D. Golding No. 2 Tap, all located between mileposts 11.7 and 12.0 on Applicant's Blanco-Fruitland loop pipelines in the NE/4 of Section 1, Township 29 North, Range 13, West, San Juan County, New Mexico.

Two meter stations and four taps will be removed, salvaged and placed into

stock pending a future need therefor and one tap will be removed and scrapped, at an estimated cost of $1,400.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 7, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2550 Filed 1-28-75;8:45 am]

[Docket No. ID-1726]

JOHN R. WHITE

Supplemental Application

JANUARY 20, 1975.

Take notice that on January 7, 1975, John R. White (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position: Chairman of the board; Pennsylvania Power Co.; Public Utility.

Pennsylvania Power Company has its principal office at New Castle, Pennsylvania, and is engaged primarily in the generation, transmission, and distribution of electric energy in a portion of the Commonwealth of Pennsylvania.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2595 Filed 1-28-75;8:45 am]

[Docket No. E-8867]

WISCONSIN PUBLIC SERVICE CORP.

Extension of Procedural Dates

JANUARY 20, 1975.

On January 15, 1975, the Cities of Algoma, Eagle River, New Holstein, Sturgeon Bay and Two Rivers, Wisconsin and Stephenson, Michigan filed a motion to extend the procedural dates fixed by order issued August 23, 1974, in the above-designated matter. The motion states that no party objects to the charge.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

PHASE I

Staff Evidence Service, April 7, 1975.
Intervenor's Evidence Service, April 21, 1975.
Rebuttal Evidence Service, May 5, 1975.
Hearing, May 13, 1975 (10 a.m. e.d.t.).

PHASE II

Intervenor's Evidence Service, May 27, 1975.
Staff Evidence Service, June 17, 1975.
Company Evidence Service, July 8, 1975.
Rebuttal Evidence Service, July 29, 1975.
Hearing, August 19, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2596 Filed 1-28-75;8:45 am]

[Docket Nos. RP72-155; RP73-104; RP74-57]

EL PASO NATURAL GAS CO.

Substitute Tariff Sheets Tender

JANUARY 20, 1975.

Take notice that on January 6, 1975, El Paso Natural Gas Company ("El Paso") tendered for filing certain substitute revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A. El Paso states that such tariff sheets are submitted for the purpose of correcting the average purchased gas cost contained on said sheets, relating to El Paso's Purchased Gas Cost Adjustment Provision ("PGAC"). El Paso also states that the proposed correction results from an inadvertent accounting error in making accruals to account 191.

El Paso further states that it proposes to correct the average purchased gas cost reflected on tariff sheets which were in effect for the period commencing on November 2, 1973, and, as a result of such correction, to make appropriate adjustments to the balance in account 191. The filing reflects that accruals to account 191 are understated by $6,736,452 as of June 30, 1974.

El Paso also states that the tendered substitute tariff sheets reflect only a correction in the average purchased gas costs and are submitted in substitution for their respective counterparts in effect for the period November 2, 1973, to date in the captioned proceedings. El Paso states that it does not propose to change any currently effective rates or any rates that were effective during the period of time for which adjustment is proposed to be made.

El Paso states that copies of the filing were served on all of El Paso's affected interstate system customers and all parties of record to the proceedings at Docket Nos. RP72-150, RP73-104 and RP74-57 and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should, on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2551 Filed 1-28-75;8:45 am]

[Docket No. CI75-392]

JAMES M. FORGOTSON, SR.

Application

JANUARY 20, 1975.

Take notice that on December 20, 1974, James M. Forgotson, Sr. (Applicant), 409 Beck Building, Shreveport, Louisiana 71101, filed in Docket No. CI75-392 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from certain unspecified wells in the Roanoke Field, Jefferson Davis Parish, Louisiana, all as more set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas to United from the subject acreage on December 16, 1974, for the purpose of maintaining to the extent possible adequate natural gas service on United's pipeline system and that the emergency is continuing. Applicant proposes, pursuant to a contract dated December 16, 1974, with United, to sell gas from the subject acreage for six months within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 10,000 Mcf of gas per day at 60 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot and reimbursement for all taxes.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2552 Filed 1-28-75;8:45 am]

[Docket No. RP75-54]

GRAND VALLEY TRANSMISSION CO.

Proposed Rate Change

JANUARY 22, 1975.

Take notice that on January 13, 1975, Grand Valley Transmission Company (Grand Valley) tendered for filing proposed changes in its FPC gas rate schedule No. 1 for sales of gas to Northwest Pipeline Corporation (Northwest).

Grand Valley states that the proposed increase of 3¢ per Mcf over the currently effective rate is occasioned by the inability of Grand Valley to attract additional supplies of gas for Northwest due to the low rate paid by Northwest for such supplies.

Grand Valley states that the proposed increase will result in annual revenues of $56,762 based on sales volumes to Northwest in the twelve months ended September 30, 1974, and an annual increase in revenues of $56,762 based on estimated sales volumes to Northwest in calendar year 1975. Grand Valley further states that due to a loss of $50,085 for the twelve months ended September 30, 1974, the proposed increase will result in a net increase of only $6,677 for 1974 and 1975. Grand Valley has requested an effective date for its proposed rate increase of no later than February 14, 1975 and therefore requests waiver of the Commission's 30 day notice requirement if the Commission acts to permit effectiveness prior to that date.

Grand Valley states that copies of its filing were mailed to Northwest and to the Public Service Commission of the State of Utah.

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. All such petitions or protests should be filed on or before February 5, 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.75-2553 Filed 1-28-75;8:45 am]

[Docket No. E-9210]

IOWA POWER AND LIGHT CO.

Application

JANUARY 22, 1975.

Take notice that on January 7, 1975, Iowa Power and Light Company (Applicant), filed an application pursuant to section 204 of the Federal Power Act and Commission regulations thereunder, seeking authorization to negotiate with at least three underwriters, in each transaction, regarding the proposed issuance and sale of (1) 600,000 shares of common stock, par value $10 per share; and (2) 100,000 shares of a new series of cumulative preferred stock, par value $100 per share by negotiated underwriting.

Applicant believes that the private placement of the common stock and cumulative preferred stock on a negotiated basis through a financial agent to be retained by it would be more beneficial to its customers and shareholders. The Applicant states that considering the chaotic conditions of today's stock market, it is of the belief that if it were to request competitive bids in connection with the above-mentioned proposed issuances, it would incur a risk of having to pay substantially higher underwriting fees.

Applicant is incorporated under the laws of the State of Iowa, with its principal business office at Des Moines, Iowa. Applicant is engaged in the electric and natural gas utility business in 27 counties in the State of Iowa.

Any person desiring to be heard or to make any protest with reference to the application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with 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 proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2554 Filed 1-28-75;8:45 am]

[Docket No. E-9215]

IOWA SOUTHERN UTILITIES CO.

Application

JANUARY 22, 1975.

Take notice that on January 14, 1975, Iowa Southern Utilities Company (Applicant) filed an application for an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $10,000,000 principal amount of first mortgage bonds.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa and is engaged in the electric utility business in 24 counties in Iowa.

The bonds will be dated February 1, 1975 and mature February 1, 2000 and will bear interest at a rate of 10 percent annually.

The proceeds from the issuance of the bonds will be used to repay bank loans and short-term notes issued in the form of commercial paper and to finance in part the Applicant's construction program for 1973 and 1974, the principal item of which, was $20,500,000 for the Applicant's 28 percent ownership in a 520,000 kilowatt turbo-generator at the Neal Station near Sioux City, Iowa.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before February 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or pro-

tests 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2555 Filed 1-28-75;8:45 am]

[Docket No. RP73-97 (PGA75-2)]

KENTUCKY WEST VIRGINIA GAS CO.

Proposed Changes in Rates and Charges

JANUARY 22, 1975.

Take notice that on January 10, 1975, Kentucky West Virginia Gas Company (Kentucky West) tendered for filing Fourth Revised Sheet No. 12-E to its FPC Gas Tariff, Original Volume No. 1, containing changes in the rate in its Rate Schedule S-1. Kentucky West states that the change in rate results from the application of the Purchased Gas Cost Adjustment provision in Section 9, General Terms and Conditions of the Tariff, which was approved by the Commission in Docket No. RP73-97. The company requests March 1, 1975, as the effective date for its filing.

Kentucky West states that a copy of its filing has been served upon all customers purchasing gas under its FPC Gas Tariff, Original Volume No. 1, and the Pennsylvania Public Utility Commission and the West Virginia Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 12, 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.75-2556 Filed 1-28-75;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Substitute Gas Tariff Sheets

JANUARY 21, 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).

Lawrenceburg states that 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 further 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 sheet Nos. 3-A and 18-B, and substitute eighth revised sheet 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. According to Lawrenceburg 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 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before 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.75-2557 Filed 1-28-75;8:45 am]

[Docket No. ID-1752]

LEON E. MAGLATHLIN, JR.

Initial Application

JANUARY 20, 1975.

Take notice that on December 6, 1974, Leon E. Maglathlin, Jr. (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director—The Connecticut Light and Power Company, Public Utility.
Director—The Hartford Electric Light Company, Public Utility.
Director—Western Massachusetts Electric Company, Public Utility.
Director—Holyoke Water Power Company, Public Utility.
Director—Holyoke Power and Electric Company, Public Utility.

The Connecticut Light and Power Company. A Connecticut corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

The Hartford Electric Light Company. A Connecticut corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity, at wholesale and retail, and the production, purchase, distribution and sale of gas at retail within the State of Connecticut.

Western Massachusetts Electric Company. A Massachusetts corporation engaged principally in the production, purchase, transmission, distribution and sale of electricity at wholesale and retail in a substantial portion of western Massachusetts.

Holyoke Water Power Company. A Massachusetts corporation engaged principally in the manufacture, purchases, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in western Massachusetts.

Holyoke Power and Electric Company. A Massachusetts corporation engaged principally in the manufacture, purchase, transmission, distribution and sale of electricity to industrial, municipal and wholesale customers in the cities of Holyoke and Chicopee and the Town of South Hadley in western Massachusetts.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR §§ 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2562 Filed 1-28-75;8:45 am]

[Docket No. E-9202]

LOUISVILLE GAS AND ELECTRIC CO.

Tariff Change

JANUARY 21, 1975.

Take notice that Louisville Gas and Electric Company (Louisville) on December 30, 1974, tendered for filing proposed changes in its Interconnection Agreement between Louisville and Kentucky Utilities Company (Kentucky) designated FPC Rate Schedule No. 20. The proposed changes would increase revenues from jurisdictional sales and service by $830 based on the 12 month period ending November 30, 1974. Louisville requests waiver of the notice requirements of section 35.3 of the Commission's regulations to permit an effective date of February 1, 1975.

The purpose of this filing is to specifically provide for the use of replacement cost of fuel in determining "out-of-pocket" cost of energy and to make revisions in Service Schedule D—Short Term Power. The demand charge for Short Term Power is proposed to be increased from 40¢ per kilowatt-week to 45¢ per kilowatt-week. Also, the "adder" to out-of-pocket cost of energy purchased from a third party is proposed to be increased from 10 percent to 15 percent. These proposed revisions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their system. The parties agree that these charges should be increased in consideration of present and anticipated future costs.

Louisville states that copies of the filing were served upon Kentucky Utilities Company.

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 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 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2558 Filed 1-28-75;8:45 am]

[Docket No. RP74-26; PGA75-2]

LOUISIANA-NEVADA TRANSIT CO.

Proposed Changes in FPC Gas Tariff

JANUARY 20, 1975.

Take notice that Louisiana-Nevada Transit Company (LNT) on January 13, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Volume 1. LNT states that the proposed changes are to reflect changes in purchased gas cost as provided in the company's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1. LNT further states that the change provides for a total adjustment of 2.20¢ per Mcf including a deferred gas cost adjustment credit of 0.04¢ per Mcf, to amortize a deferred credit balance, and an accumulative cost of gas adjustment of 2.24¢ per Mcf. The proposed effective date of the filing is March 1, 1975.

According to LNT, copies of the filing were served upon the company's jurisdictional customer and the Arkansas Public Service Commission.

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.75-2560 Filed 1-28-75;8:45 am]

[Docket No. RP74-26; PGA75-2]

LOUISIANA-NEVADA TRANSIT CO.

Proposed Changes in FPC Gas Tariff

JANUARY 20, 1975.

Take notice that Louisiana-Nevada Transit Company (LNT) on January 13, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Volume 1. LNT states that the proposed changes are to reflect changes in purchased gas cost as provided in the company's Purchase Gas Adjustment Clause applicable to its Rate Schedule No. G-1. LNT further states that the change provides for a total adjustment of 2.20¢ per Mcf including a deferred gas cost adjustment credit of 0.04¢ per Mcf, to amortize a deferred credit balance, and an accumulative cost of gas adjustment of 2.24¢ per Mcf. The proposed effective date of the filing is March 1, 1975.

According to LNT, copies of the filing were served upon the company's jurisdictional customer and the Arkansas Public Service Commission.

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.75-2561 Filed 1-28-75;8:45 am]

[Docket No. E-9201]

LOUISVILLE GAS AND ELECTRIC CO.

Tariff Change

JANUARY 21, 1975.

Take notice that Louisville Gas and Electric Company (Louisville) on December 30, 1974, tendered for filing proposed changes in its Interconnection Agreement between Louisville Company and Cincinnati Gas and Electric Company (Cincinnati Company) designated FPC Rate Schedule No. 24. The proposed changes would increase revenues from jurisdictional sales and service by $60,445 based on the 12 month period ending November 30, 1974. Louisville requests waiver of the notice requirements of section 35.3 of the Commission's regulations to permit an effective date of February 1, 1975.

The purpose of this filing is to specifically provide for the use of replacement cost of fuel in determining "out-of-pocket" cost of energy and to make revisions in Service Schedule D—Short Term Power. The demand charge for Short Term Power is proposed to be increased from 40¢ per kilowatt-week to 45¢ per kilowatt-week. Also, the "adder" to out-of-pocket cost of energy purchased from a third party is proposed to be increased from 10 percent to 15 percent. These proposed revisions reflect a desire on the part of both parties to attain the optimum benefit from the interconnection of their systems. The parties agree that these charges should be increased in consideration of present and anticipated future costs.

Louisville states that copies of the filing were served upon Cincinnati Gas and Electric Company.

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 sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 C.F.R. §§ 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 application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2559 Filed 1-28-75;8:45 am]

[Docket No. CI75-415]

MESA PETROLEUM CO.

Application

JANUARY 22, 1975.

Take notice that on January 10, 1975, Mesa Petroleum Co. (Applicant), filed in Docket No. CI75-415 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) from the Hugoton Field, Stevens County, Kansas, and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle from reserves to be developed in Blocks A-330, A-348, and A-349, High Island East Addition, South Extension, offshore Texas and in Block 612, West Cameron Area, offshore Louisiana, part of which gas is to serve as a substitute for reserves presently committed to Panhandle in the Hugoton Field under a contract dated November 24, 1970,[1] all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant relates that the sale to Panhandle of the Kansas gas was certificated by the Commission by the order issued December 27, 1971, in Docket No. CI67-624 but that said certificate was subsequently terminated and the sale is now being made pursuant to Applicant's small producer certificate in Docket No. CS67-82. Applicant further states that, based on a reserve study, there are approximately 75 million Mcf of gas remaining for sale under the November 24, 1970, contract as of January 1, 1975.

By January 1, 1976, Applicant proposes to develop for sale to Panhandle 200 million Mcf of what Applicant states to be new, proven reserves in the aforementioned offshore blocks, and to replace by 75 million Mcf of such new reserves the 75 million Mcf it claims is remaining in the Kansas gas commitment. Applicant intends to sell the offshore gas at an initial rate of 20.512 cents per Mcf plus 2.182 cents per Mcf gathering allowance, which rate is the weighted average of the two rates in effect for sales of the Kansas gas. Applicant further proposes to sell the remaining 125 million Mcf of the offshore gas to Panhandle at a separate contract rate equal to the highest price established by the Commission for the sale of gas produced from the pricing area where the subject offshore gas is sold. This rate is to be determined at the time the deliveries of 125 million Mcf commence.

The application states that once it is determined that 200 million Mcf of proven reserves have been developed and the gas purchase and sales agreement is executed, Applicant has agreed that if it is later determined that the leases committed to the gas purchase and sales agreement are incapable of delivering a total of 200 million Mcf, Applicant will make up such deficiency by committing any uncommitted gas leases which it may have at the time the deficiency is determined. However, Applicant states, in no event is Applicant required to acquire new leases or other gas supplies to make up any deficiency. Thus there is said to be no unlimited warranty by Applicant to deliver 200 million Mcf of gas to Panhandle.

Applicant states that as a result of the instant proposal Panhandle will obtain a new net proven reserve addition of 125 million Mcf and that deliverability to Panhandle will increase to an expected 60,000 Mcf per day from the 12,000 Mcf per day limit under the November 24, 1970, contract. Applicant further states that, when and if the gas dedicated in Kansas is released, it will make said gas available to Kansas Power & Light Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2563 Filed 1-28-75;8:45 am]

[1] Formerly on file as Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 39.

[Docket No. CP75-205]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 20, 1975.

Take notice that on January 13, 1975, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-205 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Natural Gas Pipeline Company of America (Natural) under the terms and conditions set forth in an Exchange Agreement between Applicant and Natural dated November 13, 1974, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that from time to time either it or Natural may acquire the right to purchase gas reserves located in proximity to the system of the other company. By this application, Applicant proposes to exchange gas with Natural when to do so will minimize the facilities required to be constructed by either party in connecting reserves to its system and correspondingly to effectuate a monetary savings.

Applicant states that it has obtained a commitment of gas reserves in close proximity to the facilities of Natural in Wheeler County, Texas, and proposes herein, pursuant to the Exchange Agreement, to deliver such gas to Natural in exchange for the delivery of an equivalent volume of gas by Natural to Applicant at an existing point of interconnection in Hansford County, Texas. Applicant further states that Natural will receive the gas through a tap to be constructed on its line at an estimated cost of $5,350, for which Applicant will reimburse Natural, and that to deliver the gas to Natural, Applicant will install approximately twelve miles of 10-inch pipeline and related facilities pursuant to budget certificate authorization if the Commission's proposal in Docket No. RM75-2 is adopted, or otherwise pursuant to Commission authorization to be applied for.

Any person desiring to be heard or to make any protest with reference to said

application should on or before February 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2566 Filed 1-28-75;8:45 am]

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

Report of Refunds

JANUARY 21, 1975.

Take notice that on January 16, 1975, Midwestern Gas Transmission Company (Midwestern) filed its report of refunds made in Docket No. RP71-16 to its Northern System customers in accordance with the Settlement Agreement on Depreciation Issue dated September 30, 1974, as approved by the Commission's order of November 14, 1974, in this docket.

Midwestern states that a copy of its report of refunds was served upon each of its Northern System 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 February 4, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2567 Filed 1-28-75;8:45 am]

[Docket No. E-9058]

MISSISSIPPI POWER AND LIGHT CO.

Filing of Revised Fuel Clause

JANUARY 22, 1975.

Take notice that on January 10, 1975, Mississippi Power and Light Company (MP&L) tendered for filing revised rate schedules REA-13 and MW-13. MP&L states that this filing is in accordance with ordering paragraph (I) of the Commission's order issued December 20, 1974, in this docket. MP&L further states that the filing contains a revised fuel cost adjustment clause conforming to the requirements of section 35.14 of the Commission's regulations, is amended by Order No. 517.

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.75-2569 Filed 1-28-75;8:45 am]

[Docket No. CP75-206]

MISSISSIPPI RIVER TRANSMISSION CORP.

Application

JANUARY 23, 1975.

Take notice that on January 14, 1975, Mississippi River Transmission Corporation (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP75-206 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of natural gas transportation facilities, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a new compressor station on its 18-inch East Line to be located at the existing site of Applicant's St. Jacob Storage Field Compressor Station in Madison County, Illinois. A 3,280 H.P. turbine driven centrifugal compressor unit is proposed to be installed, together with piping, control equipment, structures and other miscellaneous and appurtenant equipment and facilities.

Applicant states that at the present time compression on its 92-mile East Line is being provided by one 3,280 H.P. unit at its Shattuc Compressor Station and that failure of that unit would severely jeopardize Applicant's ability to serve its customers. The application states that the new compressor unit will provide greater assurance that vitally needed gas flows through the East Line can be continuously maintained.

It is stated that the program proposed herein involves no change in Applicant's sales and sales volumes. The estimated cost of the proposed construction is $1,493,000, to be financed from available funds and short term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of practice and procedure, a hearing will be held without further notice before the Commission on this appliaction if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2570 Filed 1-28-75;8:45 am]

[Docket No. IT-5460]

MONTANA-DAKOTA UTILITIES CO.

Motion To Terminate Presidential Permit and Export Authorization

JANUARY 20, 1975.

Take notice that Montana-Dakota Utilities Co. (MDU), on December 12, 1974 filed a motion, pursuant to section 202(e) of the Federal Power Act, seeking to terminate its existing (1) Presidential Permit to operate and maintain border facilities and (2) authorization to transmit electric energy from the United States to Canada for delivery at four points, namely, North Portal, Northgate, Marienthal, and Carievale, all in the Province of Saskatchewan, Canada, by means of such facilities.

MDU states that it is disposing of its electric distribution properties in the Towns of North Portal, Northgate, Marienthal, and Carievale, Saskatchewan and that all the electric energy for these four towns will in the future be supplied from Canadian sources. MDU no longer has any need, therefore, to export any energy to these four towns or to maintain the necessary electric transmission facilities at the United States-Canadian border for that purpose. Consequently, MDU is requesting from the Commission an order terminating its Presidential Permit and its authority to transmit electric energy to Canada, all in Docket No. IT-5460. MDU will remove its border facilities if and when such order is issued.

Any person desiring to be heard or to make any protest with reference to said motion 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 or 1.10) 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 the 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. The motion is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2571 Filed 1-28-75;8:45 am]

[Docket Nos. E-7700; E-7729; E-7800]

NEW ENGLAND POWER CO.

Compliance Tariff Filing

JANUARY 23, 1975.

Take notice that on December 23, 1974, New England Power Company filed herein revised copies of Original Page No. 4A to its FPC Electric Tariff, Original Volume No. 1, Schedule IV, for the Town of Hudson, Massachusetts. The revised tariff provision establishes minimum demands for Hudson in accordance with section 1.7 of the settlement agreement approved in the above-referenced dockets, and in compliance with the Commission's order issued in these dockets on December 6, 1974.

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 14, 1975. Protests will be considered by the Commission 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 must file a petition to intervene. The above filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2574 Filed 1-28-75;8:45 am]

[Docket No. ID-1460]

JOHN T. NEWTON

Supplemental Application

JANUARY 22, 1975.

Take notice that on January 8, 1975, John T. Newton (Applicant) filed a supplemental application with the Federal Power Commission. Pursuant to section 305(b) of the Federal Power Act, Applicant seeks authority to hold the following position:

Director, Kentucky Utilities Company, Public Utility.

Kentucky Utilities Company ("Kentucky"). Its principal place of business is located at 120 South Limestone Street, Lexington, Kentucky.

It is an operating public utility company supplying electric service in 78 counties located in central, southeastern and western Kentucky and one adjoining county in northeastern Tennessee.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 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. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2575 Filed 1-28-75;8:45 am]

[Docket No. E-9148]

NORTHERN STATES POWER CO.

Order Granting Interventions

JANUARY 20, 1975.

On December 2, 1974, Northern States Power Company (Northern) tendered for filing proposed increases in rates to its sixteen total requirements wholesale customers.[1] Notice of Northern's filing was issued on December 11, 1974, with comments, protests, and petitions to intervene due on or before December 24, 1974.

On December 18, 1974, fourteen[2] of Northern's total requirements wholesale municipal customers (Municipals) filed a petition to intervene in these proceedings stating that they would be directly affected by an increase in rates as requested by Northern. The Municipals further stated that they have not had sufficient opportunity to conduct a comprehensive analysis of Northern's rate filing and that they therefore reserve the right to move for rejection of the filing and for other appropriate relief.

The Commission finds:

Participation of the above-named petitioners may be in the public interest.

The Commission orders. (A) The fourteen above-named petitioners are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2577 Filed 1-28-75;8:45 am]

[Docket Nos. E-8999, E-9000]

ORANGE AND ROCKLAND UTILITIES, INC.

Order Granting Late Petition To Intervene

JANUARY 23, 1975.

On December 20, 1974, the Public Advocate of the State of New Jersey (Public

[1] City of Anoka, City of Arlington, Village of Brownton, Village of Buffalo, City of Chaska, City of Granite Falls, Home Light and Power Company, Village of Kasota, Village of Kasson, City of Lake City, Village of North Saint Paul, City of Saint Peter, City of Shakopee, Town of Valley Springs, City of Waseca, and City of Winthrop.

[2] City of Anoka, City of Arlington, Village of Brownton, Village of Buffalo, City of Chaska, City of Granite Falls, Village of Kasota, Village of Kasson, City of Lake City, Village of North Saint Paul, City of Saint Peter, City of Shakopee, City of Waseca, and City of Winthrop.

Advocate) filed a petition to intervene out of time in the above-captioned proceeding. Notices of the filings in these dockets were issued on September 11, 1974, with protests and petitions to intervene due on or before September 19, 1974.

In support of its petition, the Public Advocate states that the filing in Docket No. E-9000 "is ultimately directed at the rates charged to citizens of New Jersey . . ." and that the Public Advocate has, therefore, "a substantial interest in the proceeding which will be directly affected, which is not adequately represented by existing parties, and as to which the Public Advocate will be bound by the Commission's action."

No opposition to this late petition has been filed.

The Commission finds:

Participation by the Public Advocate in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commision orders:

(A) The above-mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2578 Filed 1-28-75;8:45 am]

[Docket No. E-9194]

PUBLIC SERVICE CO. OF NEW MEXICO

Notice of Application

JANUARY 22, 1975.

Take notice that on December 26, 1974, the Public Service Company of New Mexico (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, a November 11, 1971 Interconnection Agreement with Plains Electric Generation and Transmission Cooperative for mutual emergency transmission assistance at a point of interconnection at Storrie Lake Substation near Las Vegas, New Mexico. The contract strictly provides for emergency transmission service between the parties, with energy to be returned as required for emergency service simultaneously at either the Ojo or the West Mesa Switching Station, unless otherwise so specified. Applicant requests that the tendered Interconnection Agreement take effect as of December 31, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2579 Filed 1-28-75;8:45 am]

[Docket No. RI74-250]

RAGARS OIL AND GAS CO.

Order Amending Order Granting Petition for Special Relief

JANUARY 22, 1975.

Pursuant to Section 16 of the Natural Gas Act, the Commission herewith amends its order issued November 14, 1974, granting the petition for special relief filed by Ragars Oil and Gas Company in Docket No. RI74-250. This amendment is necessary to correct an inadvertence that unduly restricted the scope of the relief granted.

The Commission finds:

Good cause exists to amend the order of November 14, 1974, as hereinafter ordered.

The Commission orders:

(A) The order of November 14, 1974, in this proceeding is hereby amended, by deleting the phrase: "five reworked wells which are the subject of its petition herein," that appears in the ordering clause, and substituting in lieu thereof the phrase: "Cabeza Creek Area, Goliad, Dewitt and Karnes Counties, Texas (Texas R.R. District No. 2)."

(B) In all other respects, the order of November 14, 1974, remains in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2581 Filed 1-28-75;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Order on Reconsideration

JANUARY 23, 1975.

On August 1, 1974, the U.S. Court of Appeals for the District of Columbia Circuit issued an order in Case No. 74-1168, which granted this Commission's "Motion for Remand of the Record to the Federal Power Commission for Reconsideration Prior to Decision on the Merits." Therein we requested an opportunity to reconsider our orders in Docket No. E-8176, in order to give more thorough consideration to *Richmond Power and Light Co.* v. *F.P.C.*, 481 F. 2d 490 (D.C. Cir. 1974). In light of the Court's August 1, 1974 order, this case is now before us for our further review and consideration.

Background. By order of July 6, 1973, in this docket, the Commission, *inter alia*, accepted for filing and suspended for sixty days a proposed rate increase as it would affect the Anza Electric Cooperative, Incorporated (Anza) and provided for hearing. On July 30, 1973, Anza filed a petition for rehearing of the July 6, 1973 order in which it claimed that its contract with Southern California Edison Company (SCE) must be read in light of California law, and under such law, rate increases may be made effective only after final order of a regulatory body. Anza thus claimed that the decision in *Richmond Power and Light, supra*, applies and therefore SCE's rate increase to Anza cannot be made effective until after Commission action approving the new rate. Anza also pointed out that its contract with SCE was subject to termination upon 90 days notice to Anza but that SCE had not given such notice.

On August 29, 1973, the Commission granted rehearing in part to further consider Anza's contention. The Commission did not accept Anza's first argument that California law applied, but instead returned to the text of the contract to determine what the parties had contemplated. As to the contract provision itself, the Commission accepted Anza's theory that such language could be construed as preventing a proposed rate increase from being effectuated prior to final regulatory approval. Accordingly, the Commission amended its prior order to provide that Edison's rate increase to Anza may be made effective only after a Commission order approving the rate increase in whole or in part.

Edison immediately sought rehearing of this order, urging that the Commission's determination that the company's rates could only become effective after a final order, was based on a misconstruction of the Edison-Anza contract. Referring to the rate changing provisions of Article V of the contract, Edison argued that the key words in that paragraph are: "subject to change * * * in the manner prescribed by law." Such a change meant, Edison continued, "a change 'by any regulatory body now in existence or hereinafter created by law having jurisdiction.'" Since the Federal Power Commission is the regulatory body now having jurisdiction, Edison argued, the rate changing procedures of the Federal Power Act are controlling. Those procedures clearly provide that an otherwise lawful unilateral rate change filed with the Commission, may, at the Commission's discretion, be allowed to go into effect at some point *prior* to a final approval or disapproval of the pro-

posed change. To hold otherwise, Edison concludes, would violate the statutorily mandated procedures for changes in rates subject to the Commission's jurisdiction.[1]

To provide adequate opportunity to fully review Edison's argument, the Commission granted further rehearing of the matter. On October 24, 1973, Anza responded to Edison and again urged that its interpretation of Article V of the contract was correct and that Edison's conflicting construction should be rejected.

On January 3, 1974, the Commission issued its then final ruling on the interpretation of Article V of the Edison-Anza contract. After reviewing the history of the proceeding and summarizing each party's position, the Commission concluded:

> We have again reviewed the language in Article V in light of the interpretation which SCE [Southern California Edison] urges upon us, and it is our conclusion that Article V does not prevent us from placing the proposed rate in effect subject to refund under the provisions of Section 205 of the Federal Power Act.

The Commission then amended its August 29, 1973 order and its December 6, 1973 letter order so as to permit Edison's proposed increase to become effective at the end of the two month suspension as originally ordered. The additional amount collected under the new rate would, however, be subject to refund in the event Edison fails to sustain its burden of proof as to the justness and reasonableness of the new rate.

To insure its right to appeal every stage of the Commission's actions, Anza applied for rehearing of this latest order of the Commission. By order issued February 19, 1974, the Commission denied rehearing of the January 3, 1974 order.

On January 23, 1974, Anza filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuits.[2] On July 15, 1974, the Commission filed a "Motion for Remand of the Record to the Federal Power Commission for Reconsideration Prior to Decision on the Merits." By order dated August 1, 1974, the Court granted the Commission's motion and the case is now before us for our further consideration.

Discussion. The U.S. Court of Appeals has stated that: "the rule of *Mobile-Sierra*[3] and *Memphis*[4] is refreshingly simple: The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid."[5] The Court further explained that this applied "whether the parties agree to a specific rate or whether to *a rate changeable in a specific manner.* In either case, the contract is binding and a unilateral filing is ineffective to change it."[6]

Thus, it is clear that contracting parties may provide for no change in rate during the term of the contract or they may provide for change in a specified manner during the term of the contract. Both Anza and SCE agree that the contract contemplates changes in rates during the term of the contract. The question arises as to the manner in which such change may take place.

The pertinent part of the Anza-SCE contract (Article V) reads as follows:

> The rates, including terms and conditions stated in this contract, are subject to change by any regulatory body now in existence or hereafter created by law having jurisdiction in the manner prescribed by law. In the event of such change, the new rates and terms and conditions as prescribed shall apply to this contract for the unexpired term hereof. In the event any such regulatory body shall order a rate increase, Cooperative may at its option terminate this contract at any time by written notice to Company.

SCE argues that the first sentence permits a unilateral filing to be made under Section 205 of the Federal Power Act, 16 U.S.C. § 824d. The rate increase could become effective, subject to refund, after suspension of such filing by the Commission since the Commission is the "regulatory body * * * having jurisdiction" and the effectuation, subject to refund, of SCE's unilateral filing after suspension is permissible under Section 205 of the Act.

Anza, however, argues that the aforementioned sentence must be read in conjunction with the sentence in Article V which follows:

> In the event of such change, the new rates and terms and conditions *as prescribed* shall apply to this contract for the unexpired term hereof. [Italics supplied]

Anza argues that the contract contemplates a change in rate, effective after a final order of the Commission, since the above-quoted sentences provide that in the event of a new filing such change will apply prospectively, after a final order of the Commission.

After a thorough review of our past orders and the pleadings filed in this case, and upon further consideration of the *Richmond Power and Light* decision, we must reverse our orders of January 3, 1974 and February 19, 1974. We cannot rely solely on the first sentence of Article V, as SCE would have us do, but rather must look to the language which follows, and in particular the immediately following sentence. That sentence states when such rate may become effective. The new rates "as prescribed" shall apply for the unexpired term of the contract. This must be read to contemplate the effectuation of a rate change under the contract only after a final order of the Commission.

We note that the SCE-Anza contract is analogous to the Anderson contract in *Richmond Power and Light* v. *F.P.C., supra.* The contract in that case stated[7] that the manner in which rates thereunder could be changed would be through a procedure provided by the Indiana regulatory statutes. The Court then noted that Indiana regulatory statutes required the Public Service Commission of Indiana to issue a final order, after formal hearing, before there could be any change in rates. Therefore, with regard to the issue raised under *Memphis, supra, i.e.* whether or not the seller could effect a change in rate by unilaterally filing a new rate, the Court found that the parties contemplated nothing of the sort. The Court then required that the unilateral filing by I&M be rejected.

We find that the contract involved in Anderson and the contract involved herein, are identical with regard to the manner in which a change may be effected. Both the Anderson contract and the contract herein contemplate a procedure by which rates would become effective only after a final order of the regulatory body. In the Anderson contract, the procedure is identified by reference to Indiana regulatory statutes and in this case, the contract provides for such a procedure through its express terms.[8] Accordingly, based on this fact as well as our review of the SCE-Anza contract, we find that the parties to the SCE-Anza contract contemplated that rate changes be made only after a Commission order approving the rate change, a procedure similar to that provided in Section 206 of the Federal Power Act, 16 U.S.C. 824e. Therefore, we shall amend our January 3, 1974 and February 19, 1974 orders and order SCE to make re-

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[1] In order to preserve the company's right to make an increase in its wholesale rates in the event the Commission adhered to its prior interpretation of the Anza contract, SCE filed with the Commission on September 10, 1973, a notice of cancellation of FPC Rate Schedule No. 19 (under which Anza receives service) to be effective December 7, 1973. By letter order dated December 6, 1973, the Commission permitted the schedule originally filed in this docket to become effective, upon cancellation of the underlying contract, as of December 7, 1973, subject to refund pending final determination of the proceeding in this docket.

[2] *Anza Electric Cooperative, Inc.* v. *F.P.C.*, D.C. Cir. No. 74-1168.

[3] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[4] *United Gas Pipe Line Co.* v. *Memphis Light, Gas and Water Division*, 358 U.S. 103 (1958).

[5] *Richmond Power and Light Co.* v. *F.P.C., supra.*

[6] Id. at 497; Emphasis supplied.

[7] Article 12 of the Anderson contract, in pertinent part reads:

"Firm Agreement As To Rates And Charges: Should any change in the rate provided for in Article 3 hereof *be ordered* by the Public Service Commission of Indiana, payment for services by Customer to Company as provided for in Article 3 hereof shall *thereafter* be made upon the basis of such new rate *as changed and approved* by the Public Service Commission of Indiana, provided, however, that in the event of such change in rate, either of the parties hereto shall have the right within a period of ninety days, beginning on the date when such change is ordered by the Public Service Commission of Indiana, to terminate this Agreement by giving to the other at least sixty days prior notice in writing of its intention so to do." (Italics added.)

[8] The Anderson contract also provides for a ceiling on the rate increase, as determined by Tariff IP, filed with the Indiana Commission.

funds, at 7 percent interest per annum, on all amounts collected in excess of the rates specified in Rate Schedule FPC No. 19, for the period from September 7, 1973, when the new rate became effective, subject to refund, until December 7, 1973, when the contract was cancelled pursuant to SCE's Notice of Cancellation, filed on September 10, 1973, and accepted by Commission letter order dated December 6, 1973.

The Commission finds:

Good cause exists to modify our January 3, 1974 and February 19, 1974 orders in this docket as hereinafter ordered and conditioned.

The Commission orders:

(A) Our January 3, 1974 and February 19, 1974 orders are hereby amended to provide that SCE shall refund, at 7% interest per annum, all monies collected from Anza Electric Cooperative, Inc. in excess of the rates prescribed by Rate Schedule FPC No. 19 from September 7, 1973 until December 7, 1973, when Rate Schedule FPC No. 19 was cancelled, pursuant to SCE's Notice of Cancellation, filed on September 10, 1973, and accepted by Commission letter order dated December 6, 1973.

(B) Upon expiration of thirty days and applications for hearing of this order not having been filed, the record of this proceeding, as supplemented by this order, shall be returned to the Court of Appeals for the District of Columbia Circiut in accordance with the Court's August 1, 1974 order.

(C) The Secretary of the Federal Power Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2583 Filed 1-28-75;8:45 am]

[Docket No. RP74-71-2]

SOUTHERN NATURAL GAS CO. (ATLANTA GAS LIGHT CO.)

Notice of Postponement of Hearing

JANUARY 20, 1975.

On January 17, 1975, Atlanta Gas Light Company filed a motion to extend the hearing date fixed by order issued December 4, 1974, in the above-designated matter. On the same date, Staff Counsel filed an objection to the above motion.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until February 4, 1975, at 10:00 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2584 Filed 1-28-75;8:45 am]

[Docket No. RP73-64, PGA75-2B]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JANUARY 22, 1975.

Take notice that Southern Natural Gas Company (Southern) on January 16, 1975, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective January 1, 1975. Such filing is pursuant to Section 17 (Purchased Gas Adjustment Clause) of the general terms and conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1 and amends a previous filing made on December 19, 1974. Such filing is for the purpose of reflecting a reduction in the cost of gas purchased from United Gas Pipe Line Company. The proposed change would decrease the commodity and one-part rates by .550¢ per Mcf from rates filed on December 19, 1974.

On December 19, 1974, Southern, pursuant to its Purchased Gas Adjustment Clause, filed Substitute Eleventh Revised Sheet No. 4A which was proposed to become effective on January 1, 1975, or on such later date as the Commission allows two pipeline supplier increases to become effective. Subsequent to such filing, on January 13, 1975, United Gas Pipe Line Company (United), one of the pipeline suppliers which Southern tracked in the December 19th filing, filed amended tariff sheets with proposed effective dates of January 1, 1975 and January 2, 1975. These tariff sheets amended United's December 18, 1974 filing, which had included only one tariff sheet with a proposed effective date of January 1, 1975. As a result thereof, Southern requests the Commission to permit it to substitute Second Substitute Eleventh Revised Sheet No. 4A for Substitute Eleventh Revised Sheet No. 4A with the same conditions as contained in Southern's filing of December 19, 1974.

As aforesaid, United requested two effective dates of January 1, 1975 and January 2, 1975; however, Southern filed two tariff sheets, both with the proposed effective date of January 1, 1975. Both of these tariff sheets are based on the rates filed by United on January 13, 1975, which include a one-time surcharge allowed by the Commission's order of November 29, 1974, in Docket No RP75-22. Second Substitute Eleventh Revised Sheet No. 4A contains rates based on the rates filed by United to be effective on January 2; Alternate Second Substitute Eleventh Revised Sheet No. 4A reflects the rates filed by United to become effective January 1, 1975. Southern states that the impact of the change in United's rates on January 2, 1975 is to reduce the jurisdictional commodity and one-part rates to Southern's customers by .550¢ per Mcf below those contained in Southern's December 19th filing under the proposed tariff sheet. Southern further states that under the alternate tariff sheet, the impact of the change in United's rates on January 1, 1975 is to reduce the jurisdictional commodity and one-part rates to Southern's customers by .567¢ per Mcf below those contained in its December 19th filing. Thus, the impact on Southern due to the difference in United's January 1 and January 2 rates is only $.00017, or approximately a difference of $300 in jurisdictional revenues to Southern for the one day of January 1, 1975. Therefore, Southern requests that the Commission allow Southern to place into effect on January 1, 1975, the rates contained in Second Substitute Eleventh Revised Sheet No. 4A, since the revenue impact due to the difference in United's January 1 and January 2 rates is insignificant (and any such difference will be credited to Southern's Account No. 191, Unrecovered Purchased Gas Costs, in accordance with section 17.4(1) of Southern's PGA clause).

In the event the Commission does not permit Southern to place Second Substitute Eleventh Revised Sheet No. 4A into effect on January 1, 1975 but does permit Alternate Second Substitute Eleventh Revised Sheet No. 4A to become effective on January 1, 1975, Southern requests the Commission to treat Second Substitute Eleventh Revised Sheet No. 4A as having been withdrawn or rejected and thereby not to become effective on any date (because of the relative insignificance of the rate and revenue impact Southern considers it desirable to avoid the administrative burdens to Southern and its customers of having to make two rate changes).

Copies of the filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with 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 7, 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.75-2585 Filed 1-28-75;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Payment of Refunds

JANUARY 22, 1975.

Take notice that on September 5, 1974, South Georgia Natural Gas Company (South Georgia) tendered for filing a report of payment of refunds to its jurisdictional wholesale customers, in accordance with section 14 of the General Terms and Conditions of South Georgia's FPC Gas Tariff, Original Volume No. 1. South Georgia states that this refund is the result of a refund received from Southern Natural Gas Company. South Georgia further states that a copy of the tendered report has been served upon each of its jurisdictional customers.

According to South Georgia, the total jurisdictional refunds reported is $4,749.34 for the period September 1, 1973, through June 30, 1974.

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 7, 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.75-2586 Filed 1-28-75;8:45 am]

[Docket No. E-9218]

SOUTHWESTERN PUBLIC SERVICE CO.

Notice of Filing of Superseding Contract

JANUARY 22, 1975.

Take notice that on January 15, 1975 Southwestern Public Service Company (Southwestern) tendered for filing a new contract approved by the Rural Electrification Administration that supersedes and cancels the present contract with Lea County Electric Cooperative (Cooperative) to be effective April 2, 1975. Southwestern states that the new contract supersedes and cancels Rate Schedule No. 16. Southwestern further states that the present filing is made pursuant to an order issued in Docket No. E-7755. That order accepted 12 of 16 agreements pertaining to rural electric cooperatives, and rejected the present agreement without prejudice to timely filing. Southwestern indicates that a copy of the filing has been sent to Cooperative.

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 7, 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.75-2587 Filed 1-28-75;8:45 am]

FEDERAL RESERVE SYSTEM

PBC FINANCIAL CORP.

Order Approving Formation of Bank Holding Company and Continuation of Commercial Finance Activities

PBC Financial Corporation, Oklahoma City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 82.4 per cent of the voting shares of Farmers & Merchants Bank, Eufaula, Oklahoma ("Bank"). At the same time, Applicant has applied for the Board's approval, under section 4(c)(8) of the Act and section 225.4(b)(2) of the Board's Regulation Y, to continue to engage in finance company activities at one location in Oklahoma City, Oklahoma. Engaging in the activities of a finance company is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (39 F.R. 34477). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)) and the considerations specified in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, with outstanding receivables of about $0.5 million as of year-end 1973, engages in finance company activities in Oklahoma City, Oklahoma. Applicant's primary business is the financing of fire and casualty insurance premiums, though it also engages in direct automobile financing and, to a minor degree, in several other lines of consumer and sales financing. Bank has deposits of $3.9 million,[1] and is the second largest of three banks in the relevant market,[2] controlling about 17.7 percent of the total deposits in commercial banks in the market. The proposed transaction involves the transfer of a controlling interest in Bank by two individuals to Applicant, which is wholly owned by one of these individuals. Since Applicant and Bank are already under common control and Applicant has no present banking subsidiaries, it does not appear that consummation of this proposal would have any adverse effects on existing or potential competition. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The financial condition, managerial resources, and future prospects of Bank are regarded as satisfactory and consistent with approval of the application. The management of Applicant is satisfactory, and Applicant's financial condition and future prospects, which are dependent upon profitable operations by both its finance and banking activities, appear favorable. Although Applicant will incur debt in connection with the proposal, its projected income from Bank and its finance company activities should provide sufficient revenues to service the debt without impairing the financial condition of Bank. Although there will be no significant changes in Bank's operations as a result of this proposal, considerations relating to the convenience and needs of the community to be served are also consistent with approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

As noted above, Applicant engages in finance company activities at one location in Oklahoma City. Approval would enable Applicant to continue to offer a convenient source of a variety of loan services for the residents of the area. It does not appear that permitting Applicant to continue to engage in finance activities would have any adverse effects on existing or potential competition. Moreover, there is no evidence in the record indicating that continuation of the activity would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to Applicant's finance activities is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective January 22, 1975.

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

[FR Doc.75-2605 Filed 1-28-75;8:45 am]

[1] Banking data are as of June 30, 1974.

[2] The market area is approximated by McIntosh County.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

GENERAL SERVICES ADMINISTRATION

[F.P.M.R. Temp. Reg. F-326]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the

executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is hereby delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a case involving the Utah Power and Light Company before the Utah Public Service Commission, concerning increases in electrical service rates.

b. The Secretary of Defense may redelegate this authority to any officer, official or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 20, 1975.

[FR Doc.75-2606 Filed 1-28-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ELECTRIC FACE EQUIPMENT STANDARD

Renewal Permits; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4003-000, BULLION HOLLOW COAL COMPANY, INC., Mine No. 20, Mine ID No. 44 01724 0, Wise, Virginia,
ICP Permit No. 4003-002 (Osborne Big Charlie Tractor, Ser. No. 410),
ICP Permit No. 4003-002 (Osborne Big Charlie Tractor, Ser. No. 413),
ICP Permit No. 4003-003 (Osborne THR-3 Push Out Car, Ser. No. 28),
ICP Permit No. 4003-004 (Osborne THR-3 Push Out Car, Ser. No. 33),
ICP Permit No 4003-005 (Osborne THR-3 Push Out Car, Ser. No. 22),
ICP Permit No. 4003-006 (Osborne THR-3 Push Out Car, Ser. No. 94),
ICP Permit No. 4003-007 (Osborne 4S4 Tractor, Ser. No. 392),
ICP Permit No. 4003-008 (Osborne 4S4 Tractor, Ser. No. 393).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman, Interim Compliance Panel.

JANUARY 23, 1975.

[FR Doc.75-2607 Filed 1-28-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921-143]

TAPERED ROLLER BEARINGS AND CERTAIN COMPONENTS THEREOF FROM JAPAN

Determination of Likelihood of Injury

JANUARY 23, 1975.

The U.S. International Trade Commission (formerly the U.S. Tariff Commission) on September 4, 1974, received advice from the Treasury Department that tapered bearings from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the act (19 U.S.C. 160(a)), the Commission, on September 11, 1974, instituted investigation No. AA 1921-142 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

On October 23, 1974, the Commission received advice from the Treasury Department amending the advice it had received on September 4, 1974. The new advice described the articles subject to Treasury's determination of sales at less than fair value as tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately. On October 24, 1974, the Commission terminated investigation No. AA1921-142 and instituted a new investigation (No. AA1921-143) to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States, from Japan, of the articles described in Treasury's amended advice to the Commission.

Notice of the institution of investigation No. AA1921-143 and of a public hearing to be held in connection therewith was published in the FEDERAL REGISTER of October 29, 1974 (39 FR 38134). The hearing was held December 3-6, 1974.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of its investigation, the Commission has determined by a vote of 4 to 2,[1] that an industry in the United States is likely to be injured by reason of the importation of tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan, that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR LIKELIHOOD OF INJURY DETERMINATION

The Antidumping Act, 1921, as amended, requires that the U.S. International Trade Commission find two conditions satisfied before an affirmative determination can be made.

First, there must be injury or likelihood of injury to an industry in the United States. Second, such injury or likelihood of injury must be by reason of the importation into the United States of the class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value (LTFV).

In our judgment, both of the aforementioned conditions are satisfied. Accordingly, for the reasons set forth below, we have made an affirmative determination that an industry in the United States is likely to be injured by reason of the importation of tapered roller bearings, including inner race or cone assemblies and outer races or cups, exported to and sold in the United States, either as a unit or separately, from Japan, that are being, or are likely to be, sold at LTFV.[2]

In making this determination under section 201(a) of the Antidumping Act of 1921, as amended, we considered the industry likely to be injured to consist of those companies in the United States producing tapered roller bearings. This

[1] Chairman Bedell, Vice Chairman Parker, and Commissioners Moore and Ablondi determined in the affirmative with respect to likelihood of injury. Commissioners Leonard and Minchew determined in the negative.

[2] Commissioner Ablondi agrees that an industry in the United States is likely to be injured by reason of the importation and sale at less than fair value of Japanese tapered roller bearings. He concludes, however, that the importation of tapered roller bearings in small volume from Japan by Toyota Motor Sales, U.S.A., Inc., for exclusive use by Toyota distributors does not contribute to the threat of injury. Such bearings, which are predominantly of special design, are imported into the United States by Toyota solely for use as replacement parts in Toyota motor vehicles. Neither Toyota Motor nor its parent company nor the small manufacturer in Japan from whom a majority of the tapered roller bearings were purchased were investigated in the course of the Treasury Department's proceedings. Accordingly, Commissioner Ablondi would exclude from the affirmative findings the importation of tapered roller bearings by Toyota Motor for replacement use in Toyota motor vehicles.

industry presently includes 9 firms with 17 plants located in 9 States. A substantial part of the U.S. producers' annual sales consist of high-volume tapered roller bearings which directly compete with the 37 percent of tapered roller bearings imported from Japan which are sold in the domestic market at LTFV. These LTFV bearings, as well as the great bulk of imports from Japan, are 4 inches or less in outside diameter and constitute an important sales market for domestically produced tapered roller bearings.

Japanese imports of all types of tapered roller bearings and components thereof increased from about 7 percent of domestic open-market consumption in 1970 to almost 12 percent in 1973, the year in which LTFV sales were found by the Treasury Department. During January–August 1974 the ratio of imports from Japan to domestic open-market consumption was more than 14 percent. The Treasury Department determined that four cups and four cone assemblies (with outside diameters of 4 inches or less) for use in tapered roller bearings, whether sold separately or as a unit, are being, or are likely to be, sold at less than fair value. Imports of these LTFV items increased from about 30 percent of U.S. open-market consumption for these particular items in 1970 to about 42 percent in 1973. Ninety percent of the total value of U.S. sales of those items by the Japanese importers were sold at LTFV margins.

Market penetration by Japanese imports increased substantially in almost all original-equipment markets. By 1973, imports from Japan supplied 73 percent of the U.S. recreational-vehicle market, 23 percent of the U.S. truck-trailer market, 19 percent of the domestic-conveyor market, and 11 percent of the agricultural-machinery market. The bulk of the imports from Japan supplying those markets are the four LTFV items.

LTFV imports from Japan sold to the U.S. automobile industry, while relatively small, increased tenfold from 1971 to 1973. This year, contracts for delivery of such tapered roller bearings by Japanese importers to a domestic automobile manufacturer were substantially larger than in past years.

In recent years, unit prices of LTFV bearings from Japan were generally lower than U.S. prices for comparable bearings. The LTFV margins were a material factor in the margin of underselling by the Japanese. Had it not been for the LTFV margins, the imported bearings would not have had a significant price advantage in 1973 and 1974, and the domestic bearings would have been more competitive in the domestic marketplace. For example, in August 1974, virtually the entire difference between the average U.S. prices and the prices of the imported LTFV bearings was accounted for by the LTFV margins.

The financial condition of the U.S. tapered-roller-bearing industry has deteriorated since LTFV sales began. Two U.S. firms suffered severe financial losses during 1973 and 1974. One large producer in the industry experienced a lower profit ratio during July–December 1973 than it did during the entire year of 1973. Its profit ratio continued to decline during January–August 1974. Producers' profits on the LTFV items generally declined from 1972 to 1973. Because of the intense competition from LTFV imports in 1973 and 1974, U.S. producers have been unable to increase their prices commensurate with the rate of price increase in other U.S. durable industries.

Almost two-thirds of all tapered roller bearings consumed in the United States are used in the automotive and automotive-related industries. Since September 1974, lead times and order backlogs for bearings have declined sharply as production in the automotive industry has seriously declined. This is true for automotive-size bearings, particularly the LTFV bearings. Lead times for automotive bearings are currently 13 weeks or less, and often they are now supplied from inventory. We believe lead times will continue to decline. As a result of the weakness in the domestic market for automotive bearings, U.S. production, which declined by about 10 percent in 1974, is expected to decline more rapidly in 1975. This lessening demand for tapered roller bearings in 1975 will create substantial inventories and excess capacity in the U.S. industry, with prices playing the major role in future sales.

Japanese producers of the LTFV tapered roller bearings are large concerns which possess the requisite capital and capability to further expand into the U.S. market, which has been and continues to be its most attractive market.

Based on the foregoing, we conclude that the U.S. tapered-roller-bearing industry is likely to be injured by reason of LTFV imports from Japan. Therefore, we have made an affirmative determination.

By Order of the Commission.[2]

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-2690 Filed 1-28-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Graphics Evaluation Advisory Panel to the National Council on the Arts will be held on February 14, 1975 from 1 p.m.-4:30 p.m. in room 1100, Shoreham Building, 806 15th Street NW, Washington, D.C.

The purpose of this meeting is for evaluation of graphic material from the Federal Trade Commission. The meeting will be open to the public on a space available basis. Accommodations are limited. Further information can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-7144.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.75-2677 Filed 1-28-75;8:45 am]

[2] Attachments filed as part of the original.

NUCLEAR REGULATORY COMMISSION

[Docket No. P-505-A]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Indiana, Inc. (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 13, 1974, and docketed December 24, 1974, in connection with its plans to construct and operate two pressurized water reactors in Saluda Township, Jefferson County, Indiana. 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 portions of the application, including the Preliminary Safety Analysis Report and the Environmental Report, are to be submitted for review in early summer 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-505-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 8th day of January, 1975.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1-1, Directorate of Licensing.

[FR Doc.75-1176 Filed 1-14-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS HYPOTHETICAL CORE DISRUPTIVE ACCIDENT (HCDA) WORKING GROUP

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Working Group on HCDA will hold a meeting on February 14, 1975 in the Julius Room of the Sheraton Inn-Denver Airport, 3535 Quebec St., Denver, Colorado.

The purpose of the meeting will be to discuss the SAS Computer Code being developed by Argonne National Laboratory (ANL).

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, February 14, 1975, 9 a.m.–4 p.m. Discussions with the Argonne National Laboratory, the Energy Research and Development Administration, and the Nuclear Regulatory Commission Staff.

Representatives of ANL will make presentations on various aspects of the SAS Computer Code.

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of the public session, which will involve a discussion of its preliminary views, an exchange of opinions of the Subcommittee members, and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 7, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents which are on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on February 14, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 13, 1975, to the Advisory Committee on Reactor Safeguards (telephone 202–634–1371) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection on or after February 17, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 after May 14, 1975.

Copies may be obtained upon payment of appropriate charges.

JAMES R. LINDSAY,
Acting Assistant, Advisory Committee Management Officer.

[FR Doc.75–2655 Filed 1–28–75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON DIABLO CANYON, UNITS 1 & 2

Notice of Meeting

In accordance with the purposes of Section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Diablo Canyon project will hold a meeting on February 18–19, 1975 in Gold Rooms A and B of the Royal Inn at 214 Madonna Road, San Luis Obispo, California. The purpose of this meeting will be to begin the Committee's formal review of a proposal to issue an Operating License for this facility. The Diablo Canyon Units 1 & 2 are adjacent to the Pacific Ocean in San Luis Obispo County approximately 12 miles WSW of the city of San Luis Obispo, California.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, February 18, 1975—9 a.m. to 4:30 p.m. and Wednesday, February 19, 1975—9 a.m. to 11 a.m. The Subcommittee will hear presentations by Regulatory Staff and personnel of Pacific Gas and Electric Company and their representatives and hold discussions with these groups pertinent to issuance of an operating license for this facility.

In connection with the above agenda item, the Subcommittee will hold an executive session beginning at 8:30 a.m. on both days which will involve a discussion of its preliminary views, and an executive session at the end of both days, consisting of an exchange of opinions of the Subcommittee members and consultants present and internal deliberations for the purpose of formulation of recommendations to the ACRS. In addition, the Subcommittee may hold closed sessions with the Regulatory Staff and Applicants to discuss privileged information relating to fuel design/performance and plant security, if necessary.

I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain information relating to fuel design/performance and plant security which is privileged and falls within exemption (4) of 5 U.S.C. 552(b).

Any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separaiton of this material is considered practical.

It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 11, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20545. Such comments shall be based upon the Diablo Canyon, Units 1 & 2 Final Safety Analysis Report and related documents on file (Dockets 50-275-OL and 50-323-OL) and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and the San Luis Obispo County Free Library, 888 Morro Street (P.O. Box X), San Luis Obispo, California 93406.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, during the morning sessions of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on February 17, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1414) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., and within nine days at the San Luis Obispo County Free Library, 888 Morro Street (P.O. Box X), San Luis Obispo, California 93406. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after May 19, 1975. Copies may be obtained upon payment of appropriate charges.

JAMES R. LINDSAY,
Acting Assistant Advisory Committee Management Officer.

[FR Doc.75-2656 Filed 1-28-75;8:45 am]

[Docket Nos. 50-448, 50-449]

POTOMAC ELECTRIC POWER CO. (DOUGLAS POINT NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Order Relative to a Prehearing Conference

On December 11, 1974, the Applicant filed a motion requesting the Board to proceed with evidentiary hearings a reasonable time after the Nuclear Regulatory Commission[1] Staff documents are available on all issues except need for power and the financial qualifications of the Applicant. The motion followed an announcement on November 21, 1974, by the Applicant that the initial operation date had been rescheduled from 1982 to 1985.

Responses were received from Maryland, Chesapeake Bay Foundation; Citizens Council for a Clean Potomac; Edward J. Wojciechowicz, and the Regulatory Staff. Since the parties are not in agreement, the Board has determined that it is appropriate to have a prehearing conference before it rules on the motion.

A prehearing conference will be held in the Board Hearing Room (12th Floor) Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, on February 24, 1975, at 10 a.m. (local time).

The public is invited to attend. Limited appearance statements will *not* be taken at this proceeding.

[1] Formerly the Atomic Energy Commission.

Issued at Bethesda, Maryland this 24th day of January 1975.

It is so ordered.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc.75-2660 Filed 1-28-75;8:45 am]

[Docket No. 50-267]

PUBLIC SERVICE CO. OF COLORADO

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-34 issued to Public Service Company of Colorado which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment permits a change in calibration frequency for one adjustment of the wide range power instrumentation and adds an additional calibration requirement for the linear range power instrumentation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 31, 1974, (2) Amendment No. 6 to License No. DPR-34, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23rd day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Division of Reactor Licensing.

[FR Doc.75-2658 Filed 1-28-75;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued three guides in its Regulatory Guide series. This series has been developed to describe and make available to

the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70.1 (Rev. 1), "Additional Information—Hydrological Considerations for Nuclear Power Plants;" Regulatory Guide 1.70.17, "Information for Safety Analysis Reports—Hydrologic Engineering;" and Regulatory Guide 1.70.18, "Information for Safety Analysis Reports—Mechanical Systems and Components," identify information that is needed in safety analysis reports at the construction permit and operating license stages of review.

These guides are three of a number being issued in the 1.70.X series to identify information that has often been missing from applicants' safety analysis reports or to present revisions necessary to make a portion of the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," Revision 1, October 1972 (Regulatory Guide 1.70), consistent with the appropriate Standard Review Plan. Standard Review Plans (SRPs) are being prepared by the NRC staff for the guidance of staff reviewers who perform the detailed safety review of applications to construct or operate nuclear power plants. A primary purpose of SRPs is to improve the quality and uniformity of staff reviews and to provide a well-defined base from which to evaluate proposed changes in the scope and requirements of reviews. A complete Revision 2 of the Standard Format incorporating the changes presented in this 1.70.X series will be issued following completion of publication of the SRPs.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 1.70.17 and 1.70.18 will, however, be particularly useful in developing the forthcoming revision of the Standard Format if received by March 24, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland, this 23rd day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director of Standards Development.

[FR Doc.75-2657 Filed 1-28-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMERICAN AGRONOMICS CORP.

Suspension of Trading

JANUARY 22, 1975.

Therefore, pursuant to sections 19(a) nomics Corp. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of American Agronomics Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 23, 1975 through February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2700 Filed 1-28-75;8:45 am]

[File No. 500-1]

BURMAH OIL COMPANY LTD.

Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Burmah Oil Company Limited 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 23, 1975 through February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2701 Filed 1-28-75;8:45 am]

[811-2174]

HERMES FUND

Proposal To Terminate Registration

JANUARY 20, 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 Hermes Fund ("Hermes"), c/o Kevin P. Monaghan, Esq., 1906 United States National Bank Building, San Diego, California 92101, registered under the Act as a closed-end, non-diversified management investment company, has ceased to be an investment company as defined in the Act.

Hermes was organized as a California limited partnership on February 23, 1971. Hermes registered under the Act by filing a Form N-8A Notification of Registration on February 26, 1971, and a registration statement on Form N-8B-1 on March 5, 1971. On April 23, 1971 Hermes filed a registration statement on Form S-4 (2-40153) under the Securities Act of 1933 which was declared abandoned by order on June 4, 1974. Information in the Commission's files indicates that Hermes has made no public offering, has no assets, liabilities or other business operations of any type, and has no intention of ever commencing operations.

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 effectiveness 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 14, 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 Applicant at the address stated above. Proof of such serv-

ice (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 14, 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] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-2706 Filed 1-28-75;8:45 am]

[812-3727]

INVESTORS SYNDICATE OF AMERICA, INC., ET AL.

Filing of Application for an Order

JANUARY 20, 1975.

Notice is hereby given that Investors Syndicate of America, Inc. ("ISA"), a face-amount certificate company registered under the Investment Company Act of 1940 (the "Act") whose common stock is wholly-owned by Investors Diversified Services, Inc. ("IDS") which also serves as its investment adviser and principal underwriter, IDS Life Insurance Company ("IDS Life"), a Minnesota corporation engaged in the sale of life insurance, disability income insurance and annuities and is also a wholly-owned subsidiary of IDS, and Investors Variable Payment Fund, Inc., 1000 Roanoke Building, Minneapolis, Minnesota 55402 (the "Fund"), an open-end, diversified management investment company registered under the Act whose adviser and principal underwriter is IDS (collectively referred to as "Applicants"), filed an application on November 22, 1974, pursuant to section 17(d) of the Act and Rule 17d–1 thereunder, for an order of the Commission permitting Applicants, who own notes of Reeves Telecom Corporation ("Reeves"), (1) to consent to the purchase by Reeves of all of its outstanding shares of 2 percent preferred stock and (2) to consent to an amendment by Reeves of its 9 percent convertible subordinated notes to permit the purchase of such 2 percent preferred stock. 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.

Applicants presently hold in the aggregate $4,613,637 in unpaid principal amount of the Series A and Series B 9 percent convertible subordinated notes, due March 31, 1978 (the "Notes") of Reeves, a Delaware corporation engaged in commercial television and radio broadcasting operations, land development and computerized printing services for the real estate industry. The Fund holds $2,768,184 in unpaid principal amount of the Series A Notes and ISA and IDS Life holds $1,614,771 and $230,682 respectively, in unpaid principal amount of the Series B Notes. An additional $461,363 in unpaid principal amount of the Series B Notes is held by The Mutual Life Insurance Company of New York ("MONY"). The Series A and Series B Notes differ only in conversion prices and in certain optional prepayment provisions. The acquisition of the Notes by the Applicants in January 1973 was the subject of an order of the Commission pursuant to Rule 17d–1 under the Act (Investment Company Act Release No. 7624).

In June 1974, Applicants were advised by Reeves that it proposed to purchase all 12,691 shares of its outstanding 2 percent preferred stock and that, in furtherance of such aim, it had entered into a Stock Purchase Agreement, dated May 9, 1974, with William O. Neal (the "Seller") and an Addendum thereto, dated June 5, 1974 (collectively the "Stock Purchase Agreement"). The Stock Purchase Agreement provides for the purchase by Reeves from the Seller of 11,801 shares of the 2 percent Preferred Stock for a purchase price of $25,000 in cash and promissory notes in the aggregate principal amount of $575,000. The promissory notes, which will mature on December 31, 1979, will be subordinated to the Notes and bear interest at the rate of 9 percent per annum payable quarterly, provided that such interest together with any interest in arrears may not exceed 25 percent of Reeves' net income after taxes as of the last day of the preceding fiscal year. The obligations of the parties under the Stock Purchase Agreement are contingent upon the receipt of approval of the transaction from the holders of the Notes. The Applicants were further advised by Reeves that it intends to enter into agreements substantially similar to the Stock Purchase Agreement for the purchase of the remaining 890 outstanding shares of its 2 percent Preferred Stock. At present, the 890 shares are held by two individual holders.

Because the terms of the Notes prohibit the proposed purchases of the Preferred Stock while such Notes are outstanding, Reeves requested the holders thereof to consent to said purchases and to the execution of an amendment of the Notes by Reeves to permit said purchases. The applicants believe that the other holder of the Notes, i.e., MONY, has also consented to the above-described transaction.

Rule 17–41, adopted by the Commission pursuant to section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owning 5 percent or more of the outstanding voting securities of such other person, any person 5 percent or more of whose outstanding voting securities are owned by such other person, any person directly or indirectly controlling, controlled by, or under common control with, such other person, and any investment adviser of an investment company. ISA and IDS Life are wholly owned subsidiaries of IDS. IDS also acts as principal underwriter for ISA and the Fund and acts as investment adviser to ISA and the Fund. Each of the Applicants may be deemed to be under common control and, therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act. Accordingly, the Applicants may, absent an order of the Commission, be deemed prohibited by Rule 17d–1 from giving their joint consent to the proposed purchase by Reeves of its outstanding 2 percent preferred stock and to the execution of an amendment of the Notes.

Applicants assert that the participation of each Applicant in the proposed transaction will be on the same basis as the others and that the proposed transaction is in the best interests of each Applicant. Applicants further assert that the proposed transaction is consistent with the provisions, policies and purposes of the Act. In support thereof, Applicants state that holders of the 2 percent preferred stock of Reeves have the right to demand redemption of their shares in cash at an aggregate cost to Reeves of approximately $1,270,000 plus dividends then in arrears, provided Reeves has funds legally available for such purpose and further provided such redemption will not cause Reeves to be in default under the Notes or under any other instruments evidencing indebtedness of Reeves. The proposed purchase by Reeves of its outstanding 2 percent preferred stock will result in a substantial reduction in the potential total cost of such securities to Reeves and will substitute obligations evidenced by promissory

notes for obligations payable on demand in cash. Applicants state that Reeves will benefit substantially from the proposed transactions with no detriment accruing to the Applicants.

Notice is further given that any interested person may, not later than February 14, 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 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 O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 14, 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] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2707 Filed 1-28-75;8:45 am]

[70-5599]

NATIONAL FUEL GAS CO.

Certificate of Incorporation To Authorize Preferred Stock; Proposed Amendments Solicitation of Proxies

JANUARY 21, 1975.

Notice is hereby given that National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, N.Y. 10020, a registered holding company, has filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and rules 62 and 65 promulgated thereunder as applicable to the transactions summarized below. All interested persons are referred to the declaration, as amended, for a complete statement of the proposed transactions.

National's Certificate of Incorporation ("Certificate") presently authorizes $60,000,000 of capital stock, all designated as common stock with a par value of $10 per share—of which 5,122,515 shares are issued and outstanding. National now proposes to amend its Certificate so as to authorize an additional $50,000,000 of capital stock to be classified as 2,000,000 shares of preferred stock with a par value of $25 per share.

National has one public-utility gas distribution subsidiary company, and three non-utility subsidiaries engaged primarily in the procurement, transportation, and wholesale of natural gas. With the exception of periodic short-term bank borrowings by the subsidiary companies to finance the purchase of natural gas and synthetic natural gas for storage inventories, all external financing of the National System is effected at the parent level through the sale of securities of National. Such financing by National has traditionally been in the form of unsecured debt (debentures and bank loans) and common stock, the proceeds of which are used to finance the long-term capital requirements of the subsidiary companies. It is stated that the System's capital requirements to finance construction and the procurement of new gas supplies are estimated at $100 million in the years 1975-78, of which about one-half will be required by the end of 1976; that preferred stock financing is widely employed in the public-utility industry and well-known to investors; that financing through that medium would augment the overall equity base and thus tend to maintain the investment quality of, and alleviate the pressure of interest coverage required for, National's debentures; and that the ability to sell preferred stock would provide the company with additional flexibility to finance the System's future capital requirements.

The consolidated capitalization of the National System consists solely of National's securities, shown below as of October 31, 1974.

	Amount	Percent
Debentures [1]	$179,078,000	49
Common stock equity	171,932,000	51
Total capital and surplus	351,010,000	100

[1] Includes current maturities.

As heretofore noted, from time to time the subsidiary companies make short-term bank borrowings; as of October 31, 1974, their outstanding bank loans aggregated $19,000,000, all maturing in less than one year.

National's debentures are outstanding in twelve series of which one series ($21,000,000 principal amount) matures August 15, 1975, and the others mature variously from 1977 to 1997. Among other provisions, the indentures underlying the debentures (1) limit consolidated long-term debt (defined as debt with original maturities of more than one year) to not more than 60 percent of consolidated assets; (2) require substantial cash sinking funds for the retirement of 50 percent to 70 percent of the respective debenture series by maturity thereof (except for one recently issued series maturing in October, 1983); and (3) require, as a prerequisite to any increase of consolidated long-term debt, that the annual interest charges on long-term debt outstanding immediately after such increase shall be covered at least 2.5 times by income, as defined, available for interest payments.

In connection with the proposed amendment authorizing preferred stock, National will also amend its Certificate so as to afford certain protective provisions for future holders of such stock. Except for one deviation, the proposed protective provisions are in conformity with the standards prescribed by the Commission's Statement of Policy for Preferred Stock promulgated under the Act in Holding Company Act Release No. 13106 (February 16, 1956).

The proposed deviation, which concerns limitations on the incurrence of unsecured debt by National or its subsidiary companies, is deemed necessary in light of the fact noted above that all debt financing of the System is in the form of unsecured obligations. Accordingly, the proposed Certificate limitation on unsecured indebtedness will provide that unless the consent of the holders of a majority of preferred stock outstanding has been obtained, National and its subsidiaries shall not incur unsecured indebtedness if, immediately thereafter, (i) consolidated unsecured debt would exceed 20 percent of the sum of consolidated secured debt, capital stock including premiums thereon, and surplus, or (ii) unsecured debt with maturities of less than 10 years would exceed 10 percent of such sum; provided, however, that the term "unsecured debt" shall not be deemed to include (a) debentures heretofore or hereafter issued by National and (b) loans for inventory purposes maturing in not more than 12 months—which, in either case, are specifically approved under applicable provisions of the Act; and further provided, that the term "secured debt" shall be deemed to include National's debentures or any other debt which is, by its terms, secured debt.

The proposed Certificate amendment to authorize the issuance of preferred stock is designed, as indicated above, to provide adequate scope for financing through that medium over the foreseeable future. Any actual issuance and sale of preferred stock would be subject to approval pursuant to applicable provisions of the Act and rules thereunder.

The holders of National's common stock at present are entitled, in respect of elections of directors, to one vote for each share held. It is proposed that the Certificate be further amended to provide that at all elections of directors of National the holders of common stock shall be entitled to "cumulative voting" that is, each holder will be entitled to as many votes as shall equal the number of shares held multiplied by the number of directors to be elected.

The proposed amendments to the Certificate will require the favorable vote of the holders of at least two-thirds of National's outstanding common stock. By means of a proxy and proxy-statement, the proposed amendments will be submitted to the stockholders at a special meeting to be held on or about March 21, 1975.

A statement of fees and expenses to be incurred in connection with the proposed transactions will be supplied herein by amendment. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than February 13, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2708 Filed 1-28-75;8:45 am]

[File No. 500-1]

NMC CORP.

Suspension of Trading

JANUARY 21, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 6½ percent convertible subordinated debentures due May 1, 1983, and the 6½ percent convertible subordinated debentures due May 15, 1984 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 3:30 p.m. (est) on January 21, 1975 through midnight (est) on January 30, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2702 Filed 1-28-75;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties 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 23, 1975 through February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2703 Filed 1-28-75;8:45 am]

[File No. 500-1]

SECURITY NATIONAL BANK OF HUNTINGTON, NEW YORK

Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Security National Bank of Huntington, New York 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 10:01 A.M. (e.s.t.) on January 22, 1975 through midnight (e.s.t.) on January 31, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2704 Filed 1-28-75;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

JANUARY 22, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 23, 1975 through February 1, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-2705 Filed 1-28-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Del. of Auth. No. 30—Region IV, Rev. 1; Amdt. 2]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30—Region IV (Revision 1), 39 FR 11352, as amended, 39 FR 33614, is hereby further amended to delegate surety bond guarantee authority to additional positions. Part III, section C, paragraph 2, is amended to read as follows:

To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:

(a) Assistant Regional Director for F&I.

(b) District Director.

(c) Assistant District Director for F&I, where assigned.

Effective date: January 1, 1975.

WILEY S. MESSICK,
Regional Director,
Region IV.

[FR Doc.75-2678 Filed 1-28-75;8:45 am]

[Del. of Auth. No. 30-Region II, Rev. II Amdt. I]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities in Region II

Delegation of Authority No. 30-Region II, Revision II (39 F.R. 8683), is hereby amended by revising Part II, concerning the Disaster Program, to read as follows:

* * * * *

PART II—DISASTER PROGRAM

Section A. Disaster Loan Authority. 1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single dis-

aster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) Assistant Regional Director for Finance and Investment	$500,000
(2) Regional Disaster Coordinator	500,000
(3) District Directors	500,000
(4) Assistant District Directors for Finance and Investment	300,000
(5) Disaster Branch Managers, as assigned	200,000
(6) Chiefs, District Financing Divisions	200,000
(7) Supervisory Loan Specialists, District Financing Divisions	100,000
(8) Branch Managers	100,000

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA Guarantee of the following amounts:

(1) Assistant Regional Director for Finance and Investment	$500,000
(2) Regional Disaster Coordinator	500,000
(3) District Directors	500,000
(4) Assistant District Directors for Finance and Investment	300,000
(5) Disaster Branch Managers, as assigned	200,000
(6) Chiefs, District Financing Divisions	200,000
(7) Supervisory Loan Specialists, District Financing Divisions, if assigned	100,000

4. To appoint as a processing representative any bank in the disaster area:

(1) Assistant Regional Director for Finance and Investment.
(2) Regional Disaster Coordinator.
(3) District Directors.
(4) Disaster Branch Managers, as assigned.

SECTION B. ADMINISTRATIVE AUTHORITY

1. *Establishment of Disaster Field Offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space:

(1) Assistant Regional Director for Finance and Investment.
(2) Regional Disaster Coordinator.
(3) District Directors.
(4) Disaster Branch Managers, as assigned.

2. *Purchase and Contract Authority.* (a) To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

(1) Assistant Regional Director for Finance and Investment.
(2) Regional Disaster Coordinator.
(3) District Directors.
(4) Disaster Branch Managers, as assigned.

(b) To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

(1) Assistant Regional Director for Finance and Investment.
(2) Regional Disaster Coordinator.
(3) District Directors.
(4) Disaster Branch Managers, as assigned.

Effective date: January 6, 1975.

WINDLE B. PRIEM,
Regional Director,
Region II.

[FR Doc.75-2680 Filed 1-28-75;8:45 am]

[Del. of Auth. No. 30, Region IX, Rev. 1, Amdt. 2]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30, Region IX, Revision 1 (39 FR 11357) as amended (39 FR 31368) is hereby further amended to provide for the delegation of additional procurement authorities to read as follows:

PART V—PROCUREMENT ASSISTANCE (PA) PROGRAM

* * * * *

SECTION B. SECTION 8(A) CONTRACTING AUTHORITY

1. To enter into contracts not exceeding the following amount on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies or materials to the Government and agreeing as to the terms and conditions of such contracts:

(1) Assistant Regional Director for Procurement Assistance	Unlimited
(2) District Director	$500,000
(3) Assistant District Director for Procurement Assistance (San Francisco and Los Angeles only)	100,000

* * * * *

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract not exceeding the following amounts to be let by any such officer:

(1) Assistant Regional Director for Procurement Assistance	Unlimited
(2) District Director	$500,000
(3) Assistant District Director for Procurement Assistance	500,000

* * * * *

Effective Date: January 1, 1975.

GILBERT MONTANO,
Regional Director,
Region IX.

[FR Doc.75-2681 Filed 1-28-75;8:45 am]

[Del. of Auth. No. 30-III, Rev. 1, Amdt. 1]

FIELD OFFICES

Delegation of Authority To Conduct Program Activities

Delegation of Authority No. 30-III, Revision 1 (39 FR 15551), is hereby amended to reflect: (1) The realignment in the Richmond and Washington District Offices; (2) The redelegation of 406 contracting authority to District Directors and Assistant District Directors for Management Assistance; and (3) The redelegation of the total 8(a) contracting authority of the Regional Director to the Assistant Regional Director for Procurement Assistance, and reads as follows:

* * * * *

PART I—FINANCING PROGRAM

Section A. Loan Approval Authority.

1. *Small Business Act Section 7(a) Loans.* * * *

* * * * *

(6) Delete

2. *Equal Opportunity (EO) Loans.* * * *

* * * * *

(6) Delete

3. *Displaced Business and Other Economic Injury Loans.*

a. To decline displaced business * * *

* * * * *

(6) Delete

b. To approve or decline displaced business * * *

* * * * *

(6) Delete

4. *Handicapped Assistance Loans.* * * *

* * * * *

(6) Delete

Section B. Other Financing Authority.

1. a. To enter into business * * *

* * * * *

(4) Branch Manager
(5) Assistant Branch Manager
(6) Delete

b. To enter into blanket loan guarantee agreements with banks:

* * * * *

(4) Delete

2. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

* * * * *

(4) Delete

3. To cancel, reinstate, modify, and amend authorizations:

a. For business * * *

* * * * *

(9) Delete
(10) Delete

b. For *fully undisbursed* or *partially disbursed* business, * * *

* * * * *

(8) District Supervisory Loan Specialist (Portfolio Management)—partially disbursed.

(9) Delete
(10) Delete

c. For business, economic opportunity * * *

* * * * *

(9) Delete
(10) Delete

* * * * *

5. b. To extend the disbursement period on all loan authorizations on loans *fully undisbursed:*

* * * * *

(2) Delete

c. To extend the disbursement period on all loan authorizations on loans *partially disbursed:*

* * * * *

(2) Delete

6. To approve service charges * * *

* * * * *

(6) District Supervisory Loan Specialist (Portfolio Management)—partially undisbursed loans.
(7) Delete
(8) Delete

PART II—DISASTER PROGRAM

Section A. Disaster Loan Authority.

1. To decline direct disaster and immediate participation disaster loans * * *

* * * * *

(6) Disaster Branch Manager
(7) Assistant Disaster Branch Manager
(8) Delete

2. To decline direct disaster and immediate participation loans * * *

* * * * *

(6) Disaster Branch Manager
(7) Assistant Disaster Branch Manager
(8) Delete

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

* * * * *

(6) Disaster Branch Manager
(7) Assistant Disaster Branch Manager
(8) Delete

* * * * *

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

Section A. Portfolio Management, Servicing, Collection and Liquidation Authority.

1. To take all necessary actions * * *

a. EXCEPT: To compromise or sell any primary obligation * * *

* * * * *

(6) Delete

* * * * *

2. To contract for the services * * *

* * * * *

(6) Delete

3. To take all necessary action in liquidation Economic Development Administration (EDA) loans * * *

* * * * *

(6) Delete

* * * * *

Section C. Lease Guarantee Administration and Servicing Authority.

* * * * *

1. b. To service claims arising under all lease guaranty insurance policies *issued in the district,* * * *

* * * * *

(4) Delete

* * * * *

2. To take all actions necessary to mitigate losses from lease guarantees:

* * * * *

b. Issued in his district:

* * * * *

(4) Delete

PART V—PROCUREMENT ASSISTANCE

* * * * *

Section B. Section 8(a) Contracting Authority.

1. To enter into contracts on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies, or materials to the Government and agreeing as to terms and conditions at such contracts:

(1) Assistant Regional Director for Procurement Assistance

* * * * *

PART VI—MANAGEMENT ASSISTANCE

Section A. Section 406 Contract Management Authority.

1. To take all necessary actions in connection with the administration and management of contracts, * * *

* * * * *

(2) District Director
(3) Assistant District Director for Management Assistance

PART VIII—ELIGIBILITY AND SIZE DETERMINATION

* * * * *

Section B. Size Determination.

* * * * *

1. c. To make initial size determinations * * *

* * * * *

(2) Delete

* * * * *

Effective Date: June 23, 1974 with the exception of Part VI, section 1, which is to be effective January 1, 1975, and Part V, Section B.1., which is to be effective January 29, 1975.

A. M. PETERSON,
Regional Director,
Region III.

[FR Doc.75-2679 Filed 1-28-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

NEW HAMPSHIRE, EXTENDED UNEMPLOYMENT COMPENSATION

Notice of Availability

The New Hampshire Unemployment Compensation Law establishes a program of extended unemployment compensation in accordance with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Extended unemployment compensation is payable under the program to unemployed workers who have received all of the regular unemployment compensation to which they are entitled under the State law, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 and 20 CFR 615.16(b), notice is hereby given that Benjamin C. Adams, Commissioner of the State of New Hampshire Department of Employment Security, has determined that there was a State "on" indicator in New Hampshire for the week ending on January 4, 1975, and that an extended benefit period commenced with the week beginning on January 19, 1975.

Signed at Washington, D.C. this 23d day of January, 1975.

WILLIAM H. KOLBERG,
Assistant Secretary
for Manpower.

[FR Doc.75-2645 Filed 1-28-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY APPLICATIONS

JANUARY 24, 1975.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air

and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding including a detailed statment of protestant's interest in the proposal. No rebuttal statements will be accepted.

No. MC 23613 (Sub-No. 22G), filed June 3, 1974. Applicant: McALISTER TRUCKING COMPANY, a Corporation, 1618 S. Treadway Blvd., P.O. Box 2377, Abilene, Tex. 79604. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof,

(2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipe lines,

(3) *Machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job construction, plant (including refining, manufacturing, and processing plant) sites or storage sites,

(4) *Machinery, equipment, materials, and supplies* used in, or in connection with, the drilling of water wells,

(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 sewage, restricted to the transportation of shipments moving to or from pipeline rights-of-way,

(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, and

(7) *Machinery, equipment, materials, and supplies* used in connection with the construction, operation, repair servicing, maintenance, and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, between points in Arizona, Kansas, and New Mexico, on the one hand, and, on the other, points in Montana. The purpose of this filing is to eliminate the gateway of Texas.

No. MC 30237 (Sub-No. 26G), filed June 4, 1974. Applicant: YEATTS TRANSFER COMPANY, a Corporation, Box 666, Altavista, Va. 24517. Applicant's representative: J. J. Eller, Jr., Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209, (1) from Winchester, Va., to points in New Jersey, Massachusetts, New York, Connecticut, and Philadelphia, Pa., and its commercial zone, (2) from Chautauqua and Cattaraugus Counties, N.Y., and Warren, McKean, and Erie Counties, Pa., to points in Delaware, (3) from Luzerne County, Pa., to points in Ohio and the District of Columbia, (4) from Corydon, Ind., to points in North Carolina, Maryland, Pennsylvania, New York, Ohio, and South Carolina, (5) from plant site of La-Z-Boy Chair Company in Monroe, Mich., to points in Pennsylvania, North Carolina, Tennessee, and Maryland, (6) from the plant site of Mersman Brothers in Celina, Ohio, to points in North Carolina, and (7) from Bridgewater, Va., to points in Ohio. The purpose of this filing is to eliminate the gateway of Altavista, Va.

No. MC 44302 (Sub-No. 5G), filed June 4, 1974. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, Pa. 18507. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill products, and supplies, materials, equipment, and machinery* used in paper mills, between the plant site and storage facilities of the Procter & Gamble Company and its storage and shipping facilities in Luzerne and Lackawanna Counties, Pa., on the one hand, and, on the other, points in New Jersey within 25 miles of New York, N.Y. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 44761 (Sub-No. 8G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., (Operator (in part) of LEE BROS., INC.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *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) from Cincinnati, Dayton, Hamilton, and Toledo, Ohio, to points in Indiana on and north of U.S. Highway 20, (2) from Midland, Mich., and points in that part of Michigan on and south of a line beginning at Benton Harbor, and extending along Old U.S. Highway 12 to Marshall, thence on and east of U.S. Highway 27 to St. Louis, thence on and south of Michigan Highway 46 to Saginaw, thence on and east of Michigan Highway 47 to Bay City, thence on and south of Michigan Highway 25 to the junction of U.S. Highway 25, and thence on and south of U.S. Highway 25 from said junction to Detroit, to points in Indiana on and north of U.S. Highway 20, and (3) from points in that part of Pennsylvania on and west of U.S. Highway 119, and on and south of U.S. Highway 422, to points in Indiana on and north of U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 53269 (Sub-No. 5G), filed June 4, 1974. Applicant: EDITH R. ALLEN, doing business as S. P. RUTHERFORD TRANSFER AND STORAGE, P.O. Box 209, Bristol, Tenn. 37620. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods*, as defined by the Commission, between points in Alabama, the District of Columbia, Florida, Indiana, Michigan, New York, Ohio, and Pennsylvania, on the one hand, and, on the other, points in Georgia, Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, (2) *heavy machinery*, between points in Tennessee and Virginia

within 150 miles of Bristol, Tenn., on the one hand, and, on the other, points in Georgia, Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, and (3) *building materials*, between points in Tennessee and Virginia within 150 miles of Bristol, Tenn., on the one hand, and, on the other, points within 125 miles of Bristol, Tenn. The purpose of this filing is to eliminate the gateway of Bristol, Tennessee-Virginia.

No. MC 64373 (Sub-No. 8G), filed June 4, 1974. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 25 Cowpens, S.C. 29300. 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: *Used or secondhand textile machinery*, (1) between points in Virginia and those in South Carolina on and west of a line commencing at the North Carolina-South Carolina border at Interstate Highway 95 and extending south to the juncture of said highway with U.S. Highway 301 near Summerton, S.C., and thence southwest on U.S. 301 to its junction with U.S. Highway 178 near Orangeburg, S.C., and thence west on U.S. Highway 78 via Greenwood, S.C., to the South Carolina-North Carolina line near Rocky Bottom, S.C., on the one hand, and, on the other, points in Georgia, (2) between points in Virginia and North Carolina, on the one hand, and, on the other, points in Alabama, (3) between points in Tennessee on and east of U.S. Highway 31, on the one hand, and, on the other, points in Virginia, North Carolina, and those in that portion of South Carolina described in (1) above, and (4) between points in South Carolina in that area described in (1) above, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateways of Gastonia, N.C., and points within 25 miles of Gastonia, and those in Rowan and Rockingham Counties, N.C., and Columbus, Ga.

No. MC 66886 (Sub-No. 44G), filed June 4, 1974. Applicant: BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Commodities* which because of size and weight require the use of special equipment, (a) between points in Illinois, Nebraska, Colorado, and Missouri, on the one hand, and, on the other, points in Texas, (b) between Missouri and Kansas, on the one hand, and, on the other, points in New Mexico, and (c) between points in Missouri, on the one hand, and, on the other, points in Oklahoma, Nebraska, and Colorado. The purpose of this filing is to eliminate the gateways of Kansas and Texas. (2) *incinerators and refuse treatment equipment* which because of size or weight require the use of special equipment, from points in Colorado, Nebraska, Kansas, Oklahoma, Missouri, Texas, and New Mexico, to points in the United States (except Hawaii). The purpose of this filing is to eliminate the gateways of Texas, Kansas, and Springfield, Mo.

No. MC 74321 (Sub-No. 99G), filed June 4, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17-B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of their size or weight require the use of special equipment or special handling, and *parts* thereof, between points in New Mexico, on the one hand, and, on the other, points in Colorado and Nebraska. The purpose of this filing is to eliminate the gateway of Texas. (2) *machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, (a) between points in Illinois, on the one hand, and, on the other, points in Arkansas, Colorado, Kansas, and Louisiana. The purpose of this filing is to eliminate the gateways of Missouri and Oklahoma. (b) between points in Missouri, on the one hand, and, on the other, points in Kansas, Louisiana, and Nebraska. The purpose of this filing is to eliminate the gateway of Oklahoma. (c) between points in Kentucky, on the one hand, and, on the other, points in Louisiana. The purpose of this filing is to eliminate the gateways of Missouri and Oklahoma. (d) between points in Indiana, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of Missouri, Oklahoma, and Colorado.

No. MC 75138 (Sub-No. 3-G), filed November 13, 1974. Applicant: OGDEN TRANSFER AND STORAGE COMPANY, a Corporation, 2105 Wall Avenue, Ogden, Utah 84401. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, Nebr. 68501. 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 California, on the one hand, and, on the other, points in Montana and points in Idaho located south of a line extending from Lewiston, Idaho, to Spalding, Idaho, thence along Idaho Highway 9 (now U.S. Highway 12) to the Idaho-Montana border. The purpose of this filing is to eliminate the gateway of points within 25 miles of Ogden, Utah, located in Box Elder, Cache, and Rich Counties, Utah.

No. MC 107515 (Sub-No. 950G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Rd., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *Frozen foods*, (1) from Richmond, Va., to points in Ohio and Michigan; and (2) from Norfolk, Va., to points in Ohio and Michigan, (2) above restricted against the transportation of frozen imported meat from Norfolk. (B) *Frozen foods*, from Richmond, Va., to points in Illinois and Michigan, and (C) *Meats, meat products and meat by-products*, and *frozen foods*, from Richmond, Va., to points in Indiana. The purpose of this filing is to eliminate the gateways at the plantsite of Food Specialties of Kentucky, Division of Oscar Ewing, Inc. in Jefferson County, Ky., Louisville, Ky., Rocky Mount, N.C., and Gainesville, Ga.

No. MC 111401 (Sub-No. 420G), filed June 4, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin L. Hamilton, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax*, in bulk, from Oklahoma and that part of Texas on and north of U.S. Highway 66 from the Texas-New Mexico State line to junction U.S. Highway 83, and on and east of U.S. Highway 83 from its junction with U.S. Highway 66 to the boundary line between Texas and Mexico, to points in Alabama, Connecticut, Indiana, Mississippi, Missouri, New Jersey, New Mexico, and Ohio. The purpose of this filing is to eliminate the gateways at Cushing and Tulsa, Okla., and Chaison, Longview, and Texas City, Texas.

No. MC 111676 (Sub-No. 3G), filed June 4, 1974. Applicant: CROWDER'S TRANSFER & STORAGE CO., INC., 1219 First Street, Alexandria, Va. 22314. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Suite 1030, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland within 40 miles of the District of Columbia, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. The purpose of this filing is to eliminate the gateway at the District of Columbia.

No. MC 114552 (Sub-No. 98G), filed June 4, 1974. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NE., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, (except plywood and veneer), (1) from points in South Carolina, to points in Arkansas, Iowa, Kansas, Maine, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and New Hampshire;

and (2) between points in South Carolina. The purpose of this filing is to eliminate the gateways at points in McDuffie County, Ga., and Greenwood County, S.C.

No. MC 119388 (Sub-No. 16G), filed June 3, 1974. Applicant: GLEN R. ELLIS, INC., 3911 Jerome Avenue, Chattanooga, Tenn. 37407. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages* (with transportation of empty malt beverage containers on return), (1) from Memphis, Tenn., to points in Georgia and Florida south and west of a line beginning at the point where U.S. Highway No. 29 crosses the Alabama-Georgia State line (near West Point, Ga.), thence northward along U.S. Highway No. 29 to its junction with Georgia Highway No. 16 (south of Newman, Ga.), thence eastward along Georgia Highway No. 16 to its intersection with U.S. Highway 441 at Eatonton, Ga., thence southward along and with U.S. Highway No. 441 southward to its intersection with U.S. Highway 80 at Dublin, Ga., thence westward along and with U.S. Highway 80 to its junction with Georgia Highway No. 26 at or near Haskins, Ga., thence along and with Georgia Highway No. 26 to its junction with Georgia Highway No. 257 at Hawkinsville, Ga., thence southwestward along Georgia Highway No. 257 to its junction with U.S. Highway No. 19 at Albany, Ga. (including Albany), thence southward along and with U.S. Highway No. 19 (crossing the Georgia-Florida State lines) to its intersection with Florida Highway No. 361 south of Perry, Fla., thence over Florida Highway No. 361 to the Gulf of Mexico at or near Adams Beach, Fla.; (2) from New Orleans, La., to points in Georgia and Florida south of a line beginning at the point where U.S. Highway 78 crosses the Alabama-Georgia State line, thence along and with U.S. Highway 78 to its junction with U.S. Highway No. 278 at Atlanta, Ga., thence along and with U.S. Highway No. 278 to the Georgia-South Carolina State line at Augusta, Ga.

(3) From Cumberland, Md., to points in Georgia and Florida east of a line beginning at the point where Interstate Highway No. 85 crosses the Georgia-South Carolina State line, thence along and with Interstate Highway No. 85 westward to its junction with Georgia Highway No. 11, thence along and with Georgia Highway No. 11 (via Jefferson, Winder, Monroe, and Monticello) to its junction with U.S. Highway No. 129 at Gray, Ga., thence along and with U.S. Highway No. 129 to its intersection with U.S. Highway No. 41 at Jasper, Fla., thence along and with U.S. Highway No. 41 to its junction with U.S. Highway 90 at Lake City, Fla., thence eastward along and with U.S. Highway 90 to its intersection with Florida Highway No. 100, thence southeastward along and with Florida Highway No. 100 to the Atlantic Ocean at Flagler Beach, Fla.; and (4) from Baltimore, Md., to points in Georgia and Florida east of a line beginning at the point where Interstate Highway No. 85 crosses the Georgia-South Carolina line, thence southwestward along and with Interstate Highway No. 85 to its junction with U.S. Highway No. 41 at Atlanta, Ga., thence southward along and with U.S. Highway No. 41 to its junction with Georgia Highway No. 33 at Wenona, Ga., thence along and with Georgia Highway No. 33 to its junction with U.S. Highway No. 19 at or near Thomasville, Ga., thence along and with U.S. Highway No. 19 to its junction with Florida Highway No. 361 south of Perry, Fla., thence along and with Florida Highway No. 361 to the Gulf of Mexico at or near Adams Beach, Fla. The purpose of this filing is to eliminate the gateway at Chattanooga, Tenn.

No. MC 129994 (Sub-No. 4G), filed June 2, 1974. Applicant: RAY BETHERS, 165 West Central Avenue, Salt Lake City, Utah 84107. Applicant's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, (1) from points in California, to points in Arizona, (2) from points in California, to points in Colorado, (3) from points in California, to points in Nevada. The purpose of this filing is to eliminate the gateways of Kamas (Summit County), Utah, Heber (Wasatch County), Utah, and Salt Lake City, Utah. (4) from points in California, to points in New Mexico. The purpose of this filing is to eliminate the gateway of Heber (Wasatch County), Utah. (5) from points in Colorado, to points in Arizona, (6) from points in Colorado, to points in California, (7) from points in Colorado, to points in Nevada. The purpose of this filing is to eliminate the gateways to Kamas (Summit County), Utah, Heber (Wasatch County), Utah, or Salt Lake City, Utah. (8) from points in Colorado, to points in New Mexico. The purpose of this filing is to eliminate the gateway of Heber (Wasatch County), Utah. (9) from Paris, Idaho, to points in Arizona, California, Nevada, and New Mexico, (10) from Darby, Mont., to points in Arizona, California, Nevada, and New Mexico, (11) from West Yellowstone, Mont., to points in Arizona, California, Nevada, and New Mexico, (12) from Afton, Wyo., to points in Arizona, California, Nevada, Colorado, and New Mexico, (13) from Riverton and Encampment, Wyo., to points in Arizona, California, Colorado, Nevada, and New Mexico, (14) from Daniel, Wyo., to points in Arizona, California, Colorado, Nevada, and New Mexico. The purpose of this filing is to eliminate the gateways of Kansas (Summit County), Utah, Heber (Wasatch County), Utah, and Salt Lake City, Utah. (15) from Salt Lake City, Utah, to points in Nevada, Arizona, California, and Colorado. The purpose of this filing is to eliminate the gateway of Kamas (Summit County), Utah.

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 10, 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 13307 (Sub-No. E1), filed June 4, 1974. Applicant: UNITED MOVING AND STORAGE INC., Cleveland, Ohio. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (1) between points in Alabama, on the one hand, and, on the other, points in Connecticut, Iowa, Maine, Minnesota, New Hampshire, and Wisconsin; (2) between points in Arkansas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New Hamshpire, and West Virginia; (3) between points in Florida, on the one hand, and, on the other, points in Iowa, Maine, Minnesota, New Hampshire, and Wisconsin; (4) between points in Georgia, on the one hand, and, on the other, points in Iowa, Maine, Minnesota, New Hampshire, and Wisconsin; (5) between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New Hampshire, and Wisconsin; (6) between points in Louisiana, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Minnesota, New Hampshire, West Virginia, and Wisconsin; (7) between points in Oklahoma, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New Hampshire, and West Virginia; (8) between points in South Carolina, on the one hand, and, on the other, points in Iowa, Kansas, Minnesota, and Wisconsin; and (9) between points in Texas, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, New Hampshire, and West Virginia. The purpose of this filing is to eliminate the gateways of points in Oklahoma, and those in that part of Indiana on and north of U.S. Highway 40.

No. MC 31462 (Sub-No. E88), 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 de-

fined by the Commission, between points in Colorado, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E89), 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 Colorado, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; and (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E90), 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 Colorado, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 25 miles of Cairo, Ill.; (3) any point in Tennessee; and (4) any point in Georgia.

No. MC 31462 (Sub-No. E91), 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 Georgia, on the one hand, and, on the other points in Colorado. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 25 miles of Cairo, Ill., and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E92), 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 Colorado, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E93), 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 Colorado, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (4) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E94), 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 Colorado, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of (1) Kansas City, Mo., or any point within 30 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa; (3) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (4) Hoosick, N.Y.

No. MC 31462 (Sub-No. E95), 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 Colorado, on the one hand, and, on the other, points in Missouri. 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. E96), 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 Kansas on and east of a line beginning at the Missouri-Kansas State line, thence along Kansas Highway 4 to Topeka, Kans., thence along U.S. Highway 75 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 126, thence along Kansas Highway 126 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Colorado. 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. E97), 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 Colorado on and south of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 36 to Denver, Colo., thence along U.S. Highway 285 to Monte Vista, Colo., thence along U.S. Highway 160 to Durango, Colo., thence along U.S. Highway 550 to the Colorado-New Mexico State line, on the one hand, and, on the other, points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 218, thence along U.S. Highway 218 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) Burlington, Iowa, or any point within 50 miles thereof.

No. MC 31462 (Sub-No. E98), 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 Colorado on and south of a line beginning at the Colorado-Nebraska State line, thence along U.S. Highway 34 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, thence along Wisconsin Highway 55 to junction U.S. Highway 8, thence along U.S. Highway 8 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to Wausau, Wis., thence along U.S. Highway 51 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Wisconsin Rapids, Wis., thence along Wisconsin Highway 13 to Wisconsin Dells, Wis., thence along U.S. Highway 12 to junction Wisconsin Highway 60, thence along Wisconsin Highway 60 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E99), 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 Michigan on, east, and south of a line beginning at the Michigan-Wisconsin State line, thence along U.S. Highway 2 to junction U.S. Highway 41, thence along U.S. Highway 41 to Marquette, Mich., on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E100), 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 Colorado on and south of a line beginning at the Colorado-Nebraska State line, thence along U.S. Highway 34 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Colorado-Utah State line, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 54 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Illinois Highway 100, thence along Illinois Highway 100 to Beardstown, Ill., thence along Illinois Highway 125 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 24, thence along U.S. Highway 24 to Peoria, Ill., thence along Illinois Highway 29 to junction U.S. Highway 51, thence north along U.S. Highway 51 to junction U.S. Highway 52, thence east along U.S. Highway 52 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction Illinois Highway 38, thence along Illinois Highway 38 to junction Illinois Highway 31, thence along Illinois Highway 31 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 294, thence along Interstate Highway 294 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Illinois Highway 120, thence along Illinois Highway 120 to Waukegan, Ill. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) St. Louis, Mo., or any point within 50 miles thereof.

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 Colorado, on the one hand, and, on the other, points in Indiana. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., or any point within 30 miles thereof; and (2) St. Louis, Mo., or any point within 50 miles thereof.

No. MC 31482 (Sub-No. E294), 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 North Carolina on and south of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 421, to Greensboro, N.C., thence along U.S. Highway 70 to Durham, N.C., thence along North Carolina Highway 98 to junction U.S. Highway 64, thence along U.S. Highway 64 to Williamstown, N.C., thence along U.S. Highway 17 to junction U.S. Highway 264, thence along U.S. Highway 264 to Manns Harbor, N.C., on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any point within 50 miles thereof; (2) Cairo, Ill., or any point in Illinois within 25 miles thereof; (3) any point in Tennessee; and (4) any point in Georgia.

No. MC 31462 (Sub-No. E295), 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 Minnesota, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any points within 50 miles thereof, (2) Cairo, Ill., or any point in Illinois within 25 miles thereof, (3) any point in Tennessee and (4) any point in Georgia.

No. MC 31462 (Sub-No. E296), 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 Minnesota, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any point within 50 miles thereof; (2) Cairo, Ill., or any point within 25 miles thereof.

No. MC 31462 (Sub-No. E297), 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, from points in Minnesota, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of (1) any point in Illinois within 50 miles of Burlington, Iowa. (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 37203 (Sub-No. E8), filed May 31, 1974. Applicant: MILLSTEADT VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, and points in that part of West Virginia on and north of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 35 to its junction with Interstate Highway 64, thence along Interstate Highway 64 to its junction with West Virginia Highway 3, thence along West Virginia Highway 3 to its junction with West Virginia 63, thence along West Virginia Highway 63 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia 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 extending along U.S. Highway 75 to its junction with Interstate Highway 35, thence along Interstate Highway 35 to U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateways of points in Oklahoma within 150 miles of Shawnee, Okla., and McLean County, Ill.

No. MC 37203 (Sub-No. E9), filed May 31, 1974. Applicant: MILLSTEADT VAN LINES, INC., P.O. Drawer 878, Bartlesville, Okla. 74003. Applicant's representative: Thomas F. Sedberry, Suite 1102, Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Kansas, on the one hand, and, on the other, points in that part of Arkansas on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to the Arkansas-Louisiana State line (points in Oklahoma within 150 miles of Shawnee, Okla.) *; (2) between points in that part of Oklahoma on and west of U.S. Highway 75, on the one hand, and, on the other, points in Indiana, Illinois,

and Kentucky (points within 25 miles of Coffeyville, Kans.)*; and (3) between points in Oklahoma, on the one hand, and, on the other, points in Ohio, Michigan, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Maine, and points in that part of West Virginia on and north of a line beginning at the West Virginia-Ohio State line extending along U.S. Highway 35 to its junction with Interstate Highway 64, thence along Interstate Highway 64 to its junction with West Virginia Highway 3, thence along West Virginia Highway 3 to its junction with West Virginia Highway 63, thence along West Virginia Highway 63 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line (points within 25 miles of Coffeyville, Kans., and McClean County, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 44761 (Sub-No. E1), filed June 4, 1974. Applicant: LEE BROTHERS, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohuski (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (a) from Cincinnati, Ohio, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 20 to its junction with unnumbered highway near New Carlisle, thence along unnumbered highway to the Indiana-Michigan State line; (b) from Dayton, Ohio, to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 20 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Michigan State line; (c) from Hamilton, Ohio, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 20 to its junction with Indiana Highway 39, thence along Indiana Highway 39 to the Indiana-Michigan State line; (d) from Toledo, Ohio, to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 20 to its junction with unnumbered highway 2 miles east of Town of Pines, thence along unnumbered highway to the Indiana-Michigan State line; (e) from points in Michigan on and bounded by a line beginning at Bay City and extending along U.S. Highway 25 to its junction with Michigan Highway 1, thence along Michigan Highway 1 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with Michigan Highway 13, thence along Michigan Highway 13 to point of beginning, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending U.S. Highway 20 to its junction with U.S. Highway 421, thence along U.S. Highway 421 to the Indiana-Michigan State line; and (f) from points in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 119 to its junction with U.S. Highway 422, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line, to points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 20 to its junction with unnumbered highway running through Smith, thence along unnumbered highway to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Gary, Ind.

No. MC 61403 (Sub-No. E23), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, (a) from points in West Virginia on and south of U.S. Highway 33, to points in Colorado on and east of U.S. Highway 85, points in Nebraska on and west of U.S. Highway 83, and points in New Mexico on and east of U.S. Highway 85 (Kingsport, Tenn. and Marshall, Ill.)*, (b) from points in West Virginia on and west of U.S. Highway 52, to points in Iowa, points in Nebraska on and west of U.S. Highway 183, and points in North and South Dakota on and east of U.S. Highway 85, (Kingsport, Tenn. and Marshall, Ill.)*, (c) from points in Kanawha County, W. Va., to points in Oklahoma, (Sheffield, Ala.)*, (d) from points in Kanawha County, W. Va., to points in Tennessee on, south and west of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 43 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to junction Tennessee Highway 88, thence along Tennessee Highway 88 to the Mississippi River, (Sheffield, Ala.)*, (2) *Chemicals*, in bulk, in tank vehicles, (a) from points in West Virginia on and west of U.S. Highway 52, to points in Maine, points in Massachusetts on and east of a line beginning at the Massachusetts-Rhode Island State line and extending along Interstate Highway 95 to junction Interstate Highway 495, thence along Interstate Highway 495 to the Massachusetts-New Hampshire State line, points in Rhode Island, and points in Vermont on and north of Interstate Highway 89, (Kingsport, Tenn.)*, (b) from points in West Virginia except Kanawha County, to points in Florida on and west of U.S. Highway 331 (Kingsport, Tenn. and Sheffield, Ala)*.

(c) From points in West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along the U.S. Highway 119 to junction West Virginia Highway 4, thence along West Virginia Highway 4 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 39, thence along West Virginia Highway 39 to junction West Virginia Highway 16, thence along West Virginia Highway 16 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 119, thence along U.S. Highway 119 to the West Virginia-Kentucky State line, except points in Kanawha County, to points in Tennessee on, west and south of a line beginning at the Tennessee-Alabama State line and extending along U.S. Highway 43 to junction Tennessee Highway 20, thence along Tennessee Highway 20 to the junction U.S. Highway 54, thence along Tennessee Highway 54 to junction Tennessee Highway 59, thence along Tennessee Highway 59 to the Mississippi River (Kingsport, Tenn., and Sheffield, Ala.)*, and (3) *Dry chemicals*, in bulk, in tank vehicles, (a) from points in Kanawha County, W. Va. to points in Oklahoma, on, east and south of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 69 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Kansas State line (Kingsport, Tenn., and Sheffield, Ala.)*, (b) from Kanawha County W. Va., to points in Florida on and west of U.S. Highway 331 (Kingsport, Tenn., and Sheffield, Ala.)*. The purpose of this filing is to eliminate the gateway indicated by asterisks.

No. MC 61403 (Sub-No. E25), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Maryland on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 221, and points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 221 to junction South Carolina Highway 43, thence along South Carolina Highway 43 to the South Carolina-Georgia State line (Kingsport, Tenn.)*, (b) between points in Maryland on and east of U.S. Highway 522, on the one hand, and, on the other, points in Missouri, except St. Louis (Kingsport, Tenn.)*, (c) between points in Maryland on and south of a line beginning at the Maryland-Virginia State line and extending along U.S. Highway 50 to junction Maryland Highway 404, thence along Maryland Highway 404 to the Maryland-Delaware State line, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 169 to junction Minnesota Highway 22, thence along Minnesota Highway 22 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to

junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 169, thence along Minnesota Highway 169 to junction Minnesota Highway 2, thence along Minnesota Highway 2 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the International Boundary Line between the United States and Canada (Kingsport, Tenn.)*, (d) from points in Maryland, to points in Florida on and west of U.S. Highway 331 (Kingsport, Tenn. and Sheffield, Ala.)*, and (e) between points in Maryland on and west of U.S. Highway 522, on the one hand, and, on the other, points in South Carolina which are west of U.S. Highway 52 and east of U.S. Highway 221 (Kingsport, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E26), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 23 to junction Ohio Highway 4, thence along Ohio Highway 4 to Lake Erie, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 70 (Kingsport, Tenn.)*, (b) between points in Ohio on south and west of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 62 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-Indiana State line, on the one hand, and, on the other, points in Texas on and south of a line beginning at the International Boundary line between the United States and Canada and extending along U.S. Highway 59 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line (Kingsport, Tenn.)*; (2) *Liquid resins*, in bulk, in tank vehicles, from Newark, Ohio, to points in Louisiana, Texas except Garland, and points in Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line and extending along Interstate Highway 40 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Kansas State line (Sheffield, Ala.)*; (3) *Paints, stains and varnishes, paint materials* and *plastics*, in bulk, in tank vehicles, from Circleville, Ohio to points in Louisiana and Texas except Garland (Sheffield, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 61403 (Sub-No. E29), filed May 31, 1974. Applicant: MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) from points in Kentucky on and south of a line beginning at the Virginia-Kentucky State line and extending along U.S. Highway 421 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Indiana State line, to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont, (b) from points in Kentucky on and west and south of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-Indiana State line, on the one hand, and, on the other, points in Maryland on and east of Interstate Highway 81 and points in New Jersey, (c) between points in Kentucky south of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 460 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 101, thence along Kentucky Highway 101 to junction Kentucky Highway 259, thence along Kentucky Highway 259 to the Ohio River, on the one hand, and, on the other, points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 322.

Thence along U.S. Highway 322 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, (d) between points in Meade County, Ky., on the one hand, and, on the other, points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 15 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, (e) between points in that part of Kentucky bounded by a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 150 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 31W.

Thence along U.S. Highway 31W to point of beginning, on the one hand, and, on the other, points in New York on and east of a line beginning at the Verrazano Narrows Bridge and extending along Interstate Highway 278 to its junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada, and points in Pennsylvania on and east of U.S. Highway 202, (f) between points in Kentucky on and east of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky-Ohio State line on the one hand, and, on the other, points in Louisiana on and south of a line beginning at the Louisiana-Mississippi State line and extending along U.S. Highway 84 to junction Louisiana Highway 6, thence along Louisiana Highway 6 to the Mississippi River, points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along Mississippi Highway 14 to junction Mississippi Highway 12, thence along Mississippi Highway 12 to the Mississippi River, points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending along Texas Highway 63 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 7, thence along Texas Highway 7 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 164, thence along Texas Highway 164 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Texas Highway 171, thence along Texas Highway 171 to junction Texas Highway 51, thence along Texas Highway 51 to Texas Highway 287, thence along Texas Highway 287 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Texas-New Mexico State line, (g) from points in Kentucky on and east of a line beginning at the Kentucky-Virginia State line and extending along U.S. Highway 421 to the junction Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky-Ohio State line, points in Maine on and north of a line beginning at the Maine-New Hampshire State line and extending along Maine Highway 16 to junction Maine Highway 17, thence along Maine Highway 17 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E30), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, in tank vehicles, (a) between points in Georgia on and east of U.S. Highway 221, on the one hand, and, on the other, points in Illinois and Missouri (Kingsport, Tenn.)*, (b) between points in that part of Georgia bounded by a line beginning at Macon and extending along Interstate Highway 75 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 129, thence along U.S. Highway 129 to point of beginning, on the one hand, and, on the other, points in Illinois on and north of U.S. Highway 6 (Kingsport, Tenn.)*; (2) *Liquid chemicals*, in bulk, in tank vehicles, (a) from points in Georgia on and east of U.S. Highway 1, to points in Kansas (Kingsport, Tenn., and Marshall, Ill.)*, (b) from points in that part of Georgia on and south of Interstate Highway 85 to points in Iowa (Kingsport, Tenn., and Marshall, Ill.)*, and (c) from Cedartown, Ga., to points in Kansas on and north of a line beginning at the Kansas-Missouri State line and extending along Kansas Highway 150 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Colorado State line, points in Nebraska, points in North Dakota and South Dakota on and east of U.S. Highway 85 (Marshall, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 61403 (Sub-No. E31), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) from points in Indiana south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 150 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 54, thence along Indiana Highway 54 to the Indiana-Illinois State line, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, (b) from points in Vigo County, Ind., to points in Maine on and north of a line beginning at the International Boundary line between the United States and Canada and extending along Maine Highway 9 to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Maine Highway 106, thence along Maine Highway 106 to junction Maine Highway 219, thence along Maine Highway 219 to junction Maine Highway 26, thence along Maine Highway 26 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Maine-New Hampshire State line, (c) between points in Indiana south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 460 to junction Indiana Highway 68, thence along Indiana Highway 68 to the Indiana-Illinois State line, on the one hand, and, on the other, points in Maryland, New Jersey, points in New York south of Interstate Highway 84, points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Highway 61.

Thence along Pennsylvania Highway 61 to junction Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and (d) between points in Indiana except points in that part of Indiana bounded by a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 150 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Indiana Highway 68, thence along Indiana Highway 68 to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to point of beginning, on the one hand, and, on the other, points in Salem County, N.J., and points in Maryland on and east of a line beginning at the Maryland-Pennsylvania State line and extending along U.S. Highway 140 to junction Maryland Highway 97, thence along Maryland Highway 97 to the District of Columbia boundary line, thence northeast, southeast and southwest along the District of Columbia boundary line to its intersection with Maryland Highway 5, thence along Maryland Highway 5 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Potomac River. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E32), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Michigan, on the one hand, and, on the other, points in Virginia on, south, and west of a line beginning at the Virginia-West Virginia State line and extending along U.S. Highway 460 to junction U.S. Highway 15, thence along U.S. Highway 15 to the Virginia-North Carolina State line and points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line extending along Interstate Highway 75 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, and (b) between points in Michigan on and east of a line beginning at the Michigan-Ohio State line and extending along Michigan Highway 52 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in Mississippi on and south of U.S. Highway 84, and points in Texas on and east of a line beginning at the International Boundary line between the United States and Mexico and extending along U.S. Highway 59 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E33), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid Chemicals*, in bulk, in tank vehicles, from points in South Carolina, to points in Colorado on and east of U.S. Highway 85, points in Iowa, Kansas, Nebraska, and points in North Dakota and South Dakota on and east of U.S. Highway 85 (Kingsport, Tenn., and Marshall, Ill.)*; and (2) *Chemicals*, in bulk, in tank vehicles, (a) between points in South Carolina, on the one hand, and, on the other, points in Wisconsin (Kingsport, Tenn.)*, (b) from points in South Carolina to points in Oklahoma (Kingsport, Tenn. and Sheffield, Ala.)*, (c) from points in South Carolina on and west of U.S. Highway 601 to points in Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, and Vermont (Kingsport, Tenn.)*, (d) between points in South Carolina on and east of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 25 to junction U.S. Highway 276, thence along U.S. Highway 276 to junction South Carolina Highway 14, thence along South Carolina Highway 14 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Atlantic Ocean, on the one hand, and, on the other, points in Texas (Kingsport, Tenn.)*, (e) between points in that part of South Carolina bounded by a line beginning at Columbia and extending along U.S. Highway 21 to junction U.S. Highway 178.

Thence along U.S. Highway 178 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 378, thence along U.S. Highway 378 to point of beginning, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 288 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 6, thence along Texas

Highway 6 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Oklahoma State line (Kingsport, Tenn.)*, and (f) between points in South Carolina on, east, and south of a line beginning at Charleston and extending along U.S. Highway 78 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to junction U.S. Highway 52, thence along U.S. Highway to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 501, thence along U.S. Highway 501 to the Atlantic Ocean, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Gulf of Mexico and extending along Texas Highway 288 to junction Texas Highway 6, thence along Texas Highway 6 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Texas-Arkansas State line (Kingsport, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 61403 (Sub-No. E35), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between Washington, D.C., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia on and west of U.S. Highway 25, Indiana on and south of U.S. Highway 50, Kentucky on and south of U.S. Highway 460, Louisiana, Mississippi, Missouri (except St. Louis), points in North Carolina on and west of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 321 to junction U.S. Highway 221, thence along U.S. Highway 221 to the North Carolina-South Carolina State line, Oklahoma, points in South Carolina on and west of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 221 to junction Interstate Highway 26, thence along Interstate Highway 26 to junction South Carolina Highway 56, thence along South Carolina Highway 56 to junction South Carolina Highway 39, thence along South Carolina Highway 39 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to the South Carolina-Georgia State line, Tennessee, Texas, and points in Virginia on and west of a line beginning at the Virginia-Tennessee State line and extending along Interstate Highway 81 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Virginia-Kentucky State line (Kingsport, Tenn.)*, and (b) from Washington, D.C., to points in Florida on and west of U.S. Highway 231 (Kingsport, Tenn., and Florence, Ala.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 61403 (Sub-No. E36), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between Miami, Fla., on the one hand, and, on the other, points in Indiana, Kentucky, Michigan (except Detroit and Midland), Minnesota, points in Missouri on, north, and west of U.S. Highway 62, points in North Carolina on and north of a line beginning at the North Carolina-South Carolina State line and extending along North Carolina Highway 108 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to the North Carolina-Virginia State line, points in Ohio, points in Tennessee on and north of a line beginning at the Tennessee-North Carolina State line and extending along U.S. Highway 129 to junction Tennessee Highway 72, thence along Tennessee Highway 72 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Alternate Highway 41, thence along U.S. Alternate Highway 41 to the Tennessee-Kentucky State line, points in Virginia on and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360 to the Chesapeake Bay, points in West Virginia and points in Wisconsin, and (b) from Miami, Fla., to points to Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Kinsport. Tenn.

No. MC 61403 (Sub-No. E42), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in New Jersey south of New Jersey Highway 33, on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 221, and (b) between points in New Jersey on and north of New Jersey Highway 33, on the one hand, and, on the other, points in North Carolina on and west of U.S. Highway 321. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 61403 (Sub-No. E43), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Missouri, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 25 (Kingsport, Tenn.)*, (b) between points in Missouri on and south of a line beginning at the Mississippi River and extending along Missouri Highway 32 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Missouri-Iowa State line, on the one hand, and, on the other, points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 222 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Interstate Highway 81.

Thence along Interstate Highway 81 to the Pennsylvania-New York State line (Kingsport, Tenn.)*, (c) from points in that part of Missouri (except St. Louis) on and south of U.S. Highway 24, to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island (Kingsport, Tenn.)*, and (d) from St. Louis, Mo., to points in New Jersey on and south of a line beginning at the New Jersey-Pennsylvania State line and extending along Interstate Highway 78 to junction Interstate Highway 287, thence along Interstate Highway 287 to the New Jersey-New York State line, points in New York on and south of Interstate Highway 84, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line and extending along Pennsylvania Highway 10 to junction Pennsylvania Highway 61, thence along Pennsylvania Highway 61 to junction Interstate Highway 78, thence along Interstate Highway 78 to the Pennsylvania-New Jersey State line (points in Virginia and Kingsport, Tenn.)*. The purpose of this filing is to

eliminate the gateways indicated by the asterisks above.

No. MC 61403 (Sub-No. E45), filed May 31, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC. P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, (a) between points in Mississippi on and north of a line beginning at the Mississippi-Louisiana State line and extending along Mississippi Highway 26 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in North Carolina on and east of a line beginning at the North Carolina-Tennessee State line and extending along U.S. Highway 25 to junction U.S. Highway 74, thence along U.S. Highway 74 to the Atlantic Ocean, (b) between points in Mississippi, on the one hand, and, on the other, points in Virginia and West Virginia, (c) between points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along Mississippi Highway 14 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 49E, thence along U.S. Highway 49E to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 49, thence along U.S. Highway 49 to the Mississippi River, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25E to junction U.S. Highway 25, thence along U.S. Highway 25 to the Tennessee-North Carolina State line.

(d) Between points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along Interstate Highway 20 to junction Mississippi Highway 18, thence along Mississippi Highway 18 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, on the one hand, and on the other, points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Ohio-Indiana State line, and (e) between points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 78 to junction Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 15, thence along Mississippi Highway 15 to junction Mississippi Highway 8, thence along Mississippi Highway 8 to the Mississippi River, on the one hand, and, on the other, points in Ohio on and east of a line beginning at the Ohio River and extending along Ohio Highway 93 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 9, thence along Ohio Highway 9 to junction Ohio Highway 14A, thence along Ohio Highway 14A to junction Ohio Highway 534, thence along Ohio Highway 534 to Lake Erie. The purpose of this filing is to eliminate the gateway of Kingsport, Tenn.

No. MC 95540 (Sub-No. E249), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Gainesville, Ga., to those points in Texas on and southwest of a line beginning at the Texas-Oklahoma State line and extending along Texas Highway 76 to its junction with U.S. Highway 69, thence along U.S. Highway 69 to junction with Interstate Highway 30, thence along Interstate Highway 30 to junction Texas Highway 49, thence along Texas Highway 49 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E357), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except frozen, and except canned goods as set forth in List C of the Appendix), from those points in Ohio on and south of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 35 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 56, thence along Ohio Highway 56 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Ohio-Pennsylvania State line, to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along Interstate Highway 10 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Texas Highway 321, thence along Texas Highway 321 to junction Texas Highway 105, thence along Texas Highway 105 to junction Texas Highway 90, thence along Texas Highway 90 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Texas Highway 95, thence along Texas Highway 95 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Texas Highway 29, thence along Texas Highway 29 to junction Texas Highway 71, thence along Texas Highway 71 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 53, thence along Texas Highway 53 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E396), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Erie and North East, Pa., to those points in New Mexico on and south of a line beginning at the Arizona-New Mexico State line and extending along Interstate Highway 10 to its junction with U.S. Highway 70/80, thence along U.S. Highway 70/80 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 95540 (Sub-No. E410), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, not coldpack or frozen, from Red Creek, Waterloo, Rushville, Penn Yan, Egypt, Fairport, Lyons, Newark, and Syracuse, N.Y., to points in Florida. The purpose of this filing is to eliminate the gateways of points in Virginia on the Delmarva Peninsula.

No. MC 95540 (Sub-No. E474), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Delaware, to those points in Texas on and south of a line beginning at the New Mexico-Texas State line and extending along Interstate Highway 40 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 95540 (Sub-No. E599), filed May 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Hagerstown, Md., to those points in Oklahoma on and southeast of a line beginning at the Arkansas-Oklahoma

State line and extending along Oklahoma Highway 33 to its junction with Oklahoma Highway 51, thence along Oklahoma Highway 51 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to its junction with Oklahoma Highway 15, thence along Oklahoma Highway 15 to its junction with Oklahoma Highway 34, thence along Oklahoma Highway 34 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Oklahoma Highway 34, thence along Oklahoma Highway 34 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 95540 (Sub-No. E667), filed May 13, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Rosewell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Buffalo, N.Y., to those points in Oklahoma on and west of a line beginning at the Arkansas-Oklahoma State line and extending along Oklahoma Highway 33 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with Oklahoma Highway 74/15, thence along Oklahoma Highway 74/15 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107403 (Sub-No. E34) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER July 23, 1974. 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: *Petroleum and petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from (1) points in York County, Va., to points in Pennsylvania within 150 miles of Monongahela, Pa., and (2) points in York County, Va., to points in Pennsylvania east of U.S. Highway 220. The purpose of this filing is to eliminate the gateway of Baltimore, Md. The purpose of this correction is to clarify the commodities' descriptions and destination points.

No. MC-107403 (Sub- No. E105), filed May 29, 1974. 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: *Liquid chemicals* (except milk, petroleum, petroleum products, coal tar and coal tar products), in bulk, in tank vehicles, from points in New Jersey to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. The purpose of ths filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 107403 (Sub-No. E293), filed May 29, 1974. 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: *Non-flammable liquid chemicals* (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and except wine, cider, vinegar, milk, road oil, coal tar, coal tar products, and derivation of coal tar), in bulk, in tank vehicles, from points in Pennsylvania to points in Kentucky. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and South Point, Ohio.

No. MC 107403 (Sub-No. E296), filed May 29, 1974. 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: *Dry chemicals* (other than liquids, and except fly ash), in bulk, in tank vehicles, from points in Kentucky (west of U.S. Highway 65), to points in West Virginia (within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of Riverview, Ohio, and those points in the counties of Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, which are within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E299), filed May 29, 1974. 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: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from Ashland, Ky., to points in West Virginia within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of those points in Ohio within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E300), filed May 29, 1974. 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: *Dry commodities* (except fly-ash, cement), in bulk, in tank vehicles, between points in Kentucky and points in Pennsylvania and Maryland (within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of those points in Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne Counties, Ohio, which are within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E383), filed May 29, 1974. 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: *Non-inflammable liquids*, in bulk, in tank trucks (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and except wine, cider, vinegar, milk, road oil, coal tar, and coal tar products), between points in Ohio within 150 miles of Monongahela, Pa., on the one hand, and, on the other, points in Connecticut, Massachusetts, Pennsylvania, New Jersey, and Rhode Island. The purpose of this filing is to eliminate the gateway of those points in Pennsylvania within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E408), filed May 29, 1974. 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: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Ohio on and north of U.S. Highway 30 and 30S to points in Virginia, Alabama, Florida, North Carolina, South Carolina, Mississippi, and Georgia. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Congo, W. Va.

No. MC 107403 (Sub-No. E468), filed May 29, 1974. 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: *Dry commodities* (except fly ash), in bulk, in vehicles specially designed for the transportation of dry bulk commodities, between points in Ohio within 150 miles of Monongahela, Pa., and on the other, points in Indiana, Michigan, Kentucky, those points in Pennsylvania east of U.S. Highway 220 which are not within 150 miles of Monongahela, Pa., and those points in West Virginia which are not within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of those points in the counties of Ashtabula, Cuyahoga, Lake, Summit, Muskingum, Licking, Franklin, and Wayne, Ohio, which are within 150 miles of Monongahela, Pa.

No. MC 107403 (Sub-No. E592), filed May 29, 1974. 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: *Dry plastics*, synthetic, in bulk, in tank vehicles, from Lower Pottsgrove Twp., Pa. (Montgomery County, Pa.), to points in Alabama, Florida, Georgia, Louisiana, Massachusetts, North Carolina, Rhode Island, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Delaware City, Del.

No. MC 107403 (Sub-No. E617), filed May 29, 1974. 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: *Spent silica gel catalyst* (other than liquid), in bulk, in tank vehicles, between (1) points in that part of New York west of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Syracuse, N.Y., and thence along New York Highway 57 to Oswego, N.Y., and that part of New York north of a line beginning at Oswego and extending along U.S. Highway 104 to Mexico, N.Y., thence along New York Highway 69 to Utica, N.Y., thence along New York Highway 5 to Schenectady, N.Y., and thence along New York Highway 7 to the New York-Vermont State line; and (2) points in Colorado, Arkansas, Missouri, Louisiana, Texas, Oklahoma, West Virginia, Delaware, Maryland, Virginia, North Carolina, South Carolina, and New Jersey. The purpose of this filing is to eliminate the gateway of points in Pennsylvania.

No. MC 111557 (Sub-No. E1), filed June 3, 1974. Applicant: MOMSEN TRUCKING, INC., P.O. Box 37490, Omaha, Nebr. 68137. Applicant's representative: Karl E. Momsen (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Household goods* as defined by the Commission, between points in that part of Minnesota west of Freeborn, Steele, Rice, Scott, Carver, Hennepin, Anoka, Isanti, Kanabec, Aitkin, and St. Louis Counties, Minn., on the one hand, and, on the other, points in that part of Illinois south of Iroquois, Ford, Champaign, Piatt, De Witt, Logan, Menard, Mason, Schuyler, and Hancock Counties, Ill. (Armstrong, Iowa) *; and (2) *Household goods* as defined by the Commission, from points in Illinois to points in Nebraska (Knoxville, Tenn.) *. Restriction: The service authorized herein is subject to the following conditions: (a) the above-described operations shall be conducted separately from carrier's private carrier operations, (b) completely separate accounting systems shall be maintained for carrier's private and for-hire operations, (c) carrier shall not transport property both as a for-hire and a private carrier in the same vehicle at the same time. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113459 (Sub-No. E76), filed May 31, 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) *Commodities*, the transportation of which, by reason of 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 that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 75 to its junction with U.S. Highway 82, thence along U.S. Highway 82 to its junction with U.S. Highway 377, thence along U.S. Highway 377 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to its junction with U.S. Highway 57, thence along U.S. Highway 57 to the United States-Mexico International Boundary line, on the one and, and, on the other, points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 30 to its junction with U.S. Highway 30S, thence along U.S. Highway 30S to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line. Restriction: Operations authorized in (1) and (2) above are restricted against the transportation of agricultural machinery and agricultural tractors, and the operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

No. MC 113678 (Sub-No. E1), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (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*, (a) from Denver, Colo., to Baltimore, Md., Philadelphia, Pa., points in New Jersey, Connecticut (except New Haven), Massachusetts (except Boston), Rhode Island, and points in New York on and east of U.S. Highway 11 (New York, N.Y.) *; and (b) from Denver, Colo., to Baltimore, Md., and Philadelphia, Pa. (Washington, D.C.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 113678 (Sub-No. E7), filed May 5, 1974. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, Colo. 80022. Applicant's representative: David L. Metzler (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, and hides), from Greeley, Colo., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of York, Nebr.

By the Commission.

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

[FR Doc.75-2719 Filed 1-28-75;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 24, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 27, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

No. MC 1824 (Deviation No. 19), PRESTON TRUCKING COMPANY, INC., 151 Easton, Blvd., Preston, Md., 21655, filed January 8, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Buffalo, N.Y., over New York Highway 400 to junction New York Highway 16, thence over New York Highway 16 to junction New York Highway 98, near Franklinville, N.Y., thence over New York Highway 98 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnsonburg, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Buffalo, N.Y., over Interstate Highway 90 to junction U.S. Highway 19, thence over U.S. Highway 19 to Pittsburgh, Pa., thence over Pennsylvania Highway 28 to Brookville, Pa., thence over U.S. Highway 322 to junction U.S. Highway 219, thence over U.S. Highway 219 to Johnsonburg, Pa., and return over the same route.

By the Commission.

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

[FR Doc.75-2717 Filed 1-28-75;8:45 am]

[Notice No. 1]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 24, 1975.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before February 27, 1975.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 686), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, Calif. 94106, filed January 13, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Brenda, Ariz., over Interstate Highway 10 to Phoenix, Ariz. (using available county roads and/or detour routes between Tonopah, Ariz., and Phoenix, Ariz., until Interstate Highway 10 is completed between those points), and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Brenda, Ariz., over U.S. Highway 30 to Phoenix, Ariz., and return over the same route.

No. MC 1515 (Deviation No. 687), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, Calif. 94106, filed January 13, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Baker, Oreg., over Oregon Highway 86 to junction Interstate Highway 80N, thence over Interstate Highway 80N to junction U.S. Highway 30 near N. Powder, Oreg., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Baker, Oreg., over U.S. Highway 30 to N. Powder, Oreg., and return over the same route.

By the Commission.

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

[FR Doc.75-2716 Filed 1-28-75;8:45 am]

[Notice No. 224]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 29, 1975.

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 18, 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. 27815. By order entered 1.8.75 the Motor Carrier Board approved the transfer to McAllister Transport Lines, Inc., New York, N.Y., of Fourth Amended Certificate No. W-457 (Sub-No. 6), issued October 21, 1974, to McAllister Brothers, Inc., New York, N.Y., evidencing a right to engage in transportation in interstate or foreign commerce as a common carrier by water, by towing vessels in the performance of general towage, between ports and points along the Atlantic coast and tributary waterways, from Massachusetts, to Florida, inclusive, the New York State Barge Canal, and the Great Lakes, and waters tributary thereto, as far west as Detroit, Mich., and Toledo, Ohio; by towing vessels in the performance of towage of structural steel, in barges, from Seattle, Wash., and Los Angeles, Calif., to New York, N.Y.; and by towing vessels in the performance of towage in the transportation of articles exceeding 19 feet in height, or 12 feet in width, or 90 feet in length, or 100 net tons in weight, component parts thereof, and related equipment, between ports and points along the Pacific Coast and tributary waterways, on the one hand, and, on the other, ports and points within carrier's existing authority. Peter A. Greene, 1625 K Street NW., Washington, D.C. 20006, attorney for applicants.

No. MC FC 75583. By order entered January 14, 1975, the Motor Carrier Board approved the transfer to Ronald J. Emanualson, Middletown, Conn., of the operating rights set forth in Certificate No. MC 117241, issued September 17, 1971, to John S. Armitage (Priscilla D. Armitage, Administratrix), Stafford Springs, Conn., authorizing the transportation of fertilizer and fertilizer materials, and agricultural insecticides, fungicides, and herbicides, from specified points in Connecticut, to specified points in Massachusetts and New York. Robert C. Engstrom, 100 Riverview Ctr., Middletown, Conn. 06457, attorney for applicants.

No. MC FC 75586. By order entered January 13, 1975, the Motor Carrier Board approved the transfer to Hemispheric Travel, Inc., Madison, Wis., of License No. MC 12756, issued November 9, 1972, to Ardis I. Wilson, doing business as Sager-Wilson Travel Agency, Madison, Wis., authorizing operations as a broker at Madison, Wis., in connection with transportation by motor vehicle in interstate or foreign commerce, of passengers and their baggage, in round-trip special and charter all-expense conducted tours, beginning and ending at points in Dane and Green Counties, Wis., and extending to points in the United States (except those in Alaska and Hawaii). Nanch J. Johnson, 4506 Regent St., Madison, Wis. 53705, attorney for applicants.

No. MC FC 75601. By order of January 8, 1975, the Motor Carrier Board approved the transfer to Acme Movers, Inc., Harrisburg, Pa., of the operating rights in Certificate No. MC 136264 issued July 11, 1973, to Lewis A. Straw, doing business as Acme Movers, Harrisburg, Pa., authorizing the transportation of used household goods between specified counties in Pennsylvania, subject to certain restrictions. John E. Fullerton, 407 N. Front St., Harrisburg, Pa. 17101, attorney for applicants.

No. MC FC 75604. By order of January 8, 1975, the Motor Carrier Board approved the transfer to Rock & Sons, Inc., Somerset, Pa., of the operating rights in Permit No. MC 125549 issued March 5, 1964, to Robert E. Elsesser, Lewistown, Pa., authorizing the transportation of marble, marble chips, and metal strips used in the installation of marble from specified points in New York and New Jersey to specified points and areas in Tennessee, Kentucky, Indiana, Michigan, Ohio, West Virginia, and Pennsylvania. D. L. Bennett, 129 Edginton Lane, Wheeling, W. Va. 26003, representative for applicants.

No. MC FC 75608. By order entered 1.13.75 the Motor Carrier Board approved the transfer to Speedy Messenger Service, Inc., Haddonfield, N.J., of the operating rights set forth in Certificate No. MC 127595 (Sub-No. 1), issued July 29, 1966, to Thomas J. Tracy, Jr., doing business as Speedy Messenger Service, Ashland, N.J., authorizing the transportation of general commodities, with the usual exceptions, between points in Camden, Burlington, and Gloucester Counties, N.J., on the one hand, and, on the other,

points in Bucks, Delaware, Philadelphia, and Montgomery Counties, Pa., restricted against the transportation of any parcel, package, or article weighing more than 75 pounds from one consignor at any one location to one consignee at any one location on any one day. Harold A. Lockwood, Jr., 2015 Land Title Bldg., Philadelphia, Pa. 19110, attorney for applicants.

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

[FR Doc.75-2715 Filed 1-28-75;8:45 am]

[Notice No. 7]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 24, 1975.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

No. MC 504 (Sub-No. 29) (Notice of Filing of Petition to Modify Commodity Description) filed January 13, 1975. Petitioner: HARPER MOTOR LINES, INC., 125 Milton Ave. SE., P.O. Box 6985, Atlanta, Ga. 30315. Petitioner's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Petitioner holds a motor *common carrier* certificate in No. MC 504 (Sub-No. 29), acquired October 17, 1957, authorizing transportation, as pertinent, over irregular routes, of *Cotton and cotton goods*, Between points in Georgia, North Carolina, and South Carolina. By the instant petition, petitioner seeks to modify the above commodity description so as to read, *Textiles and textile products*. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before February 27, 1975.

No. MC 121454 (Sub-Nos. 2 and 3) (Notice of Filing of Petition to Modify Certificates) filed January 13, 1975. Petitioner: WALSH MESSENGER SERVICE, INC., 4 Third Street, Garden City Park, Long Island, N.Y. 11040. Petitioner's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Petitioner holds motor *common carrier* certificates in No. MC 121454 (Sub-Nos. 2 and 3) issued January 12, 1970, and August 28, 1974, respectively, authorizing transportation, over irregular routes, in Sub-No. 2, of (1) *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between New York, N.Y. and points in Nassau, Suffolk, and Westchester Counties, N.Y.; and (2) *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, audit and accounting media of all kinds, dental products, optical products, biological chemical specimens, and photographic film), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, and Greene Counties, N.Y. Restriction: The operations authorized herein are 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; and in Sub-No. 3, of *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, commodities requiring special equipment, optical products, biological chemical specimens, photographic film, dental products and cash letters), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York (except points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, Greene, Nassau, Suffolk, and Westchester Counties and New York City), Delaware, Pennsylvania, Maryland, and the District of Columbia.

Restriction: The authority granted herein is 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. By the instant petition, petitioner seeks to change the restrictions in the above authorities to increase the maximum weight from 100 to 500 pounds, and to eliminate certain of the exceptions in the above commodity descriptions, so as to read, in Sub-No. 2, *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y.; and *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring speical equipment), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, and Greene Counties, N.Y.

Restriction: The operations authorized herein are restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day; and in Sub-No. 3, *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and commodities requiring special equipment), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Massachusetts, Rhode Island, New York (except points in Rockland, Orange, Putnam, Dutchess, Columbia, Ulster, Sullivan, Albany, Greene, Nassau, Suffolk and Westchester Counties and New York City), Delaware, Pennsylvania, Maryland, and the District of Columbia. Restriction: The authority granted herein is restricted against the transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before February 27, 1975.

No. MC 127355 (Notice of filing of petition to modify a permit), filed January 10, 1975. Petitioner: M & N GRAIN COMPANY, a Corporation, P.O. Box P, Nevada, Mo. 64772. Petitioner's Representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64114. Petitioner holds a motor *contract carrier* permit No. MC 127355, issued August 8, 1974, authorizing transportation, over irregular routes, of *cottonseed meal and hulls, fish meal, meat and bone meal, tankage, blood meal, bone meal, linseed oil meal, hominy meal, gluten feed, gluten meal, dehydrated alfalfa* (ground or pellets), *beet pulp, brewer's grains, malt sprouts, grain screenings* (pellets), *mill feed* (bran, middlings, red dog, shorts, germ, and millrun), *ground corn cobs, potato meal, oat meal, feather meal, poultry by-products, peanut meal* and *hulls, soybean meal, sunflower meal, rapeseed meal, pellet binder* (ammonium lignin sulfonate), *corn screenings* (pellets), *suncured alfalfa and distillers grains* (except in bulk, in tank vehicles): (1) Between points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, and Texas; (2) Between points in (1) above, on the one hand, and, on the other, points in Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (3) From points in Minnesota, Nebraska, and Wisconsin, to points in Iowa, under a continuing contract or contracts with the Pillsbury Company of Minneapolis, Minn. By the instant petition, petitioner seeks to add points in North Carolina, South Carolina and Virginia to the territorial

description in (1) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before February 27, 1975.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

Applications for certificates or permits which are to be processed concurrently with applications under section 5 governed by special rule 240 to the extent applicable.

No. MC-F-12398. Authority sought for control and merger by O.N.C. FREIGHT SYSTEMS, 260 Sheridan Ave., Palo Alto, CA 94303, of the operating rights and property of RITEWAY TRANSPORT, INC., 2131 W. Roosevelt St., Phoenix, AZ 85005, and for acquisition by ROCOR INTERNATIONAL, also of Palo Alto, CA 85005, of control of such rights and property through the transaction. Applicants' attorneys: Roland Rice, 618 Perpetual Bldg., 1111 E St. NW., Washington, DC 20004, and Robert R. Digby, 2104 First Federal Savings Bldg., Phoenix AZ 85012. Operating rights sought to be controlled and merged: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between Salt Lake City, and Blanding, Utah, between Blanding, Utah, and Flagstaff, Ariz., between Blanding, Utah, and Grand Junction, Colo., between Monticello and Bluff, Utah, between Glanding, Utah, and the mine site of the Industrial Uranium Corporation, located in Monument Valley, Ariz., approximately 12 miles south of the Arizona-Utah State line, between Salt Lake City, Utah, and Fort Rock, Ariz., and the plant site of Roosendaal Construction & Mining Corp., near Fort Rock, Ariz., serving various intermediate and off-route points, with restrictions; *machinery, equipment, materials, and supplies*, used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and *heavy or bulky articles* that require the use of special equipment, over irregular routes, between points in McKinley, San Juan, and Valencia Counties, N. Mex., on the one hand, and, on the other, Lupton, Ariz., and points in Arizona within 200 miles thereof, and Monticello, Utah, and points in Utah within 100 miles thereof, between points in McKinley, San Juan, and Valencia Counties, N. Mex., on the one hand, and, on the other, Durango, Colo., and points in Colorado within 100 miles thereof; *general commodities*, with exceptions, between points in McKinley, San Juan, and Valencia Counties, N. Mex., other than between points both of which are served by rail lines or both of which are served by regular-route motor common carrier, between Boulder, Colo., and points within 50 miles thereof, on the one hand, and, on the other, points in Colorado, between points in the Hopi Indian Reservation located in Arizona, on the one hand, and, on the other, Phoenix, Ariz., between points in the Hopi Indian Reservation, on the one hand, and, on the other, points in Arizona (except Globe and Safford), with restrictions. O.N.C. FREIGHT SYSTEMS, is authorized to operate as a *common carrier* in Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah, and Washington. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12412. Authority sought for purchase by SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601, of the operating rights of DON G. BREWER, doing business as JACKSON-VICTOR EXPRESS, 601 W. Norwood St., Box 155, Jackson, WY 83001, and for acquisition by WILLIAM UTZINGER, WILLIAM D. UTZINGER, and C. E. OGDEN, all of Casper, WY 82601, of control of such rights through the purchase. Applicants' attorney: John R. Davidson, Suite 805, Midland Park Bldg., Billings, MT 59101. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Idaho Falls, and Victor, Idaho, serving no intermediate points and serving Victor, Idaho, for purpose of joinder only, between Jackson, Wyo., and Victor, Idaho, serving those intermediate and off-route points located in Teton County, Wyo.; and deviation route No. 1, from Jackson, Wyo., over U.S. Highway 26 to Idaho Falls, Idaho, and return over some route, for operating convenience only. Vendee is authorized to operate as a *common carrier* in Wyoming, Idaho, Montana, Colorado, and South Dakota. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12415. Authority sought for purchase by HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055, of the operating rights of OSWEGO-SYRACUSE EXPRESS, INC., 7641 Villa Maria, P.O. Box 63, North Syracuse, NY 13212, and for acquisition by JOHN N. HALL AND W. LEROY HALL, both of Mechanicsburg, PA 17055, of control of such rights through the purchase. Applicants' attorneys: John E. Fullerton, 407 N. Front St., Harrisburg, PA 17101, and Norman M. Pinsky, 345 S. Warren St., Syracuse, NY 13202. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Syracuse and Oswego, N.Y., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania, Ohio, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12416. Authority sought for purchase by KAIN'S MOTOR SERVICE CORP., P.O. Box 270, Logansport, IN 46947, of the operating rights of APACHE AIR FREIGHT, INC., 8040 South Roberts Rd., Bridgeview, IL 60455, and for acquisition by AMELIA COOK LURVEY, 6877 N. Pennsylvania St., Indianapolis, IN 46220, and FRANK M. COOK, 906 Chamber of Commerce Bldg., Indianapolis, IN 46204, of control of such rights through the purchase. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, and Charles W. Singer, 2440 East Commercial Blvd., Fort Lauderdale, FL 33308. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 121404 (Sub-No. 1), covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12417. Authority sought for purchase by ALL-AMERICAN, INC., 900 W. Delaware, Sioux Falls, SD 57104, of the operating rights and property of HAJEK TRUCKING CO., INC., 7635 W. Lawndale Ave., Summit, IL 60501, and for control of ADMIRAL LEASING CO., INC., a non carrier also of Summit, IL 60501, and for acquisition by ALL-AMERICAN TRANSPORT, INC., and H. LAUREN LEWIS, both of 900 W. Delaware, Sioux Falls, SD 57104, of control of such rights and property through the purchase. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, and Eugene L. Cohn, One North LaSalle St., Chicago, IL 60602. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between North Judson and San Pierre, Ind., on the one hand, and, on the other, points in Cook County, Ill., between points in Fulton, Jasper, Starke, and Pulaski Counties, Ind., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville and Paducah, Ky., Piqua and Cincinnati, Ohio, and all points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to certain specified points in Michigan and all points in Illinois, between points in Cook County, Ill., on the one hand, and, on the other, Three Rivers, Mich., Cincinnati and Dayton, Ohio, and Louisville, Ky., between points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, between the plant site of the Bethlehem Steel Corporation, in Burns Harbor, Porter

County, Ind., and Chicago, Ill., between points in Cook County, Ill., on the one hand, and, on the other, Grand Rapids, Kalamazoo, St. Joseph, and Shoreham, Mich., between the plant site of Ford Motor Co., located at the junction Westport Road and Murphy Lane, Jefferson County, Ky., on the one hand, and, on the other, points in Fulton, Jasper, Starke, and Pulaski Counties, Ind., those in Cook County, Ill., and Chicago, Ill., between points in Cook County, Ill., on the one hand, and, on the other, points in that part of Ohio on and bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Piqua, Ohio, and thence south along U.S. Highway 25 to the Ohio-Kentucky State line.

Household goods, between North Judson Ind., on the one hand, and, on the other, points in Cook County, Ill.; *feed, fertilizer, and farm machinery*, from Chicago and Chicago Heights, Ill., Louisville, Ky., and Cincinnati, Ohio, to points in Jasper, Pulaski, and Starke Counties, Ind.; *grain and agricultural commodities*, from points in Jasper, Pulaski, and Starke Counties, Ind., to Chicago and Chicago Heights, Ill., Louisville, Ky., and Cincinnati, Ohio; *livestock*, from points in Jasper County, Ind., to Chicago, Ill.; *farm tractors*, from Chicago, Ill., to points in Jasper County, Ind.; *mineral wool*, from North Judson, Ind., to Chicago and Chicago Heights, Ill., and return with *rejected shipments of mineral wool;* mineral wool and mineral wool insulation, from North Judson, Ind., to certain specified points in Ohio; *iron and steel articles*, from the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., to points in Michigan, and return with *materials, equipment, and supplies* used in the manufacture and processing of iron and steel articles, with restriction; *telephone directories and periodicals*, from the plant site of R. R. Donnelley & Sons Co., at or near Dwight, Ill., to Jeffersonville, Ind.; Cincinnati, Ohio, and Holland, Grand Rapids, and Lansing, Mich., points in that part of Ohio on, south, and west of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 36 to junction Interstate Highway 75, thence along Interstate Highway 75 to Cincinnati, and points in that part of Michigan on, south and west of a line beginning at Holland and extending along Michigan Highway 21 to Grand Rapids, thence along Interstate Highway 96 to Lansing, and thence along U.S. Highway 27 to the Michigan-Indiana State line; and return with *telephone directories, periodicals, and materials, supplies, and equipment* used in the manufacture and operation of printing houses. Vendee is authorized to operate as a *common carrier* in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Tennessee, Wisconsin, and Wyoming. Application has been filed for temporary authority under section 210a(b).

By the Commission.

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

[FR Doc.75-2718 Filed 1-28-75;8:45 am]

[Notice No. 684]

ASSIGNMENT OF HEARINGS

JANUARY 24, 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 the date of this publication.

MC-C-8501, Short Freight Lines, Inc., and Van Haaren Specialized Carriers, Inc.—Investigation and Revocation of Certificates, now being assigned March 4, 1975 (1 day), at Lansing, Mich., in a hearing room to be later designated.

MC-F-12269, R-W Service System, Inc.—Purchase (Portion) — Scherer Freight Lines, Inc., now being assigned March 4, 1975 (9 days), at Detroit, Mich., in a hearing room to be later designated.

MC 3647 Sub 452, Transport of New Jersey, now being assigned March 4, 1975 (3 days), at Newark, N.J., in a hearing room to be later designated.

MC 125708 Sub 136, Thunderbird Motor Freight Lines, Inc., now assigned February 20, 1975, at Washington, D.C., is cancelled and application dismissed.

MC 104004 Sub 180, Associated Transport, Inc., now being assigned March 4, 1975 (2 days), at Nashville, Tenn., in a hearing room to be designated later.

MC 139790, D & T Trucking Co., Inc., now assigned January 29, 1975, at Chicago, Ill., is cancelled and the application is dismissed.

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

[FR Doc.75-2713 Filed 1-28-75;8:45 am]

[Ex Parte No. 310]

INCREASED FREIGHT RATES AND CHARGES, 1975, NATIONWIDE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of January, 1975.

It appearing, that by petition for special permission authority (special permission application No. C-3265, dated January 7, 1975), filed by Traffic Executive Association-Eastern Railroads, Agent, (TEA-ER) for and on behalf of all parties respondents in Ex Parte No. 310, and other carriers and agents, special permission authority under section 6 of the Interstate Commerce Act is requested to depart from the terms of the Commission's Tariff Circular No. 20, upon not less than one day's notice to the Commission and public, in order to amend master tariff of Increased Rates and Charges X-310, TEA-ER ICC C-1047, jointly with other designated agents, in order to (1) provide for the non-application of such increases in rates and charges from, to, via or at points on the Florida East Coast Railway Company (FEC); (2) to amend specified items in the master tariff to make related changes with respect to the FEC; (3) flagout from application of the increases unit-train rates to Cleveland, Ohio, for competitive reasons; (4) publish hold-downs in connection with multiple car rates on wheat from the Twin Cities, Minn., area to Clifton, N.J., for competitive reasons; and (5) provide for non-application of increases in rates on zinc concentrates from Copperhill, Tenn., when subject to minimum weights of 190,000 pounds or greater;

It further appearing, that subsequent to filing special permission application No. C-3265 (supra), that the same petitioner filed special permission application No. C-3267 (as amended) requesting that the master tariff if Increased Rates and Charges X-310 be further amended so as to provide (1) for the non-application of increase on multiple-car rates from Winona, Minn., to Clifton, N.J.; (2) amend an item referring to annual volume rates in lieu of unit train rates; (3) add several paragraphs to non-application item with respect to annual volume rates (one of which will carry an effective date of February 11, 1975); (4) add a new item which would provide for non-application of the increase on TOFC traffic between points on the Southern Pacific Transportation Co. (SP), including named affiliate lines of the SP, and the Union Pacific Railroad Co. in Arizona, California, Nevada, New Mexico or Texas and points on the Burlington Northern, Inc. (BN), Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (MILW); Southern Pacific Transportation Co.; Union Pacific Railroad Co. (UP); and Western Transportation Co. in Idaho, Oregon and Washington with respect to some 104 rate items in Pacific Southcoast Freight Bureau, Agent, tariff 295-L, ICC 1919; (5) also in the same new item provide for non-application of the increase on TOFC traffic between points on the Atchison, Topeka and Santa Fe Railway Co., Western Pacific Railroad Co., including named affiliate lines, in Arizona, California, Nevada, New Mexico, or Texas, and points on BN, MILW, and UP in Idaho, Oregon and Washington with respect to certain other rate items in the aforementioned tariff of Pacific South-

coast Freight Tariff Bureau: (6) correct tariff error by changing application of increase item to read "from and to" in lieu of "between"; (7) amend general exception (non-application) item to add provisions, that the increase will not apply from, to or at stations Riviera Beach to and including Homestead, Fla. on Seaboard Coast Line Railroad Co. (SCL); and (8) amend Item 115 by changing amount of increase to read "apply Table 7, except points referred to in Note 11 and between points in Note 24, no increase";

It further appearing, that the Commission's order in the title proceeding, dated and servied November 27, 1974, required, among other things, that petitioners on or before December 20, 1974, shall file with the Commission and serve upon the parties of record in the last general increase proceeding a statement concerning the manner in which petitioners intend to resolve the problem created by the non-participation of the Chessie System and the Long Island Rail Road Company, including information as to competitive exceptions and port relationships:

And it further appearing, that granting special permission application Nos. C-3265 and C-3267 (as amended) bear upon the problems of non-participation and port relationships referred to in the Commission's order of November 27, 1974, and good cause appearing therefor:

It is ordered, That at the continued hearing herein beginning January 27, 1975, petitioners shall be prepared to present evidence concerning the effect that the instant applications have upon the revenue projections of the respondents and upon port relationships.

It is further ordered, That special permission application Nos. C-3265 and C-3267, as amended, be, and they are hereby, granted by Amendment No. 1 to Special Permission No. 75-2100, as requested, except that the publication filed hereunder shall be filed upon not less than five days' notice to the Commission and the public and be indicated to become effective February 5, 1975;

It is further ordered, That in all other respects, the terms of the original permission shall remain in full force and effect.

And it is further ordered, That notice of this order be given by serving a copy thereof on each party to this proceeding, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Fedreal Register for publication therein.

This 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.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2714 Filed 1-28-75;8:45 am]

federal register

WEDNESDAY, JANUARY 29, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 20

PART II

DEPARTMENT OF LABOR

Office of the Secretary

■

RURAL INDUSTRIALIZATION LOAN AND GRANT PROGRAMS

Review and Certification Procedures

9/16/15

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 75—DEPARTMENT OF LABOR REVIEW AND CERTIFICATION PROCEDURES FOR RURAL INDUSTRALIZATION LOAN AND GRANT PROGRAMS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT OF 1972

On October 23, 1974, at 39 FR 37650, the Secretary of Labor proposed that the procedures set forth there be followed in the discharge of his responsibilities under section 310B(d) of the Consolidated Farmers Home Administration Act of 1961 as amended, 7 U.S.C. 1932. The proposed procedures were developed in light of the experience gained under interim procedures which have been followed since the first certifications in December 1973.

A number of comments were received and, as a result of them, one substantive change has been made: In § 75.11(b)(3) a sentence has been added to provide an applicant with the opportunity to respond to any adverse comment received by the Secretary after publication of the fact that the application is pending. Other changes of an editorial nature have also been made.

Under the Act, individuals and public and private organizations may apply to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or finance business, industry or improve the economic or environmental climate of rural communities. It is not a prerequisite of such assistance that the applicant be unable to obtain credit through normal channels of finance or that he refinance the assistance if such credit becomes available.

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

In determining whether the applications should be approved or denied, the following factors will be taken into consideration by the Secretary of Labor.

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon the impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

The Act allows the Secretary of Labor 60 days within which to make each determination. The Conference Committee on the Rural Development Act of 1972 (Pub. L. 92-419), which gave this responsibility to the Secretary, reported, however, that it felt "strongly that except in unusual circumstances the Secretary of Labor would and should act within not more than 30 days" of receipt of an application. H. Rep. 92-1129, 1972 U.S.C. Cong. & Admin. News 3182.

In order to discharge his responsibilities under the Act within a time period consistent with both the 60-day statutory maximum and the 30-day limit desired by the Congress, the Secretary has determined that the certification procedures set forth below shall be followed.

The new Part 75, which shall be effective February 28, 1975, reads as follows:

Sec.
75.1 Introduction.
75.11 Standards for the review of applications.

AUTHORITY: Sec. 118, Pub. L. 92-419, 86 Stat. 663 (7 U.S.C. 1932)

§ 75.1 Introduction.

(a) Section 118 of the Consolidated Farm and Rural Development Act authorizes the Farmers Home Administration (FmHA) of the U.S. Department of Agriculture to make or guarantee loans to finance industrial and business activities in rural areas (broadly defined to include any place with a population of less than 50,000), 7 U.S.C. 1932(d). The Act also permits FmHA to make grants to public bodies for measures designed to facilitate the development of private business enterprises and for pollution control and abatement projects.

(b) As a prior condition for the approval of such loans, guarantees and grants, the Act further specifies that the Secretary of Labor must certify to the Secretary of Agriculture within 60 days after referral, that the loan or grant is not calculated to or likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant and is not calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. Responsibility within the Department of Labor (DOL) for the review and certification process has been assigned to the Manpower Administration (MA).

(c) The following procedures have been established by the Department of Labor in consultation with the Department of Agriculture for the issuance of labor certifications under this program. These procedures are designed to insure the orderly and expeditious review of the applications, with the objective of complying with the intent of the Congress that most applications will be acted upon by the Department of Labor (DOL) within 30 days after they have been received from the Department of Agriculture. It is anticipated that the procedure will permit completion of all cases within the 60-day legal maximum processing period permitted under the law.

§ 75.11 Standards for the review of applications.

(a) *Applications to be routinely approved without field review.* The following types of applications will be routinely approved and certified by the Manpower Administration (MA), provided that the required information is submitted by the applicant:

(1) *Loans which involve the change of ownership from one person or group to another or the refinancing of an existing loan;* Provided, That such loans will not result in any transfer from one area to another of any employment or business activity provided by operations of the applicant and are not calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprise. In transmitting such applications to MA, FmHA will include:

(i) A letter of transmittal stating the name and location of the applicant and the amount of the loan, and certifying that the loan is either for the purpose of financing the sale of the business or for the purpose of refinancing a loan and is not calculated to or likely to result in the transfer or expansion of employment or operations;

(ii) Three copies of Form FHA 449-22, Certification of Non-Relocation; and

(iii) Three copies of Form FHA 449-23, Data Information Sheet. MA will issue an affirmative certification on such applications, without further review, within 10 working days.

(2) *Loans of less than $100,000 where the loan proceeds are expected to result in the employment of not more than five workers.* In such instances, the FmHA

transmittal letter will call attention to the fact that the application involved falls within this category. This should be supported by data in the revised Forms FHA 449–22 and 449–23 to be forwarded in triplicate to the DOL. For loan applications in this category, the FmHA will also attach a certification signed by the State FmHA director indicating that he has reviewed the loan application and certifying that such a loan is not calculated to or likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant and is not calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand for such goods, materials, commodities, services, or facilities in the area, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. Unless there is other evidence to indicate an adverse effect on unemployment or competitive business enterprises, MA will accept this certificate and accompanying forms as the basis for an affirmative certification without further review and will so certify within 10 working days after receipt.

(3) *Grants where there are no known current or future occupants.* In the case of such applications, e.g., a county's proposal to build an industrial park, FmHA will send a transmittal letter to MA stating the name and location of the applicant, and the amount and purpose of the grant, and certifying that there are no known current or future occupants. FmHA will also forward with the letter a resolution or other statement from the local governing body agreeing to a *prior* review and certification by MA of any person or organization which may occupy all or part of the facility within 3 years from the date of the certification, to insure that the requirements of the Act are being complied with. MA will, within 10 days after receipt of such applications, issue an affirmative certification conditional upon the right of review and certification of each potential occupant within the 3-year period.

(4) *Grants where the occupants are known, and the improvement will not result in a transfer or increase in operations or employment by the occupants.* The FmHA transmittal letter shall provide, in addition to the information specified in paragraph (a)(3) of this section, the names of the occupants and a statement that this grant is not calculated to or likely to result in a transfer or increase in operations or employment. The applicant shall also be required to submit the same type of resolution as that specified in paragraph (a)(3) of this section. On the receipt of such data, MA will issue a certification on the grant application and will certify the known occupants as well. The certification may require, however, that additional occupants or a change in occupants within the first 3 years after certification is subject to review and a redetermination.

(b) *Applications which will require field or other review.* (1) All loan and grant applications other than those specified in paragraph (a) of this section will be subject to a full review by the MA prior to the issuance of a certification. For each loan application, the FmHA shall submit to MA:

(i) A letter of transmittal stating the name and location of the applicant and the amount of the loan;

(ii) Six copies of the Certificate of Non-Relocation (Form FHA 449–22);

(iii) Six copies of the Data Information Sheet (Form FHA 449–23); and

(iv) Any supplemental information, including A–95 Clearinghouse reports, which FmHA believes may be of value to MA in evaluating the application.

For grant applications, the letter of transmittal shall also provide information about the purpose of the grant. Two copies of a resolution or other statement of the type specified under paragraph (a)(3) of this section shall also be submitted with each grant application.

(2) Upon receipt of applications, MA will review the materials for completeness and will inform FmHA in writing of any missing items within 2 working days after the date of receipt. It is agreed that in such instances the statutory 60-day period will not begin until the file is complete. State Employment Security Agencies will be requested, through the MA regional offices, to provide labor market information needed to determine whether the loan would result in adverse competitive effect upon existing competitive enterprises in the area. Comments will be due in the MA national office 3 weeks after receipt of the request in the MA regional offices.

(3) To assist in the review process, DOL will publish in the FEDERAL REGISTER a weekly listing of applications received (other than those to be routinely certified). The listing will include the name and location (City and State) of the applicant and the principal product or type of business activity. In the case of grant applications, the listing will also include the name and principal product or business activity of the occupant(s) of the facility for which the grant is being made. All interested parties will be afforded a 2-week period from the date of publication to comment in writing to MA. In the event that adverse comments are received, the applicant will be sent copies of such comments by certified mail, and afforded an opportunity to provide such additional information as the applicant deems appropriate within 2 weeks from the date of transmittal. The Farmers Home Administration will also be provided with copies of such adverse comments.

(4) In some instances, involving particularly complex situations, MA may request the Economic Development Administration (EDA) in the Department of Commerce, or other agencies to provide supplemental data. The number of such requests will depend upon the extent to which the DOL is capable of making resources available to EDA or other agencies to perform this function.

(5) When all the data have been assembled, a determination will be made by MA of whether the requested certifications may be certified or denied. FmHA will be notified in writing of the determination. If DOL's investigation indicates the need for additional information, all material will be returned to FmHA with instructions indicating the additional information needed to make a certification. Continuation of the 60-day time limit will begin again when the additional material is returned to Labor.

(6) All denials will be given additional consideration if the applicant or the Department of Agriculture provides additional evidence which they believe merits further consideration. If the DOL reaffirms its denial after a review of all available facts and such additional investigation as it may make, such denial shall be considered as final.

Signed at Washington, D.C. this 23rd day of January, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-2643 Filed 1-28-75;8:45 am]

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PART III

FEDERAL HOME LOAN BANK BOARD

■

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Conversions from Mutual to Stock Form

FEDERAL HOME LOAN BANK BOARD

[No. 74-1343]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[12 CFR Part 563b]

Conversions from Mutual to Stock Form; Proposed Amendments

SUMMARY

DECEMBER 19, 1974.

The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full discussion in the following preamble and to the specific provisions of the regulations.

I. *Principal provisions reflecting proposed changes.* A. *Mandatory priorities in conversion plans:*

(1) Pure pro rata share.

(2) Greater of 100 shares or number of shares equal to two times the quotient obtained by dividing qualifying deposit by subscription price per share.

(3) Association members who are not eligible account holders to receive rights to purchase up to 100 shares.

B. *Optional priorities:*

(1) Directors, officers and employees may purchase limited priority amount.

(2) Public offering provision.

(3) Private placement provision.

(4) Eligible account holders may purchase excess.

C. *Discounts.* Provisions concerning discounts and related holding periods eliminated.

D. *Approvals and judicial review.* Preliminary and final approval provisions are consolidated; the present "preliminary" approval becomes final action for purposes of judicial review.

II. *Other Amendments.* A. Definitions of entitlement shares and subscription offering are amended to conform to amended regulations.

B. Definition of eligible account holder is amended to include only a person having a qualifying deposit.

C. Conforming amendments are made to reflect authority for Federal stock charters.

III. *Forms.* A. Amend forms to conform to amended regulations.

B. Redesignate form PA as form AC (application for conversion) and delete form FA.

The Federal Home Loan Bank Board, by Resolution No. 74-144, dated February 28, 1974, adopted Part 563b of the Rules and Regulations for Insurance of Accounts (12 CFR 563b) to permit conversions of insured institutions from mutual to stock form. Those regulations became effective on April 8, 1974. Since April 8, 1974, over 30 conversion applications have been analyzed. Analysis of these applications, discussions with other regulatory agencies and the adoption of Pub. L. 93-495 (H.R. 11221) have indicated the need to amend the regulations adopted on February 28, 1974. Accordingly, the Board hereby proposes to amend Part 563b of the Rules and Regulations for Insurance of Accounts, as discussed herein.

Presently § 563b.3(c)(3) provides that, after eligible account holders are given the right to subscribe to their entitlement shares under § 563b.3(c)(2), they shall receive nontransferable subscription rights to purchase additional shares of capital stock to the extent such shares are available after satisfaction of their rights under § 563b.3(c)(2). Presently the plan of conversion is permitted to place a limit of not less than one percent of the total offering on the number of shares to which "each eligible account holder or group of eligible account holders affiliated with each other or otherwise acting in concert" can subscribe under § 563b.3(c)(3). If a plan of conversion does not contain the one percent limitation any eligible account holder who holds any qualifying deposit could subscribe for all or a significant portion of the stock left after satisfaction of § 563b.3(c)(2). Such subscriptions could or would cause oversubscription and reallocation of the priority under § 563b.3(c)(3) with the possibilities of attendant inequities, delays and excessive expense. If a plan of conversion does contain the permitted maximum purchase limitation of not less than one percent, the task of determining whether eligible account holders are acting in concert could cause unnecessary expense and delay.

In order to remedy these problems the Board proposes to amend § 563b.3(c) to make it mandatory that plans of conversion contain:

(1) A provision giving eligible account holders their pure pro rata share, that is the share that results when the total number of shares is multiplied by the amount of an eligible account holder's qualifying deposit divided by the total amount of qualifying deposits.

(2) A provision giving each eligible account holder the right to subscribe to the greater of 100 shares or a number of shares equal to two times the quotient obtained by dividing such account holder's qualifying deposit by the subscription price per share.

(3) A provision allowing those account holders and borrowers entitled to vote at the meeting called to consider the conversion, but who are not eligible account holders, to purchase up to 100 shares.

The Board further proposes to amend § 563b.3(d) to provide that a plan of conversion may have the following optional provisions. These provisions may be used singly or in combination.

(1) A provision that directors, officers, and employees shall be entitled to purchase stock after § 563b.3(c) has been satisfied but the amount such persons may subscribe for is limited;

(2) A provision providing for a public offering;

(3) A provision providing for a private placement after an additional offering to eligible account holders of shares equal to their mandatory subscription rights;

(4) A provision permitting an additional offering to eligible account holders with such limitations as the converting association may determine.

Presently, Part 563b provides that a plan of conversion may allow certain account holders to be given subscription rights to purchase shares of stock at a discount, and that certain holding periods attach to any shares purchased at a discount. Experience has caused the Board to question the desirability of these provisions and the Board therefore proposes to delete them from Part 563b. The Board will, however, consider on the merits discount provisions in existing plans of conversion.

Pub. L. 93-495 amended § 402(j) of the National Housing Act to provide that an "aggrieved person may obtain review of a final action [of the Board] which approves, with or without conditions, or disapproves a plan of conversion . . ." only by complying with § 408(k) of the National Housing Act. Presently, Part 563b provides for preliminary Board approval before the plan of conversion is voted on by the members of a converting association and for final approval after such vote. The subscription period and public or other offering occur after final approval. Under the proposal the present preliminary approval would become the final action of the Board for purposes of judicial review and the present final approval procedure would be established as a condition of the Board's final action. The proposal would also indicate the subsequent changed circumstances under which the finality of the Board's action would be superseded.

Pub. L. 93-495 further amended § 402(j) of the National Housing Act to provide that a converting Federal association may retain its Federal charter. Presently, certain sections of Part 563b exclude the possibility of converting Federal associations retaining their Federal charters. Those sections would be amended to refer to converting Federal associations which retain their Federal charters.

Presently, § 563b.3(e)(1)(i) permits a plan of conversion to provide that a savings account balance of less than $100 (or any lesser amount) shall not constitute a qualifying deposit. The Board proposes to reduce the $100 figure to $50. This conforms with § 545.1-1 of the Federal Regulations (12 CFR 545.1-1) which permits a Federal association, by resolution of its board of directors, not to distribute earnings on accounts of $50 or less.

Current § 563b.2(a)(14) defines an eligible account holder as "any person holding a savings account in a converting institution on the eligibility record date." Currently, if a plan includes a provision stating that a deposit of less than $100 shall not constitute a qualifying deposit, an account holder with an account on the eligibility record date who has a deposit in a lesser amount would not have a qualifying deposit but would be an eligible account holder. The Board proposes to define an eligible account holder in terms of his qualifying deposit.

In addition, a variety of conforming changes are made to the forms used in connection with Part 563b.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by February 28, 1975, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

PART 563B—CONVERSIONS FROM MUTUAL TO STOCK FORM

1. Section 563b.1 would be amended by revising paragraph (a) and by deleting the phrase "preliminary approval of" from paragraph (c)(1), as follows:

§ 563b.1 Scope of part.

(a) *General.* Except as the Corporation may otherwise determine, the provisions of this part shall exclusively govern the conversion of mutual insured institutions capital stock insured institutions. No such mutual institution shall convert to the capital stock form of organization without the prior written approval of the Corporation pursuant to the provisions of this part, except as the Corporation may otherwise provide in supervisory cases.

* * * * *

(c) *Conflicts with State law.* (1) In the event an applicant finds that compliance with any provision of this part would be in conflict with applicable State law, the applicant may file with the Corporation a written request for waiver of compliance with such provision. Such request may be incorporated in the application for conversion; otherwise, the applicant shall file four copies of such request.

* * * * *

2. Section 563b.2 would be amended by revising paragraphs (a) (14), (16) and (31); by deleting paragraph (a)(30); and by redesignating present paragraphs (a) (31), (32), (33) and (34) as paragraphs (a) (30), (31), (32) and (33), as follows:

§ 563b.2 Definitions.

(a) As used in this part and in the forms under this part, the following definitions apply, unless the context otherwise requires:

* * * * *

(14) *Eligible account holder.* The term "eligible account holder" means any person holding a qualifying deposit as determined in accordance with § 563b.3(e).

* * * * *

(16) *Entitlement Shares.* The term "entitlement shares" means the shares of capital stock an eligible account holder is entitled to purchase determined as computed under § 563b.3(c)(2).

* * * * *

(30) *Subscription offering.* The term "subscription offering" refers to the offering of shares of capital stock, through nontransferable subscription rights issued to: (1) eligible account holders as required by § 563b.3(c) (2) and (3); (2) members entitled to vote at the meeting called to consider the conversion as required by § 563b.3(c)(4); (3) directors, officers and employees, as permitted by § 563b.3(d)(1); and (4) eligible account holders as permitted by § 563b.3(d) (2) and (4).

(31) *Subsidiary.*

* * * * *

(32) *Supervisory Agent.*

* * * * *

(33) *Underwriter.*

* * * * *

3. Section 563b.3 would be amended by deleting the phrase "preliminary approval of" from paragraph (b); by revising paragraphs (c) and (d); by changing the figure "$100" to "$50" in paragraph (e)(1)(i); and by adding the phrase "Federal or" to the first sentence of paragraph (i)(3), as follows:

§ 563b.3 General principles for conversions.

* * * * *

(b) *General requirements.* No application for conversion shall be approved by the Corporation if:

* * * * *

(c) *Required provisions in plan of conversion.* The plan of conversion shall:

(1) Provide that the converting insured institution shall issue and sell its capital stock at a total price equal to the estimated pro forma market value of such stock in the converted insured institution, based on an independent valuation, as provided in § 563b.7.

(2) Provide that each eligible account holder shall receive without payment, nontransferable subscription rights to purchase entitlement shares in an amount equal to the product (rounded down to the next whole number) obtained by multiplying the total number of shares of capital stock to be issued by a fraction of which the numerator is the amount of the qualifying deposit of the eligible account holder and the denominator is the total amount of qualifying deposits of all eligible account holders in the converting insured institution.

(3) Provide that each eligible account holder shall receive, without payment, additional nontransferable subscription rights to purchase additional shares, subject to the following conditions:

(i) The maximum number of additional shares which an eligible account holder may subscribe for under this paragraph (c)(3) shall be the greater of:

(A) 100 shares; or

(B) Twice the number of shares obtained by dividing the amount of the qualifying deposit of the eligible account holder by the subscription price per share (rounded down to the next whole number);

(ii) The number of nontransferable subscription rights to purchase entitlement shares received by an account holder in accordance with paragraph (c)(2) of this section shall be applied in partial satisfaction of the subscription rights to be distributed pursuant to this paragraph (c)(3);

(iii) In the event of an oversubscription for additional shares pursuant to this paragraph (c)(3), shares shall be allocated among the subscribing eligible account holders as follows:

(A) Any shares not subscribed for in accordance with paragraph (c)(2) of this section shall be allocated among subscribing eligible account holders so as to permit each such account holder, to the extent possible, to purchase a number of shares sufficient to make his total allocation (including the number of shares allocated in accordance with paragraph (c)(2) of this section) equal to 100 shares.

(B) Any shares not allocated in accordance with paragraph (c)(3)(iii)(A) of this section shall be allocated among the subscribing eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits, as may be provided in the plan of conversion.

(4) Association members who are not eligible account holders shall receive, without payment, nontransferable subscription rights to purchase up to 100 shares of capital stock, to the extent that shares are available after satisfying the entitlement and additional shares subscriptions of eligible account holders provided for under paragraphs (c)(2) and (3) of this section. In the event of an oversubscription for shares under the provisions of this subdivision (4), the shares available shall be allocated among the subscribing members on such equitable basis as may be provided in the plan of conversion.

(5) Provide that the sales price of the shares of capital stock to be sold in the conversion shall be a uniform price determined in accordance with § 563b.7; and specify the underwriting, and/or other marketing arrangements to be made to assure the sale of all shares not sold in the subscription offering.

(6) Provide that each savings account holder of the converting insured institution shall receive, without payment, a withdrawable savings account or accounts in the converted insured institution equal in withdrawable amount to the withdrawal value of such account holder's savings account or accounts in the converting insured institution.

(7) Provide for the establishment and maintenance of a liquidation account for the benefit of eligible account holders in the event of a subsequent complete liquidation of the converted insured institution, in accordance with the provisions of paragraph (f) of this section.

(8) Provide for an eligibility record date, which shall be not less than 90 days prior to the date of adoption of the plan by the converting insured institution's board of directors.

(9) Provide that the holders of the capital stock of the converted insured institution shall have exclusive voting

rights, unless in the case of a State-chartered converted insured institution State law requires savings account holders and/or borrowers of the converted insured institution to have voting rights, in which case the charter of the converted insured institution shall (i) limit such voting rights to the minimum required by State law, and (ii) provide for the management of the converted insured institution to solicit proxies from such savings account holders and/or borrowers in the same manner as it solicits proxies from its shareholders.

(10) Provide that the plan of conversion adopted by the applicant's board of directors may be substantively amended by such board of directors as a result of comments from regulatory authorities or otherwise prior to the solicitation of proxies from members to vote on the plan and at any time thereafter with the concurrence of the Corporation; and that the conversion may be terminated by such board of directors at any time prior to the meeting of members called to consider the plan of conversion and at any time thereafter with the concurrence of the Corporation.

(11) Provide that all shares of capital stock purchased by directors and officers on original issue in the conversion either directly from the insured institution (by subscription or otherwise) or from an underwriter of such shares, shall be subject to the restriction that such shares shall not be sold for a period of not less than one year following the date of purchase, except in the event of death of the shareholder.

(12) Provide that, in connection with shares of capital stock subject to restriction on sale for a period of time:

(i) Each certificate for such stock shall bear a legend giving appropriate notice of such restriction;

(ii) Appropriate instructions shall be issued to the transfer agent for the converted insured institution's capital stock with respect to applicable restrictions on transfer of any such restricted stock; and

(iii) Any shares issued as a stock dividend, stock split or otherwise with respect to any such restricted stock shall be subject to the same restriction as may apply to such restricted stock.

(13) Contain no provision which the Corporation shall determine to be inequitable or detrimental to the applicant, its savings account holders or other insured institutions or to be contrary to the public interest.

(d) *Optional provisions in plan of conversion.* The plan of conversion may provide any or all of the following:

(1) That directors, officers, and employees of the converting insured institution, as part of the subscription offering, shall be entitled to purchase shares of capital stock, to the extent that shares are available after satisfying the subscriptions of eligible account holders provided for under paragraphs (c) (2) and (3) of this section and the subscriptions of association members who are not eligible account holders provided for under paragraph (c) (4) of this section, subject to the following conditions:

(i) The total number of shares which may be purchased under this subdivision (1) shall not exceed 20 percent of the total number of shares to be issued in the case of a converting insured institution with total assets of less than $50 million or 10 percent in the case of a converting insured institution with total assets of $500 million or more; in the case of a converting insured institution with total assets of $50 million or more but less than $500 million, the percentage shall be no more than a correspondingly appropriate number of shares based on total asset size (for example, 15 percent in the case of a converting insured institution with total assets of approximately $275 million); and

(ii) The shares shall be allocated among directors, officers, and employees on an equitable basis such as by giving weight to period of service, compensation and position, subject to a reasonable limitation on the amount of shares which may be purchased by any person or group of affiliated persons or group of persons acting in concert.

(2) That each eligible account holder, as part of the subscription offering, shall also receive, without payment, nontransferable subscription rights to purchase additional shares of capital stock, to the extent that such shares are available after satisfying the subscriptions provided for under paragraphs (c) (2), (3), and (4) of this section, subject to such conditions as may be provided in the plan of conversion. In the event of an oversubscription for such additional shares, the shares available shall be allocated among the subscribing eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits, as may be provided in the plan of conversion. Where possible such additional shares shall be allocated in such a manner that total purchases by eligible account holders shall be rounded up to the nearest 100 shares.

(3) That any shares of the converting insured institution not sold in the subscription offering shall be sold in a public offering subject to such conditions as may be provided in the plan of conversion.

(4) That any shares of the converting insured institution not sold in the subscription offering shall be sold in a private distribution, subject to such conditions as may be provided in the plan of conversion and to a requirement that each eligible account holder shall receive, without payment, additional non-transferable subscription rights to purchase additional shares equal to the number such account holder is entitled to purchase under paragraph (c) (3) (i) of this section before any shares are sold in a private distribution under this paragraph (4).

(5) That each eligible account holder exercising subscription rights to purchase entitlement or additional shares shall be required to purchase a minimum of up to 25 shares to the extent such shares are available (but the aggregate price for any minimum share purchase shall not exceed $500).

(6) That management employment contracts may be authorized and a qualified stock option plan may be adopted at the meeting at which the plan of conversion is voted upon by the members of the converting insured institution.

(7) That the converted insured institution shall issue and sell, in lieu of shares of its capital stock, units of securities consisting of capital stock and long-term warrants or other equity securities, in which event any reference in the provisions of this part to capital stock shall apply to such units of equity securities unless the context otherwise requires.

(e) *Determination of amount of qualifying deposit; predecessor and successor accounts.* (1) Unless otherwise provided in the plan of conversion, for the purposes of this section, the amount of the qualifying deposit of an eligible account holder shall be the total of the deposit balances in the eligible account holder's savings accounts in the converting institution as of the close of business on the eligibility record date. However, the plan of conversion may provide that any one or more of the following optional provisions shall apply in determining the amount of the qualifying deposit:

(i) Any savings accounts with total deposit balances of less than $50 (or any lesser amount) shall not constitute a qualifying deposit.

* * * * *

(l) *Acquisition of converted insured institutions.*

* * * * *

(3) *Optional charter provision.* To the extent permitted by applicable Federal or State law, a plan of conversion may provide for a provision in the charter of the converted insured institution containing, in substance, the restriction set forth in paragraph (l) (2) of this section. There may also be included a restriction providing that such charter provision may be amended only by a vote of up to 75 percent of the votes eligible to be cast at a regular or special meeting of shareholders of the converted insured institution. If the converted insured institution elects to adopt the foregoing optional charter provision, the Corporation will impose, as a condition to its approval of the conversion, a requirement that the converted institution fully enforce such charter provision.

* * * * *

4. Section 563b.4 would be amended by revising the title of paragraph (a); by substituting the word "conversion" for the phrase "preliminary approval" in the first sentence of paragraph (a) (1) and the last sentence of paragraph (a) (2); by substituting the phrase "Federal (or State, as the case may be)" for the word "State-chartered" in paragraph (a) (3) (i), by substituting the word "conversion" for the phrase "preliminary approval" in the first sentence of paragraph (b) (1) and in the title of the notice quoted in paragraph (b) (1); and by revising that notice by deleting the word "preliminary" and changing the address of the Corporation, as follows:

§ 563b.4 Notice of filing; public statements; confidentiality.

(a) *Information prior to approval of plan of conversion.* (1) An insured institution which is considering converting pursuant to this part and its directors, officers and employees shall maintain such consideration in confidence to the extent consistent with the need to prepare information for filing an application for conversion. If it should become essential as a result of rumors prior to the adoption of a plan of conversion by the applicant's board of directors, a public statement limited to that purpose may be made by the applicant.

(2) Promptly after the adoption of a plan of conversion by not less than two-thirds of its board of directors, the insured institution shall (i) notify its members of such action by publishing a statement in a newspaper having general circulation in each community in which an office of the insured institution is located and/or by mailing a letter to each of its members and (ii) have copies of the adopted plan of conversion available for inspection by its members at each office of the insured institution. The insured institution may also issue a press release with respect to such action. Copies of the proposed statement, letter and press release are not required to be filed with the Corporation, but may be submitted for comment to the Office of General Counsel. Copies of the definitive statement, letter and press release shall be filed with the Corporation as part of the application for conversion.

(3) The statement, letter and press release, unless otherwise authorized by the Corporation shall contain only (but need not contain all of) the following:

(i) A statement that the board of directors has adopted a proposed plan to convert the insured institution from a Federal (or State, as the case may be) mutual institution to a Federal (or State, as the case may be) capital stock insured institution.

* * * * *

(b) *Notice of filing.* (1) Upon determination that an application for conversion is properly executed and is not materially incomplete, the Corporation will advise the applicant, in writing, to publish a notice of the filing of such application. Promptly after receipt of such advice, the applicant shall publish a notice of such filing in a newspaper printed in the English language and having general circulation in each community in which an office of the applicant is located, as follows:

NOTICE OF FILING OF AN APPLICATION FOR CONVERSION TO CONVERT TO A STOCK SAVINGS AND LOAN ASSOCIATION

Notice is hereby given that, pursuant to Part 563b. of the Rules and Regulations for Insurance of Accounts_____

(fill in name of applicant)

has filed an application with the Federal Savings and Loan Insurance Corporation for approval to convert to the stock form of organization. Copies of the application have been delivered to the Office of the Secretary of said Corporation, 320 First Street, N.W., Washington, D.C. 20552, and to the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of_____

(Street address) (City) (State)

(ZIP Code)

* * * * *

5. Section 563b.5 would be amended by deleting the word "preliminary" from paragraph (a)(2) and from paragraph (e)(1); by deleting paragraph (g)(3)(iii); and by redesignating present paragraph (g)(3)(iv) as (g)(3)(iii), as follows:

§ 563b.5 Solicitation of proxies; proxy statement.

(a) *Solicitations to which rules apply.* This section applies to every solicitation of a proxy from an association member of an insured institution for the meeting at which a conversion plan will be voted upon, except the following:

* * * * *

(2) Any solicitation through the medium of a newspaper advertisement which informs association members, following approval of the plan of conversion, of a source from which they may obtain copies of a proxy statement form of proxy, or any other soliciting material and does no more than (i) name the insured institution, (ii) state the reason for the advertisement, (iii) identify the proposal or proposals to be acted upon by association members, and (iv) urge the member to vote at the meeting.

* * * * *

(e) *Material required to be filed.*

(1) Applicants shall file ten preliminary copies of such proxy materials as are required by the form for applying for approval to convert under this Part.

* * * * *

(g) *False or misleading statements.*

* * * * *

(3) If a solicitation by management violates any provision of this section, the Corporation may require remedial measures including:

* * * * *

(iii) Any other actions the Corporation may deem appropriate in the circumstances in order to ensure a fair vote.

* * * * *

6. Section 563b.6 would be amended by deleting the phrase "application for final approval" from its title; by revising paragraph (a); and by deleting paragraph (e), as follows:

§ 563b.6 Vote by members.

(a) *Vote at special meeting.* Following Corporation approval of an application for conversion, the plan of conversion shall be submitted to a special meeting of members, unless in the case of a State-chartered converting insured institution State law requires that the plan be considered at an annual meeting of members.

* * * * *

(e) [Revoked; effective]

* * * * *

7. Section 563b.7 would be amended by revising paragraphs (a), (b) and (c); by deleting present paragraph (d); by deleting the phrases "and (d)" and "preliminary or final approval of" from present paragraph (e) and redesignating present paragraph (e) as paragraph (d); by revising present paragraph (f) and redesignating it paragraph (e); by deleting the phrases "and (d)" and "to the materials in support of such price ranges and prices" from the first sentence of present paragraph (g)(1) and redesignating that paragraph as paragraph (f); by revising paragraph (h) and redesignating that paragraph as paragraph (g); by deleting present paragraph (j); and by redesignating present paragraphs (i) and (k) as paragraphs (h) and (i), as follows:

§ 563b.7 Pricing and sale of securities.

(a) *General.* No offer to sell securities of an applicant pursuant to a plan of conversion may be made prior to approval by the Corporation of the application for conversion and until the proxy statement has been authorized for use by the Corporation. No sale of such securities in the subscription offering may be made except by means of the final offering circular for the subscription offering. No sale of unsubscribed securities may be made except by means of the offering circular for the public or other offering. The provisions of this paragraph shall not apply to preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are or are to be in privity of contract with the applicant.

(b) *Distribution of offering materials.* The proxy statement authorized for use by the Corporation, or any preliminary offering circular for the subscription offering which has been filed with the Corporation, may be distributed to eligible account holders not entitled to vote on the plan of conversion and to others in connection with the subscription offering at the same time as or after such proxy statement is mailed to association members pursuant to § 563b.6(c). Any preliminary offering circular for the public or other offering of unsubscribed securities, which has been filed with the Corporation, may be distributed in connection with such offering at the same time as or after such proxy statement is mailed to association members pursuant to § 563b.6(c). No final offering circular shall be distributed until such offering circular has been declared effective by the Corporation.

(c) *Estimated price information in proxy statements and preliminary offering circulars.* With respect to the capital stock of the applicant to be sold under the plan of conversion, the proxy statement and any preliminary offering circular for the subscription offering shall set forth the estimated subscription price range. The maximum of such price range should normally be no more

than 15 percent above the average of the minimum and maximum of such price range and the minimum should normally be no more than 15 percent below such average. The maximum price used in the price range should normally be no more than $50 per share and the minimum no less than $5 per share.

(d) *Prohibited representations.* The Corporation will review the price information required under paragraph (c) of this section in determining whether to give approval to the application for conversion.

* * * * *

(e) *Underwriting expenses.* Underwriting commissions shall not exceed an amount or percentage per share acceptable to the Corporation. No underwriting commissions shall be allowed or paid with respect to shares of capital stock sold in the subscription offering; however, an underwriter may be reimbursed for accountable expenses in connection with the subscription offering where the public offering is so small that reasonable underwriting commissions thereon would not be sufficient to cover total accountable expenses. The term "underwriting commissions" includes underwriting discounts.

(f) *Pricing materials.* (1) In considering the pricing information required under paragraph (c) of this section, the Corporation will apply the following guidelines:

* * * * *

(g) *Order forms for purchase of capital stock.* (1) Promptly after the Corporation has declared the offering circular for the subscription offering effective, the applicant shall distribute order forms for the purchase of shares of capital stock in the subscription offering to all eligible account holders, members eligible to vote at the meeting to consider the conversion and other persons who may subscribe for such shares under the plan of conversion.

* * * * *

(3) The maximum subscription price stated on each order form shall be the amount to be paid when the order form is returned. The maximum subscription price shall be within the subscription price range stated in the proxy statement. If the actual public offering price is less than the maximum subscription price stated in the order form, the actual subscription price shall be correspondingly reduced and the difference shall be refunded to those who have paid the maximum subscription price. However, if the actual subscription price is more than 25 percent less than the maximum subscription price, previously returned order forms shall not be binding and a resolicitation through new order forms shall be required.

(4) Each order form shall be prepared so as to indicate to the person receiving it, in as simple, clear and intelligible a manner as possible, the actions which are required or available to him with respect to the form and the capital stock offered for purchase thereby. Specifically, each order form shall:

(i) Indicate the number of entitlement shares and the number of additional shares for purchase by the eligible account holder in the subscription offering. Indicate separately any other subscription rights which are available to eligible account holders and to other persons who may subscribe for capital stock under the plan of conversion. If there are several different types of subscription rights under the plan of conversion so that their inclusion on a single order form would cause it to be too complex, the applicant may wish, and the Corporation may require, the distribution of different order forms to different classes of persons who may subscribe;

* * * * *

(5) * * *

* * * * *

(h) *Withdrawal from certificate accounts.*

* * * * *

(i) *Period for completion of sale.*

* * * * *

(8) Section 563b.8 would be amended by revising paragraphs (a), (b), (c), and (d); by changing the phrases "paragraph (c)(4)(ii)" and "paragraph (c)(4)(i)" in present paragraphs (c)(4)(i) and (ii) to "paragraph (e)(4)(ii)" and "paragraph (e)(4)(i)"; by changing the phrase "paragraph (1)" in present paragraph (e) to "paragraph (n)" and deleting the word "preliminary" from that paragraph; by changing the phrase "paragraph (j)" in the second sentence of present paragraph (i)(1) to "paragraph (l)"; by changing the phrase "paragraph (m)(2)" in present paragraph (m)(1) to "paragraph (o)(2)"; by adding a new paragraph (m)(3) immediately following paragraph (m)(2) of present paragraph (m); by changing the phrase "paragraph (n)" in present paragraph (n)(2) to "paragraph (p)"; by changing the letter "(r)" in paragraph (i)(2) to "(t)"; by adding a new paragraph (u) immediately following present paragraph (r); and by redesignating paragraphs (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r) and (s) as paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t) and (v), as follows:

§ 563b.8 Procedural requirements.

(a) *Filing an application for conversion.* An applicant that desires to convert in accordance with this part shall file ten copies of an application for approval in the form prescribed by the Corporation.

(b) *Return of improperly executed or materially incomplete filings.* Any application for approval that is improperly executed, or that does not contain copies of (i) a plan of conversion, (ii) a preliminary proxy statement with signed financial statements, and (iii) a preliminary form of proxy, shall not be accepted for filing and shall be returned to the applicant. Any application for approval containing a materially incomplete plan of conversion, proxy statement, or form of proxy may be returned by the Corporation to the applicant.

(c) *Additional filing requirements.* An applicant whose plan of conversion has been approved by the Corporation shall fulfill the following requirements:

(1) The applicant shall file with the Corporation promptly after the meeting of association members called to consider the plan of conversion a certified copy of each resolution adopted at such meeting relating to the plan of conversion, together with the following information:

(i) The total number of votes eligible to be cast;

(ii) The total number of votes represented in person or by proxy at the meeting;

(iii) The total number of votes cast in favor of and against each such matter; and

(iv) The percentage of votes necessary to approve each such matter.

The compilation of the votes cast at the meeting may be prepared for the insured institution, by an independent public accountant or by an independent transfer agent.

(2) The applicant shall file with the Corporation promptly after the meeting of association members called to consider the plan of conversion an opinion of counsel to the effect that (1) the meeting of members was duly held in accordance with all requirements of applicable State and Federal law and regulation; and (2) all requirements of State law applicable to the conversion have been complied with.

(3) The offering circulars for the subscription offering and for the public or other offering shall be prepared in compliance with this part and Form OC. The applicant shall file with the Corporation ten copies of each preliminary offering circular and twenty-five copies of each final offering circular.

(d) *Termination or amendment of charter.* (1) Upon approval of a plan of conversion by the members of a State-chartered insured institution or a Federal association which is converting to a State-chartered stock insured institution, the charter of such insured institution shall terminate effective upon the issuance to it of a stock charter under the laws of the State in which the home office of the applicant is located. If such converting insured institution is a Federal association, its Federal charter shall promptly be surrendered to the Board for cancellation. An insured institution converting to a State-chartered stock insured institution shall promptly file with the Corporation a copy of the stock charter issued to it. The certificate of insurance of such insured institution shall promptly be surrendered to the Corporation for amendment or cancellation, and the Corporation shall promptly issue an amended or new certificate of insurance to the converted insured institution.

(2) A Federal association converting to a Federal stock association shall apply to amend its charter and bylaws to read

in the form of a charter and bylaws for a Charter S association. The effective date of such amendment shall be stated in the Board's resolution approving the conversion.

(e) *Number of copies; place of filing; binding; signatures.*

* * * * *

(f) *Requirements as to paper and printing.*

* * * * *

(g) *Method of preparation.*

* * * * *

(h) *Interpretation of requirements.*

* * * * *

(i) *Additional information.*

* * * * *

(j) *Information unknown or not reasonably available.*

* * * * *

(k) *Incorporation of certain information by reference.*

* * * * *

(l) *Summaries or outlines of documents.*

* * * * *

(m) *Legibility of materials.*

* * * * *

(n) *Presentation of information.*

* * * * *

(o) *Application of amendments to regulations and forms.*

(1) * * *

(2) * * *

(3) Applications for conversion filed pursuant to this part shall conform to the regulations and forms of this part as revised by the Corporation effective [effective date of this amendment].

(p) *Consent of experts.*

* * * * *

(q) *Consents of persons about to become directors.*

* * * * *

(r) *Date of filing.*

* * * * *

(s) *Amendments.*

* * * * *

(t) *Pre-filing conferences with applicants.*

* * * * *

(u) *Review of Board action.* Any person aggrieved by a final action of the Board or the Corporation which approves, with or without conditions, or disapproves a plan of conversion pursuant to this part may obtain review of such action by filing in the court of appeals of the United States for the circuit in which the principal office or residence of such person is located, or in the United States Court of Appeals for the District of Columbia Circuit, a written petition praying that the final action of the Board or Corporation be modified, terminated or set aside. Such petition must be filed within 30 days after publication of notice of such final action in the Federal Register, or upon the mailing by the applicant of the notice to members as provided for in § 563b.6(c), whichever is later. The further procedure for review is as follows. A copy of the petition is forthwith transmitted to the Board or the Corporation by the clerk of the court and thereupon the Board or the Corporation files in the court the record in the proceeding, as provided in Section 2112 of Title 28 of the United States Code. Upon the filing of the petition, the court has jurisdiction, which upon the filing of the record is exclusive, to affirm, modify, terminate, or set aside in whole or in part, the final action of the Board or the Corporation. Review of such proceedings is had as provided in Chapter 7 of Title 5 of the United States Code. The judgment and decree of the court is final, except that they are subject to review by the Supreme Court upon certiorari as provided in Section 1254 of Title 28 of the United States Code.

(v) *Post-Conversion reports.*

* * * * *

9. Form PA and the Items thereunder would be amended by revising its Facing Sheet, by changing its title from "Form PA" to "Form AC", by changing its name from "Application for Preliminary Approval of Conversion" to "Application for Conversion", by changing the Board's address from "101 Indiana Avenue, N.W." to "320 First Street, N.W."; by revising paragraph A of the General Instructions to present Form PA by changing the phrases "Form PA" in the title of the paragraph and the first sentence of the paragraph to "Form AC" and deleting the word "preliminary"; by deleting the word "preliminary", where ever it appears in Items 1 and 5; by changing the figure "$20,000" to "$40,000" in Items 7; and by adding a new Item 11 immediately after Item 10, as follows:

Item 11. *Federally Chartered Stock Association Charter S Association.* State whether the converting Federal association is applying to amend its charter and bylaws to read in the form of the charter and bylaws of a Charter S association.

10. The Exhibits under present Form PA would be amended by revising Exhibit 2 by adding a new subdivision (k) immediately after subdivision (j), by revising the last sentence and by redesignating current subdivisions (k), (l), (m), and (n) as (l), (m), (n) and (o); by revising Exhibit 3 by adding a new sentence immediately after subdivision (e); and by revising Exhibit 7 by changing the phrases "§ 563b.8(h)" and "§ 563b.8(h)(2)" in paragraph (a) to "§ 563b.8(j)" and "§ 563b.8(j)(2)", by changing the phrase "§ 563b.8(n) and (o)" in paragraph (b) to "§ 563b.8(p) and (q)", by changing the phrase "§ 563b.8(c)(3)" in paragraph (e) to "§ 563b.8(e)(3)" and by changing the phrase "§ 563b.8(e)" in paragraph (f) to "§ 563b.8(g)", as follows:

Exhibit 2. Copies of Documents, Contracts and Agreements. Furnish the following documents, contracts and agreements:

* * * * *

(k) any charter amendment filed for the purpose of converting a Federal mutual association to a Federal stock association; (l) any proposed contracts or agreements among the members of a management group or syndicate regarding the purchase of unsubscribed shares; (m) any documents referred to in the answer to Item 10; (n) any trustee agreements or indentures; and (o) any agreements for the making of markets or the listing on exchanges of the stock of the converted insured institution. Documents, contracts and agreements which are furnished in proposed form under this exhibit shall be furnished in final form immediately after the meeting of association members to consider the plan of conversion, except for the documents required by subdivisions (i) and (l) which shall be furnished in substantially final form.

Exhibit 3. Opinion of Counsel. Furnish an opinion of counsel for the applicant regarding each of the following matters: (a) the legal sufficiency of the applicant's proposed certificates and order forms for capital stock and any other securities; (b) State law requirements applicable to the plan of conversion including citations to applicable State law and whether such requirements will be fulfilled by the plan; (c) the legal sufficiency of the applicant's proposed charter and bylaws; (d) the type and extent of each class of voting rights in the applicant after conversion, including any requirement of State law that savings account holders or borrowers having voting rights in the converted insured institution; and (e) the legality and Federal income tax effect to the applicant of any proposed qualified stock option plan described in response to Item 12 of Form PS. Matters listed in subdivisions (b), (c) and (d) of this Exhibit only apply to an applicant which is converting to a State-chartered stock association.

* * * * *

Exhibit 7. Other Materials. (a) If information required by an appropriate form is not given for the reasons specified in § 563b.8(j), furnish the statement required for each such omission by § 563b.8(j)(2).

(b) Furnish all consents required to be filed by § 563b.8 (p) and (q).

(c) If applicable, furnish the statement required by the Instruction to Item 5(e) of Form PS regarding events which occurred within the last ten years to directors of the applicant.

(d) If information required by Item 15(h) of Form PS relating to historical financial information is omitted, furnish the statement required by Item 15(h)(1) of Form PS.

(e) Furnish any powers of attorney employed pursuant to § 563b.8(e)(3).

(f) Furnish the cross reference sheet referred to in § 563b.8(g).

(g) If the applicant wishes to request a waiver of compliance in accordance with § 563b.1(c), furnish the materials required by § 563b.1(c)(2).

11. Form PS would be amended by revising Item 2; by revising paragraphs (a), (d), (e), (f), (g) and (i) of Item 8; by revising paragraph (c) of Item 15; and by amending paragraph (a) of Item 16 by changing the phrase "563b.8(n)" to "563b.8(p)", as follows:

Item 2. *Revocability of proxy.* State that the person giving the proxy has the power to revoke it before the proxy is exercised at the meeting. If the right of revocation is subject to compliance with any formal procedure, briefly describe such procedure. Briefly describe any charter, bylaw or applicable Federal or State law requirements otherwise restricting voting by proxy. State that the proxy is solicited for that meeting, and any adjournment thereof, and will not be used for any other meeting. (See also Section 563b.5(d)(3)).

* * * * *

Item 8. *Description of the plan of conversion.* (a) A statement to the following effect shall be inserted in the proxy statement immediately preceding the information required by this Item: The Federal Home Loan Bank Board has given approval to the plan of conversion, subject to its approval by association members and the satisfaction of certain other conditions. However, such Board approval does not constitute a recommendation or endorsement of the plan by the Board.

* * * * *

(d) With respect to the subscription offering, furnish the following information: (1) the formula to be used for determining the subscription rights of eligible account holders to purchase entitlement and additional shares pursuant to § 563b.3(c)(2) and (3); (2) any minimum share purchase requirements pursuant to § 563b.3(d)(5); (3) the provisions pursuant to § 563b.3(c)(4) for purchase of shares by association members who are not eligible account holders; (4) any optional provisions included in the plan of conversion pursuant to § 563b.3(d) for the purchase of shares of capital stock including the purchase priorities, the total number of shares which may be purchased, and the formula for their allocation; (5) the allocation formulas to be used in the event that there is an oversubscription of shares at any time during the sale of stock under the plan of conversion; and (6) the use and timing of the order forms with respect to the subscription offering.

(e)(1) Set forth on a per share basis the estimated public offering price range of the shares of capital stock to be sold pursuant to the plan of conversion; (2) state that the public offering price will be the pro forma market value of such shares based on an independent valuation; (3) state that all of the shares are required to be sold; and (4) describe briefly the results of the appraisal of the association made by an independent appraiser for the purpose of determining the estimated price range.

(f) Discuss (1) the earnings per share on a pro forma basis of the capital stock to be sold as of the end of the most recent period covered by the statements of operation required by Item 15(b)(1); and (2) the book value per share on a pro forma basis as of the date of the latest statement of financial conditions required by Item 15(a).

Instruction. Earnings and book value per share shall be furnished without giving effect to the estimated net proceeds from the sale of the capital stock, and then after giving effect to such proceeds with all assumptions used clearly stated.

(g) With respect to the subscription offering, state the proposed commencement and expiration dates of the subscription period and describe any provisions in the plan of conversion related to the timing of the subscription offering or extension of the subscription period. Also, state (1) that a maximum subscription price will be set forth in the offering circular used for the subscription offering; (2) that the actual subscription price will be the public offering price; (3) that the actual subscription price will not exceed the maximum subscription price shown on the order form; and (4) that any difference between the maximum and actual subscription prices will be refunded.

* * * * *

(l)(1) State whether the plan of conversion provides for the capital stock not purchased in the subscription offering to be offered to the public through underwriters. If such is the case, provide the information to the extent known required by Item 6 of Form OC and indicate the proposed timing of the underwritten offering. (2) State whether the plan of conversion provides for a private distribution of any shares not purchased in the subscription offering. If such is the case, provide the information, to the extent known, required by Item 6 of Form OC and indicate the proposed timing of the private distribution.

* * * * *

Item 15. *Financial Statements.*

* * * * *

(c) *Statements of changes in financial position.* Furnish certified statements of changes in financial position (1) for each of the three fiscal years preceding the date of the latest statement of financial condition filed under paragraph (a) and (2) furnish a statement for the period if any, between the close of the latest of such fiscal years and the date of the latest statement of financial condition filed under paragraph (a). This additional statement need not be certified.

* * * * *

Item 16. *Consents of experts and reports.* (a) The proxy statement shall briefly describe all consents of experts filed pursuant to § 563b.8(p).

* * * * *

12. Form OC would be amended by adding the words "and use of" to the title of Item 1; by revising Item 4; and by deleting the phrase "or prices" from paragraph (h) of Item 6, as follows:

Item 1. *Information required by and use of Form OC.*

* * * * *

Item 4. *Preliminary offering circular.* The outside front cover page of any preliminary offering circular shall bear, in red ink, the caption "Preliminary Offering Circular", the date of its issuance, and the following statement printed in type as large as that used generally in the body of such offering circular.

"This offering circular has been filed with the Federal Savings and Loan Insurance Corporation, but has not been authorized for use in final form. Information contained herein is subject to completion or amendment. The shares covered hereby may not be sold nor may offers to buy be accepted prior to the time the offering circular is declared effective by the Federal Savings and Loan Insurance Corporation. This offering circular shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these shares in any State in which such offer, solicitation or sale would be unlawful prior to registration or qualification under the securities laws of any such State."

* * * * *

13. Form FA would be deleted.

* * * * *

(Sec. 105, Pub. L. 92-495, October 28, 1974; secs. 402, 403 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730; Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

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