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PART I

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

February 20, 1975—Pages 7391–7615

reminders

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

Rules Going into Effect Today

DOT/FAA—Airworthiness Directive; Pratt & Whitney JT8D aircraft engines. 6202; 2–10–75

Standard Instrument Approach Procedures..... 3577; 1–23–75

Transition area; Gainesville, Ga. 4905; 2–3–75

Daily List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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contents

list of cfr parts affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

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

3 CFR

EXECUTIVE ORDER:
11838 7391

5 CFR

213 (7 documents) 7433, 7434
550 7434
735 7435
PROPOSED RULES:
302 7465
330 7465
353 7465
531 7465
550 7465

7 CFR

907 7435
PROPOSED RULES:
270 7455
271 7455
1823 7454

14 CFR

71 (4 documents) 7435, 7436
121 7436
PROPOSED RULES:
71 7464

16 CFR

13 7393

17 CFR

240 7394

21 CFR

2 7403
121 7404
PROPOSED RULES:
1 7455
640 7456

24 CFR

42 7602

26 CFR

1 7437
PROPOSED RULES:
1 7453

29 CFR

516 7404
552 7404
PROPOSED RULES:
2520 7464
2521 7464
2522 7464
2523 7464

31 CFR

1 7439

32 CFR

812 7407

40 CFR

PROPOSED RULES:
417 7580

42 CFR

PROPOSED RULES:
32 7460

43 CFR

2 7449
PUBLIC LAND ORDERS:
5489 7450
5490 7450
PROPOSED RULES:
4110 7453
4120 7453
4130 7453

45 CFR

121 7411
121b 7413
121c 7414
121d 7416
121e 7419
121f 7419
121g 7422
121h 7422
121i 7424
121j 7428
177 7586

46 CFR

281 7430

47 CFR

0 7451
PROPOSED RULES:
83 7468

49 CFR

1033 7452

CUMULATIVE LIST OF PARTS AFFECTED—FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

2 CFR

200 7233

3 CFR

PROCLAMATIONS:

2290 (See PLO 5475) 6341
3443 (Amended by Proc. 4346) 5127
4313 (Amended by Proc. 4345) 4893
4344 4891
4345 4893
4346 5127
4347 5129
4348 5131
4349 5739
4350 5741

EXECUTIVE ORDERS:

August 31, 1869 (Revoked in part by PLO 5483) 6342
October 19, 1875 (Revoked in part by PLO 5483) 6342
July 2, 1910 (Revoked in part by PLO 5475) 6341
June 6, 1914 (Revoked in part by PLO 5478) 6341
July 22, 1915 (Amended by PLO 5470) 5754
December 27, 1919 (Revoked in part by PLO 5475) 6341
May 26, 1931 (Amended by PLO 5470) 5754
May 26, 1952 (see PLO 5487 and 5488) 6503
1623 (Revoked in part by PLO 5479) 6341
5843 (Amended by PLO 5470) 5754
6844 (Revoked in part by PLO 5480 6342
11491 (Amended by E.O. 11838) 5743
11616 (See E.O. 11491) 5743
11636 (See E.O. 11491) 5743
11803 (Amended by EO 11837) 4895
11837 4895
11838 ..... 5743, 7391
11839 7351
11840 7353

4 CFR

303 5135

5 CFR

213 ..... 5493, 5747, 6475, 7081, 7433, 7434
Ch III 7346
550 7434
735 7435
870 5747
1001 5347
1303 7346

PROPOSED RULES:

302 7465
330 7465
353 7465
531 7465
550 7465

6 CFR

701 7233
702 7233

7 CFR

1 7341
2 ..... 5135, 6313
102 5347
106 6475
271 5747–5751
354 4897
722 6761
724 5135
726 6475
877 6761
907 ..... 4903, 5531, 6197, 6639, 7435
910 ..... 5752, 6765
959 6951
981 6475
1001 6313
1002 6313
1004 6313
1006 6313
1007 6313
1011 6313
1012 6313
1013 6313
1015 6313
1030 6313
1032 6313
1033 6313
1036 6313
1040 6313
1044 6313
1046 6313
1049 6313
1050 6313
1060 6313
1061 6313
1062 6313
1063 6313
1064 6313
1065 6313
1068 6313
1069 6313
1070 6313
1071 6313
1073 6313
1075 6313
1076 6313
1078 6313
1079 6313
1090 6313
1094 6313
1096 6313
1097 6313
1098 6313
1099 6313
1101 6313
1102 6313
1104 6313
1106 6313
1108 6313
1120 6313
1121 6313
1124 6313
1125 6313
1126 6313
1127 6313
1128 6313
1129 6313
1130 6313
1131 6313
1132 6313

7 CFR—Continued

1133 6313
1134 6313
1136 6313
1137 6313
1138 6313
1139 6313
1822 ..... 5531, 6951
1823 6951
1843 6952
1890b 5753
1890d 5753
1890e 5753, 6639
1890j 6197
1890k 6197
1890l 5753
1890n 5532

PROPOSED RULES:

270 7455
271 7455
728 7099
729 6211
946 6505
982 5163
1001 5373
1002 5373
1004 5373
1006 5373
1007 5373
1011 5373
1012 5373
1013 5373
1015 5373
1030 5373
1032 ..... 5163, 5373
1033 5373
1036 5373
1040 5373
1044 5373
1046 5373
1049 5373
1050 5373
1060 5373
1061 5373
1062 ..... 5163, 5373
1063 5373
1064 5373
1065 5373
1068 5373
1069 5373
1070 5373
1071 5373
1073 5373
1075 5373
1076 5373
1078 5373
1079 5373
1090 5373
1094 5373
1096 5373
1097 5373
1098 5373
1099 5373
1101 5373
1102 5373
1104 5373
1106 5373
1108 5373
1120 5373
1121 ..... 5373, 5784

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
4891-5125	Feb. 3
5127-5345	4
5347-5492	5
5493-5737	6
5739-6196	7
6197-6312	10
6313-6447	11
6449-6637	12
6639-6759	13
6761-6949	14
6951-7080	18
7081-7390	19
7391-7615	20

presidential documents

Title 3—The President

EXECUTIVE ORDER 11838

Amending Executive Order No. 11491, as amended by Executive Orders 11616 and 11636, relating to Labor-Management Relations in the Federal Service

Correction

In FR Doc. 75–3781 appearing in the issue of Friday, February 7, 1975, on page 5743, the following corrections should be made to text on page 5746:

1. The word "decision" in the second line of paragraph (d) should be changed to read "procedure".

2. Paragraph 16 should be changed to read as follows:

"16. Section 21(b) is revoked."

rules and regulations

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2574]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Sharp Electronics Corp.

Subpart—Combining or conspiring: § 13.388 *To control allocations and solicitation of customers;* § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes.* Subpart—Cutting off access to customers or market: § 13.560 *Interfering with distributive outlets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sharp Electronics Corporation, Paramus, N.J., Docket C-2574, Oct. 9, 1974]

In the Matter of Sharp Electronics Corporation, a Corporation

Consent order requiring a Paramus, N.J., distributor of consumer and business electronic products, among other things to cease imposing territorial, customer and other anticompetitive restrictions on its dealers.

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

It is ordered, That respondent Sharp Electronics Corporation, and its officers, agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, merchandising, offering for sale and sale or distribution of electronic calculators, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Imposing or attempting to impose any limitations or restrictions respecting the territories in which electronic calculators may be sold by its dealers.

2. Attempting to enter into, entering into, continuing, maintaining, or enforcing and contract, combination, understanding or agreement to limit, allocate, or restrict the territory in which electronic calculators may be sold by its dealers.

3. Imposing or attempting to impose any limitations or restrictions respecting any contract, combination, understanding or agreement to limit, allocate or restrict the person or class of persons to whom electronic calculators may be sold by its dealers.

4. Attempting to enter into, entering into, continuing, maintaining, or enforcing any contract, combination, understanding or agreement to limit, allocate or restrict the person or class of persons to whom electronic calculators may be sold by its dealers.

5. Requiring or attempting to require for a period of five years from the date of this Order that its dealers without option, enter into any contract, combination, understanding or agreement establishing for the period of time during the warranty a mandatory fixed schedule for the division of any profit earned in the sale of an electronic calculator between the selling dealer and a dealer in whose territory the calculator is to be used and serviced.

6. Requiring or attempting to require for years subsequent to the period of five years from the date of this Order that its dealers without option, enter into any contract, combination, understanding or agreement where such mandatory fixed schedule has the effect of limiting, allocating or restricting the territory in which electronic calculators may be sold by its dealers.

Provided, That nothing in this Order shall prohibit respondent from:

(a) Engaging in any activity specifically rendered lawful by subsequent legislation enacted by the Congress of the United States or any rules or regulations promulgated pursuant to such legislation.

(b) Designating geographical areas within which a dealer may agree to devote his best efforts to the sale of electronic calculators (hereinafter "area of primary responsibility") as a condition of becoming a dealer or maintaining a dealership, provided that such dealers are told that said area is not exclusive and does not place a territorial restriction upon the sale of such equipment.

(c) Requiring or attempting to require as a condition of maintaining a dealership any dealer to undertake or cause others to undertake obligations of installation and warranty in connection with the use of any electronic calculators sold, leased or rented by such dealer or for which a dealer has accepted compensation for installation or warranty.

(d) Making available a program for use at the option of a dealer which provides, or contains provisions which provide, in all instances in which the selling dealer chooses not to undertake the obligations of installation or warranty, for a stated fixed schedule for the division of any profit between the selling dealer and a dealer in whose territory the calculator is to be used and serviced.

(e) Requiring, as a condition of maintaining a dealership, compliance with any program described in paragraph (d) voluntarily accepted by such dealer.

II

It is further ordered, That respondent shall within sixty (60) days after service upon it of this Order serve upon all of its franchised dealers a copy of this Order along with a copy of the attached letter (Attachment A) on respondent's official company stationery and signed by the president of respondent.

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

IV

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

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

Decision and order issued by the Commission Oct. 9, 1974.

CHARLES A. TOBIN,
Secretary.

ATTACHMENT A

(Official Sharp Stationery)

(Date)

Dear: The Federal Trade Commission has entered into a Consent Order with Sharp Electronics Corporation which, among other things, prohibits Sharp Electronics Corporation from imposing or attempting to impose any limitations or restrictions respecting the territories in which, or class of persons to whom dealers may sell electronic calculators. Dealers are permitted to sell outside the confines of their assigned territories and to sell to any person or class of persons to whom they wish.

The Order prohibits as well, for a period of five years, any mandatory fixed schedule for the division of profit in the sale of electronic calculators between the selling dealer and the dealer in whose territory the calculator is to be used and serviced. For the period of time beyond five years, the Order prohibits mandatory fixed schedules with the effect of limiting, allocating or restricting the territory

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

in which electronic calculators may be sold by its dealers.

A copy of the Order is attached for your information.

Very truly yours,

President,
Sharp Electronics Corporation.

[FR Doc.75-4544 Filed 2-19-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release 34-11203]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Fixing of Rates of Commission

The Securities and Exchange Commission, acting pursuant to the authority vested in it by the Securities Exchange Act of 1934,[1] and particularly sections 2, 6, 10, 11, 19 and 23 thereof,[2] has adopted Rule 19b-3. The rule will be effective as to the rates charged by members of national securities exchanges (exchanges) on transactions for persons other than members or associated members (public rates), and for clearance charges,[3] on May 1, 1975, the date originally proposed. As to floor brokerage rates, that is, rates charged to members or associated members except for clearance, the effective date will be May 1, 1976. The rule has otherwise been adopted substantially in the form proposed.[4] The Commission has determined not to adopt proposed Rule 10b-22.

The Commission's determination to defer the effective date of the rule as to floor brokerage rates is based essentially on the following considerations. In the first place, the Commission recognizes that the transition to competitive public rates will create problems of adjustment and accommodation for the exchanges and a deferral of the change as to floor brokerage rates may facilitate the ability of the exchanges to accomplish a smooth transition to the new environment. In addition, it appears that many exchange members did not fully appreciate until September 1974, following intra-member rate hearings, that the Commission's policy conclusions with respect to fixed commissions, which were announced on September 11, 1973, were applicable to floor brokerage rates and that, consequently, such members may not have had the benefit of the advance notice and time for planning with respect to floor brokerage rates which the September 11th notice was intended to provide. Finally, floor brokerage rates have considerably less impact on public investors than do public rates.[5]

The Commission's decision not to adopt Rule 10b-22 is based, in part, upon a consensus which developed at the 19b-3 Hearings.[6]

Rule 19b-3 essentially prohibits any exchange from adopting or retaining any rule that requires, or from otherwise requiring, its members to charge fixed rates of commission for transactions executed on or by the use of the facilities of such exchange after the applicable effective dates. Rule 19b-3 further requires each exchange after the applicable effective dates to provide in its rules that nothing therein shall be construed to require or authorize members to agree or arrange for the charging of fixed rates of commission. The rule would also relieve exchange members and their associated persons of any obligation to comply with rules prohibited by its basic provision, regardless of whether or not the exchange has amended such rules, and such rules could no longer be relied upon. This latter provision, among other things, provides for the contingency that some exchange may not have completed the necessary process of rule amendment by the applicable effective dates of the rule.

Rule 19b-3 is intended to reach all rules governing the fixing of rates of commission on exchange transactions. Thus, for example, in the case of the New York Stock Exchange (NYSE), the provisions of Article XV of the NYSE Constitution relating to floor brokerage could be retained after May 1, 1975; but such provisions may not be retained after May 1, 1976. In addition, other rules, such as NYSE Rules 391, 392, and 393, would have to be amended by exchanges to eliminate provisions intended to preserve the fixed commission rate structure in connection with distributions outside the normal pattern of exchange transactions. It should be noted that Rule 19b-3 covers any "rule of the exchange," which is defined as any provisions of the constitution, articles of incorporation, bylaws, or rules or instruments corresponding thereto, whatever the name, of the exchanges.

Introduction

In view of the importance of the issue of commission rates dealt with by the rule and the extensive consideration given to the subject over the past twelve years, not only by the Commission but by Congressional Committees, the Department of Justice, the Treasury Department, exchanges, various firms and organizations in the securities industry, investors and many independent economists, jurists and other scholars, the Commission believes it is appropriate to set forth the reasons for the rule and the relevant considerations in somewhat greater detail than is its usual practice in connection with the adoption of rules or than appears to be required by the Administrative Procedure Act.[7] At the same time, the voluminous materials on this subject which have been developed and considered since 1963 and the numerous questions with respect thereto which have received the Commission's attention make it impossible, if we are to keep this release within any reasonable compass, to do more than highlight those aspects of the matter which the Commission finds particularly significant. It is therefore impractical to undertake a detailed analysis of the large body of underlying facts which entered into the Commission's determination to adopt the rule.[8]

More particularly, although the Securities Industry Association raised a question at the 19b-3 Hearings with respect to the legal authority of the Commission to adopt any rule precluding the exchanges from having rules fixing rates of commission, and similar questions have been raised by others in the past, the Commission does not regard it as appropriate to set forth in this release the legal arguments in support of its authority to adopt the rule. In view of the broad regulatory and rulemaking authority over the securities markets and the securities exchanges, including the specific subject of commission rates, granted to the Commission by the Act, the Commission, after careful consideration of the legal issues, is satisfied that it has authority to adopt Rule 19b-3, if it makes, as it has done, the basic findings called for by the Act.

The Act was passed against the background of the stock market crash of 1929 and in the light of the extensive study and investigation by the Senate Committee on Banking and Commerce entitled "Stock Market Practices." It was consequently a basic, if not the basic,

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[1] 15 U.S.C. 78a et seq. (hereinafter cited as the Act).

[2] 15 U.S.C. 78b, 78f, 78j, 78k, 78s and 78w.

[3] In its statement of May 29, 1974, at the Intra-Member Rate Hearings, the New York Stock Exchange concluded that fixed rates for clearance could be determined on a competitive basis at the same time as public rates were so determined. Statement of James J. Needham, In the Matter of Intra-Member Commission Rate Schedules of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4-171 (1974), Transcript at 4-5.

[4] Securities Exchange Act Release No. 11073 (Oct. 24, 1974), 39 FR 38396 (Oct. 31, 1974).

[5] Nothing in Rule 19b-3, however, requires exchanges to wait until May 1, 1976, to eliminate fixed floor brokerage rates, or for that matter, to wait until May 1, 1975, to eliminate fixed public rates.

[6] In the Matter of Proposal to Adopt Rules 19b-3 and 10b-22 Concerning the Fixing of Commission Rates by National Securities Exchanges, Securities and Exchange Commission File No. 4-176 (1974).

[7] Section 4(c) of the Administrative Procedure Act (5 U.S.C. 553(c)) provides that rules which are adopted shall incorporate "a concise general statement of their basis and purpose." It is our practice to include such a statement in the release announcing the adoption of a rule. This provision may be contrasted with Section 8(c) of that Act (5 U.S.C. 557(c)), which requires, in the case of adjudication, that the decision include a statement of "findings and conclusions, and the reasons or basis therefor, on all the material issues of fact, law, or discretion presented on the record."

[8] Securities Exchange Act Release No. 11073 of October 24, 1974, in which the Commission released the proposed rule for public comment, contained a list of some of the more important source materials relating to this subject, which mere list covered two and one-half printed pages. Reference thereto is hereby made.

purpose of this legislation to provide for regulation of the stock market and of transactions and practices relating thereto. It was intended that this regulation be comprehensive and complete. Indeed, the Congress so stated in the preamble of the Act which stated that it is "necessary to provide for regulation and control * * * and to impose requirements necessary to make such regulation and control reasonably complete and effective." This objective was approached in a variety of ways. The Commission was established to administer the Act; and exchanges are required to register with the Commission, are charged with the duty of self-regulation of their members and may become registered only if the Commission concludes, among other things, "that the rules of the exchange are just and adequate to insure fair dealing and to protect investors." In addition to statutory provisions regulating various trading practices and activities of members, section 19(b) of the Act supplements the initial authority of the Commission over exchange rules by authorizing it to alter or supplement the rules of an exchange with respect to various significant matters, including "the fixing of reasonable rates of commission, interest, listing and other charges." The standard for such action is that such alterations be "necessary or appropriate for the protection of investors or to insure fair dealing in securities traded in upon such exchange or to insure fair administration of such exchange." As the House Committee put it, this authority was intended to permit the Commission to effect changes in exchange rules "in any important matter * * * appropriate for the protection of investors or appropriate to insure fair dealing." [9]

In view of the complexity of the subject and of changing conditions, great reliance was placed upon broad rulemaking power so as to enable the Commission to respond flexibly to changing regulatory needs. In light of these considerations, the Commission believes that the express authority granted to it over the subject of commission which, as the Special Study [10] said, are "the lifeblood of the brokerage business today even as in 1792," [11] encompasses the authority to accomplish necessary changes in those rules.

An extensive discussion of the history and interpretation of the Commission's rulemaking authority under the Act is found in Securities Exchange Act Release No. 9950 (Jan. 16, 1973), 38 FR 3902 (Feb. 8, 1973), to which reference is hereby made.

The remainder of this release consists of the following sections:

1. Summary of the evolution of exchange commission rates and of the Commission's consideration of them.
2. Reasons for the rule.
3. Comments on the rule.
4. Conclusion.
5. Text of the rule.

1. *Summary of the evolution of exchange commission rates and of the Commission's consideration of them.* The practice of fixing commission rates on stock exchanges in the United States is generally traced back to the so-called Buttonwood Tree Agreement of 1792, which provided:

> We, the Subscribers, Brokers for the Purchase and Sale of Public Stock, do hereby solemnly promise and pledge ourselves to each other, that we will not buy or sell from this day for any person whatsoever, any kind of Public Stock at a less rate than one-quarter percent Commission on the Specie value, and that we will give a preference to each other in our Negotiations. In Testimony whereof we have set our hands that 17th day of May, at New York, 1792.[12]

Although present exchange commission rate rules have become far more complex than this simple paragraph, the essentials are the same. The members undertake not to deal at a rate less than the fixed commission, that is, the public rate, and to give preference to each other, that is, the intra-member rates. The ancient lineage of exchange rate fixing, and the fact that it has persisted for over a century and a half without serious challenge, naturally provoke inquiry as to why it should be questioned now. The answer is that exchange commission rate fixing operates now in a far different environment than it did in earlier periods. During the period from 1792 to approximately the end of World War I, exchange commission rates were of little public importance. The general public was not involved to any significant extent in exchange trading in equity securities and there was some justification for regarding the stock exchanges as, in considerable measure, private clubs. While certain aspects of exchange operations gave rise to increasing public concern in the late years of the 19th Century and the opening years of the 20th Century, commission rates were not among them.

After the end of World War I, the public participated increasingly in exchange trading in equity securities and the stock market assumed unprecedented importance in the functioning of the economy. The disastrous events of 1929 demonstrated that the exchanges had not satisfactorily adapted to their new status as institutions with far reaching public responsibilities and led to the comprehensive Congressional investigations of the early 1930's. The evils and malpractices thus uncovered, in turn, gave rise to the movement for reform which culminated in the enactment of the Act in 1934 with its comprehensive scheme of governmental regulation. But attention was then focused primarily upon such obvious evils as corners, pools, manipulations, insider trading, and other fraudulent and deceptive practices which seriously injured investors. With respect to commission rates, there was some concern with the possible overcharging of unsophisticated investors, and with possible monopoly profits, and the Commission was given regulatory authority.

Between World War II and the early 1970's, the public flocked into the securities markets, and financial institutions increasingly participated in those markets. As a result of Congressional concern as to the adequacy of investor protection under these circumstances, two major studies were made under the auspices of the Commission. The first of these was the monumental Special Study, made essentially during the period from the end of 1961 to the middle of 1963, pursuant to Congressional direction embodied in an amendment to the Act. The second of these studies was the Institutional Investor Study,[13] made essentially in 1969 and 1970, pursuant to another amendment to the Act. The Special Study noted that during the 1952–1961 decade, the number of individual shareholders in America grew almost three times but that, despite this expansion, activity of individuals as a proportion of total NYSE share volume decreased from 57 percent in 1952 to 51.4 percent in 1961; during the same period, the Special Study observed, institutional activity rose from 24.6 percent in 1952 and 19 percent in 1953 to 26.2 percent of such volume in 1961.[14] The Institutional Investor Study noted a further decrease in the volume accounted for by the public to 33.4 percent at the end of 1969 and an increase in the institutional share during the same period of 42.4 percent.[15] The institutional share has continued to rise at least through 1971, the latest year for which the NYSE has made available a public transaction study.[16]

The Special Study included probably the first reasonably comprehensive analysis of the nature and structure of commission rates and their impact, together with the procedures and standards involved in setting and reviewing such rates. The Special Study did not, however, consider the question of fixed vs. competitive commissions. Nor did it believe that it was either "called upon or equipped" to study the level of commission rates or to express any view with respect to their reasonableness. Nevertheless, the Special Study did point out certain problems presented by the commission rate structure, some of which are still unresolved. These include the fact that the commission rate schedule covers a great variety of services performed by brokers in addition to the execution and

[9] Report of House Committee on Interstate and Foreign Commerce on H.R. 9323, H.R. Rep. No. 1383, 73d Cong., 2d Sess. 15 (1934).

[10] Securities and Exchange Commission, "Report of Special Study of Securities Markets," H.R. Doc. No. 95, 88th Cong., 1st Sess. (1963).

[11] 2 Special Study 295.

[12] Eames, "The New York Stock Exchange" 14 (1894).

[13] Securities and Exchange Commission, "Institutional Investor Study Report," H.R. Doc. No. 92-64, 92d Cong., 1st Sess. (1971).

[14] 2 Special Study 6.

[15] "Institutional Investor Study," Supp. Vol. 1 at 147.

[16] NYSE 1974 Fact Book 55.

clearance of transactions. That characteristic of the rate schedule has induced service competition rather than price competition and has resulted in complex and irrational distinctions between permissible ancillary services and prohibited rebates of the minimum commission. The Special Study also noted the prevalence of reciprocal arrangements and pointed out that the nature of the securities commission business is such that traditional principles of rate regulation can hardly be applied to it. In that connection, the Special Study said:

> It is important to reemphasize that, while the security commission business shares, with other businesses subject to rate regulation, the qualities of being "affected with the public interest" and of being limited to a standard of "reasonable" rates, the differences are perhaps more significant than the similarities, and the problem here is in many ways unique. Thus, the public utility normally possesses a franchise conferring upon it monopoly rights to furnish a service required by the public and also obligating it to furnish service to all who need it at reasonable prices. In contrast, though the auction market of the NYSE is a dominant unit in the structure of our capital markets, about 500 member firms compete with each other for the business of the public to be transacted on the NYSE within the confines of the same commission rate schedule. Moreover, they compete with other investment media for the public's savings, and the Exchange itself competes as a marketplace with other markets, both for the listing of issues to be traded and for transactions in listed issues also traded on other exchanges (dually traded securities) or in the over-the-counter market.
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> There are other important economic differences. Public utilities generally are characterized by relatively high investment in fixed plant and equipment, while the security commission business is essentially a service business requiring relatively small capital investment but relatively high personnel costs. The income of utilities tends to be more stable than that of industry generally while that of the security commission business fluctuates much more widely. These differences make it clear that the problem of "reasonable" rate level can be solved by no simple transfer of principles evolved in the field of utility regulation to the security commission business.[17]

It was further pointed out that a basic dilemma was involved in the setting of commission rates. Traditionally, the rates have been set, at least in part, in terms of a commission per share. This means that with a per share commission the commission charge on a given number of shares of a low price stock is a far larger proportion of the amount invested than the commission on the same number of shares of a high priced stock. On the other hand, a commission schedule based on the dollar amount of the investment would produce a far higher commission on a given number of shares of a high priced stock than on a given number of shares of a low priced stock although the cost of executing the two orders would normally not be very different. In the context of a fixed rate structure, no satisfactory solution to this dilemma has yet been found.

The Special Study also pointed out that five commission rate increases occurred between the enactment of the Act and 1963, and that in connection with each, reference was made to generalized concepts of cost and profit but that the available data for the determination of these was entirely inadequate and that complex problems of allocation of costs existed as well as the even more difficult conceptual problem of giving content to the general standard of reasonableness in an industry to which traditional ratemaking concepts were largely inapplicable.

Over the years since the Special Study, strenuous efforts were made by the Commission and the exchanges to deal with the problems and to correct the defects pointed out. Thus, volume discounts were introduced, customer directed give-ups were abolished, income and expense data for member firms were substantially improved and efforts were made to develop principles for the allocation of costs and also to develop a ratemaking philosophy. It is fair to state, however, that the latter efforts have not been successful. The NYSE has acknowledged that it has not established a basis for allocating costs between the stock exchange commission business and other business done by member firms and has requested the Commission to pass upon recent proposals for rate increases upon the basis of the overall profitability of the securities industry and the impact of inflation upon various costs incurred by member firms. The exchanges and representatives of the brokerage industry acknowledged at the 19b–3 Hearings that they had not yet endeavored to develop and present a philosophy or a set of principles to be applied in ratemaking.

The Commission has held two major hearings with respect to rate structure since the Special Study. The first of these was the Rate Structure Hearings[18] commenced in early 1968. In those hearings, the question was, for the first time, directly raised as to whether rate fixing by exchanges should be replaced by competition. The Antitrust Division of the Department of Justice participated in those hearings in order to "raise questions concerning the relationship between * * * the Exchange Act and the public policy embraced in the Federal antitrust laws."[19] In the course of the hearings, the NYSE stated that it would retain economic consultants to develop a cost-based commission rate schedule. The Commission agreed to await completion of that study before resolving the basic question but, nevertheless, invited written submissions and oral presentations in preparation for the resolution of those issues. In response to the Commission's invitation, the Antitrust Division of the Department of Justice stated, in effect, that the Commission should develop a transitional program which would permit it to institute competitive commissions gradually, commencing with larger volume transactions.[20]

The NYSE study was thereafter accelerated and in February 1970 the NYSE presented to the Commission a study entitled "Reasonable Public Rates for Brokerage Commissions—A Report by National Economic Research Associates, Inc. to the Cost and Revenue Committee of the New York Stock Exchange."[21] The NYSE subsequently made clear, however, that its Board of Governors had not approved the proposed commission rate schedule set forth in the February NERA Report and that the February NERA Report was merely a study presented for discussion.[22]

The Commission reconvened hearings to analyze a new commission rate schedule proposed in June 1970 by the NYSE. The NYSE proposal departed from a cost-based schedule, such as that set forth in the February NERA Report, by limiting increases on small orders and decreases on large orders called for in the original study.[23]

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[17] 2 Special Study 328–329 (footnote omitted).

[18] In the Matter of the Commission Rate Structure of Registered National Securities Exchanges, Securities and Exchange Commission File No. 4–144 (1968–1971).

[19] It is rather surprising that, although the exchanges have been engaged in a combination to fix commission prices both before and ever since the Sherman Act was passed in 1890, the first direct antitrust challenge to stock exchange rate fixing in the federal courts did not come until the Kaplan case in 1966. "Kaplan v. Lehman Bros.", 371 F. 2d 409 (7th Cir.), cert. denied, 389 U.S. 954 (1967). Perhaps this was, at first, attributable to the early idea that the commerce clause of the Constitution and the Sherman Act applied only to transactions in "commodities." See "Hopkins v. United States," 171 U.S. 578, 597–98 (1898); "United States v. Southeastern Underwriters Ass'n," 322 U.S. 533 (1944); "Atlantic Cleaners & Dyers v. United States," 286 U.S. 427 (1932). Since 1934, federal regulation under the Act has affected the application of the antitrust laws to stock exchange actions. See "Silver v. New York Stock Exchange," 373 U.S. 341 (1963). The status of stock exchange rules fixing commissions under the antitrust laws in view of the provisions of the Act is expected to be clarified by the Supreme Court in the near future unless mooted by enactment of legislation now pending in the 94th Congress. See "Gordon v. New York Stock Exchange," 498 F. 2d 1303 (2d Cir.), cert. granted, 95 Sup. Ct. 491 (1974).

[20] Rate Structure Hearings. Memorandum of the Department of Justice on the Fixed Minimum Commission Rate Structure, Jan. 17, 1969, at 194–195.

[21] Hereinafter cited as the February NERA Report.

[22] NYSE Special Membership Bulletin, February 12, 1970; NYSE Special Membership Bulletin, Feb. 19, 1970.

[23] The NYSE submitted in support of its proposal a revised study entitled "Stock Brokerage Commissions, the Development and Application of Standards of Reasonableness for Public Rates, a Report by National Economic Research Associates, Inc. to the Cost and Revenue Committee of the New York Stock Exchange" (July 1970) (hereinafter cited as the July NERA Report). The February NERA Report had proposed a 116.3 percent increase in the commission on an order involving 100 shares of stock selling at $10 per share; the NYSE proposal called for a 50 percent commission rate increase. For an order of 1,000 shares of a stock selling at $50 per share, the February NERA Report had proposed a 36.3 percent commission rate reduction; the NYSE proposal called for a 10 percent commission increase. For further comparisons, see Table XI–4 of the February NERA Report and Table XII–3 of the July NERA Report.

In October 1970, the Commission concluded that the data submitted in support of the NYSE proposal did not provide a complete answer to the problems of commission rate structure, but that it would not be in the public interest to leave the subject indefinitely in abeyance. Accordingly, while the Commission stated that it would not raise any objection if the proposed schedule were adopted with specified modifications and upon the understanding that specified steps would be taken to provide a better basis for the determination of commission rates, it also stated that it was of the opinion that fixed charges for portions of orders in excess of $100,000 were neither necessary nor appropriate. It further requested that a plan for reasonable economic access for non-member broker-dealers be presented.[24]

In March 1971, the Institutional Investor Study was transmitted to the Congress. That Study was basically an economic study conducted primarily by economists and it included an examination of the impact of institutional investment upon the securities markets. This aspect of the Institutional Investor Study is relevant to the question of commission rates since one of the principal problems with the commission rates was the generally unsuccessful effort to adapt them to the needs of both individual investors and large institutional investors. Upon the basis of the data and analysis of the Institutional Investor Study with respect to this matter, the Commission concluded, as stated in its letter of March 10, 1971, to the Congress in transmitting the Study:

> It is clear that the securities markets are changing in rapid and significant ways. There are a number of reasons for these changes; among the most important are the greatly increased volume of trading by institutions, the negotiated nature of many institutional transactions, the fixed minimum commission rates that stock exchanges impose on such transactions and technological advances in communications and data processing. The evolution of the securities markets has been, and may continue to be, affected and distorted by barriers to competition. Among the most significant of these are minimum commission rates and rules that insulate markets, market makers and broker-dealers from each other. The combination of fixed minimum commission rates and barriers to access have tended to cause institutions to choose market places, in part at least, for the purpose of reducing the commission they pay or taking advantage of opportunities to purchase various services with "soft" commission dollars by means of reciprocal practices. These appear to be the most important explanations for the accelerating growth of institutional trading on the regional stock exchanges and in the third market. Because the assembly of many block trades takes place primarily over the upstairs communications systems of broker-dealers rather than on the floor of any stock exchange, such transactions can be executed wherever the participants select, and markets have therefore been selected on the basis of these considerations.
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> The fixed minimum stock exchange commission on large orders had led to the growth of complex reciprocal relationships between, on the one hand, institutions (particularly mutual fund managers and banks) and, on the other, broker-dealers. This has had the effect of making commission rates for institutions negotiable but limiting the extent to which the ultimate investor rather than the money manager has benefited from such negotiation. As noted earlier, these relationships tend to aggravate potential conflicts of interests, to be anti-competitive in nature and to impede the development of a central market system for securities trading. Elimination of fixed commission rates for institutional size transactions should go some distance toward dealing with these problems. The Commission will closely observe the extent to which competitive commission rates lead toward these results.[25]

In April 1971, at the direction of the Commission, exchanges provided that commissions on the portion of exchange orders involving $500,000 or more were to be competitively determined. In July 1971, the Commission reconvened its commission rate hearings to receive testimony and other relevant data concerning a proposed rate structure based in part on the methodology developed in the preceding year by the economic consultants engaged by the NYSE. The following September, the Commission advised the NYSE that it would not raise any objection to the new rate schedule if certain additional modifications to then prevailing commission-related practices were effected (including implementation of economic access for non-member brokers permitting discounts of up to 40 percent from the public rate).[26]

In not objecting to the NYSE's rate proposal the prior October, the Commission had specifically requested the presentation not later than May 31, 1971, of a uniform accounting system in order to evaluate the need for a fixed commission rate system.[27] In September 1971, the Commission recognized that the inability of the NYSE appropriately to allocate costs and revenues between brokerage and other activities engaged in by members had necessitated consideration of the proposal on the basis of the total financial experience of member firms. The Commission, therefore, extended until May 1, 1972, the period for submission of uniform reporting by member firms in order to permit evaluation of subsequent commission rate proposals.[28]

Beginning in October 1971, the Commission held the Hearings on Market Structure[29] and, on February 2, 1972, issued the Market Structure Statement,[30] which was based on those hearings as well as the earlier studies and hearings extending back over a decade.[31] The Market Structure Statement concluded that a reduction to $300,000 was called for in the breakpoint above which commission rates on exchange transactions should be competitively determined. In reaching that conclusion, however, the Market Structure Statement noted that the securities industry had operated under fixed commission rates for a very long time and that it would, therefore, be appropriate to measure the effect of competitive commissions carefully, on a step-by-step basis. The Commission recognized the possible risk of a precipitate movement toward competitive rates, but concluded that that did not rule out moving toward competitive rates, at least on large orders, at a measured, deliberate pace and that the Commission rate structure would ultimately be based upon the cost characteristics of the service being offered.[32] In response to the Commission's conclusions, the breakpoint on fixed commission rate schedules was lowered to $300,000 in April 1972.

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[24] Securities Exchange Act Release No. 9007 (Oct. 22, 1970). In the course of the 19b-3 Hearings, reference was made to that release as making the continuation of minimum commissions dependent on the adoption of a uniform system of accounts. While indicating that implementation of a uniform system of accounts, as well as uniform and adequate methods of cost allocation, was necessary to the continuance of a system of fixed rates for exchange transactions, that release also stated that fixed charges for portions of orders in excess of $100,000 were neither necessary nor appropriate. The inadequacies of the data submitted in support of the NYSE proposal were subsequently pointed out to the NYSE. See letter dated April 23, 1971, from Irving M. Pollack, Director, Division of Trading and Markets, to William C. Freund, NYSE Vice President and Economist. As indicated supra, p. 11, exchanges have not established a basis for allocating costs between stock exchange commissions and other business done by member firms. Furthermore, by the end of 1970 it appeared that the banning in 1968 of customer directed give-ups and the simultaneous introduction of the volume discount had not solved the regulatory problems of fixed commission rate schedules. See Address by Robert W. Haack before the Economic Club of New York, Nov. 17, 1970, quoted in The New York Times, Nov. 18 1970, at 76, col. 8. See also 4 Institutional Investor Study Report 2206.

[25] Institutional Investor Study, Summary Vol. at xxii. See supra n. 13.

[26] Securities Exchange Act Release No. 9351 (Sept. 24, 1971).

[27] See n. 24 supra.

[28] The Commission also indicated that it was continuing to study the economic and regulatory impact on the investing public, the securities markets and the securities industry of competitive commission rates on portions of orders in excess of $500,000. See Securities Exchange Act Release No. 9145 (Apr. 14, 1971).

[29] In the Matter of the Structure, Operation and Regulation of the Securities Markets, Securities and Exchange Commission File No. 4-147 (1972).

[30] Securities and Exchange Commission, Statement on the Future Structure of the Securities Markets, 37 Fed. Reg. 5286 (Mar. 14, 1972).

[31] The Market Structure Statement expressed the unanimous view of the Commission as it was then constituted (Chairman Casey and Commissioners Owens, Needham, Herlong and Loomis), although Commissioner Owens took a different view with respect to restrictions on transactions by institutionally affiliated brokerage firms for their institutional affiliates.

[32] Market Structure Statement 16. The emphasis of the Market Structure Statement was on fostering free and open competition, not only with respect to commission rates but also competing market makers.

In May 1973, the NYSE proposed to increase commission rates; the Commission received comments on that proposal at a public hearing and, in September 1973, determined not to raise any objection to the proposed increases or to their continuation through March 31, 1974.[32] The Commission also indicated that it would act promptly to terminate the fixing of commission rates after April 30, 1975, if the exchanges did not, on their own initiative, adopt rule changes achieving that result.[34]

Subsequently, the NYSE proposed to provide for competitively determined commission rates on transactions involving less than $2,000. That proposal, as resubmitted in amended form by the NYSE to exclude intra-member rates (that is, rates paid by members to other members for floor brokerage and clearance), was adopted by the NYSE and other exchanges and became effective on April 1, 1974. In withdrawing its initial proposal, the NYSE Board of Directors stated that it did not believe it was necessary to amend the intra-member rate schedules as originally proposed in order to provide experimentation with competitive commission rates.[35] The Commission then held the Intra-Member Rate Hearings, at which the NYSE announced its willingness to abandon fixed intra-member commission rates for clearance.[36]

During the same period the Committees of the Congress having jurisdiction over securities regulation has also turned their attention to the issue of fixed vs. competitive rates. Both the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs and the Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce of the House of Representatives initiated in 1971 a comprehensive examination of the securities industry. These studies were primarily occasioned by the operational and financial crisis in the securities industry in 1969 and 1970 which had led the Congress to enact the Securities Investor Protection Act of 1970.[37] That Act, in effect, provided government insurance for investors against loss resulting from the insolvency of broker-dealers and created a potential liability of the Treasury to cover such claims. The Committees felt that they should independently study the industry to examine the conditions which made such legislation necessary. Both Committees carefully studied the problems arising from fixed commissions. The recommendations of the Senate Subcommittee contained in its Report of February 4, 1972, with respect to commission rates were as follows:

> The related questions of stock exchange commission rates and exchange membership for institutions have been the subject of intensive hearings before the SEC for 3½ years. A review of the record of these proceedings and of the statements submitted to the Subcommittee itself on these questions reveals clearly that the present distortions and fragmentation of our securities markets cannot be effectively dealt with so long as the NYSE and other stock exchanges are permitted to fix the commissions that their members must charge, at least on large transactions. The industry expects, and is entitled to, a clear statement of government policy as to when and how the present restrictions will be removed. This requires the setting of a date certain for elimination of fixed rates on institutional-size transactions, which have resulted in the most serious distortions. This could best be achieved by eliminating fixed rates on orders in excess of $100,000. In addition, to provide the possibility of lower rates to small investors, brokerage firms, after appropriate filings with the SEC, should be permitted to charge lower fees for "unbundled" services than are required by the current fixed rate schedules for the full range of brokerage services.[38]

The House Committee in its recommendations went somewhat further, stating that:

> The Subcommittee finds that fixed minimum commission rates are not in the public interest. We have reviewed our own record, the relevant portions of the SEC's record and that of the Senate study. On the basis of that review the Subcommittee finds that the fixed minimum commission rate system should be replaced by one where commission rates are determined by the forces of competition. We find further that competitively determined rates should apply to all transactions regardless of size, and that a competitive commission rate system should be phased in without excessive delay.

The SEC has indicated that it will seek reduction of the level from $300,000 to $200,000 by April of 1973 and then to $100,000 by April of 1974. The New York Stock Exchange has proposed a slightly different timetable, and stated that it will review the level for competitively determined commission rates in October 1972. The Subcommittee has heard testimony that the difference in impact on the industry between a $500,000 breakpoint and a $300,000 breakpoint is minimal, and a number of witnesses indicated that a further reduction in the breakpoint may be warranted prior to the date scheduled by the SEC. The Subcommittee agrees. A further reduction in the breakpoint by the Exchange when it conducts its review in October is warranted. The SEC could then adjust its timetable accordingly. So long as reasonable progress along this road is being made, the Subcommittee will defer legislative action.

The Subcommittee agrees with the testimony of a large number of witnesses that there is no reason to freeze competitive rates at the $100,000 level. The Subcommittee finds no logical justification for competition on institutional size transactions while perpetuating rate fixing on transactions of small investors. If steps are not taken to continue to reduce the breakpoint below the $100,000 level until all fixed rates are abolished, the Subcommittee will introduce legislation to do so.

There has been much debate over the desirability of a fixed minimum commission rate system. But the Congress, the Department of Justice, and the SEC have determined that the public interest will best be served by replacing fixed prices with a competitive rate system. The debate should now end. If the securities industry expends as much energy in adjusting to a competitive system as it has in debating its wisdom, the Subcommittee is convinced that the industry will not only survive, but it will flourish.[39]

Following the completion of these Studies, legislation to implement the recommendations of the respective Committees was introduced in the Senate and in the House. The Senate bill passed the Senate but the House bill, although favorably reported by the Committee on Interstate and Foreign Commerce, was not acted upon in the 93d Congress. Similar legislation has been introduced in both Houses in the 94th Congress.[40]

2. *Reasons for the rule.* The basic reason for the Commission's decision to adopt Rule 19b–3 was the conclusion that, under present circumstances, the free play of competition can provide a level and structure of commission rates which will better serve the interests of the investing public, the securities markets, the securities industry, the national economy and the public interest than any system of price fixing which can reasonably be devised. Furthermore, the Commission concludes that there is no economic requirement for fixed rates of commission in the securities industry, as is evident from the practical experience of the over-the-counter market, where

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[32] On September 3, 1974, the NYSE proposed to increase rates again. As subsequently modified, the NYSE's proposal called for an increase of 8 percent on minimum rates of commission on transactions involving from $5,000 to $300,000. After receiving information with respect to the NYSE's proposal and holding a public hearing, the Commission determined not to invoke its jurisdiction to object to the NYSE's proposal. See Securities Exchange Act Release No. 11089 (Nov. 6, 1974), 39 FR 43250 (Dec. 11, 1974).

[34] Securities Exchange Act Release No. 10383 (Sept. 11, 1973), 38 FR 27243 (Oct. 1, 1973). The NYSE Board of Directors had already adopted on the preceding March 1 a resolution calling for a combined program of legislation and regulation concurrently eliminating fixed commission rates on all orders and establishing the requirement that all trades of listed securities be made on national securities exchanges operating under similar rules and regulations.

[35] Securities Exchange Act Release No. 10669 (Mar. 6, 1974).

[36] In Securities Exchange Act Release No. 11019 (Sept. 18, 1974), 39 FR 35214 (Sept. 30, 1974), the Commission indicated that it had not been persuaded, on the basis of the data and views obtained at the public hearings on intra-member rates and otherwise, that its policy conclusions of September 11, 1973, should not also be applicable to intra-members rates.

[37] 15 U.S.C. 78aaa *et seq.* The Securities Investor Protection Corporation established by that Act is required to provide for the satisfaction of claims against a bankrupt broker, not exceeding $50,000 for each customer (subject to a limitation of $20,000 for claims for cash).

[38] Securities Industry Study, Report of the Subcommittee on Commerce and Finance of the Senate Committee on Banking, Housing and Urban Affairs (For the Period Ended Feb. 4, 1972), 92d Cong., 2d Sess. (1972).

[39] Securities Industry Study, Report of the Subcommittee on Commerce and Finance of the House Committee on Interstate and Foreign Commerce, H.R. Doc. No. 92-1519, 92d Cong., 2d Sess. (1972).

[40] H.R. 10 and S. 249, 94th Cong., 1st Sess. (1975).

no such structure exists, as well as all of the data which has been accumulated concerning the nature and characteristics of the securities commission business.[41] Consequently, even if it were possible to devise a better scheme of fixed rates, the commitment of resources would not appear to be justified under present and foreseeable conditions in view of the strong probability that no such system would work as well as competition. The foregoing conclusions are consistent with the American tradition of reliance upon free competition to determine prices and allocate resources, as reflected by the public policy embodied in the antitrust laws. It should be emphasized, however, that the Commission's conclusions are not based upon any simplistic notion that competition is a "good thing" in all lines of endeavor, including a regulated industry, and that, therefore, competitive rates should be substituted regardless of experience and circumstances. Rather, this conclusion is based upon the entire experience of the Commission and the securities industry with fixed rates, particularly during the last decade and more, and the intensive studies which have been made of that subject by so many competent persons.

The existing commission rate structure has demonstrably worked badly during that period. It has led to distortions, evasions, conflicts of interest,[42] and inefficiencies, and has obstructed at every step the ability of the securities markets to adapt themselves to the demands of our time. It has impeded the evolution of a central market system and has fragmented the markets, impairing their ability to concentrate the flow of orders and to mobilize market-making resources necessary to provide depth and liquidity in a market increasingly affected by institutional participation. It has also, by its rigidity and delay, inhibited innovations in the rendering of brokerage services to the investing public and in the ability of the securities industry to adjust rapidly to the rapid fluctuations in the volume of trading and, therefore, in the demand for brokerage services. Some of these difficulties seem to be inherent in a fixed rate system as applied to a dynamic and rapidly changing industry.

When the Commission commenced its inquiry into the commission rate structures at the time of the Special Study, fixed commission rates were assumed by everyone, including the Commission, to be a normal and necessary feature of the exchange markets. It became more and more clear in the light of later experience that this was not the case. However, the virtues of the traditional system were staunchly defended throughout the Commission's hearings in 1968 and 1969 and in the hearings before Congressional Committees in 1971 and 1972. In contrast, at the 19b-3 Hearings, the existing system had few defenders. Those who opposed the proposed rule largely confined themselves to either asking for delay, or suggesting that the initiation of competitive commission rates should await a more prosperous period, or be deferred pending the taking of certain further steps toward a central market system, or the adoption of certain proposed safeguards for the auction market process.[43] A few witnesses suggested that some vaguely outlined better system of fixed commission rates should be developed. No one supported any extended continuation of the status quo at least with respect to public rates.

The foregoing does not reflect any judgment by the Commission that the fixed minimum commission rate always was bad or that it was, or now is, illegal, or that fixed commissions could never be appropriate in the future. Rather, it simply reflects a conclusion, based upon the Commission's experience and the abundant data alluded to earlier that, under the conditions now existing, fixed minimum commissions should terminate at the times specified in the rule. It is not possible to predict future developments or future conditions, and it is conceivable that unforeseen developments could require the Commission to reinstitute some form of fixed rates, although the Commission does not anticipate or believe that this will become necessary.

3. *Comments on the rule.* In addition to a number of comments urging prompt adoption of Proposed Rule 19b-3,[44] a number of comments were received either opposing its adoption or suggesting changes in timing to allow for other developments or to await improved economic conditions, or urging that other action be taken by the Commission in conjunction with its adoption. The principal arguments for permitting fixed minimum commission rates to continue were the contentions that the brokerage industry is subject to "destructive competition," that the fixed commission rate structure provides desirable subsidies which cause the securities markets to operate more efficiently and fairly and that the existence of a fixed commission rate, by encouraging membership on exchanges, is desirable to promote self-regulation.

The proposition that the brokerage industry, if subjected to competitive commission rates, would be susceptible to destructive competition was first elaborated in 1968; and it was again urged in opposition to Rule 19b-3. The economic prerequisites for the type of destructive competition postulated are, however, the existence of fixed costs constituting a high percentage of total costs and the availability of economies of scale applicable to a substantial percentage of an industry's aggregate production. Under those circumstances, it is argued that price competition, during periods of low

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[41] The securities commission business, of course, is not a natural monopoly or utility which requires fixed rates because price competition is impossible. It is, however, contended that the securities commission business is of so vulnerable a nature that it cannot survive price competition or, stated otherwise, that it is subject to "destructive competition." Certain reasons for rejecting that conclusion are discussed under the next heading in this release.

[42] The fixed rate structure tends to create conflicts of interest on the part of institutional investors who are usually engaged in managing investments on behalf of others, rather than investing their own money. In these cases, the institutional manager allocates the commission business among brokers but the beneficiaries, in effect, pay the commissions. Since brokers provide a great variety of services which are compensated by commissions, institutional managers are constantly tempted to direct the brokerage business of their beneficiaries to brokers who will provide services for the benefit of the manager. The problem is aggravated by the fact that under prevailing accounting practices and tax law, commissions are treated as part of the purchase price of securities bought, or as a deduction from the proceeds of securities sold, rather than being accounted for as expenses incurred in the management of the portfolio. Under these circumstances, investment managers may be inclined to seek services in exchange for brokerage since the cost of such services may be buried in the carrying value of the portfolio securities rather than charged to the beneficiaries as an expense of administration. The tendency of this situation to corrupt fiduciary relationships is not the least of the evils resulting from the present commission rate system. Even where no misconduct is present, the situation leads to inefficiency in the management of assets. The foregoing does not mean that fiduciaries may not utilize commissions on transactions for beneficiaries to obtain for their beneficiaries research and other valuable services. Certain aspects of this matter are discussed below in connection with the so-called "fiduciary question" raised by certain persons in connection with the proposed rule.

[43] See infra "Comments on the Rule."

[44] See, e.g., statements at 19b-3 Hearings by Representative William S. Stuckey, Jr., United States House of Representatives; James H. Lorie, Professor of Business Administration, University of Chicago; Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University; Marshall E. Blume, Professor of Finance, University of Pennsylvania; Donald Farrar, Professor of Finance, University of California, Los Angeles; Walter Werner, Professor of Law, Columbia University; Richard West, Dean, University of Oregon; David L. Ratner, Professor of Law, Cornell University; Robert Loeffler, Trustee, Equity Funding Corporation of America; James B. Halpern, of Arent, Fox Kintner, Plotkin and Kahn; Philip G. Conner, Executive Vice President of Conner, Redwine, Inc.; Mark M. Batatian, President, Prudential-American Securities, Inc.; Charles T. Bauer, Chairman, Committee of Investment Officers, American Insurance Association. Comments of the United States Department of Justice, Dec. 10, 1974.

In addition, a number of letters supporting prompt adoption of the rule were received subsequent to the 19b-3 Hearings. See, e.g., letters from Senator Harrison A. Williams, Jr., Chairman of the Senate Subcommittee on Securities (Dec. 16, 1974); Senator Phillip A. Hart, Chairman of the Senate Subcommittee on Anti-trust and Monopoly (Dec. 17, 1974); Representative John E. Moss, Chairman of the House Subcommittee on Commerce and Finance (Dec. 16, 1974); Representative Peter W. Rodino, Jr., Chairman of the House Subcommittee on Monopolies and Commercial Law (Dec. 18, 1974); and William R. Salomon, Salomon Brothers (Dec. 10, 1974).

demand and excess capacity, may be expected to drive prices down to marginal costs, which would be below average costs, resulting in losses for a large part of the industry. Eventually such conditions would result in a contraction of industry capacity to a level below that which is necessary to suppy the public need and an undue degree of concentration in the brokerage industry which would have adverse effects on the functioning of the securities markets.

The possibility of destructive competition in the brokerage industry has been, since 1968, subject to careful analysis by a number of independent economists.[35] These analyses demonstrate that the brokerage industry's fixed costs are not high in relation to its total costs even though fixed costs have sharply increased since 1968 and that there are no economies of scale which should lead to undue concentration with competitive commission rates. It has also been pointed out that, above a critical level necessary to provide modern electronic facilities by contract or otherwise, other forms of competition such as service competition could be expected eventually to have effects similar to those of price competition so that a fixed commission rate system, absent controls on the type and quantity of services, does not assure that there will not be increasing concentration in the brokerage industry.[36] Experience with competitive commission rates on large transactions since April 1971, and on small transactions since April 1974, has tended to bear out the analysis that the brokerage industry is not subject to destructive competition as postulated.

Coupled with the destructive competition argument has been an acknowledgment that any new fixed commissions would have to be based on costs with suggestions that the Commission develop the necessary analysis. To date the exchanges have not devised a system for allocating costs between stock exchange commission business and other business not involving fixed rates; furthermore, they have been reluctant to adopt schedules recommended on the basis of available cost data.[37] A number of brokerage firms have repeatedly indicated that it is impractical to allocate expenses so as to break down net income among such varied lines of business as securities commissions, underwriting and trading profits since substantially the same sales personnel and branch office facilities are engaged in the generation of all sources of revenues at any time, and it is not practicable to allocate to each revenue source its share of such joint expenses as personnel costs, occupancy and equipment costs, interest and communication costs.

On the basis of its experience over the last six years with the problems of analyzing costs for a brokerage industry in many different lines of business, the Commission has concluded, as noted above, that commitment of resources would not be justified in view of the strong probability that no such system would work as well as competition.[38] The brokerage industry has demonstrated for a number of years that it can deal with price competition. Initially, such competition was confined to the use of the complex rebative practices which developed because the fixed commission rate structure was out of line with perceptions of cost. Since April 1971, competitive commission rates for large transactions have been given formal recognition in the rate structure, and since April 1974, competitive commission rates have been in effect for small transactions.

The second argument for retaining fixed commission rates is that they provide a number of subsidies which are beneficial to the operation of the securities markets.[39] Thus, it is said that large investors should pay commissions which are in excess of those justified by costs thereby enabling brokers to hold commission rates for small investors down to reasonable levels. The participation of small investors, which would be encouraged by lower commission rates would, it is asserted, enhance the orderliness and liquidity of the market for securities.

Many brokerage firms, however, concentrate on servicing large institutions while others concentrate on a retail business for small investors. Firms that do both a retail business and an institutional business have tended to treat the two as separate operations; each operation is in effect selling a different product and selling it to customers with fundamentally different needs. Brokerage firms are not obligated to do business at the request of the public and may decline, for example, to handle the accounts of small customers. Consequently, revenues derived from institutional business do not provide any rational, controllable subsidies to small investors.

It has also been argued that minimum commission rates, since they provide a relatively dependable stream of revenue to regional brokers, particularly small brokers, enable them to operate profitably. Their continued existence is said to be dependent on profits derived from fixed commission rates and to be important in order to maintain a nationwide distribution network for newly issued securities as well as to provide regional underwriting capabilities for local enterprises. While it may be argued that commission rates should be kept artificially high to sustain regional brokers in times of few underwritings so that they may be available when needed to distribute new offerings, underwriting is recognized as profitable business for a brokerage firm, there have always been adequate resources to devote, in light of the demand, to underwriting activities and many regional brokers appear confident of their ability to operate without minimum commission rates. Nevertheless, it is possible that some firms are not large enough to operate efficiently. To that extent there may be a continuation in the current pattern of consolidation of firms after the introdudction of competitive commissions.

It has also been argued that minimum floor brokerage commissions are desirable because they maintain excess capacity on exchange floors during slack periods in order to meet peak demands. There are not, however, concomitant obligations on exchanges or their members to maintain any particular level of floor brokerage capacity. Consequently, capacity is not maintained except to the extent that individual exchange members believe it desirable in order to meet expected demand.

With respect to market making by specialists, it is argued that floor brokerage income realized from high volume securities enables the specialist to make a better market in low volume securities. But it has never been possible, in view of exchanges and specialists, to measure the quality of markets with any degree of precision so as to determine that any incentive provided by minimum floor brokerage commissions is being used to provide better markets. It has consistently been acknowledged that the type of market maintained for a security is dependent upon its individual trading characteristics which may vary from time to time so that there is not any way to monitor the use by specialists of any incentive provided. Furthermore, the system of allocating and reallocating stocks to specialists has not been designed for the purpose of distributing floor brokerage among different specialists on any basis likely to make efficient use of the incentive. Secondly, securities listed on exchanges are required to meet listing criteria designed to provide reasonable likelihood of sufficient trading volume so that the exchange system will operate effectively.

The third argument for maintaining fixed commission rates is that they provide an incentive for membership on exchanges and that the exchange revenue derived from the orders executed on exchanges supports desirable self-regulation of the brokerage industry. The advent of competitive rates, it is argued,

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[35] See, e.g., Baxter, "NYSE Fixed Commission Rates": "A Private Cartel Goes Public", 22 Stanford L. Rev. 675 (1970); Friend and Blume, "Competitive Commissions on the New York Stock Exchange", 28 The Journal of Finance 795 (1973); Mann, "A Critique of the New York Stock Exchange's Report on the Economic Effects of Negotiated Commission Rates on the Brokerage Industry, the Market for Corporate Securities, and the Investing Public" Rate Structure Hearings (1969); West and Tinic, Minimum Commission Rates on New York Stock Exchange Transactions", 2 Bell Journal of Economic and Management Science 577 (1971).

[36] See Friend and Blume, supra, n. 43.

[37] See supra n. 22 and accompanying text.

[38] See supra "Reasons for the Rule."

[39] See, e.g., statements at Intra-Member Rate Hearings by representatives of the NYSE, the American Stock Exchange, and the Securities Industry Association; and statements at 19b-3 Hearings by Robert H. B. Baldwin, President, Morgan Stanley & Co., Incorporated and by representatives of the Association for the Preservation of the Auction Market, Inc., the NYSE, the American Stock Exchange, and the Securities Industry Association.

may lead to an exodus from exchanges of members which could effectively negotiate access to the exchange when necessary and would otherwise make separate markets off the exchanges.

Market making requires the commitment of capital so that, to the extent exchanges operate as efficient market places, brokers will be less likely to make the necessary investment to engage in their own market-making activities. With respect to the possible loss of membership in the case of brokers which prefer to negotiate access to exchange facilities, exchanges have authority to provide appropriate regulation for such transactions. Furthermore, exchanges may impose revenue charges to support their activities which, if not borne directly by brokers which negotiate access, will nevertheless be passed on indirectly to them through charges made by members. If transactions in listed securities take place off exchanges to a greater extent than is now the case, the associated self-regulatory costs will be shifted to a national securities association. Finally, developments of this kind are among the matters which may be monitored and dealt with if they arise, as discussed below.[50]

Representatives of several exchanges, as well as several other witnesses at the 19b-3 Hearings,[51] suggested that current economic conditions should lead to a postponement of the introduction of competitive commission rates. It is argued that the transition should be timed to a period of general prosperity so as to allow the securities industry a margin for error in making the necessary adjustments for competitive commission rates. There is not, however, any assurance of successfully predicting the general level of the economy, or of stock volume and stock prices. Furthermore, if a decision were to be made on the basis of predictions, after the decision became effective there could be a change in the trend of the economy, or of stock market volume and stock prices independent of the general state of the economy.

Similarly, there have been recent periods of high stock market volume and stock prices when it would have been unwise to introduce competitive commission rates; during the paperwork crunch in 1969 and 1970 there might have been substantial risks to investor protection, notwithstanding relatively high volume and prices for most of that period. Developments since 1970, such as implementation of the Securities Investor Protection Act,[52] revision of financial responsibility rules,[53] implementation of new rules with respect to custody of customer funds and securities[54] and improved surveillance procedures[55] have substantially reduced those risks.

On the other hand, some commentators suggested that there would be a better opportunity to observe adverse consequences, if any, and take action to correct them during a period of relative lack of activity in the industry. Finally it was suggested by others that there would be transitional problems of roughly the same magnitude whenever the transition took place and, therefore, no effort should be made to tie the transition to particular economic circumstances.[56]

The most important consideration is that the brokerage industry should be given, as it has been, a substantial period of time to plan for the transition rather than attempt to time the change precisely with respect to particular economic circumstances. That was the principle which motivated the Commission to announce, in September 1973, its policy conclusion that the fixing of commission rates should be terminated after April 30, 1975.

It was also urged that a number of other steps be implemented concurrently with or prior to the introduction of competitive commission rates. Suggestions included: (a) adoption of a best execution rule;[57] (b) development of a composite quotation system and improved nationwide clearance and depository system;[58] (c) possible safeguards to maintain viability of regional exchanges and third markets;[59] (d) preservation of the auction market by providing "equal regulation" for aspects of the securities business;[60] (e) alternation of other rules of exchanges which have anti-competitive aspects;[61] (f) prior action to lower costs on small transactions;[62] (g) prohibition of affiliated business;[63] (h) adoption of rules to resolve possible questions as to the scope of the term "investment adviser" under the Investment Advisers Act of 1940 and of the term "member" under the Act;[64] (i) action to clarify the "fiduciary" question;[65] and (j) institution of a monitoring system to assess the impact of competitive commission rates.[66]

Some of the suggestions are intended to have the effect of preserving the competitive position of exchanges; others are designed to remove competitive disadvantages which are believed to impede the ability of existing participants in the securities markets to compete effectively without fixed minimum commissions. Still other suggestions link anticipated developments in the efficient operation of the securities markets to the issue of competitive commission rates or anticipate problems with respect to the fair and orderly operation of securities markets.

With respect to adoption of a best execution rule, the Commission does not

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[50] Furthermore, with the advent of the consolidated tape, any broker choosing to make its own markets in listed securities would have to ensure appropriate reporting. See "Silver v. New York Stock Exchange," 373 U.S. 341, 356 (1963), with respect to regulation by exchanges of non-members.

[51] See, e.g., statements at 19b-3 Hearings by Sanford I. Weil, Chief Executive Officer, Shearson Hayden Stone, Inc.; James M. Roche, Public Director of the NYSE; and representatives of the American Stock Exchange, Midwest Stock Exchange and the Securities Industry Association.

[52] 15 U.S.C. 78aaa et seq. The Securities Investor Protection Corporation, established by the Securities Investor Protection Act, had by the end of 1973 placed 94 firms in liquidation. Securities Investor Protection Corporation, Third Annual Report 1973, at 1 (1974).

[53] Compare NYSE Rule 325 as in effect until 1970 with such rule as in effect subsequently.

[54] Rule 15c3-3 under the Securities Exchange Act of 1934, 17 C.F.R. 240.15c3-3.

[55] See Securities Investor Protection Corporation, Third Annual Report 1973, at 16-17 (1974).

[56] See, e.g., statements at 19b-3 Hearings by Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University, and Roger E. Birk, President, Merrill Lynch, Pierce, Fenner & Smith, Incorporated.

[57] See, e.g., statements at 19b-3 Hearings by Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University; Donald Farrar, Professor of Finance, University of California, Los Angeles; and representatives of the Boston Stock Exchange.

[58] See, e.g., statements at 19b-3 Hearings by Daniel J. Murphy, Senior Vice President, Shields Model Roland, Incorporated and by representatives of the Boston Stock Exchange, Midwest Stock Exchange and PBW Stock Exchange.

[59] See, e.g., statements at 19b-3 Hearings by Donald Farrar, Professor of Finance, University of California, Los Angeles; Mark Batatian, President, Prudential-American Securities, Inc.; and by representatives of the PBW Stock Exchange and the Investment Counsel Association of America.

[60] See, e.g., statements at 19b-3 Hearings by Robert H. B. Baldwin, President, Morgan Stanley & Co., Incorporated and by representatives of the Midwest Stock Exchange and the NYSE.

[61] See statement at 19b-3 Hearings by Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University.

[62] See, e.g., statements at 19b-3 Hearings by Mark Kaplan, President, Drexel Burnham & Co., Inc. and Thomas E. O'Hara, Chairman of the Board of Trustees of the National Association of Investment Clubs.

[63] See, e.g., statements at 19b-3 Hearings by Robert H. B. Baldwin, President, Morgan Stanley & Co., Incorporated and by representatives of the Midwest Stock Exchange.

[64] See, e.g., statements at 19b-3 Hearings by Roger E. Birk, President, Merrill Lynch, Pierce, Fenner & Smith, Incorporated and by representatives of the Midwest Stock Exchange.

[65] See, e.g., statements at 19b-3 Hearings by Robert H. B. Baldwin, President, Morgan Stanley & Co., Incorporated; Haig Casparian, Vice President and General Counsel, William D. Witter, Inc.; Philip G. Conner, Executive Vice-President, Conner, Redwine Inc.; Roger E. Birk, President, Merrill Lynch, Pierce, Fenner & Smith, Incorporated; Daniel J. Murphy, Senior Vice President, Shields Model Roland, Incorporated; Mark Kaplan, President, Drexel Burnham & Co., Incorporated; Honorable Gerald L. Parsky, Assistant Secretary of the Treasury for Trade, Energy, and Financial Resources Policy Consideration; Marshall Blume, Professor of Finance, University of Pennsylvania; James H. Lorie, Professor of Business Administration, University of Chicago; Robert Loeffler, Trustee, Equity Funding Corporation of America; and by representatives of the Boston Stock Exchange, Midwest Stock Exchange, NYSE, American Insurance Association and Investment Counsel Association of America.

[66] See, e.g., statements at 19b-3 Hearings by representatives of the NYSE.

believe it necessary, solely because of the introduction of competitive commission rates, to formulate special principles to supplement existing standards as to the duty of loyalty and care owed by an agent to his principal under general principles of agency law, as currently supplemented by the provisions of the Act and the rules adopted thereunder. If, however, it should appear appropriate, after the introduction of competitive commissions and on the basis of experience with the evolution of the markets, to provide more particular rules, the Commission will consider doing so.

More efficient and wider dissemination of quotations as well as full implementation of the consolidated tape now in a trial phase, continue, in the Commission's judgment, to be appropriate in the context of the development of a central market system. In the view of the Commission the essence of the central market system is an interconnected system of communication. But the development of such a system or further improvements in the nationwide clearance and depository systems are not preconditions to the introduction of competitive commission rates; rather, competitive commissions may, as suggested by some,[67] speed progress in their development.

While regional exchanges have been innovative and resourceful in developing new techniques and services for their members, some of them have also been vehicles for the evasion of minimum commissions. At least one regional exchange has indicated its confidence that it will be a viable marketplace without minimum commissions,[68] and the Commission does not believe it appropriate to afford special safeguards to regional exchanges solely to protect them against the effects of competitive commissions rather than for reasons relating to a desirable market structure. Similarly, to the extent that the third market has in effect existed because of the exchange umbrella of the minimum commission rate structure, the Commission does not therefore conclude that special protections are appropriate for the third market to further the objectives of the Act.

Suggestions for "equal regulation" for all aspects of the securities business came specifically from the NYSE. The NYSE would, among other things, require all trading in listed securities to be exposed to the auction market provided by any exchange[69] and would limit contact between dealers in listed securities and their customers as is currently done for specialists by NYSE and American Stock Exchange rules. The NYSE and American Stock Exchange rules restricting specialists from certain classes of customers have their regulatory foundation on the specialist's control of the limit order book from which he derives substantial income acting as an agent for other brokers. Similar circumstances do not exist for third market dealers. Nevertheless, without such provisions it is suggested that the third market will expand to the detriment of the exchanges and the auction market they provide.

Other commentators have suggested that it is more reasonable to argue that minimum commission rates have had more to do with fostering the development of the third market than to argue that competitive rates will make the third market more important.[70] Since the effect of proposals to restrict third market dealers would be to put the third market out of business and consequently give exchanges a monopoly on trading in listed securities, such action would not appear to be appropriate without persuasive evidence based on experience with competitive commission rates that the objectives of the Act would thereby be promoted.

Alteration of other rules of exchanges which have anticompetitive effects was also suggested by commentators particularly concerned that regional exchanges might not survive in an environment of competitive commission rates. One commentator suggested requiring the NYSE to allow anyone to become a specialist in order to develop a system of competitive specialists on the NYSE. That suggestion is based on assumptions about future developments in the markets for listed securities as a consequence of introducing competitive commission rates; those developments may not come to pass and the Commission does not believe it necessary to take specific action in advance of any experience with actual developments.

With respect to small transactions, it may not be possible to reduce costs without changes in the manner in which securities transactions are effected; certain kinds of costs do not vary with the amount involved in a transaction and must be incurred. To the extent, however, that better cost controls and improved procedures for processing transactions, including the elimination or immobilization of stock certificates, can be developed, their development will be speeded by the introduction of competitive commission rates and impeded by retention of a minimum commission rate system in which rates are automatically increased to pay for increasing costs.

It was also urged that, prior to implementation of a system of competitive commission rates, any handling of affiliated business by exchange members should be prohibited outright in place of the current provisions of Rule 19b-2[71] which require that 80 percent of an exchange member's business not be affiliated business. In adopting Rule 19b-2 the Commission recognized that it should gain some administrative experience in its operation and impact so that it might reassess its position should harmful, unforeseen consequences arise. The current formulation provides flexibility to respond to any fundamental changes attributable to operation under competitive commission rates, which will greatly reduce the significance of the so-called "institutional membership" problem.

The fiduciary question referred to above, arises out of the expectation by many observers that institutional portfolio managers, who purchase a very large part of all brokerage services, may believe themselves compelled, after the introduction of competitive commission rates, to seek the lowest available commission rate. It is believed that institutions would so act out of fear of lawsuits alleging breach of fiduciary duty if they used their beneficiaries' funds to pay more than the lowest available commission rate. Paying the lowest available commission rate would, it is argued, protect the institutional portfolio manager from liability. Fiduciaries, however, purchase other services for their beneficiaries without believing themselves compelled to seek the lowest possible cost; rather they appropriately "consider the full range and quality" of the services which accrue to their beneficiaries and "need not solicit competitive bids."[72]

In this connection, it has been suggested that fiduciaries might feel compelled to pay commissions which were so low as to make it impossible for brokers to supply research which is urgently needed by these fiduciaries and their beneficiaries. The Commission does not believe that this will occur to any material extent since fiduciaries are entitled to exercise their judgment as to what is in the interest of their beneficiaries and, in any event, the cost of research does not appear to be so large a part of the expense incurred by brokerage firms as to make it impossible for them to supply it in reasonable quantity if their customers de-

[67] See statement at 19b-3 Hearings by James H. Lorie, Professor of Business Administration, University of Chicago.

[68] See statement at 19b-3 Hearings by representatives of the Midwest Stock Exchange.

[69] The Midwest Stock Exchange suggested requiring all trading of listed securities to be done on exchanges if exchange memberships dropped. Currently NYSE rules provide in a number of situations that a member need not take even its own transactions in listed securities to an exchange floor. See NYSE rules relating to secondary distributions.

[70] See, e.g., statements at 19b-3 Hearings by James H. Lorie, Professor of Business Administration, University of Chicago and Seymour Smidt, Professor of Managerial Economics in the Graduate School of Business and Public Administration, Cornell University.

[71] 17 CFR 240.19b-2.

[72] *Cf.* Securities Exchange Act Release No. 9598 (May 9, 1972), 37 FR 9988 (May 18, 1972).

sire it.[13] While there may be some period of adjustment for fiduciaries after the introduction of competitive commission rates for all transactions, experience has to some extent already built up in arriving at commissions on the portion of orders over $300,000, which have most frequently involved fiduciaries. That experience should eventually be capable of general application.

Questions relating to the definition of investment adviser under the Investment Advisers Act of 1940 may require analysis based on experience with competitive commission rates. The questions raised relating to the scope of the definition of member under the Act are not basically new, but were not considered to require specific action in connection with the introduction of access provisions for nonmember brokers. The Commission, as indicated below, is, however, prepared to consider further specific proposals with respect to those questions as well as the fiduciary question and other suggestions made at the 19b-3 Hearings.

The Commission was also requested to undertake a monitoring system to assess the impact of competitive commissions. The Commission proposes to take steps to provide appropriate increased monitoring of the activities of brokers and their financial condition and operations as well as possible shifts in patterns of trading for some period subsequent to May 1, 1975, in order to assure that the objectives of the Act, including the protection of investors and the maintenance of fair and orderly markets, are upheld during any transitional phase. Such monitoring may include collection of additional financial data as well as programs of staff interviews to evaluate changing conditions. In that connection the Commission will welcome specific suggestions for the types of activities on which monitoring efforts should be focused. In addition, the Commission will consider whether or not any rulemaking or other action would be appropriate to clarify the application of the definition of member in order to assist exchanges in performing their self-regulatory role and will consider questions as to incentives to exchange membership and problems for fiduciaries anticipated by some commentators. As to the fiduciary question the Commission will, of course, also submit comments on provisions in pending legislation.[14] Any such action, if appropriate, could be taken prior to May 1, 1975, in order to facilitate the transition.

Stated differently, certain persons suggested that the introduction of competitive rates would have undesirable and unintended consequences, in part because of the changes which it would create in the economic incentives and choices of member firms. The Commission believes that these concerns appear exaggerated. In any event, however, the possibility of such undesirable consequences does not provide an adequate basis for deferring competitive rates, since there are other ways in which these problems can be dealt with. The monitoring efforts which the Commission intends to undertake will enable it to be alert to developments and to position itself to take prompt corrective action if undesirable consequences develop before, or after, May 1, 1975. Thus, for example, if it should appear that member firms are proposing to leave the exchanges in order to execute customers' transactions by making markets off the exchange, various steps could be taken to restrict this practice to the extent necessary or appropriate in the public interest or for the protection of investors.

In that connection, the Commission intends shortly to announce procedures by which any interested person may offer suggestions concerning appropriate methods to deal with any problems that might emerge. It should be noted, however, that proposals which appear on their face to be anticompetitive can hardly be acted upon in the absence of experience under competitive rates which demonstrates that they are, nevertheless, necessary or appropriate.

4. *Conclusion.* After a long and careful consideration of the policy questions raised by the existence of the fixed commission rate structures on national securities exchanges, the Commission has concluded that the adoption of Securities Exchange Act Rule 19b-3, precluding exchanges from fixing the rates of commission their members must charge, is necessary or appropriate for the protection of investors, to assure fair dealing in securities traded in upon such exchanges and to insure the fair administration of such exchanges, and, accordingly, hereby adopts Rule 19b-3.

5. *The Text of the Rule.* Section 240.19b-3 reads as follows:

§ 240.19b-3 Prohibiting fixing of rates of commission by exchanges.

(a) No national securities exchange ("exchange") shall adopt or retain any rule of the exchange that requires, or shall otherwise, directly or indirectly, require its members, or any person associated with its members, to charge any person any fixed rate of commission for transactions effected on, or effected by the use of the facilities of, such exchange.

(b) Each exchange shall provide in its rules of the exchange that nothing therein or in its practices shall be construed to require or authorize its members, or any person associated with its members, to agree or arrange, directly or indirectly, for the charging of fixed rates of commission for transactions effected on, or effected by the use of the facilities of, such exchange.

(c) No member of any exchange, or person associated with any member, shall be required to comply with, or may rely on, the provisions of any rule of the exchange covered by paragraph (a) of this section.

(d) As used in this rule, the term "rule of the exchange" refers to any provision of the constitution, articles of incorporation, bylaws or rules or instruments corresponding thereto, whatever the name, of the exchange, and the term "floor brokerage commissions" refers to commissions applicable to the execution of transactions for members or associate members of an exchange but does not include commissions for clearance services or commissions for a combination of floor brokerage and clearance services.

(e) The provisions of this rule shall become effective on May 1, 1975, except as to any rule of the exchange relating to floor brokerage commissions as to which the provisions of this rule shall become effective on May 1, 1976.

(Secs. 2, 6, 10, 11, 19, 23; 48 Stat. 881, 885, 891, 898, 901; as amended; secs. 8, 49 Stat. 1379, 75 Stat. 465, 82 Stat. 453 (15 U.S.C. 78b, 78f, 78j, 78k, 78s, 78w))

By the Commission.

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

JANUARY 23, 1975.

[FR Doc.75-4609 Filed 2-19-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

AMENDMENT REGARDING ENFORCEMENT ACTIVITIES

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations of authority to inspect establishments of manufacturers of biological products under section 351 of the Public Health Service Act. A reorganization of the Bureau of Biologics (39 FR 18702) made revision of the delegation necessary.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120),

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[13] Member firms' 1973 NYSE Income and Expense reports (which include an estimate of research expense covering all research activities wherever performed) show that, of the 235 firms carrying public customer accounts, 4 estimated research expense as 25 percent or more of total expense, 12 as more than 15 percent, and 26 firms as more than 10 percent. The aggregate research expense of these 26 firms was $20 million out of a total of $109 million for all 235 carrying firms. There were 180 firms for which research expense was estimated to account for less than 5 percent of total expense; but the research expenditures of these firms accounted for 65 percent of the total for all carrying firms.

[14] H.R. 10 and S. 249, 94th Cong., 1st Sess. (1975).

Part 2 is amended in § 2.121 by revising paragraph (p)(7) to read as follows:

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

* * * * *

(p) * * *

(7) The Director, Deputy Director, and Associate Director of the Bureau of Biologics and the Director of the Division of Compliance of that Bureau may authorize, pursuant to section 351(c) of the Public Health Service Act (42 U.S.C. 262(c)), any officer, agent, or employee to enter and inspect any establishment which is subject to the provisions of section 351 of the act (42 U.S.C. 262).

* * * * *

Effective date. This order shall be effective February 20, 1975.

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

Dated: February 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4591 Filed 2-19-75;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

LIGNIN SULFONATE FROM SISAL

The Commissioner of Food and Drugs has evaluated the data in a petition (MF-3515) filed by the Dexter Corp., 1 Elm St., Windsor Locks, CT 06096, and other relevant material, and concludes that the food additive regulations (21 CFR Part 121) should be amended, as set forth below, to provide for the safe use of lignin sulfonate derived from sisal (*Agave sisalana*) as a permitted ingredient in animal feed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)), and under authority delegated to the Commissioner (21 CFR 2.120), § 121.234 is amended in paragraph (a) by adding the words "or of sisal (*Agave sisalana*)" after the words "or of abaca (*Musa textilis*)." As revised, paragraph (a) reads as follows:

§ 121.234 Lignin sulfonates.

* * * * *

(a) For the purpose of this section, the food additive is either one, or a combination of, the ammonium, calcium, magnesium, or sodium salts of the extract of spent sulfite liquor derived from the sulfite digestion of wood or of abaca (*Musa textilis*) or of sisal (*Agave sisalana*) in either a liquid form moisture not to exceed 50 percent by weight) or dry form (moisture not to exceed 6 percent by weight).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before March 24, 1975 file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective February 20, 1975.

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

Dated: February 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4592 Filed 2-19-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 516—RECORDS TO BE KEPT BY EMPLOYERS

PART 552—APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Extension to Domestic Service Employees

The Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), as amended by the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259, 88 Stat. 55), extends with certain exceptions the Act's minimum wage, overtime, equal pay, and recordkeeping provisions to domestic service employees. In order to implement the 1974 Amendments, a proposed change in the recordkeeping requirements of 29 CFR Part 516 and and a new proposed 29 CFR Part 552 concerning domestic service employment were published in the FEDERAL REGISTER on October 1, 1974 (39 FR 35382). Subpart A of 29 CFR Part 552 defined and delimited the terms "domestic service employee," "employee employed on a casual basis in domestic service employment to provide babysitting services," and "employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves." Subpart B set out statements of general policy and interpretation concerning the application of the Fair Labor Standards Act to domestic service employees. Interested persons were invited to submit written comments, suggestions, data or arguments concerning the proposal to the Administrator of the Wage and Hour Division, U.S. Department of Labor, in Washington, D.C. on or before November 4, 1974.

In response to the October proposal, comments were received from individuals, law firms, social service groups (both public and private), employers of working mothers, the Women's Bureau of the U.S. Department of Labor, the AFL-CIO, public welfare departments of State and local governments, and business firms providing domestic service workers. Most of the comments were from working mothers and their employers who expressed great concern over the impact which the Amendments and the proposed regulations would have upon those working mothers who employ full-time babysitters. The Wage and Hour Division is mindful of the special problems of working mothers, but the text of the statute and the legislative history of the 1974 Amendments do not permit the Secretary of Labor or the Administrator of the Wage and Hour Division to extend the exemption which Congress provided for those who perform babysitting services on a casual basis to individuals who care for children as their regular, full-time employment.

Based upon the other comments, I have made several minor changes in proposed Part 552. These include the addition of "nurses" to the list of employees who fall within the term "domestic service employment" (§ 552.3); removing the examples from the definition of "casual basis" as it applies to babysitting services (§ 552.5) and inserting them in § 552.104; and deleting the 8-hour a week limitation on the amount of nonexempt work which may be performed by individuals engaged in rendering companionship services (§ 552.6). Also, a sentence was added to § 552.100(b) to make it clear that employers cannot credit against wages for the cost of uniforms and their care if they require that the uniforms be worn. The more detailed description in § 552.100(d) for determining the actual cost of furnishing lodging has been omitted and employers are referred instead to the applicable regulations and rulings contained in 29 CFR 531. Section 552.101(b) has been amended to make clear that employees engaged in maintaining businesses conducted in a home are not "domestic service employees." A paragraph (c) has been added to § 552.101 to deal with the method of determining hours of work for non-live-in domestic service employees. The recordkeeping requirements for live-in domestic service employees have been simplified by the addition of paragraph (b) to § 552.102 which permits the employee's hours to be established by an agreement rather than by the maintenance of precise hourly records where there is an agreement between the parties which schedules the employee's hours of work and that agreement is regularly followed. Other clarifying changes were made in § 552.110.

The one major change in Part 552 is in § 552.109 which deals with "third party employment." This section as originally proposed would not have allowed the section 13(a)(15) or the section 13(b)(21)

exemption for employees who, although providing companionship or live-in domestic services, are employed by an employer or agency other than the family or household using their services. On further consideration, I have concluded that these exemptions can be available to such third party employers since they apply to "any employee" engaged "in" the enumerated services. This interpretation is more consistent with the statutory language and prior practices concerning other similarly worded exemptions.

Therefore, with the changes and additions indicated above, the proposed amendments to 29 CFR Part 516, and the new 29 CFR Part 552, are adopted, to become effective February 20, 1975 in their final form which reads as follows:

1. Part 516 is amended by adding the following section:

§ 516.34 Domestic service employees.

(a) With respect to any person employed as a domestic service employee who is not exempt under section 13(a)(15) of the Act, the employer of such person shall maintain and preserve records containing for each such person the following:

(1) Name in full;

(2) Social security number;

(3) Address in full, including zip code;

(4) Total hours worked each week by such employee for the employer;

(5) Total cash wages paid each week to such employee by the employer;

(6) Weekly sums claimed by the employer for board, lodging or other facilities; and

(7) Extra pay for weekly hours worked in excess of 40 by such employee for the employer.

(b) No particular form of records is required, so long as the above information is recorded and the record is maintained and preserved for a period of 3 years.

(c) Where an employee works on a fixed schedule, the employer may maintain the schedule of daily and weekly hours the employee normally works, and (1) indicate by check mark, statement or other method that such hours were actually worked, and (2) when more or less than the scheduled hours are worked, show the exact number of hours worked.

(Sec. 11(c), 52 Stat. 1060, as amended (29 U.S.C. 211 (c)))

2. Part 552 is added. Its title, table of contents and Subparts A and B read as follows.

Subpart A—General Regulations

Subpart B—Interpretations

AUTHORITY: Section 13(a)(15) of the Fair Labor Standards Act, as amended (29 U.S.C. 213(a)(15), 88 Stat. 62; sec. 29(b) of the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259, 88 Stat. 76).

Subpart A—General Regulations

§ 552.1 Terms used in regulations.

(a) "Administrator" means the Administrator of the Wage and Hour Division, U.S. Department of Labor, or the Administrator's authorized representative.

(b) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ 552.2 Purpose and scope.

(a) This part provides necessary rules for the application of the Act to domestic service employment in accordance with the following amendments made by the Fair Labor Standards Amendments of 1974, 88 Stat. 55, et seq.

(b) Section 2(a) of the Act finds that the "employment of persons in domestic service in households affects commerce." Section 6(f) extends minimum wage protection under section 6(b) to employees employed as domestic service employees under either of the following circumstances: (1) If the employee's compensation for such services from his employer would constitute wages under section 209(g) of Title II of the Social Security Act, that is, if the compensation paid in cash during a calendar quarter totaled $50 or more, or (2) if the employee was employed in such domestic service work by one or more employers for more than 8 hours in the aggregate in any workweek. Section 7(l) extends generally the protection of the overtime provisions of section 7(a) to such domestic service employees. Section 13(a)(15) provides both a minimum wage and overtime exemption for "employees employed on a casual basis in domestic service employment to provide babysitting services" and for domestic service employees employed "to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves." Section 13(b)(21) provides an overtime exemption for domestic service employees who reside in the household in which they are employed.

(c) The definitions required by section 13(a)(15) are contained in §§ 552.3, 552.4, 552.5 and 552.6.

§ 552.3 Domestic service employment.

As used in section 13(a)(15) of the Act, the term "domestic service employment" refers to services of a household nature performed by an employee in or about a private home (permanent or temporary) of the person by whom he or she is employed. The term includes employees such as cooks, waiters, butlers, valets, maids, housekeepers, governesses, nurses, janitors, laundresses, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use. It also includes babysitters employed on other than a casual basis. This listing is illustrative and not exhaustive.

§ 552.4 Babysitting services.

As used in section 13(a)(15) of the Act, the term "babysitting services" shall mean the custodial care and protection, during any part of the 24-hour day, of infants or children in or about the private home in which the infants or young children reside. The term "babysitting services" does not include services relating to the care and protection of infants or children which are performed by trained personnel, such as registered, vocational, or practical nurses. While such trained personnel do not qualify as baby sitters, this fact does not remove them from the category of a covered domestic service employee when employed in or about a private household.

§ 552.5 Casual basis.

As used in section 13(a)(15) of the Act, the term "casual basis," when applied to babysitting services, shall mean employment which is irregular or intermittent, and which is not performed by an individual whose vocation is babysitting. Casual babysitting services may include the performance of some household work not related to caring for the children: *Provided, however,* That such work is incidental, i.e., does not exceed 20 percent of the total hours worked on the particular babysitting assignment.

§ 552.6 Companionship services for the aged or infirm.

As used in section 13(a)(15) of the Act, the term "companionship services" shall mean those services which provide fellowship, care, and protection for a person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. Such services may include household work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. They may also include the performance of general household work; *Provided however,* That such work is incidental, i.e., does not exceed 20 percent of the total weekly hours worked. The term "companionship services" does not include services relating to the care and protection of the aged or infirm which require and are performed by trained personnel, such as a registered or practical nurse. While such trained personnel do not qualify as companions, this fact does not remove them from the category of covered domestic service employees when employed in or about a private household.

§ 552.7 Petition for amendment of regulations.

Any person wishing a revision of any of the terms of the foregoing regula-

tions may submit in writing to the Administrator a petition setting forth the changes desired, the reasons for proposing the specified changes, and his or her interest in the matter. No particular form of petition is required. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes.

Subpart B—Interpretations

§ 552.99 Basis for coverage of domestic service employees.

Congress in section 2(a) of the Act specifically found that the employment of persons in domestic service in households affects commerce. In the legislative history it was pointed out that employees in domestic service employment handle goods such as soaps, mops, detergents, and vacuum cleaners that have moved in or were produced for interstate commerce and also that they free members of the household to themselves engage in activities in interstate commerce (S. Rep. 93–690, pages 21–22). The Senate Committee on Labor and Public Welfare "took note of the expanded use of the interstate commerce clause by the Supreme Court in numerous recent cases (particularly "Katzenbach v. McClung", 379 U.S. 294 (1964))," and concluded "that coverage of domestic employees is a vital step in the direction of ensuring that all workers affecting interstate commerce are protected by the Fair Labor Standards Act" (S. Rep. 93–690, pp. 21–22).

§ 552.100 Application of minimum wage and overtime provisions.

(a)(1) Domestic service employees must receive for employment in any household a minimum wage of $1.90 an hour effective May 1, 1974, not less than $2.00 an hour during the year beginning January 1, 1975, not less than $2.20 an hour during the year beginning January 1, 1976, and not less than $2.30 an hour after December 31, 1976.

(2) In addition, domestic service employees who work more than 40 hours in any one workweek for the same employer must be paid overtime compensation at a rate not less than one and one-half times the employee's regular rate of pay for such excess hours, unless the employee is one who resides in the employer's household. In the case of employees who reside in the household where they are employed, section 13(b)(21) of the Act provides an overtime, but not a minimum wage, exemption. See § 552.102.

(b) In meeting the wage responsibilities imposed by the Act, employers may take appropriate credit for the reasonable cost or fair value, as determined by the Administrator, of food, lodging and other facilities customarily furnished to the employee by the employer such as drugs, cosmetics, drycleaning, etc. See S. Rep. 93–690, p. 19, and section 3(m) of the Act. Credit may be taken for the reasonable cost or fair value of these facilities only when the employee's acceptance of them is voluntary and uncoerced. See regulations, Part 531. Where uniforms are required by the employer, the cost of the uniforms and their care may not be included in such credit.

(c) For enforcement purposes, the Administrator will accept a credit taken by the employer of $0.75 for breakfast (if furnished), $1.00 for lunch (if furnished), and $1.25 for dinner (if furnished), which meal credits do not exceed $3.00 a day. Nothing herein shall prevent employers from crediting themselves with the actual cost or fair value of furnishing meals, as determined in accordance with Part 531 of this chapter, if such cost or fair value is different from the meal credits specified above: *Provided, however,* That employers keep, maintain and preserve (for a period of 3 years) the records on which they rely to justify such different cost figures.

(d) In the case of lodging furnished to live-in domestic service employees, the Administrator will accept a credit taken by the employer of $15 a week. Nothing herein shall prevent employers from crediting themselves with the actual cost or fair value of furnishing lodging, as determined in accordance with Part 531 of this chapter, if such cost or fair value is different from the amount specified above, provided however, that employers keep, maintain, and preserve (for a period of 3 years) the records on which they rely to justify such different cost figures. In determining reasonable cost or fair value, the regulations and rulings in 29 CFR 531 are applicable.

§ 552.101 Domestic service employment.

(a) The definition of "domestic service employment" contained in § 552.3 is derived from the regulations issued under the Social Security Act (20 CFR 404.1027(j)) and from "the generally accepted meaning" of the term. Accordingly, the term includes persons who are frequently referred to as "private household workers." See S. Rep. 93–690, p. 20. The domestic service must be performed in or about the private home of the employer whether that home is a fixed place of abode or a temporary dwelling as in the case of an individual or family travelling on vacation. A separate and distinct dwelling maintained by an individual or a family in an apartment house, condominium or hotel may constitute a private home.

(b) Employees employed in dwelling places which are primarily rooming or boarding houses are not considered domestic service employees. The places where they work are not private homes but commercial or business establishments. Likewise, employees employed in connection with a business or professional service which is conducted in a home (such as a real estate, doctor's, dentist's or lawyer's office) are not domestic service employees.

(c) In determining the total hours worked, the employer must include all time the employee is required to be on the premises or on duty, and all time the employee is suffered or permitted to work. Special rules for live-in domestic service employees are set forth in § 552.102.

§ 552.102 Live-in domestic service employees.

(a) Domestic service employees who reside in the household where they are employed are entitled to the same minimum wage as domestic service employees who work by the day. However, section 13(b)(21) provides an exemption from the Act's overtime requirements for domestic service employees who reside in the household where employed. But this exemption does not excuse the employer from paying the live-in worker at the applicable minimum wage rate for all hours worked. In determining the number of hours worked by a live-in worker, the employee and the employer may exclude, by agreement between themselves, the amount of sleeping time, meal time and other periods of complete freedom from all duties when the employee may either leave the premises or stay on the premises for purely personal pursuits. For periods of free time (other than those relating to meals and sleeping) to be excluded from hours worked, the periods must be of sufficient duration to enable the employee to make effective use of the time. If the sleeping time, meal periods or other periods of free time are interrupted by a call to duty, the interruption must be counted as hours worked. See regulations Part 785, § 785.23.

(b) Where there is a reasonable agreement, as indicated in (a) above, it may be used to establish the employee's hours of work in lieu of maintaining precise records of the hours actually worked. The employer shall keep a copy of the agreement and indicate that the employee's work time generally coincides with the agreement. If it is found by the parties that there is a significant deviation from the initial agreement, a separate record should be kept for that period or a new agreement should be reached that reflects the actual facts.

§ 552.103 Babysitting services in general.

The term "babysitting services" is defined in § 552.4. Babysitting is a form of domestic service, and babysitters other than those working on a casual basis are entitled to the same benefits under the Act as other domestic service employees.

§ 552.104 Babysitting services performed on a casual basis.

(a) Employees performing babysitting services on a casual basis, as defined in § 552.5 are excluded from the minimum wage and overtime provisions of the Act. The rationale for this exclusion is that such persons are usually not dependent upon the income from rendering such services for their livelihood. Such services are often provided by (1) teenagers during non-school hours or for a short period after completing high school but prior to entering other employment as a vocation, or (2) older persons whose

main source of livelihood is from other means.

(b) Employment in babysitting services would usually be on a "casual basis," whether performed for one or more employees, if such employment by all such employers does not exceed 20 hours per week in the aggregate. Employment in excess of these hours may still be on a "casual basis" if the excessive hours of employment are without regularity or are for irregular or intermittent periods. Employment in babysitting services shall also be deemed to be on a "casual basis" (regardless of the number of weekly hours worked by the babysitter) in the case of individuals whose vocations are not domestic service who accompany families for a vacation period to take care of the children if the duration of such employment does not exceed 6 weeks.

(c) If the individual performing babysitting services on a "casual" basis devotes more than 20 percent of his or her time to household work during a babysitting assignment, the exemption for "babysitting services on a casual basis" does not apply during that assignment and the individual must be paid in accordance with the Act's minimum wage and overtime requirements. This does not affect the application of the exemption for previous or subsequent babysitting assignments where the 20 percent tolerance is not exceeded.

(d) Individuals who engage in babysitting as a full-time occupation are not employed on a "casual basis."

§ 552.105 Individuals performing babysitting services in their own homes.

(a) It is clear from the legislative history that the Act's new coverage of domestic service employees is limited to those persons who perform such services in or about the private household of the employer. Accordingly, if such services are performed away from the employer's permanent or temporary household, there is no coverage under sections 6(f) and 7(l) of the Act. A typical example would be an individual who cares for the children of others in her own home. This type of operation, however, could, depending on the particular facts, qualify as a preschool or day care center and thus be covered under section 3(s)(4) of the Act in which case the person providing the service would be required to comply with the applicable provisions of the Act.

(b) An individual in a local neighborhood who takes four or five children into his or her home, which is operated as a day care home, and who does not have more than 1 employee or whose only employees are members of that individual's immediate family is not covered by the Fair Labor Standards Act.

§ 552.106 Companionship services for the aged or infirm.

The term "companionship services for the aged or infirm" is defined in § 552.6. Persons who provide care and protection for babies and young children, who are not physically or mentally infirm, are considered babysitters, not companions. The companion must perform the services with respect to the aged or infirm persons and not generally to other persons. The "casual" limitation does not apply to companion services.

§ 552.107 Yard maintenance workers.

Persons who mow lawns and perform other yard work in a neighborhood community generally provide their own equipment, set their own work schedule and occasionally hire other individuals. Such persons will be recognized as independent contractors who are not covered by the Act as domestic service employees. On the other hand, gardeners and yardmen employed primarily by one household are not usually independent contractors.

§ 552.108 Child labor provisions.

Congress made no change in section 12 as regards domestic service employees. Accordingly, the child labor provisions of the Act do not apply unless the underaged minor (a) is individually engaged in commerce or in the production of goods for commerce, or (b) is employed by an enterprise meeting the coverage tests of sections 3(r) and 3(s)(1) of the Act, or (3) is employed in or about a home where work in the production of goods for commerce is performed.

§ 552.109 Third party employment.

(a) Employees who are engaged in providing companionship services, as defined in § 552.6, and who are employed by an employer or agency other than the family or household using their services, are exempt from the Act's minimum wage and overtime pay requirements by virtue of section 13(a)(15). Assigning such an employee to more than one household or family in the same workweek would not defeat the exemption for that workweek, provided that the services rendered during each assignment come within the definition of companionship services.

(b) Employees who are engaged in providing babysitting services and who are employed by an employer or agency other than the family or household using their services are not employed on a "casual basis" for purposes of the section 13(a)(15) exemption. Such employees are engaged in this occupation as a vocation.

(c) Live-in domestic service employees who are employed by an employer or agency other than the family or household using their services are exempt from the Act's overtime requirements by virtue of section 13(b)(21). This exemption, however, will not apply where the employee works only temporarily for any one family or household, since that employee would not be "residing" on the premises of such family or household.

§ 552.110 Recordkeeping requirements.

(a) The general recordkeeping regulations are found in Part 516 of this chapter and they require that every employer having covered domestic service employees shall keep records which show for each such employee (1) name in full, (2) social security number, (3) address in full, including zip code, (4) total hours worked each week by the employee for the employer, (5) total cash wages paid each week to the employee by the employer, (6) weekly sums claimed by the employer for board, lodging or other facilities, and (7) extra pay for weekly hours worked in excess of 40 by the employee for the employer. No particular form of records is required, so long as the above information is recorded and the record is maintained and preserved for a period of 3 years.

(b) In the case of an employee who resides on the premises, records of the actual hours worked are not required. Instead, the employer may maintain a copy of the agreement referred to in § 552.102. The more limited recordkeeping requirement provided by this subsection does not apply to third party employers. No records are required for casual babysitters.

(c) Where a domestic service employee works on a fixed schedule, the employer may use a schedule of daily and weekly hours that the employee normally works, and either the employer or the employee may (1) indicate by check marks, statement or other method that such hours were actually worked, and (2) when more or less than the scheduled hours are worked, show the exact number of hours worked.

(d) The employer may require the domestic service employee to record the hours worked and submit such record to the employer.

Signed at Washington, D.C., this 12th day of February, 1975.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.75-4472 Filed 2-19-75;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER B—SALES AND SERVICES

PART 812—USER CHARGES

Cost Determination Factors

These amendments expand and revise the factors used in determining costs for services and change the criteria for determining charges for lease or sale of Federally-owned resources or property.

Part 812, Subchapter B of Chapter VI of title 32 of the Code of Federal Regulations is amended as follows:

1. Section 812.3 is amended by revising paragraph (b)(1) and adding (b)(10) and (11) to read as follows:

§ 812.3 Establishing fees and determining costs for special services.

* * * * *

(b) * * *

(1) Gross civilian salaries. (Include an amount to cover annual leave, sick leave and holiday entitlements, and the Air Force contributions for life insurance,

health benefits, and retirement. Activities without an industrial-type cost accounting system add 29 percent of gross civilian salaries. Activities with an industrial-type cost accounting system which indicates a rate other than 29 percent is required to recover costs, use that rate.)

* * * * *

(10) A one percent surcharge added to the basic sale price of the service to recoup the higher headquarters administrative cost in cases where major command review and approval is required; add a two percent surcharge if the major command is required to send the contract to HQ, USAF for final review.

(11) Interest on the Government's investment in AF-owned capital assets, that is, land, buildings, and equipment. Interest on investment equals the net book value of facilities and equipment times the interest rate. The interest rate to be used for this purpose is 10 percent. If the net book value is not available, use the best available data.

* * * * *

2. Section 812.4 is revised to read as follows:

§ 812.4 Determining charges for lease or sale.

When Federally-owned resources or property are leased or sold, base the charges on a determination of fair market value. Charges need not be limited to the recovery of costs; they may produce net revenues to the Government.

(a) *Sale of material.* In the absence of a known market value, determine the fair value for sale of material based on the aggregate of:

(1) Standard price of the item carried in inventory or at reduced price when so authorized for sale within the Department of Defense.

(2) Accessorial and administrative costs as provided in AFR 172-5, Reimbursement for Accessorial and Administrative Costs.

(b) *Lease or rental of property.* Fair market value for lease or rental of property is normally determined according to commercial rates for similar property in the local geographical area. In cases involving the lease or rental of military equipment where there is no commercial counterpart, base fair market value on the computation of an annual rent which consists of depreciation and interest on investment. Also charge support, if furnished, and applicable general administration expenses.

(10 U.S.C. 8012)

By order of the Secretary of the Air Force.

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

[FR Doc.75-4542 Filed 2-19-75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION

Department of Health, Education, and Welfare

PROGRAMS FOR THE EDUCATION OF THE HANDICAPPED

Notice of proposed rule making was published in the FEDERAL REGISTER on October 11, 1973, at 38 FR 28230-28247 setting forth: (1) Definitions and general provisions for programs authorized under the Education of the Handicapped Act (Title VI of Pub. L. 91-230; 20 U.S.C. 1401-1461) (Part 121 of the proposed regulation); (2) Specific requirements governing assistance to applicants under Parts C (Secs. 621-624), D (Secs. 631-634), E (Secs. 641-644), F (Secs. 651-654), and G (Sec. 661) of the Act (Parts 121b, 121c, 121d, 121e, 121f, 121g, 121h, 121i, 121j of the regulations, respectively); and (3) guidelines for assistance under Parts C (Sec. 623), E, and G of the Act (set forth following Parts 121d, 121h, and 121j of the regulations, respectively.

Pursuant to section 503 of the Education Amendments of 1972 (Pub. L. 92-318), a public hearing on the proposed regulations and guidelines was held on November 12, 1973 in Washington, D.C. In addition, written comments were received and considered.

A. *Summary of comments; changes in the regulations and guidelines.* The following comments were submitted to the Office of Education regarding the proposed regulations and guidelines, either at the public hearing held on November 12, 1973, or in writing. After the summary of each comment, a response is set forth stating changes which have been made in the regulations and guidelines or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the final regulations and guidelines.

REGULATIONS

1. Section 121.2 *Definitions.* (a) *Comment.* A commenter suggested that the terms "physical education" and/or "adapted physical education," and "recreation" and/or "therapeutic recreation," be defined.

Response. Defining a term necessarily restricts its scope. In order that these terms may be broadly interpreted under the legislation, it has been determined not to define them. No change has been made in the regulations.

(b) *Comment.* A commenter suggested that the definition of "handicapped" be reviewed and consideration be given to differentiating between and using terms such as "impaired," "disabled," and "handicapped" with greater refinement and exactness. The commenter stated that the definition of "handicapped" is not consistent with the way in which persons with various handicapping conditions view themselves.

Response. The definition of the term "handicapped" in § 121.2 of the regulations repeats the definition in section 620(1) of the Act. No change has been made in the regulations.

(c) *Comment.* A commenter questioned whether categorization of specific types of handicaps would not tend to limit delivery of appropriate services in cases of children with multiple handicaps.

Response. The regulations do not preclude multiply-handicapped children from receiving services, where they are otherwise eligible under the Act. No change has been made in the regulations.

2. Section 121.3 *Objectives.*—(a) *Comment.* A commenter suggested that physical education be specifically included in the list of objectives regarding the education of handicapped children.

Response. The U.S. Office of Education recognizes, in accordance with the Act, that physical education and recreation is an integral part of programs for the education of handicapped children. However, the Act does not require and the Office of Education does not believe that physical education and recreation should be listed as a major objective in educating handicapped children. No change has been made in the regulations.

(b) *Comment.* A commenter suggested that rural school psychologists be viewed as an integral part in the delivery of services in order to meet the objectives listed in § 121.3.

Response. A wide variety of relevant disciplines and persons should have input into educational programs for the handicapped. While it would not be inappropriate to delineate specific persons or professions which might be involved to some extent in such programs, the difficulties in compiling a complete list are greater than the benefit to be derived. Professionals in various disciplines should be involved in the programs assisted under the Act to the extent appropriate, considering the activity involved. No change has been made in the regulations.

3. Part 121b *Regional resource centers. Comment.* A commenter suggested that there be greater explication of work scope of the regional resource centers in Part 121b.

Response. Changes have been made to reflect current program objectives and to provide a more detailed description of the activities to be carried out by the centers.

4. Section 121b.9 *Parental participation. Comment.* A commenter expressed the desirability and necessity of greater parental involvement in programs and activities of the regional resource centers.

Response. It is felt that parental participation is already sufficiently provided under § 121.4 and § 121b.9 of the regulations. No change has been made in the regulations.

5. Section 121c.33 *Services.* (a) *Comment.* A commenter suggested that in the second sentence of paragraph (b),

the term "may" be changed to "shall" so as to require that centers for deaf-blind children provide a program for the adjustment, orientation and education of deaf-blind children which includes adapted recreational and physical education activities and services.

Response. The language of section 622 of the Act is broad enough to include physical education and recreation as part of the total program for the adjustment, orientation, and education of deaf-blind children. It is felt that the regulations should retain this broad authority to permit flexibility in the design of individual projects. No change has been made in the regulations.

(b) *Comment.* A commenter suggested that in the second sentence of § 121c.33 (b) the terms "adapted recreational" and "physical education" be changed respectively to "therapeutic recreation" and "adapted physical education."

Response. Changes have been made in the regulation in conformity with this comment. The changes are intended to make the terminology consistent with current professional usage. No substantive change is intended.

(c) *Comment.* A commenter also suggested that in the second sentence of § 121c.33(b) the scope of concern be expanded beyond "social experience" to include opportunities for growth and development in such areas as physical (psychomotor), mental/intellectual (cognitive), and emotional (effective).

Response. Programs under Part 121c for deaf-blind children are comprehensive educational-service programs which include the psychomotor, cognitive, and emotional (as well as social) growth and development of each such child. In order to prevent any misinterpretation, the phrase "organized to provide adequate social experience" has been deleted from the second sentence of paragraph (b) of § 121c.33.

(d) *Comment.* A commenter suggested that in the second sentence of § 121c.33 (b), the phrase "adapted recreational and physical education activities and services" be changed to "adapted recreational and/or physical educational activities and services."

Response. The originally intended meaning of the phrase "adapted recreational and physical education activities and services" is that either adapted recreational or physical education activities and services, or both, may be included in the program for the adjustment orientation, and education of deaf-blind children. However, in order to clarify this intent the commenter's suggestion has been adopted and the term "or" inserted so that the phrase reads "adapted recreational and/or physical education activities and services".

6. Part 121d *Early Education for Handicapped Children. Comment.* A commenter expressed the desirability of greater participation of parents in early education programs.

Response. One of the objectives of early education programs listed in § 121d.16 (Development, parental involvement, and dissemination of information) is to encourage effective participation of parents of children to be served in the development and operation of the program. Parents also must be included on the advisory council pursuant to § 121d.29 (Advisory council). Such participation is deemed sufficient. No change was made in the regulations.

7. Section 121d.2 *Eligible parties. Comment.* A commenter suggested that institutions of higher education be listed as eligible parties for assistance.

Response. Parties eligible for assistance under this Part are "public agencies and private nonprofit organizations", as specified in section 623(a) of the Act. These terms are broad enough to include institutions of higher education. No change was made in the regulations.

8. Section 121d.3 *Purpose;* and section 121d.19 *Priorities. Comment.* Commenters suggested that recreation and physical education be specifically mentioned in each of these sections.

Response. Section 623 of the Act requires that early education programs for handicapped children include activities for physical development along with other specified activities. Physical education and recreation are an integral part of the comprehensive early education program. Therefore, no changes are necessary in the regulations.

9. Section 121e.3 *Eligible parties. Comment.* A commenter questioned whether assistance under Part 121e (*Auxiliary Activities*) should be restricted to public or non-profit private agencies, organizations, or institutions which operate regional resource centers, centers for deaf-blind children, or those which carry out programs of early education for handicapped children.

Response. Part 121e has been reviewed in the light of the language of section 624 of the Act and relevant legislative history. Upon reconsideration, the language of § 121e.3 has been revised and broadened so as to be less restrictive with respect to the type of activity which a party has to be carrying out in order to be eligible for assistance.

10. Section 121f.4 *Grants to State educational agencies. Comment.* A commenter suggested that in the second sentence of § 121f.4 the phrase "physical educators and recreation personnel" be changed to "physical educators and/or recreation personnel."

Response. It was originally intended that grants to State educational agencies may include either programs for preparation of physical educators or for recreation personnel, or for both. However, to clarify this intent, the commenter's suggestion has been adopted and the phrase changed to read "programs for preparation of physical educators and/or recreation personnel . . ."

11. Section 121f.10 *Areas of preparation. Comment.* A commenter suggested that the phrase "physical education and recreation" be changed to "physical education and/or recreation."

Response. As in comment 10 above, it was originally intended that areas of preparation under § 121f.10 could include either physical education, or recreation, or both. To clarify this intent the term "or" has been inserted so that the phrase now reads "physical education and/or recreation for the handicapped . . ."

12. Section 121f.20 *Criteria for evaluation of applications. Comment.* A commenter suggested that applications for assistance be reviewed in two stages, the first being a review in terms of program design, methodology, budget, and other project elements without identification of the applicant. If a minimum score were attained in the first stage of review, a further review would be made in terms of qualifications of the applicant to carry out the project.

Response. Current procedures for review of applications by non-federal outside reviewers involves the consideration of the adequacy of qualifications of personnel designated to carry out the proposed project, along with other factors such as sufficiency of size, scope, and duration of the project so as to serve productive results, soundness of the proposed plan of operation, adequacy of facilities, etc., as required under 45 CFR 100a.26(b) (*General Provisions for Office of Education Programs*). These factors must be considered together under this regulation. It would be extremely difficult from an administrative standpoint to review applications in two stages. The commenter's suggestion is an interesting conception, except for the inherent administrative difficulties involved. No change was made in the regulations.

13. Part 121g—*Recruitment of Personnel and Dissemination of Information. Comment.* A commenter suggested that Part 121g be reviewed and rewritten for greater clarity and depth.

Response. It has been determined that maximum flexibility in carrying out activities as well as leeway in designing imaginative projects should be permitted under this Part. Greater specificity would restrict interpretation and frustrate this policy. No change has been made in the regulations.

14. Section 121h.2 *Purpose. Comment.* A commenter suggested the phrase "physical education or recreation" be changed to "physical education and/or recreation."

Response. In the context of the language of section 642 of the Act, the Office of Education is interpreting the phrase "physical education or recreation" so that funds may be used to conduct research surveys or demonstrations relating to physical education for the handicapped or to recreation for the handicapped, or to both. Changes have been made to clarify this interpretation in § 121h.2(b) so that the phrase now reads, "relating to physical education and/or recreation for handicapped children."

15. Section 121h.7 *Cost Sharing. Comment.* A commenter questioned whether cost sharing should apply to contracts, as well as grants.

Response. Cost sharing is not required under Part E of the Act. Pursuant to OMB Circular A-100, the Office of Education has decided not to require cost sharing with respect to procurement contracts. The objectives of the research project and its work scope are specified in the Office's request for proposals. Section 121h.7 has been changed so as to eliminate contracts from the cost-sharing requirement.

16. Part 121i *Instructional media for the Handicapped. Comment.* A commenter suggested that consideration be given to making the media system under Part 121i a part of existing State and local audio-visual and/or media centers so that more teachers and leaders could have access to the materials.

Response. The instructional media program for the handicapped has been substantially modified to provide for the establishment of a systematic comprehensive service of media materials for the handicapped child through a combination of Federal, State, and local agencies. It is believed that this new approach will make such materials more accessible to the consumer.

17. Section 121i.81 *Purpose. Comment.* A commenter suggested that other areas of an individual's total development be included so as to delineate his physical, mental, emotional, and social growth. Leisure pursuits are needed, along with social and vocational considerations.

Response. As stated in the response to comment 16 above, the instructional media program for the handicapped has been substantially modified. It is intended that through a systematic comprehensive service of media materials for the handicapped, the total development of the individual including his physical, mental, emotional, and social growth will be enhanced. Any specification of particular areas of development might restrict this broad comprehensive scope.

18. Part 121j. *Special Programs for Children with Specific Learning Disabilities.* (a) *Comment.* A commenter felt greater parental participation was desirable in programs under Part 121j.

Response. Active parental participation in each model center is already required under § 121j.44 (Parental participation). Section 121j.43 (Advisory council) also provides for membership of parents on the advisory council of each model center. No change was made in the regulations.

(b) *Comment.* A commenter suggested that reference should be made throughout Part 121j to motor development, movement, physical proficiency, and perceptual-motor skills.

Response. Since specific learning disabilities involve disorders in understanding or using language, written or spoken, education which emphasizes physical dexterity and training is not the most appropriate type of education for overcoming this handicap. The term "children with specific learning disabilities," as defined in section 602(15) of the Act, does not include children with learning problems which are primarily the result of motor handicaps. No change was made in the regulations.

19. Section 121j.41 *Activities. Comment.* A commenter suggested that recreation and physical education be included in the list of activities which a model center must provide.

Response. Specific learning disabilities refers to disorders in the basic psychological processes involved in understanding or in using language, written or spoken. Physical education and recreation would not be appropriate for dealing with this type of disability. No change was made in the regulations.

20. *General comments.* (a) *Comment.* A commenter suggested that there be required to be included on all advisory councils covered in the regulations, including the National Advisory Council on Handicapped Children under section 604 of the Act, an individual with expertise in physical education and recreation.

Response. An effort has always been made to include persons from a wide variety of relevant disciplines on advisory councils. In order to obtain a balanced input into programs for the education of the handicapped from all relevant sources, it is felt that membership on the various advisory committees should not be tightly categorized. The Bureau for the Education of the Handicapped will continue to be sensitive to input from physical education and recreation personnel. No change was made in the regulations.

(b) *Comment.* A commenter suggested that an advisory council be required for all projects covered in the regulations.

Response. Advisory councils have been required in those programs where local participation is required under the Act or where it is deemed necessary to increase the effectiveness of the particular local project. Advisory councils are provided for in projects for early education for handicapped children and for children with specific learning disabilities. Centers for deaf-blind children each have a regional committee made up of various representatives, including at least one parent of a deaf-blind child in the area to be served, to assist in the planning, development, and operation of the center dissemination of information and assessment of needs, establishment of priorities, and evaluation. Regional resource centers, in the case of local educational agencies, must provide for parental involvement in the planning, development, and operation of the center.

Because of the technical nature of the design and methodology of research projects, local advisory councils are not provided for. However, the Commissioner receives advice and recommendations on applications for research projects by experts who must review each application before it can be approved. Programs and projects for training personnel for the education of the handicapped are selected on the basis of the technical qualifications of applicants to conduct a training program. Such programs are training-oriented rather than service-oriented. It is deemed inappropriate to require local advisory councils because of the nature of the program. No change has been made in the regulations.

(c) *Comment.* A commenter suggested that consultation with the State director of special education be required for all project applications.

Response. State educational agencies are eligible applicants under most discretionary programs covered by the regulations. It would therefore be inappropriate for the State director of special education to review applications from other eligible applicants. No change was made in the regulations.

(d) *Comment.* A commenter suggested that separate emphasis be given to the provision of services to the handicapped in rural areas.

Response. Services to handicapped children in rural areas are already provided for in various programs and projects under the Act. Regional Resource Centers, Area Learning Resource Centers, programs for early education of handicapped children, and projects for the recruitment of personnel and dissemination of information provide services for handicapped children in rural areas. Centers for deaf-blind children are established on the basis of need for the center in the region to be served, and services are provided under a comprehensive plan to meet the special needs of these children in the region. Both urban and rural areas are included in this determination of need and provision of services. A center for children with specific learning disabilities is, to the extent feasible, established in each State. Services are to be provided for children in all areas of the State. Programs and projects for training personnel and for research in education of the handicapped are dependent on the technical capability of the applicant and must therefore be awarded on this basis rather than on the basis of the physical location of the applicant. The ultimate results of these programs and projects are such that they will benefit all areas of the country. No changes have been made in the regulations.

(e) *Comment.* A commenter suggested that members be appointed to the National Advisory Committee on Recreation and Physical Education for Handicapped Children.

Response. The policy under the Federal Advisory Committee Act (Pub. L. 92-463) is to reduce the number of Federal advisory committees. The Bureau for the Education of the Handicapped has reviewed the need for a national committee on physical education and recreation activities and does not feel that such a need exists. The Bureau feels that there is sufficient input from physical education and recreation personnel on local project advisory councils.

GUIDELINES

21. *Research in the Education of the Handicapped; Part E of the Education*

of the Handicapped Act. A. Section 3.1 *Initiation of projects. Comment.* A commenter suggested that § 3.1 of the guidelines be broadened so as to include a greater number of ways in which requests for proposals will be disseminated.

Response. Section 3.1 was intended to give the general areas for dissemination rather than the actual disseminating instrumentalities. No change has been made in the guideline.

B. *Other changes.* (1) Numerous typographical and technical corrections have been made.

(2) Part 121b (Regional Resource Centers) has been revised by the addition of a new section and the redesignation of other specific section as follows:

(a) A new § 121b.3 has been added to define the term "educational program."

(b) Section 121b.11 (as redesignated) has been revised to include additional services to be provided by the centers, with preference in testing and educational evaluation in paragraph (a) of that section being given to children for whom local or State services are not available and children with complicated education problems. A new paragraph (e) has been added to this section to provide for assistance to States in developing an intrastate capacity to meet the educational needs of the handicapped children.

(c) Section 121b.13 (as redesignated) has been revised to require that each center develop and apply effective methods for evaluating the efficiency with which human and financial resources have been used in providing services and meeting project objectives.

(3) Part 121c (Centers and Services for Deaf-Blind Children)—Section 121c.33 has been revised to include in paragraph (b) therapeutic as well as adapted recreational and physical education services and activities which may be provided by the center.

(4) Part 121d (Early Education for Handicapped Children) has been revised as follows:

(a) Section 121d.17 has been revised to require that each program under subpart B include provision for the development of relationships with appropriate public and private health agencies, as well as with State and local educational agencies.

(b) Section 121d.40 has been added to provide for awards for special projects such as replication, training, technical assistance, etc.

(c) Section 121d.41 has been added to cover requirements for applications for special projects under § 121d.40.

(5) Part 121f (Training Personnel for Education of the Handicapped) has been revised by the addition of several new sections and the redesignation of other specific sections.

(a) Section 121f.6 has been revised to eliminate the definition of "post baccalaureate" and add definitions of "predoctoral student" and "post-doctoral student" in place thereof. Assistance for students now includes students beyond the doctoral level.

(b) Section 121f.9 has been revised to require that each application contain the State educational agency's statement as to personnel needs for education of the handicapped.

(c) Section 121f.41 has been revised to provide for direct financial assistance to students at the graduate (pre-doctoral), and post-graduate (post-doctoral) levels, as well as at the undergraduate (baccalaureate) level.

(d) Sections 121f.45 and 121f.46 have been revised to delete all references to "post-baccalaureate" and to substitute instead, the term "pre-doctoral." Section 121f.45 provides for stipends for students at the pre-doctoral level and § 121f.46 covers work related experience for predoctoral students.

(e) A new § 121f.47 has been added to provide for stipends for students at the post-doctoral level.

(f) Section 121f.48 has been revised to provide for dependency allowances for both pre-doctoral and post-doctoral students.

(g) Section 121f.49 has been revised to provide for supplementation of stipends for pre-doctoral and post-doctoral students to accommodate regional cost of living variations and cases of special needs, but not to exceed $1,000 per student per academic year. This revised section reflects present Department policy.

(h) Section 121h.4 has been revised to include the criteria for the selection of applications. Section 3.5 of the guidelines has been deleted because unsolicited proposals are now accepted only under the procedure for submission of field initiated studies.

(i) A definition of "severely handicapped children" has been added to § 121.2.

(j) An objective relating to severely handicapped children has been added to § 121.3.

The changes made in these regulations are not deemed to be sufficiently substantial to warrant further rule making procedures, given the delays that would result. Therefore, it has been determined under 5 U.S.C. 553(b) that rule making with respect to these changes is unnecessary and contrary to the public interest.

Assistance provided under these programs is subject to the provisions in the governing legislation as well as the applicable provisions of Parts 121 and 121b–121j of the regulations. Assistance is also subject to applicable provisions of Subchapter A of this chapter (See, in particular, 45 CFR Part 100a).

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended by revising Part 121 and by adding new parts 121b–121j to read as set forth below. Subpart B of Part 121 is redesignated as Part 121a.

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

(Catalog of Federal Domestic Assistance Programs, Nos. 13.443–448, 13.445–452, Education of the Handicapped Programs)

Dated: January 23, 1975.

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

Approved: February 11, 1975.

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

PART 121—DEFINITIONS; GENERAL PROVISIONS

Sec.
121.1 Scope.
121.2 Definitions.
121.3 Objectives.
121.4 Parental involvement and dissemination.
121.5 Multi-year programs and projects.

AUTHORITY: Secs. 601–605, Pub. L. 91–230, 84 Stat. 175, 177 (20 U.S.C. 1401–1404), unless otherwise noted.

§ 121.1 Scope.

Except as otherwise provided in this part, the provisions contained in this part apply to all programs authorized under the Education of the Handicapped Act (Pub. L. 91–230, Title VI).

(20 U.S.C. 1401)

§ 121.2 Definitions.

As used in Parts 121 through 121j, inclusive, of this chapter: "Act" means the Education of the Handicapped Act (Title VI of Pub. L. 91–230).

(20 U.S.C. 1401)

"Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematic calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental disadvantage.

(20 U.S.C. 1401 (15))

"Construction" means:

(a) Erection of new or expansion of existing structures, including the acquisition and installation of equipment therefor; or

(b) Acquisition of existing structures not owned by any agency or institution making application for assistance under the Act; or

(c) Remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or

(d) Acquisition of land in connection with the activities in paragraphs (a), (b), and (c) of this definition; or

(c) A combination of any two or more of the foregoing.

(20 U.S.C. 1401(4))

"Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(20 U.S.C. 1401(5))

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services.

(20 U.S.C. 1401(1))

"Institution of higher education" means an educational institution in any State which:

(a) Admits as regular students only individuals who have a certificate of graduation from high school, or the recognized equivalent of such certificate;

(b) Is legally authorized within such State to provide a program of education beyond high school;

(c) Provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(d) Is a public or other nonprofit institution; and

(e) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph, or if not so accredited, is an institution, whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge. If the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under the Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner will publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(20 U.S.C. 1401(11))

"Local educational agency" means a public board of education or other public authority legally constituted within a state for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1401(8))

"Private elementary or secondary schools" means schools which provide elementary or secondary education, as determined under State law (but not including any education provided beyond grade 12) and which are controlled by other than a public agency.

(20 U.S.C. 1413(a)(2))

"Research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(20 U.S.C. 1401(13))

"Seriously emotionally disturbed children" does not include children who are socially maladjusted but not emotionally disturbed. In distinguishing between such children, the following criteria may be used to determine those children who are seriously emotionally disturbed: those children who exhibit one or more of the following characteristics over a long period of time and to a marked degree:

(a) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(c) Inappropriate types of behavior or feelings under normal circumstances;

(d) General pervasive mood of unhappiness or depression; or

(e) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems.

(20 U.S.C. 1401(1))

"Severely handicapped children" are those who because of the intensity of their physical, mental, or emotional problems, or a combination of such problems, need educational, social, psychological, and medical services beyond those which are traditionally offered by regular and special educational programs, in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment.

(a) The term includes those children who are classified as seriously emotionally disturbed (including children who are schizophrenic or autistic), profoundly and severely mentally retarded, and those with two or more serious handicapping conditions, such as the mentally-retarded blind, and the cerebral-palsied deaf.

(b) "Severely handicapped children" (1) may possess severe language and/or perceptual-cognitive deprivations, and evidence abnormal behaviors such as: (i) Failure to respond to pronounced social stimuli, (ii) Self-multilation, (iii) Self-stimulation, (iv) Manifestation of intense and prolonged temper tantrums, and (v) The absence of rudimentary forms of verbal control, and (2) May also have extremely fragile physiological conditions.

"State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such agency, or officer, an agency or officer designated by the Governor or by State law.

(20 U.S.C. 1401 (7))

§ 121.3 Objectives.

(a) The U.S. Office of Education is committed to assuring equal educational opportunities for all handicapped children. The efforts of the Office of Education in meeting this commitment are coordinated through the Bureau of Education for the Handicapped.

(b) Education of handicapped children has been adopted by the U.S. Office of Education as one of its major priorities. The six objectives designed to implement this priority are:

(1) To assure that every handicapped child is receiving an appropriately designed education;

(2) To assist the States in providing appropriate educational services to the handicapped;

(3) To assure that every handicapped child who leaves school has had career educational training that is relevant to the job market, meaningful to his career aspirations, and realistic to his fullest potential;

(4) To assure that all handicapped children served in the schools have a trained teacher or other resource person

competent in the skills required to aid the child in reaching his full potential; and

(5) To secure the enrollment of preschool aged handicapped children in Federal, State, and local educational and day care programs.

(6) To encourage additional educational programming for severely handicapped children to enable them to become as independent as possible, thereby reducing their requirements for institutional care, and providing opportunities for self-development.

(20 U.S.C. 1402, 1411, 1421–1425, 1431–1434, 1441, 1442, 1451, 1461)

§ 121.4 Parental involvement and dissemination.

(a) *Scope.* This section is applicable to any program under the Act in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes.

(b) *Regulations.* Upon making a determination pursuant to paragraph (a) of this section, the Commissioner will promulgate regulations with respect to such program setting forth criteria designed to encourage such participation.

(c) *Local educational agencies.* If the program for which such determination is made provides for payments to local educational agencies, applications for payments shall:

(1) Set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluation to such parents and the public.

(20 U.S.C. 1231d)

§ 121.5 Multi-year programs and projects.

(a) The Commissioner may require that institutions, organizations, and agencies applying for assistance under Parts C, D, E, F, or G of the Act will project their goals and activities over a three-year period. Multi-year approval is intended to offer programs or projects a reasonable degee of stability over time and to facilitate additional long range planning.

(b) Approval of multi-year programs or projects shall not commit the Federal government to provide financial assistance from appropriations not currently available.

(20 U.S.C. 1413)

PART 121b—REGIONAL RESOURCE CENTERS

Subpart A—General

Sec.
121b.1 Scope.
121b.2 Purpose.
121b.3 Definition.
121b.4 Eligible parties.

Subpart B—Services and Activities

121b.10 Need and capability.
121b.11 Services.
121b.12 Location of centers.
121b.13 Evaluation and dissemination.
121b.14 Coordinating office for regional resource centers.
121b.15 Parental participation.
121b.16 Auxiliary activities.

AUTHORITY: Sec. 621, Pub. L. 91-230, 84 Stat. 181 (20 U.S.C. 1421), unless otherwise noted.

Subpart A—General

§ 121b.1 Scope.

(a) This part applies to projects assisted under section 621 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1421)

§ 121b.2 Purpose.

Payment of Federal funds under this part may be made to assist eligible parties in the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs.

(20 U.S.C. 1421(a))

§ 121b.3 Definition.

As used in this part: "Educational program" means a curriculum prescribed for a handicapped child, designed to meet the needs of that child as determined through testing and other methods of educational evaluation. The term includes:

(a) Long-range plans which generalize the sequence and content of educational experiences a child should have, over a period of years, through various schools, clinics, tutorial programs, and/or other kinds of broad units of teaching/learning situations;

(b) Short-range plans which generalize the sequence and content of educational experiences a child should have for the next few months, school year, or several years; and

(c) Plans for the immediate future which detail specific sets of teaching strategies, prescribed skill-building activities, or other specific curricular activities a child should have for the next few days, weeks, or month.

(20 U.S.C. 1421)

§ 121b.4 Eligible parties.

Parties eligible to receive assistance under this part are (a) institutions of higher education, (b) State educational agencies, or (c) combinations of such agencies or institutions (which combinations may include one or more local educational agencies), within particular regions of the United States.

(20 U.S.C. 1421(a))

Subpart B—Services and Activities

§ 121b.10 Need and capability.

(a) In providing assistance under this part, the Commissioner will take into consideration (1) the need for a regional center in the region to be served (including the number of handicapped children in the State or region to be served), and (2) the capability of the applicant to develop and apply, with the assistance of funds under this part, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

(b) Each regional center assisted under this part shall work with the State educational agencies in its region toward assuring effective educational evaluation and program placement for all handicapped children.

(20 U.S.C. 1421(b))

§ 121b.11 Services.

Each regional center assisted under this part shall make available at least the following services:

(a) (1) Testing and educational evaluation to determine the special educational needs of handicapped children referred to such center. (2) Preference will be given to (i) children for whom local or State services are not available, and (ii) children with the most complicated educational problems. (3) Services under this paragraph shall include the development and appraisal of methods (which can be disseminated by way of demonstration or other appropriate means) for appraising those needs; (4) The recipient shall provide for the dissemination, throughout the States, of information concerning the testing and evaluation capacity of the regional center.

(20 U.S.C. 1421(a)(1))

(b) Development of educational programs to meet those needs in cooperation with school officials and the parents of the concerned children. The regional center shall provide ongoing evaluation to identify the methods found most effective in meeting those needs.

(20 U.S.C. 1421(a)(2))

(c) Assistance to schools and other appropriate agencies, organizations, and institutions in providing the educational programs (developed under paragraph (b) of this section) through services such as (1) consultation (including, in appropriate cases, consultation with parents or teachers of handicapped children at the regional centers), (2) periodic reexamination and reevaluation of special education programs (including programs developed at the center under paragraph (b) of this section), and (3) regional workshops, (4) dissemination of printed or media packages on educational programming practices, (5) other technical services;

(20 U.S.C. 1421(a)(3))

(d) Following the educational progress of the handicapped children evaluated under paragraph (a) of this section, and modifying the programs developed under paragraph (b) of this section or assisted under paragraph (c) of this section as necessary to meet the special educational needs of those children;

(e) Technical assistance to States in the region served by the center in the development of their capacity to evaluate and meet the educational needs of handicapped children; and

(20 U.S.C. 1421 (a)(3))

(f) Demonstration of new techniques of testing and new procedures of instruction.

(20 U.S.C. 1421 (b))

§ 121b.12 Location of centers.

To the extent feasible, regional centers will be distributed equitably throughout the Nation, and may, for demonstration purposes, be located both in urban and in rural areas.

(20 U.S.C. 1421)

§ 121b.13 Evaluation and dissemination.

(a) Each regional center shall develop and apply effective methods for evaluating (1) the extent to which project objectives are being met, (2) the effectiveness of the educational programs developed for handicapped children by the center, and (3) the efficiency with which human and financial resources were used in providing the services in § 121b.11 and meeting such project objectives.

(b) Each center shall disseminate or provide for the dissemination of information regarding its activities, including the evaluation carried out under paragraph (a) of this section. Additional dissemination activities may be carried out under Part 121e of this chapter.

(20 U.S.C. 1421, 1424)

§ 121b.14 Coordinating office for regional resource centers.

(a) The Commissioner will establish a Coordinating office for regional resource centers to serve the regional centers, and to set forth strategies which accommodate sharing of resources and nonredundant activities among regional centers in instances where single efforts are warranted.

(b) The coordinating office shall: (1) conduct studies to identify needs for educational testing and for evaluation instruments or procedures, (2) announce these needs to organizations which have the potential for satisfying these needs, (3) recommend priorities to the Commissioner in meeting these needs, (4) maintain state of the art information on identification diagnostic, appraisal, and prescriptive techniques for use by the regional centers and State and intrastate agencies, (5) conduct regional and national seminars on educational evaluation of handicapped children and educational program prescriptions for regional center staffs, State and local educational agencies, and teacher training institutions, and (6) develop and disseminate training and information packets which are designed to improve the quality of the educational evaluation of, and program prescription for, handicapped children.

(20 U.S.C. 1423, 1424)

§ 121b.15 Parental participation.

If a local education agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d, 1421)

§ 121b.16 Auxiliary activities.

(a) Applications for assistance under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121 of this chapter.

(20 U.S.C. 1421, 1424)

PART 121c—CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

AUTHORITY: Sec. 622, Pub. L. 91-230, 84 Stat. 182 (20 U.S.C. 1422), unless otherwise noted.

Subpart A—Purpose; Eligible Parties

§ 121c.1 Scope.

(a) This part applies to programs and projects assisted under section 622 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1422)

§ 121c.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of providing (by grants to or contracts with eligible parties), through a limited number of model centers for deaf-blind children (referred to in this part as "regional centers"), a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids, that are found to be most effective to enable such children to achieve their full potential (a) for communication with, and adjustment to, the world around them, (b) for useful and meaningful participation in society, and (c) for self-fulfillment.

(20 U.S.C. 1422(a))

§ 121c.3 Eligible parties.

Parties eligible to receive assistance under this part are public or nonprofit private agencies, organizations, or institutions.

(20 U.S.C. 1422(b))

Subpart B—Organization of Centers

§ 121c.10 Cooperative arrangements.

(a) *General.* To receive assistance under this part, eligible parties shall enter into cooperative arrangements with other eligible parties (referred to in this part as "participating agencies"), which may include those in another State.

(b) *Sponsoring agency.* In the case of each cooperative arrangement established under paragraph (a) of this section there shall be a single public or nonprofit private agency, organization, or institution (1) which is designated as the "sponsoring agency", (2) which is the grant or contract applicant for the regional center, (3) which shall be the legal recipient of the grant of contract award, (4) which shall be legally responsible for administering the regional center under the grant or contract, and (5) which may enter into contracts (to the extent permitted by State and local law) for the provision of part of the services under the grant or contract.

(c) *Parties and terms of service contracts.* The contracts specified in paragraph (b)(5) of this section may be made with participating agencies, as well as with other agencies, institutions, or organizations.

(20 U.S.C. 1422)

§ 121c.11 Regional center sponsoring agency.

The sponsoring agency shall be responsible for stimulating development of and coordinating and monitoring the status of contracted services for deaf-blind children in the region to be served, including the provision of those activities and services for deaf-blind children specified under §§ 121c.33 and 121c.34.

(20 U.S.C. 1422)

§ 121c.12 Other center components.

Each regional center shall have a regional coordinator, a regional committee, and adequate staffing to administer the grant or contract.

(a) *Regional coordinator.* The regional coordinator shall be responsible for (1) preparation of the grant or contract application of the regional center; (2) implementation of approved program goals and supervision of the carrying out of those responsibilities of the sponsoring agency specified in § 121c.10; and (3) establishment of the regional committee pursuant to paragraph (b) of this section.

(b) *Regional committee.* (1) The regional committee shall include in its membership (but shall not be limited to): A representative from the sponsoring agency, at least one representative from each State in the region to be served (including the State official or officials, or their designees, who are responsible for special education), at least one parent of a deaf-blind child in the area to be served, and at least one representative from each of the allied disciplines of medicine, social service, and rehabilitation services (which may include a representative of the National Center for Deaf-Blind Youths and Adults). (2) The regional committee shall actively assist in (i) the planning, development, and operation of the regional center, (ii) the dissemination of information regarding the regional center's programs, (iii) the assessment of regional needs regarding deaf-blind children and the establishment of priorities respecting those needs for the region, and (iv) the evaluation of the extent to which the objectives of the regional center meet established short and long range regional goals.

(c) *Staff.* The regional center staff shall (1) stimulate early identification and followup of all deaf-blind children in the region, (2) maintain adequately organized records on each such child, and (3) stimulate, support, and monitor services, research, training, and evaluation provided or carried out by the regional center.

(d) *Participating agencies.* Participating agencies may include eligible parties which are health, education, or social service agencies or institutions in the region to be served, and which are engaged in, or responsible for, direct delivery of services to deaf-blind children or their families, regardless of whether those agencies are assisted through contracts with the sponsoring agency or are assisted from other public or private sources.

(20 U.S.C. 1422)

Subpart C—Geographical Requirements

§ 121c.22 Need for center.

In providing assistance under this part, the Commissioner will take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the region to be served.

(20 U.S.C. 1422(c))

§ 121c.23 Regional plan.

Each application for assistance under this part shall include a comprehensive plan to meet the special needs of deaf-blind children in the region to be served. In the case of an application for a continuation award, the regional committee established under § 121c.12(b) shall actively assist in the development of this regional plan.

(20 U.S.C. 1422)

Subpart D—Services and Activities

§ 121c.33 Services.

Each regional center assisted under this part shall provide at least the following services:

(a) Comprehensive and continuing diagnostic and evaluative services for deaf-blind children. Such services shall include (1) examinations by the following qualified personnel: Audiologists, ophthalmologists, pediatricians, and other special consultants as needed, such as child psychologists, optometrists, orthodontists, pediatric neurologists, cardiologists, otorhinolaryngologists, speech pathologists, and occupational and physical therapists and (2) continuing psychoeducational assessments of intellectual, social-adaptive, and communication abilities, and emotional adjustment.

(b) A program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor. This program may include therapeutic and adapted recreational and/or physical education activities and services.

(c) Effective professional consultative and counseling services for parents, teachers, and others who play a direct role in the lives of deaf-blind children, to enable them to understand the special problems of those children and to assist in the process of adjustment, orientation, and education of those children.

(20 U.S.C. 1422(d)(1))

§ 121c.34 Additional activities.

(a) In addition to the services specified in § 121c.33 each regional center shall carry out the following activities under Part 121e of this chapter:

(1) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of deaf-blind children;

(2) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for those children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(3) Dissemination of materials and information about practices found effective in working with those children.

(b) Each regional center shall provide for continuing evaluation of the effectiveness of each program or project assisted under this part, either directly or by contract with independent organizations.

(c)(1) Each regional center may also conduct research under section 624(a)(1) of the Act and Part 121e of this chapter to identify and meet the full range of special needs of deaf-blind children. (2) Applications for assistance under this part shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act. (3) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter and sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1422, 1424)

§ 121c.35 Construction and equipment.

Establishment and operation of regional centers under this part may include the construction of necessary facilities, including the construction of necessary residential facilities, and may include the acquisition of necessary equipment.

(20 U.S.C. 1404, 1422(b))

§ 121c.36 Children to be served.

The services to be provided under § 121c.33 shall be available on a continuing basis to all deaf-blind children in the geographic area to be served by the regional center, including deaf-blind children (a) who are enrolled in schools operated by participating agencies, (b) who are attending other programs for handicapped children, and (c) who are not able to cope with a regular school program.

(20 U.S.C. 1422)

§ 121c.37 Determination of deaf-blind children.

(a) As used in this part, the term "deaf-blind children" means children who have auditory and visual handicaps, the combination of which causes such severe communication and other developmental and educational problems that they cannot properly be accommodated in special education programs solely for the hearing handicapped child or for the visually handicapped child.

(b) Determination that a child is a deaf-blind child within the meaning of paragraph (a) of this section shall be made by the regional center on the basis of an extended period of evaluation, conducted in the center or elsewhere by a team of specialists (at least including specialists in the fields of hearing, vision, and education of the handicapped), who shall make appropriate recommendations to the center as to whether a child is a deaf-blind child within the criteria set forth in paragraph (a) of this section.

(20 U.S.C. 1422)

§ 121c.38 Location of services.

(a) Services provided to deaf-blind children by a regional center may be provided to those children (and, where applicable, other persons) regardless of whether they reside in the regional center, and may be provided at some place other than the center.

(b) A regional center may use the facilities, services, and resources available in another regional center to provide needed services for its deaf-blind children and their families except where such use will interfere with the program of the other regional center.

(20 U.S.C. 1422(d)(2))

§ 121c.39 Transportation.

The services referred to in § 121c.33 may include the provision of transportation for deaf-blind children (including an attendant), and for parents.

(20 U.S.C. 1422(d)(2))

§ 121c.40 Parental participation.

If a local educational agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d)

PART 121d—EARLY EDUCATION FOR HANDICAPPED CHILDREN

Subpart A—Early Education Projects

Subpart B—Outreach Activities

AUTHORITY: Sec. 623, Pub. L. 91-230, 84 Stat. 183 (20 U.S.C. 1423), unless otherwise noted.

Subpart A—Early Education Projects

§ 121d.1 Scope.

(a) Except as otherwise provided, this supart applies to all programs assisted under section 623 of the Act. Assistance under this part will be limited to those programs which the Commissioner determines show the greatest promise of providing a comprehensive and strengthened approach to the special problems of handicapped children.

(b) Assistance provided under this subpart is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1423)

§ 121d.2 Eligible parties.

Parties eligible to receive assistance under this subpart are public agencies and private nonprofit organizations.

(20 U.S.C. 1423(a))

§ 121d.3 Purpose.

Payment of Federal funds under this subpart may be made for the purpose of assisting eligible parties in developing and carrying out experimental preschool and early education programs for handicapped children which incorporate the basic principles of child growth and development, psychology of learning, special education, and other disciplines that may be associated with the handicapped.

(20 U.S.C. 1423)

§ 121d.13 Distribution.

Programs under this subpart will be distributed to the greatest extent possible throughout the Nation, and will be carried out both in urban and in rural areas.

(20 U.S.C. 1423(a))

§ 121d.14 Initial year proposal.

Eligible applicants shall submit, as a condition to receiving assistance under this subpart for the first year of such assistance for an activity, a proposal containing the following information:

(a) A description of the population to be served including its socioeconomic, social and ethnic makeup, and the handicapping conditions of the children to be served;

(b) The criteria which will be used to determine whether a child is handicapped for the purpose of participating in programs assisted under this subpart;

(c) The curriculum design;

(d) The provision for parent-family participation;

(e) A description of proposed replication activities;

(f) A description of supplementary services available;

(g) The provision for coordination with other agencies,

(h) A description of the applicant's plans for the establishment of the advisory council required under § 121d.29;

(i) Plans for continuation of the program after the period of Federal funding ceases; and

(j) A description of the provision for assessment of the progress of the children to be served.

(20 U.S.C. 1423)

§ 121d.15 Participating children.

(a) "Preschool and early education" refers to a period from birth to the time a child would normally complete the third grade. The term includes the prenatal period where there is evidence that a handicapped child will be born.

(b) A program may also serve a limited number of handicapped children, beyond the preschool and early education period if such children are functioning at a level below that which would normally be expected upon a child's completion of the third grade.

(c) A program may serve one or a variety of types of handicapped children. In the case of integrated programs (those combining handicapped and non-handicapped children) funds provided under this subpart may support only the costs for the handicapped children.

(20 U.S.C. 1423)

§ 121d.16 Development, parental involvement, and dissemination of information.

Each program shall include services and activities designed to accomplish the following objectives:

(a) To facilitate the intellectual, emotional, physical, mental, social, and language development of handicapped children. These services and activities must be appropriate to the age level, levels of development, family situations, and handicapping conditions of the children included in the program. These services shall include comprehensive and continuing diagnosis and evaluation of each child's development.

(b)(1) To encourage the effective participation in the development and operation of the program of parents (and other family members) of the children to be served. This participation, in addition to that provided under § 121d.29, shall include (i) opportunities to advise and assist in the planning, development, operation, and evaluation of the project; (ii) training for parents and other family members (where appropriate) as a component of the project; (iii) appropriate participation in the educational and therapeutic components of the program; and (iv) opportunities to advise and assist in the dissemination of information regarding the program. (2) If a local educational agency applies for assistance under this subpart, the application shall contain the policies, procedures, and assurance required in § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(c) To acquaint the community to be served by the program with the problem and potentialities of handicapped children. In addition, dissemination of information regarding the program shall be extended to the general public, the education community, and other professional communities by appropriate means. A program shall be structured so that its components can be replicated or adapted for use elsewhere.

(20 U.S.C. 1231d, 1423(a))

§ 121d.17 Coordination.

Each program under this Subpart shall provide for effective coordination with similar activities in the schools of the community to be served. In addition, each program shall include provision for the development of relationships with State and local educational agencies, and appropriate public and private health agencies, in such manner as to accomplish the following objectives:

(a) Inform those agencies of the nature and purposes of the program;

(b) Provide opportunities for the staff of the program to coordinate their activities with those of the staffs of those agencies;

(c) Use available services in order to provide a comprehensive program for children served by the program and in order to avoid duplication of effort;

(d) Facilitate the spread of knowledge about the program;

(e) Develop mechanisms for future replication or adaptation of program components;

(f) Relate the program to State and local planning;

(g) Inform those agencies of the number and special needs of children of school age who will be leaving the program in order to facilitate continuity in the educational program of those children and facilitate the provision of comprehensive services for them as they enter the local school system; and

(h) Encourage continued active parental participation in the education progress of handicapped children.

(20 U.S.C. 1231d, 1423 (a) and (b))

§ 121d.19 Priorities.

Priority for assistance under this subpart will be given to applications which propose projects designed to: (a) Provide or develop models which can successfully group handicapped children with nonhandicapped children on a full or part-time basis and which are aimed at permitting the entry of handicapped children into the regular school system, (b) serve to further the goal set forth in § 121d.13, (c) serve children of special age level or functional level groups within the limits provided for in § 121d.15, (d) offer significantly improved delivery of specialized services to handicapped children residing in rural areas, (e) serve handicapped children who are also economically disadvantaged, or (f) serve children with specific handicapping conditions.

(20 U.S.C. 1423)

§ 121d.29 Advisory council.

(a) Each recipient shall establish an advisory council upon official notice from the Commissioner that it has been awarded a grant or contract under this subpart.

(b) At least one-fourth of the membership of the advisory council shall consist of parents living in the geographic area to be served by activities carried out under this subpart by the recipient, and at least two of such parents shall be parents of children served by those activities.

(c) The recipient shall arrange for the advisory council to assist actively in (1) the planning, development, and operation of the program, (2) acquainting the community to be served with the program, (3) disseminating information regarding the program, and (4) evaluating the success of the program.

(d) Each recipient shall provide to each member of its advisory council: (1) A copy of the Act and this part; (2) a copy of the program proposal and all documents in the possession of the recipient relating to the award of assistance under this part for the program; and (3) such other documents and information relating to the program as are reasonably necessary to permit the advisory council to perform its functions under this section.

(20 U.S.C. 1231d, 1423)

§ 121d.30 Tuition.

No recipient may collect fees or other charges from, or with respect to, any child participating in activities assisted under this part.

(20 U.S.C. 1423)

§ 121d.31 Federal financial participation.

(a) Federal financial assistance under this subpart will not exceed 90 percent of the cost of developing, carrying out, and evaluating a program.

(b) Federal funds provided under this part may not be used for costs of construction, except for minor remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures.

(20 U.S.C. 1404, 1423(c))

§ 121d.32 Auxiliary activities.

(a) Applications for assistance under this subpart shall specifically state any activities which an applicant intends to undertake pursuant to section 624 of the Act.

(b) Research activities under section 624(a)(1) of the Act are subject to applicable requirements contained in §§ 121h.1 (b), 121h.4, and 121h.7 of this chapter, as well as applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1423, 1424)

Subpart B—Outreach Activities

§ 121d.40 Activities.

(a) Parties which have received assistance for early education projects under section 623 of the Act for three or more years may apply for assistance for activities under section 624 of the Act which will assist other agencies in meeting the early educational needs of handicapped children.

(b) Activities under this subpart are subject to applicable provisions contained in Part 121e of this chapter.

(20 U.S.C. 1423, 1424)

§ 121d.41 Application content.

An application for assistance under this subpart shall include:

(a) An assurance that direct services provided to handicapped children during the prior years of the early education project under section 623 of the Act will be continued by the applicant and supported from funds other than funds under section 623.

(b) written evidence obtained from the responsible officials of the applicant of the amount and sources of funding for such continued support (both cash and in-kind), the number of children and personnel involved, and the location for the delivery of such services;

(c) evidence of the need and demand for the activity to be funded under this subpart;

(d) evidence of experience in working with other agencies in activities related to early education for the handicapped; and

(e) a description and samples of any early educational materials to be involved in the project assisted under this subpart.

(20 U.S.C. 1423, 1424)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART C, SECTION 623—EARLY EDUCATION FOR HANDICAPPED CHILDREN

TABLE OF CONTENTS

PART 1—INTRODUCTION

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part C, section 623. The legal requirements include the Act itself (20 U.S.C. 1423) and the regulations (45 CFR Part 121d). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1423; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 623 of the Act (20 U.S.C. 1423), and the guideline affects section 121d.3 of the regulations (45 CFR 121d.3), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1423; 45 CFR 121d.3). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

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

PART 2—PROPOSAL PREPARATION

SEC. 2.1 *Purpose.* (a) The basic purpose of the Handicapped Children's Early Education Program is to demonstrate the provision of exemplary comprehensive services to young handicapped children from birth through 8 years of age through grants to and contracts with public agencies and private nonprofit organizations, so that other agencies and organizations wishing to replicate the programs can have visible and available models to help them do so.

(b) Model programs should be child centered and the outcome of the services directed towards a reduction of dependency on the part of the handicapped child by helping him attain his full potential for social, emotional, physical and cognitive growth. After receiving services in these model programs, many handicapped children should be able to enter regular educational systems or require less intensive levels of special education.

(c) Each program should have as its aim, demonstrating the provision of high quality services for young handicapped children which emphasize assisting the child to overcome his handicaps and attain his highest potential functioning level. Therefore, the information in a proposal should present the program's planned approach, educational and therapeutic techniques, specific objectives, and desired attainment levels for the kinds of children to be enrolled in the model program.

(20 U.S.C. 1423; 45 CFR 121d.3)

PART 3—PROPOSAL CONTENTS

SEC. 3.1 *Target population served.* The applicant should state briefly the eligibility criteria which will be used to determine a child's acceptance into the program. It should be indicated who (or what kind of professional) will refer the children to the program and what degree of medical, psychological, and educational assessment will be required for entrance into the program. A program may serve one or a variety of types of handicapped children. In the case of integrated programs—those combining handicapped and non-handicapped children—Handicapped Children's Early Education Program funds may support only the costs related to serving the handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.15)

SEC. 3.2 *Curriculum design.* (a) The applicant should state the objectives of the program and the activities directed toward their achievement, as well as the procedures which will be used for evaluating the effectiveness of the program.

(b) A sample of the daily schedule of activities and the program content should be presented. The applicant should indicate how many days per week and hours per day a child will participate in the program. It is the responsibility of the applicant to define the scope of the service year.

(20 U.S.C. 1423; 45 CFR 100a.16, 100a.26, 121d.16, 121d.14)

SEC. 3.3 *Parent-family participation.* The proposal should contain plans for meaningful involvement of the parents and other family members of a handicapped child in the services to be provided that child under the proposal. The following are recommended services which should be available to parents and other family members as needed.

(a) Assistance in understanding and coping with the child's handicap;

(b) Psychological or social work services;

(c) Information on child growth and development;

(d) Information on special education techniques;

(e) Observation of the children in the project;

(f) Carry-over activities to the home; and

(g) An opportunity to participate in planning and evaluation of the program.

(20 U.S.C. 1423, 1231d; 45 CFR 121d.16, 121d.14)

SEC. 3.4 *Demonstration.* Plans should be detailed showing how knowledge of the exemplary aspects of the program will be disseminated. Provision should be made to provide orientation for visitors. Efforts should be made to allow for professionals visiting the program to understand its operation and to assist them in replicating either a part of or the total program.

The proposal should list the groups which the program intends to reach through demonstrations and the efforts which will be made to inform and familiarize the community with the problems and potentials of handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.16, 121d.14)

SEC. 3.5 *Replication.* (a) Recipients should not undertake extensive replication activities until after the initial planning-operational year. However, the kinds of replication activities contemplated for the second and third years should be listed.

(b) Recipients are encouraged to seek newspaper coverage and other publicity to obtain more than purely local coverage. Widespread understanding and support for early education for handicapped children is one goal of the replication efforts. Creative ideas in this area as in all others are being sought. Steps should be taken to design plans that will result in a packaging of project activities so that at the end of the grant period either all or parts of the program can be used in other communities.

(20 U.S.C. 1423; 45 CFR 121d.16, 121d.14)

SEC. 3.6 *Supplementary services.* The applicant should list the supplementary services, e.g., health, social services, psychological services, etc., which are available, and the agencies providing them, under three categories: (a) Services which are donated to the program, (b) services which are paid for by the program and, (c) services which are obtained through an exchange of services between the program and the agency providing the supplementary assistance.

(20 U.S.C. 1423, 45 CFR 121d.14)

SEC. 3.7 *Coordination with other agencies.* An increasingly important aspect of coordination is assistance to other agencies serving young children, such as day care centers, Head Start Projects, and nursery schools. Specialized resource and training assistance to these agencies can make a vital contribution to their ability to serve handicapped as well as non-handicapped children.

(20 U.S.C. 1423; 45 CFR 121d.17, 121d.14)

SEC. 3.8 *Advisory council.* The proposal should name persons, or titles of persons available and suitable to the tasks to be performed by the advisory council. The members may include local public school personnel, experts in early childhood education, child development, and special education, and handicapped adults. Persons from related fields such as health, social work, mental health, medicine, etc., may be strong additions. State Department of Education personnel may also be invited to participate. At least one council member should have expertise in Federal program management. The proposal should indicate the number of meetings to be held annually.

(20 U.S.C. 1423, 45 CFR 121d.29)

SEC. 3.9 *Funding justification.* A funding justification statement should be included which sets forth the reasons for funding the program. It should stress the significance of this program for national replication. Rather than citing the widespread need for services, it should indicate the need for this specific program and should list the particular strengths of the program.

(20 U.S.C. 1423, 45 CFR 100a.16)

SEC. 3.10 *Assessment of the children's progress.* (a) If possible, several objectives should be stated in the proposals in behavioral terms, for the type of children being served. The proposal should indicate the process by which the children's progress will be determined and the instruments and techniques which will be used.

(b) The person responsible for the ongoing evaluation of the program should be named, along with the percentage of time he or she will be available to the program.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 3.11 *Continuation.* A commitment on the part of the applying agency or related agency for continuation of the program after the period of federal funding ceases should be outlined in the proposal.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 3.12 *Research activities.* Research activities conducted pursuant to section 624 (a) (1) of the Act are subject to sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1423, 1424; 45 CFR 121d.32, 121h.1)

PART 4—OTHER

SEC. 4.1 *Timetable for program activities.* Major objectives for the fiscal year beginning July 1 should be indicated on a timetable. Beginning and ending dates should be indicated by timeliness for the main phases of the following major program activities:

(a) Identification and initial assessment of children;

(b) Development of inservice training for the staff;

(c) Curriculum planning;

(d) Development of the evaluation component;

(e) Development of the parent participation program;

(f) Establishment and meetings of the advisory council;

(g) Training for others, if appropriate;

(h) Preparation of facilities;

(i) Initiation of education and therapeutic services;

(j) Dissemination; and

(k) Others.

(20 U.S.C. 1423; 45 CFR 100a.16, 100a.26, 121d.14)

SEC. 4.2 *Previous experience.* A brief section may be appended to indicate previous related experience of the applicant agency which is relevant to the proposed program.

(20 U.S.C. 1423; 45 CFR 121d.14)

SEC. 4.3 *Training of personnel.* (a) The program should provide an orientation for each staff member. Each program should detail a plan for in-service activities for the entire staff of the program. These activities may include formal and informal staff meetings, workshops, national, regional and State institutes, retreats, demonstrations, work conferences, laboratory and clinical experiences, training in the use of media, and cooperative enterprises with nearby programs.

(b) A staff training coordinator should be listed for each program. Programs are encouraged to involve university or college programs and other resources such as hospitals in plans for in-service training. The program may also serve as a center for practicum or internship for university and college programs; however, training cannot supplant the demonstration of services as the primary focus of the program.

(20 U.S.C. 1423; 45 CFR 100a.26, 121e.4)

SEC. 4.4 *Facilities and equipment.* As required under § 100a.16 of the Office of Education general provisions regulations, the proposal for a program under this part should specifically describe the type and use of both

indoor and outdoor facilities and settings (home, clinic, school, etc.) in terms of their appropriateness for the children served and the program planned. Information such as the number and approximate size of the rooms to be used for programs should be included. If facilities have not been located, specifications for the type of facilities which will be sought should be presented.

(20 U.S.C. 1423; 45 CFR 100a.16)

SEC. 4.5 *Staff vitae.* The staff should include personnel with backgrounds in special education. The educational experience backgrounds of each staff member and consultant should be listed. A job description which outlines both the duties and the time commitments for this program should be included. If a staff member is not currently employed by the agency a letter of intention from the selected staff member should be attached. If a specific staff member has not been selected, recruitment procedures and qualifications should be indicated.

(20 U.S.C. 1423; 45 CFR 100a.16)

SEC. 4.6 *Budget.* (a) The budget section of the applicant's propos . should indicate only the funds which will be used for costs for the handicapped children in the case of programs serving handicapped and nonhandicapped children, since only those costs may be supported by the Handicapped Children's Early Education Program.

(b) The non-Federal share is designed to encourage local commitment through tangible involvement. It may be used to develop broad-based support for the program by involving a variety of agencies and individuals. Increasing the percentage of the local contribution during the program period helps to further its continuation after Federal funding ceases. The staffing patterns and budgetary allocations constitute an important model aspect of exemplary demonstration programs designed to be replicated by others.

(20 U.S.C. 1423; 45 CFR 100a.16, 121d.15, 121d.31)

PART 121e—AUXILIARY ACTIVITIES

AUTHORITY: Sec. 624, Pub. L. 91-230, 84 Stat. 183 (20 U.S.C. 1424), unless otherwise noted.

§ 121e.1 Scope.

(a) This part applies to activities assisted under section 624 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1424)

§ 121e.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of assisting eligible parties in such activities as:

(a) Research to identify and meet the full range of special needs of handicapped children;

(b) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of those children;

(c) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for those children, including payments of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

(d) Dissemination of materials and information about practices found effective in working with these children.

(20 U.S.C. 1424)

§ 121e.3 Eligible parties.

The Commissioner may provide assistance under this part either (a) pursuant to a grant or contract under Parts 121b, 121c, or 121d of this chapter, or (b) by separate grant to or contract with a public or nonprofit private agency, organization, or institution which (with or without Federal assistance under Parts 121b, 121c, or 121d of this chapter) is operating a center or providing a service which meets one or more of the purposes of Part C of the Act.

(20 U.S.C. 1424)

§ 121e.4 Criteria for assistance.

(a) Activities assisted under this part shall serve to enhance the effectiveness of the center or program to which they will be related.

(b) The activities shall serve to complement rather than displace the basic functions of the center or program to which they will be related.

(c) The activities shall be:

(1) Coordinated with similar research, development, training, and dissemination activities assisted under other parts of the Act, and

(2) Coordinated and intergrated with the activities of the center or program to which they will be related.

(20 U.S.C. 1424)

§ 121e.5 Evaluation.

Activities assisted under this part shall include effective procedures for evaluating at least annually:

(a) The extent to which and the manner in which the objectives of the activities have been met, and

(b) The extent to which and the manner in which the effectiveness of the center or program to which the activities are related has been enhanced by the activities.

(20 U.S.C. 1424)

§ 121e.6 Research.

(a) Research conducted under § 121e.2(a) shall be subject to requirements contained in §§ 121h.1(b), 121h.4, and 121h.7 of this chapter.

(b) Applications for assistance under this part shall specifically state any research activities which an applicant intends to undertake.

(20 U.S.C. 1424)

§ 121e.7 Training.

(a) *Inservice training.* Inservice training activities assisted under this part may include staff meetings; seminars; workshops; national, regional, and State institutes; demonstrations; and related activities.

(b) *Participants.* Trainee-participants in such activities may include present and potential project personnel and other teachers, administrators, child care workers, parents, and teacher aides.

(c) *Stipends and allowances.* In connection with training assisted under this part, the Commissioner may authorize the payment of stipends and allowances (including but not limited to allowances for dependents and institutional fees) in such amounts as he determines to be appropriate for a particular training activity.

(20 U.S.C. 1424)

§ 121e.8 Dissemination.

Activities assisted under § 121e.2(d) may include dissemination (by demonstrations or otherwise) of materials and information for the benefit of educational institutions and the general public as well as for the benefit of members of professions engaged in the field of the education of the handicapped.

(20 U.S.C. 1424)

PART 121f—TRAINING PERSONNEL FOR THE EDUCATION OF THE HANDICAPPED

AUTHORITY: Secs. 631, 632, 634, Pub. L. 91-230, 84 Stat. 184 (20 U.S.C. 1431, 1432, 1434), unless otherwise noted.

Subpart A—Purpose; Definitions

§ 121f.1 Scope.

(a) This part applies to programs and projects assisted under sections 631, 632, and 634 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.2 Purpose.

The general purpose of assistance under this part is to increase the quantity and quality of teaching personnel and other special personnel for the education of handicapped children by providing funds to eligible institutions and agencies which have, or will develop, programs for the preparation of such personnel.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.3 Grants to institutions of higher education and others.

Grants may be made to institutions of higher education and to other appropriate nonprofit institutions or agencies for the purposes set forth in section 631 of the Act, and to institutions of higher education for the purposes set forth in section 634 of the Act.

(20 U.S.C. 1431, 1434)

§ 121f.4 Grants to State educational agencies.

Grants may be made to State educational agencies for the purposes set forth in section 632 of the Act. Such grants may include programs for preparation of physical educators and/or recreation personnel if such educators and personnel are certified (or certifiable) under applicable State law.

(20 U.S.C. 1432)

§ 121f.5 Special project grants.

(a) Special project grants may be awarded for the purpose of designing programs that, upon implementation and evaluation, may be more effective and efficient in fulfilling the purposes of sections 631, 632, or 634 of the Act than current operational programs.

(b) If the purpose of a special project grant under paragraph (a) of this section has been accomplished, the institution or agency shall incorporate the personnel preparation program design within its program assistance grant (if any) by addition of the design, or by deletion of an existing design which the special project grant was formulated to replace.

(c) Special project grants may also be awarded for the purpose of conducting projects to identify major problems relevant to the preparation of personnel for the education of handicapped children, and to develop procedures for the solution of such problems.

(d) Special project grants may be used (1) to defray all, or a portion, of the recipient's costs which are directly related to the purposes set forth in paragraph (a) or (c) of this section, and (2) for the award of financial assistance to students who participate in the program pursuant to Subpart C of this part.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.6 Definitions.

As used in this part:

"Dependent" means any of the following individuals over half of whose support, for the calendar year in which the school year begins, was received from a student:

(a) A spouse;

(b) A son or daughter of the student, or a descendent of either;

(c) A stepson or stepdaughter of the student;

(d) A brother, sister, stepbrother, or stepsister of the student;

(e) A father or mother of the student, or an ancestor of either;

(f) A stepfather or stepmother of the student;

(g) A son or daughter of a brother or sister of the student;

(h) A brother or sister of the father or mother of the student;

(i) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the student;

(j) An individual (other than the student's spouse) who, during the student's entire calendar year, lives in the student's home and is a member of the student's household (but not if the relationship between the individual and the student is in violation of local law); or

(k) An individual who—

(1) Is a descendent of a brother or sister of the father or mother of the student;

(2) For the school year of the student receives institutional care required by reason of a physical or metal disability; and

(3) Before receiving such institutional care, was a member of the same household as the student.

A legally adopted child or a child placed in the student's home for adoption by an authorized agency is considered to be a child by blood. A citizen of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada or Mexico, or Panama, or the Canal Zone, at some time during the calendar year in which the school year of the student begins, or is a resident of the Philippines born to, or adopted by, a student while he was a member of the Armed Forces, before January 1, 1956, or is an alien child legally adopted by and living with a student as a member of his household for the entire calendar year.

"Post-doctoral student" means a student who receives training beyond the attainment of a doctoral degree.

"Pre-doctoral student" means a student who receives training beyond the baccalaureate level, but does not include a post-doctoral student. The term includes a student who is a master's or doctoral degree candidate.

(20 U.S.C. 1431, 1432, 1434)

Subpart B—Applications for Grants

§ 121f.7 Departmental applications.

Each application by an institution of higher education made on behalf of one of its departments (such as special education, speech and hearing, or physical education and recreation), shall include all programs within that department for which assistance is requested.

(20 U.S.C. 1431, 1434)

§ 121f.9 State personnel needs.

Each application shall include (a) a statement by the State educational agency of personnel needs for education of the handicapped and a statement by the applicant of how the proposed program relates to those stated needs, and (b) a description of the ways in which the recipient's program goals and objectives relate to the purposes of Part D of the Act.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.10 Areas of preparation.

In addition to the areas of preparation related to the various categories specified in § 121.2 of this chapter (definition of "Handicapped children"), applications may include such areas as the following: combined areas (multi-handicapped), special education administration, physical education and/or recreation for the handicapped, and vocational education for the handicapped.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.11 Period of study.

The period of study shall be defined by the institution or agency providing instruction. The "period of study" is the time required to accomplish the program activities as specified by the institution or agency. The period of study may be the full academic year, a summer session, or an intensive study period such as an institute, a conference, a presession, a postsession or an intersession, or any combination of such periods.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.20 Criteria for evaluation of applications.

In addition to the criteria set forth in § 100a.26(b) of this chapter, applications will be evaluated on the basis of the following factors:

(a) The extent to which the applicant specifically provides evidence that program graduates are meeting the educational needs of handicapped children at the local, State, or national level;

(b) The extent to which program philosophy, program objectives, activities implemented to attain program objectives and evaluation procedures are internally consistent, and are related to the educational needs of handicapped children;

(c) The extent to which the number of qualified staff is in a reasonable ratio

to the number of students, and other program resources are available for the effective and efficient conduct of the program;

(d) The extent to which (1) present and former students, (2) employing agencies (school districts, State agencies, etc.) and (3) individuals (parents, practicing teachers, etc.), are involved in program planning, implementation, and evaluation;

(e) The extent to which the evaluation design and procedures (1) provide for assessment of the effectiveness and efficiency of the use of program resources in the attainment of program objectives, and (2) provide for the collection of quantifiable program performance information including (i) the numbers of personnel prepared and placed in positions relevant to the education of handicapped children, (ii) the type and location of positions accepted by program graduates, (iii) the number of handicapped children served by program graduates, (iv) the length of time that program graduates serve handicapped children, (v) employers evaluation of program graduates' proficiency, and (vi) the effectiveness of program graduates in facilitating the educational progress of handicapped children;

(f) The extent to which the application describes procedures for assessing the impact, and in the case of an application for continuation support provides evidence of impact, of the program upon other related programs within the institution, community programs for the education of handicapped children, and improvement of services for handicapped children at the local, State, and/or national level;

(g) The extent to which the application describes and specifies the various roles or positions for which students are prepared, the tasks associated with such roles, and the competencies that must be acquired to complete each task successfully;

(h) The extent to which the application includes (1) a delineation of competencies that each program graduate will acquire and will subsequently exhibit, and (2) the evaluation procedures used in measuring the attainment of those competencies;

(i) The extent to which substantive content and organization of the program are (1) appropriate for the student's attainment of professional knowledge and competencies that are necessary for the provision of quality educational services for handicapped children, and (2) demonstrate an awareness of relevant methods, procedures, techniques, and instructional media or materials that can be used in the preparation of qualified educators of handicapped children;

(j) The extent to which appropriate practicum facilities (1) are utilized for observation, participation, practice teaching, laboratory or clinical experience, internship, and other supervised experiences of adequate scope, combination, and length, (2) are accessible to the applicant and students, and (3) are staffed by qualified personnel; and

(k) The amount of fiscal and other effort the applicant will contribute to the program, and a delineation of the procedures that will be implemented for the increase of such effort over a specified time period in relationship to the amount of Federal funds awarded for support of the program.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.30 Appeal.

If an applicant wishes to request reconsideration of a decision concerning action taken on its application for assistance, a letter making such request must be sent to the Commissioner within 30 days of the receipt of the letter of notification of such action.

(20 U.S.C. 1431, 1432, 1434)

Subpart C—Financial Assistance for Students

§ 121f.40 Student financial assistance.

All or a portion of the funds awarded under this part may be used by the institution or agency to provide direct financial assistance to students.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.41 Student qualifications.

Direct financial assistance may be provided to students only if:

(a) The student is qualified for admission to the program at the baccalaureate, pre-doctoral, or post-doctoral level of academic study;

(b) The student maintains continuous and acceptable progress in a course of study on a part-time or full-time basis; and

(c) The student is able to demonstrate a need for financial assistance.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.42 Amount of assistance.

Subject to the limitations contained in this part, grantees will disburse financial assistance to students in amounts commensurate and consistent with established institution or agency policy for various levels of academic study, and policy relevant to providing financial assistance to part-time and full-time students.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.43 Stipends for baccalaureate students.

Students enrolled for a full-time academic year at the baccalaureate level may receive a yearly stipend not exceeding $800.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.44 Dependency allowances for baccalaureate students.

Students at the baccalaureate level are not eligible for dependency allowances.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.45 Stipends for pre-doctoral students.

Except as provided in § 121f.46, students enrolled for a full-time academic year at the pre-doctoral level may receive stipends not exceeding: (a) $2400 in the first pre-doctoral year, (b) $2600 in each of the years between the first and terminal year, and (c) $2800 in the terminal year.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.46 Related work experience for pre-doctoral students.

(a) Students enrolled for a full-time academic year at the pre-doctoral level who have had professional work experience related to the education of handicapped children may receive annual stipends not exceeding the following amounts: (1) Less than 12 months of experience—$3,000; (2) 12–23 months of experience—$3,300; (3) 24–35 months of experience—$3,600; (4) 36–47 months of experience—$3,900; or (5) 48 months or more of experience—$4,200.

(b) Each single full-time academic year of pre-doctoral experience in the field of education of handicapped children shall equal 12 months of related professional work experience for the purposes of paragraph (a) of this section.

(c) If the student has been awarded a Master's degree in a field relevant to the education of handicapped children, an additional amount, not exceeding $500, may be added to the stipend provided under paragraph (a) of this section.

(d) No stipend at the pre-doctoral level shall exceed $4,700.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.47 Stipends for post-doctoral students.

(a) Students enrolled for a full-time academic year at the post-doctoral level may receive stipends not exceeding (1) $6,000 if the student does not have relevant full-time academic year experience at the post-doctoral level; (2) $6,500 if the student has one full-time academic year of relevant experience at the post-doctoral level; and (3) $7,000 if the student has two or more full-time academic years of relevant experience at the post-doctoral level.

(b) Each 12 months of professional work experience related to the field of the education of the handicapped shall equal one full-time academic year of relevant experience at the post-doctoral level for the purpose of paragraph (a) of this section.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.48 Dependency allowances for pre-doctoral and post-doctoral students.

(a) Students enrolled for a full-time academic year at the pre-doctoral and post-doctoral levels may receive allowances not exceeding $600 for each dependent.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.49 Supplementation of stipends for pre-doctoral and post-doctoral students.

Grantees may use Federal funds under Part D of the Act to supplement stipends

for pre-doctoral and post-doctoral students to accommodate regional cost of living variations and cases of special needs, providing that such supplements do not exceed $1,000 per student per academic year.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.50 Financial assistance for short-term students.

(a) Students enrolled for a period of study less than a full-time academic year but of at least two days length, may receive a stipend of up to $15 per day but not exceeding $75 per week. These students are not eligible for dependency allowances.

(b) Students who are receiving assistance under §§ 121f.43, 121f.45, 121f.46, 121f.47, or 121f.48 at the time of their short-term study are not eligible for financial assistance under this section.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.51 Veterans readjustment assistance.

A dependency allowance may not be claimed for an individual who is concurrently receiving assistance under Pub. L. 82–550, as amended (Veterans Readjustment Assistance Act of 1952).

(20 U.S.C. 1431, 1432, 1434)

§ 121f.52 One allowance per dependent.

No individual may be claimed for a dependency allowance by more than one student.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.60 Payments to students.

(a) Grantees shall insure that appropriate payments are made to students receiving assistance under this part.

(b) Students enrolled in a full-time academic year program shall receive regular and frequent payments of any assistance provided.

(c) Except as provided in § 121f.61, the full amount of each stipend and dependency allowance awarded must be paid.

(20 U.S.C. 1431, 1432, 1434)

§ 121f.61 Withdrawal of students.

Financial adjustments must be made when a student withdraws or is dismissed before the end of the full term of the program. For graduate and undergraduate academic year and short term programs, the remaining funds may be given as a partial award to another student who is currently enrolled at the institution. In such cases,the grantee shall notify the Commissioner that such an adjustment has been made. Remaining funds will be considered an overpayment, unless used as a partial award or in other ways consistent with the applicable regulations contained in this part.

(20 U.S.C. 1431, 1432, 1434)

Subpart D—Requirements for Student Eligibility

§ 121f.70 Citizenship of student.

A student must be a citizen or a national of the United States, or be in the United States for other than a temporary purpose and intend to become a permanent resident.

(20 U.S.C. 1431, 1432, 1434)

PART 121g—RECRUITMENT OF PERSONNEL AND DISSEMINATION OF INFORMATION

Sec.
121g.1 Scope.
121g.2 Purpose.
121g.3 Eligible parties.
121g.4 Distribution of projects.

AUTHORITY: Sec. 633, Pub. L. 91–230, 84 Stat. 184 (20 U.S.C. 1433), unless otherwise noted.

§ 121g.1 Scope.

(a) This part applies to projects assisted under section 633 of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1433)

§ 121g.2 Purpose.

Payment of Federal funds under this part may be made for the purpose of assisting eligible parties in carrying out projects for:

(a) Encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers;

(b) Disseminating information about programs, services, and resources for the education of handicapped children;

(c) Using parent, volunteer, media and other organizations to provide information concerning handicapped children to the general public; and

(d) Providing referral services (including referral to educational, diagnostic, and clinical facilities and services) to parents, teachers, and other persons especially interested in the handicapped.

(20 U.S.C. 1433)

§ 121g.3 Eligible parties.

Parties eligible to receive assistance through grants or contracts under this part are public or private agencies, organizations, or institutions, except that grants only will be made to public or private non-profit agencies, organizations, and institutions.

(20 U.S.C. 1433)

§ 121g.4 Distribution of projects.

Projects will be distributed to the greatest extent possible throughout the Nation and will be carried out both in urban and rural areas.

(20 U.S.C. 1433)

PART 121h—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

Sec.
121h.1 Scope.
121h.2 Purpose.
121h.3 Eligible parties.
121h.4 Criteria for the selection of applications.
121h.5 Types of activities supported.
121h.6 Panels of experts.
121h.7 Cost sharing.

AUTHORITY: Secs. 641–644, Pub. L. 91–230, 84 Stat. 185 (20 U.S.C. 1441–1444), unless otherwise noted.

§ 121h.1 Scope.

(a) This part applies to programs and projects assisted under Part E of the Act. Paragraph (b) of this section, as well as §§ 121h.4 and 121h.7 apply to research programs and projects assisted under sections 624(a)(1), 651(a)(2)(A), 652(b)(5), and 661(a)(1) of the Act.

(b) Assistance provided under this part is subject to applicable provisions contained in subchapter A of this chapter (relating to fiscal, administrative, property management and other matters) and Part 121 of this chapter, as well as such policies of the Department relating to research contracts with educational institutions as may be contained in 41 CFR Part 3–4.

(20 U.S.C. 1401, 1424, 1441, 1451, 1452, 1461)

§ 121h.2 Purpose.

Payment of Federal funds under Part E of the Act may be made to eligible parties (a) for research and related purposes and to conduct research, surveys, or demonstrations, relating to the education of handicapped children, and (b) for research and related purposes and to conduct research, surveys, or demonstrations, relating to physical education and/or recreation for handicapped children.

(20 U.S.C. 1441, 1442)

§ 121h.3 Eligible parties.

Parties eligible to receive assistance under this part are States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, except that grants may be awarded only to public or private nonprofit agencies and organizations.

(20 U.S.C. 1441, 1442)

§ 121h.4 Criteria for the selection of applications.

(a) Applications for new awards. In reviewing applications for new awards, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 100a.26(b) of this chapter):

(1) The extent to which the proposed activities relate directly to one or more of the objectives set forth in § 121.3 of this chapter; and

(2) The extent to which the proposed activities are "applied" in nature and show promise of producing valid and relevant information relating to the education of handicapped children. (Whether an activity is "applied" will be determined by the Commissioner on the

basis of the extent to which such activity: (i) Is a direct effort to solve some critical educational problem; and (ii) is planned so that the final product of such activity can be reasonably expected to have a direct influence on the performance of handicapped children or on personnel responsible for the education of the handicapped).

(b) Continuation awards. In reviewing applications for continuation awards, in addition to the criteria set forth in paragraph (a) of this section, the Commissioner will consider the extent to which the applicant demonstrates that it has performed satisfactorily with respect to previous awards made under this part.

(20 U.S.C. 1441, 1442)

§ 121h.5 Types of activities supported.

Activities assisted under this part may include projects for research, dissemination, demonstration, curriculum development, and media.

(20 U.S.C. 1441, 1442)

§ 121h.6 Panels of experts.

The Commissioner will not approve any application for a grant under this part unless and until such application has been reviewed by a panel of experts who are competent to evaluate various types of research or demonstration projects, and the Commissioner has secured the advice and recomendations of such panel.

(20 U.S.C. 1443)

§ 121h.7 Cost sharing.

(a) No recipient of a grant under this part may receive the entire cost of the program or project. The amount of potential contribution to the cost of the program or project will not affect the disposition of the application by the Commissioner.

(b) Recipients of contract awards (other than procurement contracts) are encouraged to contribute to the cost of the program or project.

(Pub. L. 92-48, Title III, sec. 306, 85 Stat. 106, OMB Circular A-100; 20 U.S.C. 1441, 1442)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART E

SECTIONS 641-644—RESEARCH IN THE EDUCATION OF THE HANDICAPPED

TABLE OF CONTENTS

PART 1—INTRODUCTION

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part E, Sections 641-644. The legal requirements include the Act itself (20 U.S.C. 1441-1444) and the regulations (45 CFR Part 121h). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1444, 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States v. Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guidelines is section 642 of the Act (20 U.S.C. 1442), and the guideline affects section 121h.2 of the regulation (45 CFR 121h.2), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1442; 45 CFR 121h.2). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made.

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

PART 2—ACTIVITIES APPROPRIATE FOR SUPPORT

SEC. 2.1 *Authority.* (a) The greatest part of the research responsibility of the Bureau of Education for the Handicapped falls under Part E of the Act, but other research activities are authorized under sections 624(a)(1), 651(a)(2)(A), 652(b)(5), and 661(a)(1) of the Act.

(b) Legislative authority for the activities described above is included in connection with the following parts of the Education of the Handicapped Act, Title VI of Pub. L. 91-230:

(1) Part C, section 624(a)(1): Research in connection with Centers and Services for the Handicapped (20 U.S.C. 1424).

(2) Part E, section 641: Research and Demonstration Projects in Education of Handicapped Children (20 U.S.C. 1441).

(3) Part E, section 642: Research and Demonstration Projects in Physical Education and Recreation for Handicapped Children (20 U.S.C. 1442).

(4) Part F, section 651(a)(2)(A) and 652(b)(5): Instructional Media for the Handicapped (20 U.S.C. 1451-1452).

(5) Part G, section 661(a)(1): Special Programs for Children with Specific Learning Disabilities—Research (20 U.S.C. 1461).

(c) The research activities in (b)(1), (4), and (5) above are subject to the regulations (45 CFR 121h.1(b), 121h.4, and 121h.7, only) and guidelines (secs. 2.1-2.2 and 3.1-3.5, only) for Part E of the Act.

(20 U.S.C. 1424, 1441, 1442, 1451, 1452, and 1461; 45 CFR 121h.1)

SEC. 2.2 *Applied research.* (a) The Bureau of Education for the Handicapped pursues a catalytic strategy in all its programs. Support of applied research and related activities pursues this catalytic strategy. These support activities are directed at developing new knowledge, methods, and materials which will facilitate the broader efforts of the Bureau and the Nation's schools in fulfilling their commitment.

(b) The basic objectives of this support are to:

(1) Identify, research, and demonstrate solutions to problems that are related to the education of handicapepd children;

(2) Develop, demonstrate, and disseminate innovative support systems and techniques to improve the performance of handicapped children and/or teachers and other practitioners serving the handicapped; and

(3) Create mechanisms that will produce the broadest possible diffusion, utilization, and implementation of the products of research and development.

(20 U.S.C. 1441, 1442; 45 CFR 121h.4, 121h.5)

PART 3—PROJECTS

SEC. 3.1 *Initiation of projects.* (a) Research and research related projects are initiated in one of four ways: (1) Requests for proposals, (2) negotiated contracts, and (3) responses to program announcements. From time to time specific research and research related tasks are identified by the Bureau as being of critical and immediate importance. The Office of Education may elect to issue a Request for Proposals for accomplishing a critical research job. These are advertised in Commerce Business Daily and become available to all qualified offers.

(b) The interests of potential participants under a request for proposals are best served by careful monitoring of Commerce Business Daily. At times there may be special interest in receiving proposals in area receiving little attention. (For example, in recent years activities to improve educational services for the trainable retarded, in vocational education, and for the deaf-blind have been particularly welcome.) Public announcements may advertise these interests and prospective applicants are urged to check with their State Educational Agency and their professional organizations as well as with bureau program officers.

(c) Closing dates of general applicability for receipt of applications for new and continuation grants will be published in the FEDERAL REGISTER.

(d) Most of the bureau's programs dealing with research and related activities will also respond to proposals generated by interested institutions without prior call from the bureau.

(20 U.S.C. 1441, 1442; 45 CFR 121h.2)

SEC. 3.2 *Proposal development.* (a) *Basic components.* Although specific details may differ for various activities, proposals for projects under Part E of the Act usually incorporate the following features:

(1) *Problem statement.* This includes a description of the current status of the area of investigation and its impact on handicapped children. Related investigations and pertinent results thereof may be reported here.

(2) *Goals and objectives.* The focus of the planned investigation and, as specifically as possible, the anticipated outcome should be described. Planned products and long-range outcomes may be described and their potential uses, applications, costs and benefits discussed. The anticipated outcomes of the investigation are usually related to their potential impact on handicapped children and to bureau objectives. When possible, the number of handicapped children expected to benefit from the activity should be indicated.

(3) *Procedures.* The applicant should outline the planned activities of the proposed project with as much precision as possible. For example, applied research proposals usually describe the experimental design, numbers and characteristics of participating individuals, characteristics of data to be collected, statistical analysis, etc. Proposals for production of educational materials, curricula, etc., describe the process of production, the planned products, and evaluation procedures. Although the amount and kind of procedural description will vary with proposed activities, sufficient detail to permit reviewers to assess the likelihood of satisfactory outcome is usually critical.

(4) *Project schedule.* Time lines for specific activities give particular attention to

target dates for completion of project tasks or products.

(5) *Demonstrated and relevant capabilities of applicant.* Proposals are welcome from representatives of many disciplines (e.g., education, special education, psychology, sociology, anthropology, neurophysiology, engineering, government, economics, etc.) and interdisciplinary approaches are encouraged. Applications are usually expected to demonstrate familiarity with the area of exceptionality addressed by the proposal and with the proposed procedures to be used. When large groups of subjects are to be drawn from population subgroups such as schools, clinic populations, and States, written assurances of cooperation may be appended.

(b) *Appended items.* Additional information may be included in the proposal if pertinent.

(1) If this or a similar proposal has been submitted elsewhere, an applicant should give details.

(2) If this is a proposed extension of, or in addition to, a previous or current project supported by the Office of Education or any other Federal agency, the agency's name and the related grant or contract numbers should be provided.

(3) If there has been any previous communication with the Office of Education on this proposal, the name of the staff member concerned should be given.

(4) If the proposal is a resubmission of a previous formal proposal to the Bureau of Education for the handicapped, the applicant should give the number assigned to the original proposal, and describe the major revisions which have been made. (This does not apply to preliminary statements submitted for informal review.)

(5) If any of the primary personnel have a current or uncompleted project with the Office of Education or other Federal agency, an appended statement should indicate the status of the project, the amount of time devoted to it, and relationship between the current project and the proposed project.

(6) If any of the personnel have completed a research or related project supported by the Office of Education, information should be given to identify it. If findings of the previous projects are related to the current proposal, they should be briefly summarized.

(20 U.S.C. 1441, 1442; 45 CFR 100a.16, 100a.26, 121h.2)

SEC. 3.3 *Common pitfalls in proposals.* A listing of the following commonly noted failings of proposals may be helpful to the prospective applicant:

(a) A failure to specify objectives of the study and relate them to the impact on education of handicapped children;

(b) A failure to specify the anticipated outcomes and products of the study related to the education of handicapped children. When improved scientific understanding is the intended outcome, attention should be directed toward avenues for translating this understanding to usable educational practices. (This is to say, journal articles alone may not be viewed as sufficient outcomes.);

(c) A failure to relate the planned project to other published or recently completed work, including similarities, differences, and new contributions of the proposed project;

(d) A failure to outline the specific plans for conducting the project. Objectives, as well as planned procedures or strategies for achieving specificity and measurable results or objectives, procedures, and intended products or outcomes during the course of the planned project are often critical;

(e) A failure to utilize available expertise. Most university or geographic communities have available many individuals with skills in experimental design, test, and measurement, child development, etc., to name only a few specialties which frequently relate to proposals. Prospective applicants are urged to seek the best staff and consultants available, which frequently means pooling resources across department, organizational, or discipline lines;

(f) A failure to append assurances from facilities or schools whose cooperation is necessary for project success. For some activities, it is also appropriate to discuss plans and elicit feedback from the staff of the State Educational Agency;

(g) A failure to propose a realistic time frame for the planned project. If staff must be recruited, instruments designed, forms clearances obtained, etc., the project time schedule should take such activities into account. Although time extensions may be arranged in special circumstances, prospective applicants are advised to plan realistically. Particularly if time must be allowed for clearance of forms or for bureau review of documents, either other activities should be planned for those time periods, or staff should be temporarily assigned other duties;

(h) A failure to follow principles of good design. Most frequently overlooked are validity and reliability of collected data in surveys, test protocols, etc. Controls for experimenter's bias, Hawthorne and halo effects, and the issue of generalizing beyond the group of project participants often deserve attention. Appropriate statistical analyses do not necessarily require highly complex procedures. Levels of significance in statistical tests should not be violated by multiple reanalyzing of the same data. An appropriate ratio of subjects or respondents to variables under study should be planned;

(i) A failure to plan for evaluation of materials or procedures developed under the grant or contract. Although major development projects may require evaluation by an independent third party, the applicant usually outlines detailed procedures for evaluation of materials, curricula, or hardware devices. In some instances it may be appropriate to include both evaluation steps during product development and a final, overall evaluation procedure. When new procedures, curricula, materials, or other products are to be developed, the proposed evaluation should plan to obtain estimates of costs (including dollar amounts) and benefits expected to accrue if the product were placed in service.

(20 U.S.C. 1441, 1442; 45 CFR 100a.16, 100a.26, 121h.2)

SEC. 3.4 Review. Although procedures and time schedules of the bureau's divisions may differ, all proposals are read by substantive experts from within and outside the bureau. These reviews may be supplemented by on-site visits, advisory group reviews, or other procedures. Recommendations of program and division staff are forwarded to the Deputy Commissioner who, in conjunction with the Bureau Research Advisory Committee renders final decisions.

(20 U.S.C. 1443; 45 CFR 121h.6)

PART 121i—INSTRUCTIONAL MEDIA FOR THE HANDICAPPED

Subpart A—General

Subpart B—Loan Service for the Deaf

Subpart C—Loan Service for the Handicapped

Subpart D—Research and Training

Subpart E—Area Learning Resource Centers

Subpart F—National Center on Educational Media and Materials for the Handicapped

Subpart G—Special Offices

AUTHORITY: Secs. 651, 652, 653, Pub. L. 91–230, 84 Stat. 186 (20 U.S.C. 1451, 1452, 1453), unless otherwise noted.

Subpart A—General

§ 121i.1 Scope.

(a) The provisions contained in this part apply to programs and projects assisted under Part F of the Act.

(b) Assistance provided under this Part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters), and Part 121 of this chapter.

(20 U.S.C. 1451)

§ 121i.2 Definitions.

As used in this part:

"ALRC" means area learning resource center.

"Area Learning Resource Center" means a regional center funded under Part F of the Act for the purposes set forth in Subpart E of this part.

"Borrower" means an individual deaf person, parents of a deaf person, a group of deaf persons, or a group of persons working closely with the deaf.

"Deaf person" means a person whose hearing is so severely impaired as to be nonfunctional for the ordinary purposes of living.

"Educational media" or "media" means sound or silent motion pictures, kinescopes, filmstrips (with or without

accompanying sound and/or captions), slides, transparencies, videotapes, materials, to be used for educational purposes.

"Film" means sound or silent motion pictures, filmstrips (with or without accompanying sound), slides and transparencies.

"Group of deaf persons" means a class, club, school, association, or other gathering of six or more deaf persons.

"NCEMMH" means the National Center on Educational Media and Materials for the Handicapped which is funded under Part F of the Act.

"Nonprofit purposes" means that the exhibition of media borrowed pursuant to this part is not intended to result in monetary gain or other tangible economic benefit to the individual, institution, or organization borrowing such media. Funds collected for the payment of reasonable rent for the use of equipment or for a meeting place for such an exhibition, or for reasonable payment for the hire of a projectionist does not prevent an exhibition from being one for nonprofit purposes.

"S 1", "S 2", "S 3", and "S 4" refer to the Special Offices funded under Part F of the Act for the purposes set forth in Subpart G of this part.

(20 U.S.C. 1451)

Subpart B—Loan Services for the Deaf

§ 121i.10 Purpose of loan service.

(a) It is the purpose of the loan service of captioned films and educational media for the deaf to promote the general welfare of deaf persons by:

(1) Bring to such persons understanding and appreciation of those films and other educational media which play such an important part in the general, cultural, and educational advancement of hearing persons;

(2) Providing to deaf persons, through such films and other educational media, enriched educational and cultural experi- into better touch with the realities of ences through which they can be brought their environment;

(3) Providing to deaf persons a wholesome and rewarding experience which they may share together; and

(4) Providing to parents of deaf persons and to persons working with the deaf as employers or in other significant roles, better means of communicating with the deaf and assisting the deaf toward full participation in society.

(b) It is also the purpose of the loan service to the deaf to provide a demonstration of the use of modern communication technology in improving the general welfare of handicapped persons.

(20 U.S.C. 1451(a))

§ 121i.11 Application for loan service.

An application for loan service to the deaf shall be submitted on a form which will be provided by the Commissioner.

(20 U.S.C. 1452(b)(3))

§ 121i.12 Obligations of borrowers.

(a) The borrower shall be responsible for assuring that:

(1) No admission or other fee will be charged to anyone for the purpose of viewing the borrowed film or other educational media;

(2) The borrowed film or other educational media will not be exhibited by television without the prior approval of the Commissioner;

(3) The borrowed film or other educational media will not be used in any manner that will infringe upon or violate any copyright interest;

(4) In accordance with contractual agreements with film producers, exhibition of captioned theatrical, recreational, or general interest type films will be limited to groups of deaf persons (except provided in § 121i.14); and

(5) Except as provided in § 121i.14, educational and training films or other educational media for deaf persons will be exhibited only to groups of deaf persons, to groups working or training to work with the deaf in a professional capacity, to parents of deaf children, or to actual or potential employers of the deaf.

(b) To protect borrowed films and other educational media and expedite their use the borrower shall:

(1) Pay transportaiton costs for the return of the media (but will not be required to pay for their use);

(2) Be responsible for the safekeeping of the borrowed media from the time of its receipt until it is returned or delivered to the common carrier;

(3) Exercise care in the projection of film, providing for 16mm film a sound projector in good operating condition operated by an experienced and capable projectionist;

(4) Not repair a borrowed film that is damaged nor rewind a borrowed film prior to its return;

(5) Return theatrical or recreational films on the first day (not counting Sundays and holidays) following the scheduled date of exhibition (Return may be delayed if the exhibition is postponed because of late receipt of the film, but in any event the film shall be returned 72 hours after its receipt);

(6) Return educational media within two weeks of the scheduled date of the first showing;

(7) Provide that a person will be present at the designated address for receipt of films or other educational media during normal hours of postal delivery; and

(8) Give prompt notice of any change of address (including zip code) of any certified group and of any change in designation of the person authorized to order and receive media.

(c) The Commissioner may suspend or cancel loan service to any borrower in the event of violations of the regulations contained in this subpart.

(20 U.S.C. 1542(a))

§ 121i.13 Reports.

The borrower shall:

(a) Complete the report form provided with each theatrical or general interest type film and post the report when the film is posted for return; and

(b) Make a cumulative report on the form provided every three months on the utilization of educational films and other educational media loaned for use in the education of the deaf.

(20 U.S.C. 1452(a))

§ 121i.14 Exhibitions for individuals.

Borrowed media may be exhibited to individual deaf persons only with the prior approval of the Commissioner, when there are extenuating circumstances which preclude the individual deaf person from attending an exhibition for a group of deaf persons. Such extenuating circumstances may include, among other reasons:

(a) A demonstrated need for purposes of the education or training of a deaf person for the exhibition of media in his home rather than at an exhibition for a group of deaf persons, or

(b) The physical disability, quarantine, isolation, or extreme youth of the individual deaf person such as to make it impractical for him to attend an exhibition for a group of deaf persons.

(20 U.S.C. 1452(a))

Subpart C—Loan Service for the Handicapped

§ 121i.30 Purpose of loan service.

The purpose of the loan service for the handicapped is to make available on a loan basis educational media or ancillary equipment, or both, to be used in the education of the handicapped.

(20 U.S.C. 1451(a)(2))

§ 121i.31 Applications.

(a) Any public or private agency, organization, or institution engaged or preparing to engage in providing educational services to the handicapped may make application to the Commissioner to participate in the program under this subpart.

(b) Each application under this subpart shall:

(1) Describe the educational services which such agency, organization or institution is providing or preparing to provide to the handicapped;

(2) Describe the type of handicap of persons to whom such agency, organization, or institution is or will be providing educational services and give the number of such persons;

(3) Describe the type and quantity of educational media or ancillary equipment, or both, which such agency, organization, or institution seeks to borrow and the period for which it wishes to borrow such media or equipment; and

(4) Describe the manner in which such agency, organization, or institution intends to use such media or equipment in providing educational services to the handicapped, giving particular emphasis to any exemplary or innovative aspects of the intended use.

(20 U.S.C. 1452 (a), (b)(4))

§ 121i.35 Priority for exemplary uses of media.

In the event that appropriations of Federal funds are insufficient to permit entering into a contract with each applicant for the loan of educational media

or related equipment, or both, in providing educational services to the handicapped, priority will be given to those applications which show the greatest promise of making the most innovative or exemplary use of educational media or ancillary equipment, or both, in providing educational services to the handicapped.

(20 U.S.C. 1452 (a), (b) (4))

§ 121i.36 Consultation with the State director of special education.

An agreement will not be entered into with any public agency, organization, or institution without consultation with the state director of special education in the State in which such agency, organization, or institution is located.

(20 U.S.C. 1451)

Subpart D—Research and Training

§ 121i.50 Purpose.

Projects assisted under this subpart may include such activities as:

(a) Research to identify and meet the full range of special needs of the handicapped relative to instructional materials and instructional technology;

(b) Needs assessment to determine needed instructional materials, needed media training, needed media information systems, and needed curricular materials delivery system;

(c) Impact and appraisal studies to determine the extent and competency with which needs are being met;

(d) Development or demonstration of new, or improvements in existing methods, approaches, or techniques, which would contribute to the adjustment and education of such persons through use of instructional materials, media, and/or technology;

(e) Training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for such persons.

(f) Dissemination of materials and information about practices found effective in working with such persons in regard to instructional materials, media and technology usage; and

(g) Creation or adaptation of instructional materials and development of delivery systems for the distribution of instructional materials designed for such persons.

(20 U.S.C. 1452(b) (5))

§ 121i.51 Priority for research.

In awarding contracts under this subpart, priority will be given to research in the application of films, other educational media, and ancillary equipment to the education of the handicapped. Such research may include projects designed to:

(a) Adapt existing films, educational media, and ancillary equipment to the education of the handicapped;

(b) Develop new films, educational media, and ancillary equipment for use in the education of the handicapped; and

(c) Evaluate existing films, education media, and ancillary equipment with respect to the effectiveness of such materials in meeting specific educational objectives determined for persons with specific handicapping conditions.

(20 U.S.C. 1452(b) (5))

§ 121i.52 Training projects.

Training projects may include:

(a) Projects to familiarize professional personnel with the use of educational media and materials equipment in the education of handicapped children; and

(b) Projects to update the knowledge of professional personnel with respect to new developments in educational media and materials suitable for use in the education of handicapped children.

(20 U.S.C. 1452(b) (5))

Subpart E—Area Learning Resource Centers

§ 121i.80 Purpose.

(a) Payment of Federal funds under this subpart may be made for the purpose of providing for the establishment of regional centers (ALRC's) which will: (1) Provide services designed to strengthen the capacity of State and local public and private agencies and institutions to serve the needs of the handicapped in the area of educational media, and (2) train persons in the use of educational media for the instruction of the handicapped.

(b) The ALRC's will be part of a system which will also include the Special Offices funded under Subpart G of this part and the NCEMMH funded under Subpart F of this part.

(c) Area learning resource centers will provide technical assistance to State educational agencies in the development and implementation of a systematic capacity to provide media which will meet the educational needs of the handicapped. Area learning resource centers will provide demonstrations of systematic, comprehensive media services for the handicapped which are designed to result in the provision of high quality special educational services, and will provide technical assistance to State and local educational agencies in adopting such media services. Systematic, comprehensive media services include: (1) Acquiring and developing media which are designed to accommodate the special learning problems of the handicapped person, (2) training persons (who are or will be involved in the design, selection, prescription, or use of media) to be competent in the use of educational media and related equipment, (3) informing interested parties of available media which are designed to meet specific learning problems of the handicapped, and (4) implementing an efficient logistical system for providing media to meet the needs of the handicapped.

(d) Each ALRC will assist the State educational agencies in its region in providing effective educational media services for the handicapped. The ALRC's will perform this function by providing services to the handicapped and their teachers as a demonstration of effective practices (either directly or in conjunction with the NCEMMH or the S4 special office), and by offering technical and developmental assistance to professional educators and administrators in establishing similar programs.

(20 U.S.C. 1451(a) (2) (B), (C); 1452(b))

§ 121i.81 Eligible parties.

Parties eligible for funding under this subpart are public and private agencies, organizations, and institutions.

(20 U.S.C. 1451; 1452)

§ 121i.82 Geographic responsibilities.

Each ALRC shall be responsible for serving a geographic area designated by the Commissioner.

(20 U.S.C. 1451; 1452)

§ 121i.83 Services to be provided by ALRC's.

Each ALRC shall provide the following services within its respective region:

(a) State program development, including:

(1) Stimulation and development of services by State and local media centers;

(2) Technical assistance to State educational agencies in the State planning of intrastate media services;

(3) Consultation services on the use of educational technology and media for the handicapped;

(4) Participating in and conducting conferences and workshops regarding educational media for the handicapped, and

(5) Disseminating information to State educational agencies and other agencies, institutions, and organizations concerning educational media for the handicapped.

(20 U.S.C. 1451(a) (2) (B), (C); 1452(b) (4–6))

(b) Training persons in the use of media and technology for the education of the handicapped, including:

(1) Identification of a need for training in the use of media and technology;

(2) Making the need for training known to persons in institutions which are engaged in pre- and in-service training by providing consultation services to these persons;

(3) Locating existing training programs and materials which fulfill that need;

(4) Conceptualizing materials to fulfill that need, if such materials are unavailable;

(5) Obtaining training materials from the S–4 special office, as appropriate; and

(6) Describing, classifying, and coding training materials for entry in the information base maintained by the NCEMMH.

(20 U.S.C. 1451(a) (2) (C); 1452(b) (5))

§ 121i.84 State program development.

(a) Each application under this subpart shall include a plan for providing services within each State in the region to be served by the ALRC, with an indication of the extent to which each State plan is enforced by the respective State educational agency.

(b) In providing assistance to State and local media service centers, the ALRC shall provide technical assistance only with respect to activities of the types set forth in § 121i.83(a).

(20 U.S.C. 1452(b))

§ 121i.85 Training services.

(a) Each ALRC will carry out activities to identify the need for and availability of training materials which are designed to increase the competency of teachers in selecting and using educational media.

(b) Each ALRC will act as the contact between State and local media centers, pre- and in-service training institutions, and the NCEMMH, for sharing available training resources.

(c) Activities carried out under this section and § 121i.83(b) shall be planned by the ALRC with the participation of State and local agencies and professionals within whose responsibility and authority local media centers are operated.

(20 U.S.C. 1451(a)(2)(C); 1452(b)(5))

§ 121i.86 Media production.

Funds provided under this subpart shall not be used to maintain collections of media, or to produce media.

(20 U.S.C. 1451; 1452)

§ 121i.87 Media distribution.

(a) Funds provided under this subpart shall not be used for the distribution of media except as specifically provided in the approved application (or amendment thereto).

(b) To the extent that an ALRC does distribute educational media, the distribution shall be through State schools for the handicapped and such other agencies as the Commissioner shall deem appropriate to serve as local or regional centers for such distribution.

(20 U.S.C. 1452(b)(4))

§ 121i.88 Cooperation with NCEMMH and Special Offices.

Each ALRC shall cooperate with the NCEMMH and the Special Offices with respect to activities under Subparts F and G of this part.

(20 U.S.C. 1451; 1452)

§ 121i.89 Review of proposals.

(a) In reviewing a proposal for a new award under this subpart, the Commissioner will take into account the following criteria:

(1) The criteria set forth in § 100a.26 (b)(2)–(5), (7), and (8) (i)–(ii) of this chapter;

(2) The aplicant's technical competence and experience in educational technology and related areas; and

(3) The adequacy of the applicant's plan to provide data to the Commissioner with respect to each of its activities under this subpart.

(b) In reviewing a proposal for a continuation award under this subpart, the Commissioner will take into account:

(1) The extent to which performance of the grant or contract has been satisfactory,

(2) The availability of funds,

(3) The criteria set forth in paragraph (a) of this section, and

(4) Whether continuation of the project is in the best interest of the Federal government.

(20 U.S.C. 1451; 1452)

§ 121i.90 Reporting requirements.

(a) Each recipient under this subpart will develop, maintain, and report the following data to the Commissioner on a quarterly basis:

(1) Profiles of the scope of services, extent of target coverage, and state of financial self-sufficiency of each of the State and local media service centers in its region. The profiles must describe conditions at the beginning and at the end of the reporting period.

(2) A plan which sets forth specific ways in which the ALRC might assist in reinforcing State efforts at media development during the period of Federal support for the ALRC under this subpart. Each State shall be given an opportunity to participate in the development of its respective portion of the plan. The recipient shall submit information specifying the techniques used to develop the plan required under this subparagraph.

(3) A report of the monthly volume and cost of each of the training activities.

(b) The first quarterly report shall also include the following information:

(1) The number of children in the region identified as handicapped;

(2) The number of these children being served by formal educational programs;

(3) A list of those agencies (schools, diagnostic centers, etc.) in the region which serve handicapped children;

(4) A list of community groups, organizations, and State and local agencies (serving such areas as public health, mental hygiene, social welfare, rehabilitation, etc.), which have shown interest in and support for the ALRC;

(5) The media services presently provided by each State in the region; and

(6) An indication of the State planning for media services taken place to date and its relevancy to the larger State planning effort on behalf of the handicapped.

(c) Quarterly reports subsequent to the first quarterly report shall contain information which updates the information contained in the prior quarterly reports.

(d) A final report shall be submitted on completion of the grant or contract to the Commissioner (1) describing the recipient's efforts and accomplishments (including appropriate graphs, tables, charts, etc.) with respect to each of the activities of the ALRC, and (2) containing a summary of all information previously reported to the Commissioner in the quarterly reports.

(20 U.S.C. 1451; 1452)

Subpart F—National Center on Educational Media and Materials for the Handicapped

§ 121i.100 Purpose; eligible parties.

The Secretary is authorized to enter into an agreement with an institution of higher education for the establishment and operation of a National Center on Educational Media and Materials for the Handicapped, for the purpose of providing a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing and developing, and adapting instructional material, and other activities consistent with the purposes of Part F of the Act.

(20 U.S.C. 1453(a))

§ 121i.101 Services to be provided by the NCEMMH.

(a) The NCEMMH shall provide the following services:

(1) The development of a work plan which specifies the activities of the NCEMMH, the ALRC's, and the Special Offices, and which provides for the coordination of these activities and ensures a comprehensive delivery of media services under Part F of the Act.

(20 U.S.C. 1453(a))

(2) The development of educational media, including.

(i) Identifying needed educational media and setting priorities among these needs;

(ii) Disseminating information regarding these needs to commercial and noncommercial developers of educational media; and

(iii) Providing for the production and distribution of educational media which have been found to be effective.

(3) Training persons in the use of media and educational technology for the education of the handicapped, including:

(i) Developing an information base on media training programs and materials, and

(ii) Providing information concerning existing training programs and materials in response to inquiries.

(4) Developing a media information system, including:

(i) Developing and maintaining a machine-readable media information data base with access terminals.

(ii) Producing catalogs, bibliographies, and other reference materials from the data base.

(iii) Maintaining a file on the location of media,

(iv) Operating a search/retrieval system to answer inquiries about media, and

(v) Maintaining records on inventories, circulation, demand, reactions to media services, and other data relating to the activities of the NCEMMH.

(5) Acquiring selected media included in the information system maintained by the NCEMMH.

(b) The NCEMMH may also serve as a clearinghouse for States which share media resources.

(20 U.S.C. 1453(a))

§ 121i.102 Review of proposals.

In considering proposals under this subpart, the Secretary will give preference to institutions which:

(a) Have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped, and

(b) Can serve the educational technology needs of the Model High School for the Deaf (established under Pub. L. 89-694).

(20 U.S.C. 1453(b))

Subpart G—Special Offices

§ 121i.110 Purpose.

(a) Payment of Federal funds under this subpart may be made for the purposes of:

(1) Providing media to meet the educational needs of the handicapped,

(2) Supporting the media information system of the NCEMMH, and

(3) Distributing educational media.

(b) The Special Offices funded under this subpart shall provide the services set forth in §§ 121i.113 and 121i.115 in conjunction with the ALRC's and the NCEMMH.

(20 U.S.C. 1451; 1452(b))

§ 121i.111 Eligible parties.

Parties eligible for funding under this subpart are public and private agencies, organizations, and institutions.

(20 U.S.C. 1451; 1452)

§ 121i.112 Areas of specialization.

The Special Offices shall provide services within the following specific areas:

(a) The S-1 special office shall serve the needs of persons with visual impairments;

(b) The S-2 spceial office shall serve the needs of persons with hearing impairments;

(c) The S-3 special office shall serve the needs of persons with handicapping conditions other than those designated in paragraphs (a) and (b) of this section;

(d) The S-4 special office shall serve as the media depository for the ALRC's, the NCEMMH, and the S-1, S-2, and S-3, special offices.

(20 U.S.C. 1452(b)(4)(5))

§ 121i.113 Services to be provided by S-1, S-2, and S-3.

The S-1, S-2, and S-3 special offices shall provide the following services within their respective areas of specialization (as set forth in § 121i.112):

(a) Providing educational media to meet identified needs, including:

(1) Locating existing media,

(2) Adopting existing media.

(3) Developing media where such media are unavailable, cannot be provided by adapting existing media, and commercial and noncommercial developers cannot be interested in providing for such development,

(4) Field testing recently developed media for their educational effectiveness (following field testing, the Special Office shall notify the NCEMMH of those media which are found to be effective), and

(5) Reproducing media.

(b) Supporting the media information system maintained by the NCEMMH, including:

(1) Identifying and classifying media to be entered in the system,

(2) Evaluating media, and

(3) Describing media and encoding these descriptions for the information system.

(20 U.S.C. 1451(a)(2)(A), (B); 1452(b))

§ 121i.114 Cooperation with NCEMMH, ALRC's and S-4.

The S-1, S-2, and S-3 shall cooperate with the NCEMMH, ALRC's, and the S-4 with respect to activities under subparts E and F of this part and § 121i.115.

(20 U.S.C. 1451; 1452)

§ 121i.115 Services to be provided by the S-4.

The S-4 shall serve as a center for the distribution of educational media. Its activities shall include the following:

(a) Processing accessions;

(b) Maintaining a collection of the media acquired by the NCEMMH;

(c) Operating a loan service of educational media for the handicapped;

(d) Providing depository services, including, but not limited to: check in, overdue collection, insurance claims, transaction accounting, shelving and labeling, inspecting, repairing, and booking;

(e) Maintaining accounts of charges for usage and shipping; and

(f) Operating a non-profit media training library.

(20 U.S.C. 1451(a)(2)(B), (C); 1452(a), (b)(4), (5))

§ 121i.116 Media deposited in S-4.

The S-4 will maintain a depository only of (a) educational media acquired by the NCEMMH, and (b) media and educational technology materials related to training which have been acquired by the NCEMMH.

(20 U.S.C. 1452(b)(4))

§ 121i.117 Media distribution.

Distribution of media under this subpart shall be through State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as local or regional centers for such distribution.

(20 U.S.C. 1452(b)(4))

§ 121i.118 Cooperation with NCEMMH, ALRC's, and other Special Offices.

The S-4 shall cooperate with the NCEMMH, the ALRC's and the other Special Offices with respect to activities under subparts E and F of this part and § 121i.113.

(20 U.S.C. 1451; 1452)

§ 121i.119 Review of proposals.

(a) In reviewing a proposal for an initial award under this subpart, the Commissioner will take into account the following criteria:

(1) The criteria set forth in § 100a.26 (b)(2)-(5), (7), and (8)(i)-(ii) of this chapter;

(2) The applicant's technical competence and experience in educational technology and related areas; and

(3) The adequacy of the applicant's plan to provide data to the Commissioner with respect to each of its activities under this subpart.

(b) In reviewing a proposal for a continuation award under this subpart, the Commissioner will take into account:

(1) The extent to which performance of the grant or contract has been satisfactory,

(2) The availability of funds, and

(3) The criteria set forth in paragraph (a) of this section, and

(4) Whether continuation of the project is in the best interest of the Federal government.

(20 U.S.C. 1451; 1452)

§ 121i.120 Reporting requirements.

(a) Each of the recipients operating a special office under this subpart shall submit reports to the Commissioner on a quarterly basis which shall include the monthly volume and cost of each of the activities required to be performed by the recipient.

(b) A final report shall be submitted on completion of the grant or contract to the Commissioner (1) describing the recipient's efforts and accomplishments (including appropriate graphs, tables, charts, (2) containing a summary of all information previously reported to the Commissioner in the quarterly reports.

(20 U.S.C. 1451; 1452)

PART 121j—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

Subpart A—General

Subpart B—Research

Subpart C—Training

Subpart D—Model Centers

AUTHORITY: Sec. 661, Pub. L. 91-230, 84 Stat. 187 (20 U.S.C. 1461), unless otherwise noted.

Subpart A—General

§ 121j.1 Scope.

(a) This part applies to programs and projects assisted under Part G of the Act.

(b) Assistance provided under this part is subject to the applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters) and Part 121 of this chapter.

(20 U.S.C. 1461)

§ 121j.2 Purpose.

Payment of Federal funds under this part may be made to eligible parties in order to carry out programs of:

(a) Research and related purposes relating to the education of children with specific learning disabilities.

(b) Professional or advanced training for educational personnel who are teaching, or are preparing to be teachers of, children with specific learning disabilities, or such training for persons who are, or are preparing to be, supervisors and teachers of such personnel; and

(c) Establishing and operating model centers for the improvement of education of children with specific learning disabilities.

(20 U.S.C. 1461(a))

§ 121j.3 Eligible parties.

Parties eligible to receive assistance through grants or contracts under this part are institutions of higher education, State and local educational agencies, and other public and private educational and research agencies and organizations (except that grants will be made only to public or private nonprofit agencies and organizations).

(20 U.S.C. 1461(a))

§ 121j.4 Priorities.

In making grants and contracts under this part, priority will be given to applications which (a) propose innovative and creative approaches to meeting the educational needs of children with specific learning disabilities, or (b) emphasize the prevention and early identification of learning disabilities.

(20 U.S.C. 1461(a))

Subpart B—Research

§ 121j.15 General.

(a) Research conducted pursuant to section 661(a)(1) of the Act shall be subject to requirements contained in §§ 121h1.(b), 121h.4, and 121h.7 of this chapter.

(b) Applications for assistance under this part shall specifically state any research activities which an applicant intends to undertake.

(20 U.S.C. 1461)

Subpart C—Training

§ 121j.30 Distribution of projects.

In making grants and contracts for the purpose set forth in § 121j.2(b) the Commissioner will seek to achieve an equitable geographical distribution of training programs and trained personnel throughout the Nation.

Subpart D—Model Centers

§ 121j.41 Activities.

Each model center assisted under this part shall:

(a) Provide testing and educational evaluation to identify children with learning disabilities who have been referred to the centers;

(b) Develop and conduct model programs designed to meet the special educational needs of those children;

(c) Assist appropriate educational agencies, organizations, and institutions in making model programs available to other children with learning disabilities; and

(d) Disseminate new methods or techniques for overcoming learning disabilities to educational institutions, organizations, and agencies within the area served by the center, and evaluate the effectiveness of the dissemination process. This evaluation shall be conducted annually. The first evaluation shall be conducted during the first year of operation of a

(20 U.S.C 1461(a)(3))

§ 121j.42 Replication of model programs.

(a) Each model center shall encourage and assist replication, in the area to be served by the center, or model programs developed by it under § 121j.41(b).

(b) Applications for assistance for model centers shall include (1) a strategy for the replication of model programs, and (2) information which will enable the Commissioner to determine the degree and nature of the proposed replication.

(20 U.S.C. 1461(a)(3))

§ 121j.43 Advisory council.

(a) Each model center shall establish an advisory council upon official notice from the Commissioner that it has been awarded a grant or contract under this part.

(b) The council's membership shall include parents of children with specific learning disabilities.

(c) The model center shall arrange for the council to assist actively in (1) planning, developing, and operating the model center, (2) disseminating information regarding the model center's programs, and (3) evaluating the success of the model center.

(20 U.S.C. 1231d, 1461(a)(3) (C) and (D))

§ 121j.44 Parental participation.

(a) Each model center shall provide for the active, effective involvement of parents in the project, including participation in the advisory council under § 121j.43.

(b) If a local educational agency applies for assistance under this part, the application shall contain the policies, procedures, and assurance required under § 121.4(c) of this chapter regarding parental involvement and dissemination of information.

(20 U.S.C. 1231d)

§ 121j.45 Distribution of model centers.

In providing assistance for the purposes set forth in § 121j.2(c), the Commissioner will, to the extent feasible, seek to encourage the establishment of a model center in each of the States.

(20 U.S.C. 1461(b)(2))

§ 121j.47 Proposal review.

(a) Applications will be evaluated by the Commissioner and outside consultants specifically chosen by the Commissioner for their expertise in the area of learning disabilities.

(b) In reviewing applications submitted under this part, in addition to the criteria set forth in § 100a.26(b) of this chapter, the following criteria will be considered:

(1) The presence of a clear, logical statement of the replication strategy, including objectives, target populations and evaluation measurements; and

(2) The degree and nature of parental involvement.

(20 U.S.C. 1231d, 1461)

GUIDELINES—EDUCATION OF THE HANDICAPPED ACT—PART G SECTION 661—SPECIAL PROGRAMS FOR CHILDREN WITH SPECIFIC LEARNING DISABILITIES

TABLE OF CONTENTS

PART 1—INTRODUCTION

SECTION 1.1 Scope of guidelines. (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Education of the Handicapped Act, Part G, section 661. The legal requirements include the Act itself (20 U.S.C. 1461) and the regulations (45 CFR Part 121j). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon.

(20 U.S.C. 1461; 113 Cong. Rec. 5936, 5939 (daily ed. May 23, 1967); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is section 661 of the Act (20 U.S.C. 1461), and the guideline affects section 121j.4 of the regulations (45 CFR 121j.4), the following citation will be placed on the line immediately following the guideline: (20 U.S.C. 1461; 45 CFR 121j.4). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

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

PART 2—PROPOSAL DEVELOPMENT

SEC. 2.1 *Form of proposal information.* Applicants should develop a plan for

model program designed to meet the special educational needs of children with learning disabilities and a system for replicating this program. Each proposal should contain the lowing information:

(a) *Current status.* The current State plan or activities of the State and local educational agencies regarding children with specific learning disabilities should be described. The proposal should specify the nature of functional administrative models now in use, the quantity of services rendered, the quality control mechanism, and the availability of trained personnel. Also, the proposal should contain a brief outline of any State legislation relevant to children with learning disabilities. Any State publications regarding educational programming for learning disabled children should be attached.

(20 U.S.C. 1461)

(b) *Theory.* A model system of educational interevntion should be defined, which is the model the applicant seeks to replicate. A statement should be included explaining in detail the theoretical basis for the program including supposed etiology (if applicable) of specific learning disabilities and the rationale for a planned educational intervention.

(20 U.S.C. 1461; 45 CFR 121j.41)

(c) *Model.* The intervention procedures to be employed should be described, including:

(1) The objectives (stated in child-centered and measurable terms) of the learning disability intervention;

(2) The characteristics of the children to be served by this model and criteria for selection;

(3) The content of educational intervention (e.g., visual/perceptual, auditory/listening, language development, motor skills/physical development, self-concept, etc.);

(4) The average duration of the planned intervention for each child;

(5) The methodology used to attain the goals and objectives of the intervention system; and

(6) Other details of the intervention including the sponsoring agency, the logistics, and the teacher-student relation.

(20 U.S.C. 1461; 45 CFR 121j.41)

(d) *Replication strategy.* (1) The replication strategy should be described, as well as the impact of the model upon selected targeted school districts. The types of districts within the State that will be receptive to the model should be specified, and some evidence of this receptivity provided. Demographic characteristics of these districts should be set forth, i.e., number of children, size, geographic location, socio-economic status of the population, average income, industrial potential, etc. If the model is applicable to all districts, a description should be provided in general terms, of the demographic characteristics of the State.

(2) An estimate of how many targeted districts will accept the model program after the next two years should be included. Replication will be considered satisfactory if the program shows promise for continued funding and permanent acceptance into the school system.

(3) A strategy for replication should be described. The applicant should describe all actions to be taken and products to be derived which will be used to stimulate the target districts to replicate the model programs. Cooperation of agencies and organizations assisting in this replication should be noted. Selection of the replication strategy should be based on a cost-effective rationale.

(4) Federal funds may be used to initiate components of the above strategy. A description should be set forth of that part of the proposed replication system which could be strengthened or developed with Federal funds to facilitate the development of an exemplary system. The application should include the approximate cost on a per year basis for this partial support of the model demonstration program.

(20 U.S.C. 1461; 45 CFR 121j.42)

(e) *Evaluation.* The evaluation techniques for both the model program objectives and the objectives of the replication strategy should be outlined. The characteristic of the model and the replication that would result in the spread of quality services to children should be described.

(20 U.S.C. 1461(a); 45 CFR 121j.41)

(f) *Coordination with significant agencies.* The nature of the coordination with local educational agencies should be described. This should include details of funding procedures and obtaining assistance in replication. Formal and informal communication channels between the applicant and the local educational agencies should be delineated. The applicant should specify how this program addresses itself to the requirements of the State's Special Education program objectives and goals, and delineate what contributions "in kind" or in cash will be made by the sponsoring agencies.

(20 U.S.C. 1461)

(g) *Other details of the application.* (1) The advisory council should consist of, in addition to parents, State personnel, students, project personnel, consultants, and at least one person who has expertise in Federal program management. The application should describe the role of this council.

(20 U.S.C. 1461; 45 CFR 121j.43)

(2) A discussion should be provided of the types of problems the applicant anticipates in initiating and maintaining the program. The applicant should describe the types of assistance it may require of the Learning Disabilities Leadership Training Institute, and indicate, where possible, at which points in time this assistance might be needed.

(20 U.S.C. 1461; 45 CFR 121j.2)

SEC. 2.2 *Submission of proposal.* (a) There should be documentation of participation by specific staff members and letters of agreement to participate should be appended for consultants. If staff is not currently available, an outline of the applicant's recruiting procedures and requirements should be provided.

(b) Where agreements with school districts or other cooperating agencies are a factor, copies of the agreements or letters of intent from the agencies should be appended.

(c) The Office of Education may make an award without further discussion of the applications submitted. Therefore, the applications should be submitted initially on the most favorable terms possible from both price and technical standpoints.

(d) If any of the primary personnel have a current or uncompleted project with the Office of Education, National Institute of Mental Health, or other Federal agencies, the status of the project, the amount of time devoted to it, and the relationships between the current and the proposed project should be indicated. If any of the personnel previously completed a Federally supported research or development project, information should be provided to identify the project.

(20 U.S.C. 1461; 45 CFR 121j.47)

SEC. 2.3 *Research activities.* Research activities conducted pursuant to section 661(a)(1) of the Act are subject to sections 2.1–2.2 and 3.1–3.5 of the guidelines for Part E of the Act.

(20 U.S.C. 1461; 45 CFR 121h.1, 121j.15)

[FR Doc.75-4629 Filed 2-19-75;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER LINER OPERATING—DIFFERENTIAL SUBSIDY AGREEMENTS

Operating Requirements

On November 13, 1974, there was published in the FEDERAL REGISTER (39 FR 40031) a notice of proposed rulemaking with respect to 46 CFR Part 281, setting forth reporting requirements for operators of liner vessels subject to operating differential subsidy contracts. The proposed amendment is hereby adopted with the changes and additions indicated in this notice.

Part 281 sets forth the information that each liner operator who is a party to an operating-differential subsidy agreement must submit to the Maritime Administration in compliance with the terms of such agreement. This amendment to paragraph (f) of § 281.1 requires each contractor to periodically submit internal management reports, balance sheets, income statements and vessel performance reports. Paragraph (f) as amended also sets forth the allocation bases to be used in the preparation of vessel performance reports.

This amendment reflects the Maritime Administration's recent revision of the Uniform System of Accounts for Maritime Carriers (46 CFR Part 282, 39 FR 16445, May 9, 1974). The new technology of the maritime industry employing barges, containers and related equipment required the revision of the Uniform System of Accounts. The system was also revised to reflect specific cost centers to permit more useful analysis of data.

Careful consideration has been given to all comments received with respect to the amendment. As a result of comments received, the following changes and additions are made to the amendment as proposed:

1. The type of internal management reports to be submitted has been clarified;

2. The regulations now provide that if the operator is unable to submit the annual Form 172 by March 31 of the succeeding year, he shall, before such March 31, request the Director, Office of Financial Analysis, for an extension and shall submit by such March 31 an annual balance sheet and a fourth quarter and annual income statement.

3. If any additional charges or credits are incurred during the reporting period for voyages terminated in prior periods, such information should be included in the vessel performance reports;

4. An example has been added showing a reconciling item of the difference between voyage revenue and expense reported in the income statement and in the grand summary of all terminated voyage results shown by vessel performance reports;

5. The allocation of terminal expenses between terminated and unterminated voyages is required to be made by each individual terminal;

6. The requirement that individual vessel performance reports be prepared as of December 31 of each year for each voyage terminated during the annual period has been eliminated; and

7. An Exhibit D has been added showing the vessel types to be used for reporting purposes.

Accordingly, Part 281 of Title 46 of the Code of Federal Regulations is amended to read as follows:

1. Title of parts: Revised as set forth above.

2. First paragraph of § 281.1 and paragraph (f) are revised as follows:

§ 281.1 Information and procedure required under liner operating-differential subsidy agreements.

In compliance with the terms of the operating-differential subsidy agreement, the following information shall be submitted to the Maritime Administration by each operator who is a party to any such agreement and operates liner type vessels pursuant to such agreement.

* * * * *

(f) *Current financial reports.* Each operator shall prepare current financial reports as specified in this paragraph and shall submit one copy each to the appropriate Region Director of the Maritime Administration and three copies each to the Director, Office of Financial Analysis, Maritime Administration, Washington, D.C. 20230, as follows:

(1) Internal management reports: Each month the operator shall submit copies of such portions of its internal management reports that provide an estimate of its current operating results.

(2) Quarterly balance sheets: The operator shall prepare balance sheets as of March 31, June 30, and September 30 of each calendar year in conformity with section 282.6(A) of the Uniform System of Accounts (Part 282 of this chapter) and shall submit each as soon as practicable but not later than 45 days after the end of the respective quarter.

(3) Quarterly and cumulative income statements: The operator shall prepare income statements for the quarterly periods January 1 to March 31, April 1 to June 30, and July 1 to September 30, and for cumulative periods from January 1 to the end of the second and third quarters of each calendar year in conformity with section 282.6(B) of the Uniform System of Accounts (Part 282 of this chapter) and shall submit each statement as soon as practicable but not later than 45 days after the end of the respective quarter.

(4) Annual financial report: The operator shall submit Maritime Administration Form 172 for each calendar year by March 31 of the succeeding year. If the operator is unable to submit Form 172 by March 31 of the succeeding year he shall, prior to such March 31, request an extension for the filing of Form 172 from the Director, Office of Financial Analysis, and shall submit by such March 31:

(i) A balance sheet for the year ending on December 31, in conformity with section 282.6(A) of the Uniform Systems of Accounts; and

(ii) An income statement for the quarterly period October 1 to December 31 and an income statement for the year ending on December 31, in conformity with § 282.6(B) of the Uniform System of Accounts.

(5) Vessel performance reports: Vessel performance reports shall be prepared for the period January 1 to March 31 of each calendar year, and from January 1 to the end of each succeeding quarter of the calendar year, in the form provided in Exhibit A of paragraph (f)(7) of this section and consistent with the allocation bases provided in paragraph (f)(6) of this section and shall include:

(i) A grand summary of all terminated voyage results for the reporting period including any idle status period occurring during the reporting period and any additional charges or credits from prior terminated periods;

(ii) Summaries of each service by vessel type, as indicated in Exhibit (D) of paragraph (7) of this part, as of December 31 of each year;

(iii) Individual reports by vessel for each idle status period occurring during any reporting period.

Vessel performance reports shall be submitted with the quarterly balance sheets and income statements required under paragraphs (f) (2) and (3) of this section and must be reconciled with voyage revenue and expense from all operations as reported in the income statement. "Depreciation Vessels" is an example of a reconciling item. Vessel performance reports which are properly prepared and filed will satisfy the reporting requirements for sub-schedules 3002 of the Maritime Administration Form 172.

(6) Allocation bases: The allocation bases to be applied in preparation of vessel performance reports required by paragraph (f)(5) of this section are as follows:

(i) Terminal expenses: Terminal expenses defined by accounts 855 through 866 of the Uniform System of Accounts (section 282.3(E) of this chapter), including depreciation accounts, for each terminal shall be allocated between terminated and unterminated voyages on the basis of freight payable tons loaded and discharged on each vessel and voyage during the reporting period, except that in the case of terminals handling only one cargo carriage technology type (CCTT), which can be expressed in common units such as twenty foot equivalent container units (TEU's) or the number of individual barges, such common unit may be used for allocating terminal expenses by vessel and voyage for each terminal, as shown in Exhibit B of paragraph (f)(7) of this section.

(ii) Container/barge expense—(A) Allocation of expense: Container/barge expense defined by accounts 867 through 899 of the Uniform System of Accounts (section 282.3(F) of this chapter), including depreciation accounts, shall be segregated between container and barge cost pools. Accounts 879, 880, and 894 shall be allocated between container and barge cost pools on an allocation basis developed by the operator.

(B) Allocation of cost pools: Container and barge cost pools shall be allocated among vessels by voyage and idle status for each vessel in the same ratio that the total container or barge capacity of each vessel multiplied by vessel days bears to the total container or barge capacity of the operator's entire fleet multiplied by vessel days. Total container or barge capacity of a vessel means the total container or barge capacity of the vessel, expressed in TEU's for containers and single units for barges, multiplied by the total number of containers or barges acquired for each available container or barge slot on the vessel. Vessel days means the number of days in the period for which an allocation of cost pools is being made. Containers and barges purchased by an operator for utilization in a particular trade route shall be allocated by vessel capacity among the vessels in the trade route for which they were purchased. See Exhibit C of paragraph (f)(7) of this section.

(iii) Administrative and general expenses: Administrative and general expenses defined by accounts 901 through 979 of the Uniform System of Accounts (§ 282.3(G) of this chapter) shall be allocated to terminated voyages for each vessel type by service or for each vessel by voyage, as required by paragraph (f)(5) of this section, based on the ratio that total terminated voyage operating expenses (accounts 701–773 of the Uniform System of Accounts) plus total terminated voyage operating revenue (accounts 601–624 of the Uniform System of Accounts) for each bears to the total terminated voyage operating expense plus total terminated voyage operating revenue for the period, except that account 945 (advertising passengers) will be allocated directly to passenger vessels based on pasengers carried, account 955 (contributions to pools) may be allocated as an administrative and general expense or directly to vessel and voyage based on pool statements, and that portion of accounts 960 and 961 (interest expense) representing interest on vessels shall be allocated to vessels and voyages in the same ratio that depreciation is distributed among all vessels in the fleet. In addition to the above exceptions, significant interest expenses related to purchases of containers and barges should be charged directly to container and barge pools prior to allocation of the container and barge pools.

(7) Exhibits:

A. Vessel performance report.

B. Sample allocation of terminal expenses by vessel and voyage.

C. Sample allocation of container/barge expenses by vessel and voyage.

D. Examples of vessel types currently operated.

* * * * *

Effective date: This amendment is effective as of January 1, 1975.

(Sec. 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1971 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).)

Dated: January 21, 1975.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

NAME OF OPERATOR_____

VESSEL PERFORMANCE REPORT

FOR THE PERIOD ENDED_____

Exhibit A

TYPE OF REPORT (1) GRAND SUMMARY ( ) (2) VESSEL TYPE BY SERVICE ( ) (3) IDLE STATUS BY VESSEL ( )

SERVICE AND TYPE OF VESSEL_____ MILES TRAVELED_____

NUMBER OF VOYAGE TERMINATIONS_____ VOYAGE DAYS_____ DAYS AT SEA_____ DAYS IN PORT_____

VESSEL CONTAINER CAPACITY -TEU'S_____ VESSEL BARGE CAPACITY_____

	OUTWARD	INTERMEDIATE	INWARD	TOTAL
Passengers Carried				
Freight Payable Tons Carried				
Number of Containers (TEU's)				
Number of Barges				
(600) OPERATING REVENUE				
01 Freight - Foreign	$	$	$	$
05 Freight - Intercoastal				
08 Passenger - Foreign				
12 Passenger - Intercoastal				
20 Charter Revenue				
29 Other Voyage Revenue				
TOTAL VESSEL OPERATING REVENUE	$	$	$	$

(700) OPERATING EXPENSES:

Vessel Expenses:

01 Wages _____ 03 Fringes _____ 04 Union Payments _____ 08 Payroll Taxes _____ $

10 Domestic Subsistence _____ 14 Foreign _____

15 Domestic Stores, Supplies and Equipment _____ 16 Foreign _____

25 Other Maintenance Expense

30 Insurance - Hull and Machinery _____ 32 P & I _____ 34 Other _____

35 Vessel Fuel

40 Vessel Repairs - Domestic _____ 41 Foreign _____

42 Depreciation - Vessels (STRAIGHT LINE DEPRECIATION BASED ON STATUTORY LIFE WITH RESIDUAL VALUE % OF DOMESTIC SHIPYARD CONSTRUCTION COST)

43 Charter Hire - Time and Trip _____ 44 Affiliates _____

45 Bareboat Charter Hire - Short Term _____ 46 Short Term Affiliates _____ 47 Long Term _____ 48 Long Term Affiliates _____

49 Other Vessel Expense

TOTAL VESSEL EXPENSE $

Voyage Expenses:

50 Allocated Expenses-Container & Barge (A/C 607-654) _____ 51 Terminal Expense (A/C 655-664) _____ $

52 Cargo Handling _____ 53 Barges _____ 54 CY _____ 55 CFS _____ 56 LFS _____

57 L.C. _____ 58 Commercial _____ 59 Other _____ 62 Off Dock-CFS _____

63 Transportation Expense-Port Commercial _____ 64 Port Military _____ 65 Inland Commercial _____

66 Inland Military _____ 67 Substituted Service-Commercial _____ 68 Substituted Service-Military _____

70 Wharfage and Dockage _____ 71 Other Port _____ 72 Port Costs Pass _____ 73 Canal Tolls _____

TOTAL VOYAGE EXPENSES $

DIRECT PROFIT (LOSS) BEFORE SUBSIDY $

825 OPERATING-DIFFERENTIAL SUBSIDY

DIRECT PROFIT (LOSS) AFTER SUBSIDY FROM VESSEL OPERATIONS $

800 OVERHEAD - ACCOUNTS 801/855,865,875/878, 990

850 INTEREST EXPENSE VESSELS_____ 861 INTEREST EXPENSE VESSELS - AFFILIATES_____

PRETAX TERMINATED VOYAGE RESULTS $

EXHIBIT B.—SAMPLE ALLOCATION OF TERMINAL EXPENSES BY VESSEL AND VOYAGE**

Type of facility	Total units loaded and discharged			Voyage status end of the period		Ratio vessel/voyage to Total (percent)	Terminal cost by vessel/voyage		
	Vessel	Voyage	Total units *	Terminated	Unterminated		Totals	Terminated	Unterminated
Container yard	Cont-1	1	500	500		31.7	$326.51	$326.51	
	LASH-2	1	359		359	22.7	233.81		$233.81
	LASH-2	2	260	260		16.5	169.95	169.95	
	B/B-4	1	110	110		6.9	71.07	71.07	
	Cont-6	1	200	200		12.7	130.81	130.81	
	Cont-6	2	150		150	9.5	97.85		97.85
			(a) 1,579	1,070	509	100.0	1,030.00	698.34	331.66
Container freight station/break bulk.	LASH-2	1	17,002	17,002		22.8	175.56	175.56	
	LASH-2	2	11,002		11,002	14.8	113.96		113.96
	RO/RO-3	1	30,525	30,525		41.0	315.70	315.70	
	B/B-4	1	1,000	1,000		1.3	10.01	10.01	
	Bulk-5	1	15,000	15,000		20.1	154.77	154.77	
			(b) 74,529	63,527	11,002	100.0	770.00	656.04	113.96
Barge terminal	LASH-2	1	37	37		68.5	445.25	445.25	
	LASH-2	2	17		17	31.5	204.75		204.75
			(c) 54	37	17	100.0	650.00	445.25	204.75

*(a) Units for container yard=twenty foot equivalent units (TEU's).
(b) Units for container freight station and break bulk operation=freight payable tons (FPT's).
(c) Units for barge terminal=number of barges unless barges differ in size. Barges of different capacity must be reduced to equivalent units.
(d) Other terminal facilities (not illustrated) handling many or all cargo carriage technology types will allocate period costs on freight payable tons load and discharged during the period.
**This allocation procedure shall be applied for each terminal maintained by an operator.

EXHIBIT C.—SAMPLE ALLOCATION OF CONTAINER/BARGE EXPENSES BY VESSEL AND VOYAGE

EXAMPLE

Assumptions

Service A—One (1) Container vessel with an actual capacity of 1,050 containers with two (2) containers acquired for each container slot.
Service B—One (1) LASH vessel with an actual capacity of 450 containers with four (4) containers purchased for each container slot.
Service C—One (1) Roll on-roll off vessel with an actual capacity of 350 containers with three (3) containers acquired for each container slot.
W One (1) Break-bulk vessel with an actual capacity of 100 containers with four (4) containers acquired for each container slot.
Total container pool costs for a ninety (90) day period equals $414,675.

Calculations:

(A) Service	(B) Vessel	(C) Voyage	(D) Vessel days in period: Terminated	(D) Vessel days in period: Unterminated	(E) Actual container capacity of vessel	(F) Containers acquired for each slot	(G) Total container capacity col. (E)×(F)	(H) Allocation base col. (D)×(G)	(I) Allocation percentages	(J) Allocation of container pool
A	Container-1	1	90		1,050	2	2,100	189,000	39.3	$162,967
B	LASH-2	1	60		450	4	1,800	108,000	22.4	92,887
C	LASH-2	2		30	450	4	1,800	54,000	11.2	46,444
	RO/RO-3	1	70		350	3	1,050	73,500	15.3	63,445
	RO/RO-3	LS.	20		350	3	1,050	21,000	4.3	17,831
	Break Bulk-4	1		90	100	4	400	36,009	7.5	31,101
	Totals		240	120				481,500	100.0	414,675

EXHIBIT D—EXAMPLES OF VESSEL TYPES CURRENTLY OPERATED

C3-S-33a	C4-S-49a	C6-S-1go
C3-S-38a	C4-S1-49a	C6-S-1w
C3-S-43a	C4-S-57a	C6-S-1x
C3-S-46a	C4-S-58a	C6-S-1xa
C3-S-46b	C4-S-60a	C6-S-6go
C3-S-73b	C4-S-64a	C6-S-85a
C3-S-76a	C4-S-64b	C6-S-85b
C4-S-1a	C4-S-65a	C7-S-68c,
C4-S-1f	C5-S-37e	d, and e
C4-S-1g	C5-S-37f	C8-S-81b
C4-S-1sa	C5-S-73b	C8-S-82d
C4-S-1t	C5-S-75a	C9-S-81d
C4-S-1u	C5-S-78a	
C4-S-19a	C6-S-1ga	

[FR Doc.75-4353 Filed 2-19-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Administrative Office of the United States Courts

Section 213.3172 is amended to show that Schedule A authority for not to exceed five positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service in the U.S. Courts is revoked. Simultaneously, not to exceed eight positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service with the U.S. Courts are excepted under Schedule B.

Effective February 20, 1975.

§ 213.3172 [Reserved]

1. Section 213.3172 is deleted.

2. Section 213.3272 is added to read as follows:

§ 213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed eight positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers on active service in the U.S. Courts.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.75-4578 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to show that one position of Staff Assistant (Secretary) to the Counselor to the Secretary is excepted under Schedule C.

Effective February 20, 1975, § 213.3305 (a) (60) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* * * *

(60) One Staff Assistant (Secretary) to the Counselor to the Secretary.

* * * * *

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.75-4581 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Equal Employment Opportunity Commission

Section 213.3377 is amended to show that one position of Private and Confidential Assistant to the Director of Congressional Affairs is excepted under Schedule C.

Effective February 20, 1975, § 213.3377 (h) is added as set out below.

§ 213.3377 Equal Employment Opportunity Commission.

* * * * *

(h) One Private and Confidential Assistant to the Director of Congressional Affairs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.75-4580 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

ACTION

Section 213.3359 is amended to show that one position of Special Assistant to the Assistant Director for Policy and Program Development is reestablished under Schedule C.

Effective on February 20, 1975, § 213.3359(o) is amended as set out below.

§ 213.3359 ACTION.

* * * * *

(o) Special Assistant to the Assistant Director for Policy and Program Development.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.75-4633 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Section 213.3360 is amended to show that one position of Staff Assistant to a Commissioner is reestablished under Schedule C.

Effective on February 20, 1975, § 213.3360(a) is amended as set out below.

§ 213.3360 Consumer Product Safety Commission.

(a) One Secretary (Stenography) to one Commissioner and one Staff Assistant to each of two Commissioners.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.75-4635 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that 26 positions of Business Management Fellowship Program Specialist, GS–11/12, are excepted under Schedule A.

Effective on February 20, 1975, § 213.3114(b)(4) is added as set out below.

§ 213.3114 Department of Commerce.

* * * * *

(b) *Office of the Secretary.* * * *

(4) Not to exceed 26 positions of Business Management Fellowship Program Specialist, GS–11/12.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.75-4634 Filed 2-19-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Secretary (Steno) to the Administrator, Law Enforcement Assistance Administration is reestablished under Schedule C.

Effective on February 20, 1975, § 213.3310(s)(1) is amended as set out below.

§ 213.3310 Department of Justice.

* * * * *

(s) *Law Enforcement Assistance Administration.*

(1) One Secretary (Steno) to the Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.75-4636 Filed 2-19-75;8:45 am]

PART 550—PAY ADMINISTRATION (GENERAL)

Schedule of Pay Differential

Appendix A to Subpart I of Part 550 is amended by adding two new subitems (b) and (c) to item (1), "Pressure chamber subjects," and a new item, "Hot Work," under the duty "Exposure to Physiological Hazards," to provide for paying a hazard differential for work performed in pressurized and non-pressurized sonar domes and for work at temperatures above 110 degrees Fahrenheit in confined spaces.

The amendments, which are effective on the date shown in the schedule, reads as follows:

Appendix A

SCHEDULE OF PAY DIFFERENTIALS AUTHORIZED FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY UNDER SUBPART I

HAZARD PAY DIFFERENTIAL, OF PART 550 PAY ADMINISTRATION (GENERAL)

Irregular or intermittent duty	Rate hazard pay differential (percent)	Effective date
Exposure to physiological hazards:		
(1) *Pressure chamber subject.* (a) Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mockup components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas cylinders, and pumping devices which are susceptible to explosive ruptures.	25	1st pay period beginning after Mar. 16, 1973.
(b) *Working in pressurized sonar domes.* Performing checkout of sonar system after sonar dome has been pressurized. This may include such duties as changing transducer elements, setting of transducer turntables, checking of cables, piping, valves, circuits, underwater telephone, and pressurization plugs.	8	1st pay period beginning after Feb. 16, 1975.
(c) Working in nonpressurized sonar domes that are a part of an underwater system. Performing certification pretrial inspections, involving such duties as calibrating, adjusting, and photographing equipment, in limited space and with limited egress.	4	1st pay period beginning after Feb. 16, 1975.
* * *	*	*
Hot Work—Working in confined spaces wherein the employee is subject to temperatures in excess of 100° F.	4	1st pay period beginning after Feb. 16, 1975.

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

[FR Doc.75-4582 Filed 2-19-75;8:45 am]

PART 735—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Financial Obligations

Section 735.207, Subpart B of Part 735 is revised to clarify and more accurately reflect the intent of Executive Order 11222 regarding the responsibility of Federal employees to pay taxes and other obligations imposed by law and that Federal, State or local taxes imposed by law are to be considered just financial obligations.

Effective on February 20, 1975, § 735.207 is revised to read as follows:

§ 735.207 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court or one imposed by law such as Federal, State or local taxes, and "in a proper and timely manner" means in a manner which the agency determines does not, under the circumstances, reflect adversely on the Government as his employer. In the event of dispute between an employee and an alleged creditor, this section does not require an agency to determine the validity or amount of the disputed debt.

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

[FR Doc.75-4583 Filed 2-19-75;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 340]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 21-27, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.640 Navel Orange Regulation 340.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is slightly weaker due in part to poor weather in the East, shortages of some sizes, and interruptions in distribution due to recent holidays. Prices f.o.b. averaged $3.69 per carton on a reported sales volume of 1,366 carlots last week, compared with an average f.o.b. price of $3.65 per carton and sales of 1,374 carlots a week earlier. Track and rolling supplies at 609 cars were down 65 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 18, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 21, 1975, through February 27, 1975, are hereby fixed as follows:

(i) District 1: 1,348,000 cartons;

(ii) District 2: 202,000 cartons;

(iii) District 3: Unlimited movement.

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

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

Dated: February 19, 1975.

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

[FR Doc.75-4862 Filed 2-19-75;11:50 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-118]

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

Alteration of Control Zone and Transition Area

On January 6, 1975, a notice of proposed rule making was published in the FEDERAL REGISTER (40 FR 1059), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fort Myers, Fla., control zone and transition area.

Interested persons were afforded an oppportunity to participate in the 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.

In § 71.171 (40 FR 354), the Fort Myers, Fla., control zone is amended as follows:

"* * * VORTAC 126° * * *" and "* * * southeast * * *" is deleted and "* * * VORTAC 062° * * *" and "* * * northeast * * *" is substituted therefor.

In § 71.181 (40 FR 441), the Fort Myers, Fla., transition area is amended as follows:

All after "southwest of the RBN;" is deleted and "within 3.5 miles each side of Fort Myers VORTAC 062° radial, extending from the 8.5-mile radius area to 10 miles northeast of the VORTAC; within 3 miles each side of the 220° bearing from Tice RBN, extending from the 8.5-mile radius area to 8.5 miles southwest of the RBN." is substituted therefor.

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

Issued in East Point, Ga., on February 10, 1975.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.75-4495 Filed 2-19-75;8:45 am]

[Airspace Docket No. 75-SO-15]

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

Alteration of Transition Area

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

The Lakeland transition area is described in § 71.181 (40 FR 441). In the description, extensions are predicated on Lakeland VORTAC 175° and 233° radials and were designated to provide controlled airspace protection for IFR aircraft executing VOR-A and VOR RWY 4 Standard Instrument Approach Procedures. Since these procedures will be cancelled, effective February 27, 1975, the extensions will no longer be required. It is necessary to amend the description to reflect this change. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 27, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Lakeland, Fla., transition area is amended as follows:

"* * * within 3 miles each side of Lakeland VORTAC 175° and 233° radials, extending from the 8.5-mile radius area to 9 miles south and 9.5 miles southwest of the VORTAC * * *" is deleted.

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

Issued in East Point, Ga., on February 11, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4493 Filed 2-19-75;8:45 am]

[Airspace Docket No. 74-SO-110]

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

Alteration on Transition Area; Correction

On January 22, 1975, FR Doc. No. 75-1950 was published in the FEDERAL REGISTER (40 FR 3409), amending Part 71 of the Federal Aviation Regulations by altering the Augusta, Ga., transition area.

In the amendment, reference was made to McDuf RBN. Subsequent to publication of the rule, it was determined that "McDuf RBN" should have been "McDuffie RBN." It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, FR Doc. No. 75-1950 is amended as follows:

In line six of the description change "* * * McDuf RBN * * *" is deleted and "* * * McDuffie RBN * * *" is substituted therefor.

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

Issued in East Point, Ga., on February 10, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4496 Filed 2-19-75;8:45 am]

[Airspace Docket No. 75-SO-14]

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

Revocation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Jefferson, Ga., transition area.

The Jefferson transition area is described in § 71.181 (40 FR 441) and was designated to provide controlled airspace protection for IFR operations at Jackson County Airport and for IFR aircraft executing the VOR/DME RWY 34 Standard Instrument Approach Procedure. Since this procedure will be cancelled, effective March 13, 1975, the requirement for the transition area no longer exists. It is necessary to revoke the transition area. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., March 13, 1975, as hereinafter set forth.

In § 71.181 (40 FR 441), the Jefferson, Ga., transition area is revoked.

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

Issued in East Point, Ga., on February 11, 1975.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.75-4494 Filed 2-19-75;8:45 am]

[Docket No. 13569; Amdt. No. 121-116]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Extension of Compliance Date: Stowage of Containers for Transport of Animals Aboard Aircraft

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to extend the time for compliance with § 121.288 for eight months.

On August 9, 1974, the FAA issued Amendment 21-111, effective October 18, 1974, to Part 121 of the Federal Aviation Regulations (published in the FEDERAL REGISTER on August 19, 1974; 39 FR 29917) to require that cargo containers housing live animals for carriage by air in the cargo compartments of aircraft be secured in the cargo compartment in such a fashion as to prevent shifting and be protected from the hazards of shifting of other cargo, and to assure that ventilation areas of the container are not obstructed. That amendment was based on a notice of proposed rule making (Notice 74-10) published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9456). In response to petitions received from the Air Transport Association of America and Southern Airways, Inc., and members of the medical profession engaged in research using live animals, the FAA issued Amendment No. 121-112 (39 FR 36576) and extended the date for compliance with § 121.288 until February 18, 1975, to allow certificate holders additional time for obtaining and installing necessary equipment.

It now appears that Part 121 certificate holders have a need for additional time to complete modifications of their aircraft in order to comply with § 121.288. Petitions for exemptions from the February 18, 1975, compliance date have been received by the FAA from eight Part 121 certificate holders that require additional time to complete the necessary modifications of their aircraft. It appears that other certificate holders also have a need for additional time to complete the modifications on all of their aircraft so as not to interrupt their transportation of live animals.

The FAA believes that an eight-month extension of the February 18, 1975, compliance date is appropriate to enable Part 121 certificate holders to complete modifications on all of their aircraft used for the transportation of live animals and to avoid any significant interruption in their transportation.

In view of the imminence of the present effective date and since this amendment imposes no additional burden on

any person, I find that notice and public procedure thereon are impractical and that good cause exists for making this amendment effective in less than 30 days.

(Sections 313(a), 601(a), and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421(a), and 1424. Section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c).)

In consideration of the foregoing, effective February 14, 1975, the effective date of Amendment 121-111 is changed from February 18, 1975, to October 18, 1975.

Issued in Washington, D.C. on February 14, 1975.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.75-4804 Filed 2-19-75;8:45 am]

Title 26—Internal Revenue

[T.D. 7345]

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Deductibility of Fines and Penalties and Illegal Bribes, Kickbacks, and Other Payments

By a notice of proposed rule making appearing in the FEDERAL REGISTER for December 6, 1972 (37 FR 25936), amendments to the Income Tax Regulations (26 CFR Part 1) under sections 61, 162, 212, and 471 of the Internal Revenue Code of 1954 were proposed in order to revise the rules applicable to the deductibility of fines and penalties and illegal bribes, kickbacks, and other payments. These proposed amendments were to reflect the amendment of the Internal Revenue Code by section 902 of the Tax Reform Act of 1969 (83 Stat. 710) and by section 310 of the Revenue Act of 1971 (85 Stat. 525). After consideration of all relevant matter presented by interested persons regarding the rules proposed, it was decided to revise those rules in certain respects. This document finalizes those rules as revised, except as to paragraph (b) (1)(ii) and (2) of proposed § 1.162-21 which will be proposed in another notice of proposed rule making. Those provisions set forth definitional rules as to what amounts are treated as fines or similar penalties for purposes of section 162(f).

In general, the amendments to section 162 codified the rules for disallowing a deduction claimed under that section for reasons relating to public policy. This document amends the regulations to conform to that codification. In addition, the regulations under sections 212 and 471 are amended to prevent the Congressional intent from being circumvented by the allowance under those sections of deductions which Congress explicitly denied by its amendments to section 162. The rules contained herein are essentially those proposed in the December 6, 1972, notice.

On December 6, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25936) to conform the Income Tax Regulations (26 CFR Part 1) under sections 61, 162, 212, and 471 of the Internal Revenue Code of 1954 to section 902 of the Tax Reform Act of 1969 (83 Stat. 710) and to section 310 of the Revenue Act of 1971 (85 Stat. 525). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the Income Tax Regulations are amended as follows:

Par. 1. Section 1.162 is amended by revising section 162(c) (2) and (3) and by revising the historical note to read as follows:

§ 1.162 Statutory provisions; trade or Business expenses.

Sec. 162. *Trade or business expenses.* * * *

(c) *Illegal bribes, kickbacks, and other payments.* * * *

(2) *Other illegal payments.* No deduction shall be allowed under subsection (a) for any payment (other than a payment described in paragraph (1)) made, directly or indirectly, to any person, if the payment constitutes an illegal bribe, illegal kickback, or other illegal payment under any law of the United States, or under any law of a State (but only if such State law is generally enforced), which subjects the payor to a criminal penalty or the loss of license or privilege to engage in a trade or business. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer. The burden of proof in respect of the issue, for purposes of this paragraph, as to whether a payment constitutes an illegal bribe, illegal kickback, or other illegal payment shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

(3) *Kickbacks, rebates, and bribes under medicare and medicaid.* No deduction shall be allowed under subsection (a) for any kickback, rebate, or bribe made by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, or in whole or in part out of Federal funds under a State plan approved under such Act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

* * * * *

[Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (72 Stat. 1608); secs. 7(b) and 8, Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1002, 1003); sec. 3(a), Revenue Act 1962 (76 Stat. 973); sec. 902, Tax Reform Act 1969 (83 Stat. 710); sec. 310, Revenue Act 1971 (85 Stat. 525)]

Par. 2. Paragraph (a) of § 1.162-1 is amended to read as follows:

§ 1.162-1 Business expenses.

(a) *In general.* Business expenses deductible from gross income include the ordinary and necessary expenditures directly connected with or pertaining to the taxpayer's trade or business, except items which are used as the basis for a deduction or a credit under provisions of law other than section 162. The cost of goods purchased for resale, with proper adjustment for opening and closing inventories, is deducted from gross sales in computing gross income. See paragraph (a) of § 1.61-3. Among the items included in business expenses are management expenses, commissions (but see section 263 and the regulations thereunder), labor, supplies, incidental repairs, operating expenses of automobiles used in the trade or business, traveling expenses while away from home solely in the pursuit of a trade or business (see § 1.162-2), advertising and other selling expenses, together with insurance premiums against fire, storm, theft, accident, or other similar losses in the case of a business, and rental for the use of business property. No such item shall be included in business expenses, however, to the extent that it is used by the taxpayer in computing the cost of property included in its inventory or used in determining the gain or loss basis of its plant, equipment, or other property. See section 1054 and the regulations thereunder. A deduction for an expense paid or incurred after December 30, 1969, which would otherwise be allowable under section 162 shall not be denied on the grounds that allowance of such deduction would frustrate a sharply defined public policy. See section 162 (c), (f), and (g) and the regulations thereunder. The full amount of the allowable deduction for ordinary and necessary expenses in carrying on a business is deductible, even though such expenses exceed the gross income derived during the taxable year from such business. In the case of any sports program to which section 114 (relating to sports programs conducted for the American National Red Cross) applies, expenses described in section 114(a)(2) shall be allowable as deductions under section 162(a) only to the extent that such expenses exceed the amount excluded from gross income under section 114(a).

* * * * *

Par. 3. Section 1.162-18 is amended to read as follows:

§ 1.162-18 Illegal bribes and kickbacks.

(a) *Illegal payments to government officials or employees*—(1) *In general.* No deduction shall be allowed under section 162(a) for any amount paid or incurred, directly or indirectly, to an official or employee of any government, or of any agency or other instrumentality of any government, if—

(i) In the case of a payment made to an official or employee of a government other than a foreign government described in subparagraph (3) (ii) or (iii) of this paragraph, the [making of the] payment constitutes an illegal bribe or kickback, or

(ii) In the case of a payment made to an official or employee of a foreign government described in subparagraph (3) (ii) or (iii) of this paragraph, the making of the payment would be unlawful under the laws of the United States (if such laws were applicable to the payment and to the official or employee at the time the expenses were paid or incurred).

No deduction shall be allowed for an accrued expense if the eventual payment thereof would fall within the prohibition of this section. The place where the expenses are paid or incurred is immaterial. For purposes of subdivision (ii) of this subparagraph, lawfulness or unlawfulness of the payment under the laws of the foreign country is immaterial.

(2) *Indirect payment.* For purposes of this paragraph, an indirect payment to an individual shall include any payment which inures to his benefit or promotes his interests, regardless of the medium in which the payment is made and regardless of the identity of the immediate recipient or payor. Thus, for example, payment made to an agent, relative, or independent contractor of an official or employee, or even directly into the general treasury of a foreign country of which the beneficiary is an official or employee, may be treated as an indirect payment to the official or employee, if in fact such payment inures or will inure to his benefit or promotes or will promote his financial or other interests. A payment made by an agent or independent contractor of the taxpayer which benefits the taxpayer shall be treated as an indirect payment by the taxpayer to the official or employee.

(3) *Official or employee of a government.* Any individual officially connected with—

(i) The Government of the United States, a State, a territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico,

(ii) The government of a foreign country, or

(iii) A political subdivision of, or a corporation or other entity serving as an agency or instrumentality of, any of the above,

in whatever capacity, whether on a permanent or temporary basis, and whether or not serving for compensation, shall be included within the term "official or employee of a government", regardless of the place of residence or post of duty of such individual. An independent contractor would not ordinarily be considered to be an official or employee. For purposes of section 162(c) and this paragraph, the term "foreign country" shall include any foreign nation, whether or not such nation has been accorded diplomatic recognition by the United States. Individuals who purport to act on behalf of or as the government of a foreign nation, or an agency or instrumentality thereof, shall be treated under this section as officials or employees of a foreign government, whether or not such individuals in fact control such foreign nation, agency, or instrumentality, and whether or not such individuals are accorded diplomatic recognition. Accordingly, a group in rebellion against an established government shall be treated as officials or employees of a foreign government, as shall officials or employees of the government against which the group is in rebellion.

(4) *Laws of the United States.* The term "laws of the United States", to which reference is made in paragraph (a)(1)(ii) of this section, shall be deemed to include only Federal statutes, including State laws which are assimilated into Federal law by Federal statute, and legislative and interpretative regulations thereunder. The term shall also be limited to statutes which prohibit some act or acts, for the violation of which there is a civil or criminal penalty.

(5) *Burden of proof.* In any proceeding involving the issue of whether, for purposes of section 162(c)(1), a payment made to a government official or employee constitutes an illegal bribe or kickback (or would be unlawful under the laws of the United States) the burden of proof in respect of such issue shall be upon the Commissioner to the same extent as he bears the burden of proof in civil fraud cases under section 7454 (i.e., he must prove the illegality of the payment by clear and convincing evidence).

(6) *Example.* The application of this paragraph may be illustrated by the following example:

Example. X Corp. is in the business of selling hospital equipment in State Y. During 1970, X Corp. employed A who at the time was employed full time by State Y as Superintendent of Hospitals. The purpose of A's employment by X Corp. was to procure for it an improper advantage over other concerns in the making of sales to hospitals in respect of which A, as Superintendent, had authority. X Corp. paid A $5,000 during 1970. The making of this payment was illegal under the laws of State Y. Under section 162(c)(1), X Corp. is precluded from deducting as a trade or business expense the $5,000 paid to A.

(b) *Other illegal payments*—(1) *In general.* No deduction shall be allowed under section 162(a) for any payment (other than a payment described in paragraph (a) of this section) made, directly or indirectly, to any person, if the payment constitutes an illegal bribe, illegal kickback, or other illegal payment under the laws of the United States (as defined in paragraph (a)(4) of this section), or under any State law (but only if such State law is generally enforced), which subjects the payor to a criminal penalty or the loss (including a suspension) of license or privilege to engage in a trade or business (whether or not such penalty or loss is actually imposed upon the taxpayer). For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer. This paragraph applies only to payments made after December 30, 1969.

(2) *State law.* For purposes of this paragraph, State law means a statute of a State or the District of Columbia.

(3) *Generally enforced.* For purposes of this paragraph, a State law shall be considered to be generally enforced unless it is never enforced or the only persons normally charged with violations thereof in the State (or the District of Columbia) enacting the law are infamous or those whose violations are extraordinarily flagrant. For example, a criminal statute of a State shall be considered to be generally enforced unless violations of the statute which are brought to the attention of appropriate enforcement authorities do not result in any enforcement action in the absence of unusual circumstances.

(4) *Burden of proof.* In any proceeding involving the issue of whether, for purposes of section 162(c)(2), a payment constitutes an illegal bribe, illegal kickback, or other illegal payment the burden of proof in respect of such issue shall be upon the Commissioner to the same extent as he bears the burden of proof in civil fraud cases under section 7454 (i.e., he must prove the illegality of the payment by clear and convincing evidence).

(5) *Example.* The application of this paragraph may be illustrated by the following example:

Example. X Corp., a calendar-year taxpayer, is engaged in the ship repair business in State Y. During 1970, repairs on foreign ships accounted for a substantial part of its total business. It was X Corp.'s practice to kick back approximately 10 percent of the repair bill to the captain and chief engineer of all foreign-owned vessels, which kickbacks are illegal under a law of State Y (which is generally enforced) and potentially subject X Corp. to fines. During 1970, X Corp. paid $50,000 in such kickbacks. On X Corp.'s return for 1970, a deduction under section 162 was taken for the $50,000. The deduction of the $50,000 of illegal kickbacks during 1970 is disallowed under section 162(c)(2), whether or not X Corp. is prosecuted with respect to the kickbacks.

(c) *Kickbacks, rebates, and bribes under medicare and medicaid.* No deduction shall be allowed under section 162(a) for any kickback, rebate, or bribe (whether or not illegal) made on or after December 10, 1971, by any provider of services, supplier, physician, or other person who furnishes items or services for which payment is or may be made under the Social Security Act, as amended, or in whole or in part out of Federal funds under a State plan approved under such Act, if such kickback, rebate, or bribe is made in connection with the furnishing of such items or services or the making or receipt of such payments. For purposes of this paragraph, a kickback includes a payment in consideration of the referral of a client, patient, or customer.

PAR. 4. Section 1.162-21 is revised to read as follows:

§ 1.162-21 Fines and penalties.

(a) *In general.* No deduction shall be allowed under section 162(a) for any fine or similar penalty paid to—

(1) The government of the United States, a State, a territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

(2) The government of a foreign country; or

(3) A political subdivision of, or corporation or other entity serving as an agency or instrumentality of, any of the above.

(b) *Definition.* (1) For purposes of this section a fine or similar penalty includes an amount—

(i) Paid pursuant to conviction or a plea of guilty or *nolo contendere* for a crime (felony or misdemeanor) in a criminal proceeding;

(ii) [Reserved]

(iii) Paid in settlement of the taxpayer's actual or potential liability for a fine or penalty (civil or criminal); or

(iv) Forfeited as collateral posted in connection with a proceeding which could result in imposition of such a fine or penalty.

(2) [Reserved]

(c) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). M Corp. was indicated under section 1 of the Sherman Anti-Trust Act (15 U.S.C. 1) for fixing and maintaining prices of certain electrical products. M Corp. was convicted and was fined $50,000. The United States sued M Corp. under section 4A of the Clayton Act (15 U.S.C. 15a) for $100,000, the amount of the actual damages resulting from the price fixing of which M Corp. was convicted. Pursuant to a final judgment entered in the civil action, M Corp. paid the United States $100,000 in damages. Section 162(f) precludes M Corp. from deducting the fine of $50,000 as a trade or business expense. Section 162(f) does not preclude it from deducting the $100,000 paid to the United States as actual damages.

Example (2). N Corp. was found to have violated 33 U.S.C. 1321(b)(3) when a vessel it operated discharged oil in harmful quantities into the navigable waters of the United States. A civil penalty under 33 U.S.C. 1321(b)(6) of $5,000 was assessed against N Corp. with respect to the discharge. N Corp. paid $5,000 to the Coast Guard in payment of the civil penalty. Section 162(f) precludes N Corp. from deducting the $5,000 penalty.

Example (3). O Corp., a manufacturer of motor vehicles, was found to have violated 42 U.S.C. 1857f-2(a)(1) by selling a new motor vehicle which was not covered by the required certificate of conformity. Pursuant to 42 U.S.C. 1857f-4, O Corp. was required to pay, and did pay, a civil penalty of $10,000. In addition, pursuant to 42 U.S.C. 1857f-5a (c)(1), O Corp. was required to expend, and did expend, $500 in order to remedy the nonconformity of that motor vehicle. Section 162(f) precludes O Corp. from deducting the $10,000 penalty as a trade or business expense, but does not preclude it from deducting the $500 which it expended to remedy the nonconformity.

Example (4). P Corp. was the operator of a coal mine in which occurred a violation of a mandatory safety standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801 et seq.). Pursuant to 30 U.S.C. 819(a), a civil penalty of $10,000 was assessed against P Corp., and P Corp. paid the penalty. Section 162(f) precludes P Corp. from deducting the $10,000 penalty.

Example (5). Q Corp., a common carrier engaged in interstate commerce by railroad, hauled a railroad car which was not equipped with efficient hand brakes, in violation of 45 U.S.C. 11. Q Corp. was found to be liable for a penalty of $250 pursuant to 45 U.S.C. 13. Q Corp. paid that penalty. Section 162(f) precludes Q Corp. from deducting the $250 penalty.

Example (6). R Corp. owned and operated on the highways of State X a truck weighing in excess of the amount permitted under the law of State X. R Corp. was found to have violated the law and was assessed a fine of $85 which it paid to State X. Section 162(f) precludes R Corp. from deducting the amount so paid.

Example (7). S Corp. was found to have violated a law of State Y which prohibited the emission into the air of particulate matter in excess of a limit set forth in a regulation promulgated under that law. The Environmental Quality Hearing Board of State Y assessed a fine of $500 against S Corp. The fine was payable to State Y, and S Corp. paid it. Section 162(f) precludes S Corp. from deducting the $500 fine.

Example (8). T Corp. was found by a magistrate of City Z to be operating in such city an apartment building which did not conform to a provision of the city housing code requiring operable fire escapes on apartment buildings of that type. Upon the basis of the magistrate's finding, T Corp. was required to pay, and did pay, a fine of $200 to City Z. Section 162(f) precludes T Corp. from deducting the $200 fine.

PAR. 5. Section 1.212-1 is amended by adding a new paragraph (p) at the end thereof to read as follows:

§ 1.212-1 Nontrade or nonbusiness expenses.

* * * * *

(p) *Frustration of public policy.* The deduction of a payment will be disallowed under section 212 if the payment is of a type for which a deduction would be disallowed under section 162 (c), (f), or (g) and the regulations thereunder in the case of a business expense.

PAR. 6. So much of § 1.471-3 as follows paragraph (d) is revised to read as follows:

§ 1.471-3 Inventories at cost.

Cost means:

* * * * *

(d) * * *

Notwithstanding the other rules of this section, cost shall not include an amount which is of a type for which a deduction would be disallowed under section 162 (c), (f), or (g) and the regulations thereunder in the case of a business expense.

(68A Stat. 917; 26 U.S.C. 7805.)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: February 14, 1975.

ERNEST S. CHRISTIAN, Jr.,
Deputy Assistant Secretary of the Treasury.

[FR Doc.75-4671 Filed 2-19-75;8:45 am]

Title 31—Money and Finance: Treasury

SUBTITLE A—OFFICE OF THE SECRETARY

PART 1—DISCLOSURE OF RECORDS

By a notice of proposed rule making appearing in the FEDERAL REGISTER for January 16, 1975 (40 FR 2836), an amendment to 31 CFR 1.6 was proposed in order to provide a uniform schedule of fees, applicable to all constituent units of the Department of the Treasury, for search and duplication of records under the Freedom of Information Act (5 U.S.C. 552, as amended). The same document gave notice that 31 CFR, Part 1 (relating to public access to records) would be amended to comport with the requirements of Pub. L. 93-502 and would also be made applicable to all constituent units of the Department. This document is such amendment.

In general, these amendments provide for access by the public to information created or maintained by the Department of the Treasury. Specifically, they provide for publication of certain documents in the FEDERAL REGISTER and public inspection of records. They also provide procedures for making a request for records of a constituent unit of the Department of the Treasury, for appeal of an initial or appellate administrative determination to deny such request, and the schedule of fees for search and duplication of records. The amendments apply to all constituent units of the Department of the Treasury, including the Internal Revenue Service and supersede all inconsistent prior issuances of Bureaus, offices and other constituent units.

These amendments also designate officers of the constituent units of the Department of the Treasury who will make initial determinations as to whether to grant requests for records and those who will make appellate administrative determinations. Initial determinations normally are to be made within 10 working days after the date of the request, and appellate determinations are to be made within 20 working days after the date of the receipt of the appeal. However, under unusual circumstances, an extension of not to exceed 10 days may be invoked. If such an extension is invoked in connection with an initial determination, any unused days of the maximum 10-day extension period may be invoked subsequently in connection with an administrative appeal from the initial determination. These time limits may also be extended by agreement with the requester or by judicial process.

The amendment previously proposed relating to a uniform schedule of fees is adopted with only clarifying revisions suggested by the Department itself.

In addition, the amendments conform provisions relating to the exemptions from disclosure requirements for matters concerning national defense and foreign policy and for investigatory records to changes made by Pub. L. 93-502.

In order to preserve without change the provisions now set forth in 31 CFR 1.8 through 1.11, 31 CFR, Part 1 is divided into Subpart A, Under 5 U.S.C. 552, as amended, applicable to all constituent units of the Department of the Treasury, and Subpart B, Under other provisions, applicable only to specified constituent units.

The amendments made by this document are effective on and after February 19, 1975. Inasmuch as Pub. L. 93-502 requires these regulations to be effective by such date, and since the principal purpose is to comply with and implement the provisions of Pub. L. 93-502, and due to the time constraints involved, the opportunity for public comment prior to adoption is not deemed necessary or

practical. Moreover, inasmuch as on the date of submission of these regulations for publication, no comments had been received concerning the revision to 31 CFR 1.6, Fees for Services, such proposed regulations are adopted as part hereof with only minor changes. Nevertheless, with respect to all of these regulations, with the exception of 31 CFR 1.6, interested parties may submit comments by March 20, 1974, addressed to the General Counsel, Department of the Treasury, Washington, D.C. 20220. Any comments so received, together with any comments received after the date of submission for publication of these regulations concerning the amendment to 31 CFR 1.6, will be considered in connection with such further revision of these regulations as may be indicated. Any such comments will be available for public inspection upon request therefor.

Therefore, effective February 19, 1975, Part 1 of Subtitle A of Title 31 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Under 5 U.S.C. 552, as amended

Sec.

Subpart B—Under Other Provisions

AUTHORITY: The provisions of this Part 1 issued under 5 U.S.C. 301, 552, as amended.

Subpart A—Under 5 U.S.C., as Amended

§ 1.1 Purpose and scope of regulations.

The regulations in this subpart are issued to implement the public information provisions of section 552 of title 5, United States Code, as amended. These regulations apply to all constituent units of the Department of the Treasury, and supersede any regulations on the same subject issued by any constituent unit prior to February 19, 1975, which are inconsistent herewith. Any inconsistency whether actual or apparent, shall be resolved by resort to the regulations in this subpart A. Any reference in this subpart to the Department or its officials, employees, or records shall be deemed to refer also to the consistent units or their officials, employees, or records. In order that interested parties may more readily find them, the constituent units of the Department are hereby authorized to reprint these regulations in their entirety (less any appendices not applicable to the unit in question) in these titles of the Code of Federal Regulations which normally contain regulations applicable to such constituent units. In connection with such republication, constituent units may supplement and implement these regulations with material applicable only to the constituent unit in question, provided such additional material is not inconsistent herewith. In the event of any actual or apparent inconsistency, these Departmental regulations shall govern. Persons interested in the records of a particular constituent unit should, therefore, also consult the Code of Federal Regulations for any rules or regulations promulgated specifically with respect to that constituent unit. (See Appendices to this subpart for cross references.) The head of each unit is hereby also authorized to substitute the officials designated and change the addresses specified in the appendix to this subpart applicable to his unit. The constituent units of the Department of the Treasury for the purposes of this Part are:

(a) The Office of the Secretary of the Treasury, which includes the offices of:

(1) The Secretary, including immediate staff;

(2) The Deputy Secretary, including immediate staff;

(3) The Under Secretary for Monetary Affairs, including immediate staff;

(4) The Under Secretary, including immediate staff;

(5) The General Counsel and also the Legal Division, except legal counsel to the constituent units listed in (b) through (m) of this section;

(6) The Assistant Secretary (International Affairs) and all offices reporting to him, including immediate staff;

(7) The Assistant Secretary (Trade, Energy, and Financial Resources Policy Coordination) and all offices reporting to him, including immediate staff;

(8) The Assistant Secretary (Economic Policy) and the Office of Domestic Gold and Silver Operations and all other offices reporting to him, including immediate staff;

(9) The Fiscal Assistant Secretary, including immediate staff;

(10) The Assistant Secretary (Administration) and all offices reporting to him, including immediate staff;

(11) The Assistant Secretary (Legislative Affairs), including immediate staff;

(12) The Assistant Secretary (Enforcement, Operations, and Tariff Affairs), including immediate staff, and the Offices of Law Enforcement, including Interpol (National Central Bureau), Operations, Tariff Affairs and Foreign Assets Control reporting to him;

(13) The Special Assistant to the Secretary (Public Affairs), including immediate staff;

(14) The Special Assistant to the Secretary (Debt Management) and the office reporting to him, including immediate staff;

(15) The Special Assistant to the Secretary (National Security), including immediate staff;

(16) The Treasurer of the United States, including immediate staff;

(17) The Director of Practice, including immediate staff; and

(18) Persons concerned with the completion of actions under the Economic Stabilization Act of 1970, as amended.

(b) The Internal Revenue Service;

(c) The United States Customs Service;

(d) The United States Secret Service;

(e) The Bureau of Alcohol, Tobacco and Firearms;

(f) The Bureau of Engraving and Printing;

(g) The Bureau of Government Financial Operations;

(h) The Bureau of the Mint;

(i) The Bureau of the Public Debt;

(j) The office of the Comptroller of the Currency;

(k) The United States Savings Bond Division;

(l) The Consolidated Federal Law Enforcement Training Center; and

(m) The Assistant Secretary for Tax Policy, including immediate staff and all offices reporting to him.

For purposes of this subpart, the office of the legal counsel for the constituent units listed in paragraphs (b), (c), (d), (e), (h), (i), (j), and (m) are to be considered a part of such constituent unit. Any office, which is now in existence or may hereafter be established, which is not specifically listed or known to be a constituent of any of those listed above, shall be deemed a part of the Office of the Secretary for the purpose of making requests for records under these regulations.

§ 1.2 Information made available.

(a) *General.* Section 552 of Title 5 of the United States Code provides for access to information and records developed or maintained by Federal agencies. Generally, such section divides agency information into three major categories and provides methods by which each category is to be made available to the public. The three major categories, for which the disclosure requirements of the constituent units of the Department of the Treasury are set forth in this subpart, are as follows:

(1) Information required to be published in the FEDERAL REGISTER (see § 1.3 below);

(2) Information required to be made available for public inspection and copying or, in the alternative, to be published and offered for sale (see § 1.4 below); and

(3) Information required to be made available to any member of the public upon specific request (see § 1.5 below). The provisions of section 552 are intended to assure the right of the public

to information. Section 552 is not authority to withhold information from Congress.

(b) Subject only to the exemptions set forth in § 1.2(c) the public generally or any member thereof shall be afforded access to information or records in the possession of any constituent unit of the Department of the Treasury. Such access shall be governed by the regulations in this subpart A and any regulations of a constituent unit implementing or supplementing them.

(c) *Exemptions.* (1) *In general.* Under 5 U.S.C. 552(b), the disclosure requirements of section 552(a) do not apply to certain matters which are:

(i) (A) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of the national defense or foreign policy and (B) are in fact properly classified pursuant to such Executive order (See 31 CFR, Part 2);

(ii) Related solely to the internal personnel rules and practices of an agency;

(iii) Specifically exempted from disclosure by statute;

(iv) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(v) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(vi) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(vii) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (A) interfere with enforcement proceedings, (B) deprive a person of a right to a fair trial or an impartial adjudication, (C) constitute an unwarranted invasion of personal privacy, (D) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel;

(viii) Contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(ix) Geological and geophysical information and data, including maps, concerning wells.

(2) The exemptions set forth in paragraph (c)(1) of this Section apply to each of the three categories of information set forth in paragraph (a) of this section.

(3) *Segregable portions of records.* Any reasonably segregable portion of a record shall be provided to any person, after deletion of the portions which are exempt under 5 U.S.C. 552(b) (see paragraph (c)(1) of this section. The term "reasonably segregable portion" as used in this paragraph means any portion of the record which is not exempt from disclosure by 5 U.S.C. 552 (b) and which after deletion of the exempt material still conveys meaningful and nonmisleading information.

(4) *Application of exemptions.* Even though an exemption described in paragraph (c)(1) of this section may be fully applicable to a matter in a particular case, a constituent unit of the Department of the Treasury may, if not precluded by law, elect under the circumstances of that case not to apply the exemption to such matter. The fact that the exemption is not applied by a constituent unit in that particular case will have no precedential significance as to the application of the exemption to such matter in other cases, but is merely an indication that, in the particular case involved, the constituent unit finds no compelling necessity for applying the exemption to such matter.

§ 1.3 Publication in the Federal Register.

(a) *Requirement.* Subject to the application of the exemptions described in § 1.2(c) and subject to the limitations provided in paragraph (b) of this section, each constituent unit of the Department of the Treasury is hereby required, in conformance with 5 U.S.C. 552(a)(1), to separately state, publish and maintain current in the FEDERAL REGISTER for the guidance of the public the following information with respect to such constituent unit:

(1) Descriptions of its central and field organization and the established places at which, the persons from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(2) Statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(3) Rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(4) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the constituent unit; and

(5) Each amendment, revision, or repeal of matters referred to in subparagraphs (1) through (4) of this paragraph.

(b) *Limitations.* (1) *Incorporation by reference in the* FEDERAL REGISTER. Matter reasonably available to the class of persons affected thereby, whether in a private or public publication, will be deemed published in the FEDERAL REGISTER for purposes of paragraph (a) of this section when it is incorporated by reference therein with the approval of the Director of the Federal Register. The matter which is incorporated by reference must be set forth in the private or public publication substantially in its entirety and not merely summarized or printed as a synopsis. Matter, the location and scope of which are familiar to only a few persons having a special working knowledge of the activities of the Department of the Treasury, may not be incorporated in the FEDERAL REGISTER by reference. Matter may be incorporated by reference only pursuant to the provisions of 5 U.S.C. 552 (a)(1) and 1 CFR, Part 20.

(2) *Effect of failure to publish.* Except to the extent that a person has actual and timely notice of the terms of any matter referred to in paragraph (a) of this section which is required to be published in the Federal Register, such person is not required in any manner to resort to, or be adversely affected by, such matter if it is not so published or is not incorporated by reference therein pursuant to paragraph (b)(1) of this section. Thus, for example, any such matter which imposes an obligation and which is not so published or incorporated by refence will not adversely change or affect a person's rights.

§ 1.4 Public inspection and copying.

(a) *In general.* Subject to the application of the exemptions described in § 1.2(c) each constituent unit of the Department of the Treasury is hereby required in conformance with 5 U.S.C. 552 (a)(2), to make available for public inspection and copying or, in the alternative, to promptly publish and offer for sale the following information with respect to such constituent unit:

(1) Final opinions, including concurring and dissenting opinions, and orders, if such opinions and orders are made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the constituent unit but are not published in the FEDERAL REGISTER; and

(3) Its administrative staff manuals and instructions to staff that affect a member of the public.

(b) *Indexes.* Each constituent unit of the Department of the Treasury is hereby also required, in conformance with 5 U.S.C. 552 (a)(2), to maintain and make available for public inspection and copying current indexes identifying any matter described in paragraphs (a) (1) through (3) of this section which is issued, adopted, or promulgated after July 4, 1967, and which is required to be made available for public inspection or published. In addition, each constituent unit shall promptly publish, quarterly or more frequently, and distribute (by sale or otherwise) copies of each index or supplements thereto unless the head of such unit (or his delegate) determines by order published in the FEDERAL REGISTER that the publication would be unnecessary and impracticable, in which

case the constituent unit shall nonetheless provide copies of such index on request at a cost not to exceed the direct cost of duplication.

(c) *Effect of failure to publish or make available.* No matter, described in paragraphs (a) (1) through (3) of this section which is required by this paragraph to be made available for public inspection or published, may be relied upon, used, or cited as precedent by the constituent unit against a party, other than an agency, unless that party has actual and timely notice of the terms of such matter or unless the matter has been indexed and either made available for inspection or published, as provided by this paragraph. This paragraph may be interpreted to apply only to matters which have precedential significance. It does not apply to matters which have been made available pursuant to § 1.3.

(d) *Deletion of identifying details.* To prevent a clearly unwarranted invasion of personal privacy, a constituent unit of the Department of the Treasury may, in accordance with 5 U.S.C. 552(a)(2), delete identifying details contained in any matter described in paragraphs (a)(1) through (3) of this section before making such matter available for inspection or publishing it. However, in every case where identifying details are so deleted, the justification for the deletion must be explained in writing in an attachment to the document from which the identifying details have been deleted.

(e) *Public reading rooms.* Each constituent unit of the Department of the Treasury shall make available for inspection and copying, in a reading room or otherwise, the matters described in paragraphs (a)(1) through (3) of this section which are required by such paragraph (a) to be made available for public inspection or published in the current indexes such matters. Facilities shall be provided whereby a person may inspect the material and obtain copies of that which is shelved. Fees shall not be charged for access to materials, but fees are to be charged in accordance with § 1.6 for copies of material provided to the person. (See the appendices to this subpart for the location of established reading rooms of constituent units of the Department of the Treasury.)

§ 1.5 Specific requests for other records.

(a) *In general.* Except with respect to the records made available under §§ 1.3 and 1.4, above, but subject to the application of the exemptions described in § 1.2 (c), above, each constituent unit of the Department of the Treasury, shall, in conformance with 5 U.S.C. 552(a)(3), upon any request, which is for reasonably described records and conforms in every respect with the rules and procedures of this subpart A, particularly this section, § 1.6 and the applicable appendix to this subpart, make the requested records promptly available to any person. Any request or any appeal from the initial denial of a request which does not comply with the foregoing requirements and those set forth elsewhere in this subpart A, will not be deemed subject to the time constraints of paragraphs (g), (h), and (i) of this section, unless and until amended so as to comply. However, constituent units shall, nevertheless, make every reasonable effort to comply with such request within such time constraints or, in the alternative, promptly advise the requester in what respect the request or appeal is deficient so that it may be resubmitted or amended for consideration in accordance with this subpart. This section applies only to records in being which are in the possession or control of the constituent unit. There is no requirement that records be created or data processed in a format other than required for governmental purposes in order to comply with a request for records.

(b) *Requests for records not in control of constituent unit.* (1) Where the request is for a record in the possession or under the control of a constituent unit of the Department other than that to which the request was addressed, the request for such record shall immediately be transferred to the appropriate constituent unit and the requester notified to that effect. Such referral shall not be deemed a denial of access within the meaning of these regulations. The constituent unit of the Department to which such referral is made shall treat such request as a new request addressed to it and the time limits for response set forth by paragraph (g)(1) of this section shall commence when the referral is received by the designated office or officer of the constituent unit. Where the request is for a record which is not in the possession or control of any constituent unit of the Department of the Treasury, the requester shall be so advised and the request shall be returned to the requester.

(2) Where the record requested was created by a Department or agency other than a constituent unit of the Department of the Treasury or has been classified or otherwise restrictively endorsed by such other Department or agency, and a copy thereof is in the possession of a constituent unit of the Department of the Treasury, such originating or restrictively endorsing Department or agency shall be promptly requested to advise the constituent unit of the Department of the Treasury on the releasability of that record. The request for advice shall also inform the other Department or agency that, in the absence of timely guidance from it, the constituent unit of the Department of the Treasury will proceed to make its own determination in accordance with this subpart A. When it becomes necessary to provide a response to the requester within the time limits set forth in paragraphs (g)(1) and (i)(1)(iii) of this section without the advice of the other department or agency, the constituent unit shall proceed to make its own determination in accordance with this subpart A and advise the requester accordingly. However, where as a result, access to the record is denied under one of the exemptions set forth in § 1.2(c) the requester shall be advised of the right to appeal such denial and may also be advised to make a request for the record directly to the originating Department or agency. When an appeal to a constituent unit of the Department of the Treasury results from such procedure, the originating Department or agency shall again be promptly requested to provide timely advice on the releasibility of the records. Nevertheless, the ultimate decision on the appeal of such record shall rest with the designated Department of the Treasury official.

(c) *Form of request.* In order to be subject to the provisions of this section, a request for records shall—

(1) Be made in writing and signed by the person making the request,

(2) State that it is made pursuant to the Freedom of Information Act, 5 U.S.C. 552 or these regulations,

(3) Be addressed to the office or officer of the constituent unit to which the subject matter of the request is of paramount concern, unless the requester is unable to ascertain the appropriate constituent unit, in which event, the request shall be addressed as specified in Appendix A hereto for the Office of the Secretary (See the appendices to this subpart for the office or officer to which requests shall be addressed for each constituent unit),

(4) Reasonably describe the records in accordance with paragraph (d) of this section,

(5) Set forth the address where the person making the request desires to be notified of the determination as to whether the request will be granted,

(6) State whether the requester wishes to inspect the records or desires to have a copy made and furnished without first inspecting them, and

(7) State the firm agreement of the requester to pay the fees for search and duplication ultimately determined in accordance with § 1.6 hereof, or request that such fees be reduced or waived and state the justification for such request (See § 1.6(d) below).

Where the initial request, rather than stating a firm agreement to pay the fees ultimately determined in accordance with § 1.6, places an upper limit on the amount the requester agrees to pay, which upper limit is deemed likely to be lower than the fees estimated to ultimately be due, or where the requester asks for an estimate of the fees to be charged, the requester shall be promptly advised of the estimate of fees due and asked to agree to pay such amount. Where the initial request includes a request for reduction or waiver of fees, the responsible official shall determine whether to grant the request for reduction or waiver in accordance with § 1.6 (d) below and notify the requester of his decision and, if such decision results in the requester being liable for all or part of the fees normally due, ask the requester to agree to pay the amount so determined. The requirements of this paragraph (c) will not be deemed met until the requester has explicitly agreed to pay the fees applicable to his request for records, if any, or has made payment in advance of the fees estimated to be

due. In addition, requesters are advised that only requests for records which fully comply with the requirements of this paragraph can be processed in accordance with this section. However, every effort shall be made to comply with the request, including, where appropriate, asking the requester to remedy any defects in his request.

(d) *Reasonable description of records.* (1) The request for records must describe the records in reasonably sufficient detail to enable the Department of the Treasury employees who are familiar with the subject area of the request to locate the records without placing an unreasonable burden upon the constituent unit. While no specific formula for a reasonable description of a record can be established, the requirement will generally be satisfied if the requester gives the name, subject matter, and, if known, the date and location of the requested record. However, it is suggested that the person making the request furnish any additional information which will more clearly identify the requested records. Where the request does not reasonably describe the records being sought, the requester shall be afforded an opportunity to refine his request. Such opportunity may, where desirable, involve a conference with knowledgeable Department of the Treasury personnel. The reasonable description requirement shall not be used by officers or employees of the Department of the Treasury as a device for improperly withholding records from the public.

(2) The Department of the Treasury will make every reasonable effort to comply fully with all requests for access to records subject only to any applicable exemption set forth in § 1.2(c). However, in any situation in which it is determined that a request for voluminous records would unduly burden and interfere with the operations of a constituent unit, the person making the request will be asked to be more specific and to narrow the request, and to agree on an orderly procedure for the production of the requested records, in order to satisfy the request without disproportionate adverse effects on agency operations.

(e) *Date of Receipt of request.* A request for records shall be considered to have been received for purposes of this subpart on the later of the dates on which—

(1) The requirements of paragraph (c) of this section have been satisfied, and, where applicable,

(2) The requester has agreed in writing, by executing a separate contract or otherwise, to pay the fees for search and duplication determined due in accordance with § 1.6, or

(3) The fees have been waived in accordance with § 1.6(d), or

(4) Payment in advance has been received from the requester. Requests for records and any separate agreement to pay, final notification of waiver of fees, or letter transmitting prepayment shall be promptly stamped with the date of receipt or dispatch by the office prescribed in the appropriate appendix. The latest of such stamped dates will be deemed for the purposes of this subpart to be the date of receipt of the request. As soon as the date of receipt has been established as provided above, the requester shall be informed and advised when he may expect a response within the time limits specified in paragraph (g)(1) below, unless extended as provided in paragraph (i)(1) below, and the title of the officer responsible for such response.

(f) *Search for record requested.* Upon the receipt of a request, search services will be performed by Department of the Treasury employees to identify and locate the requested records. With respect to records maintained in computerized form, a search shall include services functionally analogous to searches for records which are maintained in a conventional form. However, a constituent unit of the Department of the Treasury is not required under 5 U.S.C. 552 to tabulate or compile information for the purpose of creating a record.

(g) *Initial determination.* (1) *In general.* Initial determinations as to whether to grant requests for records will be made by the officers designated in the appendices to this part. Those determinations will be made and notification thereof mailed within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (e) above, unless the designated officer invokes an extension pursuant to paragraph (i)(1) of this section or the requester otherwise agrees to an extension of the 10-day time limitation.

(2) *Granting of request.* If it is determined that the request is to be granted, and if the person making the request desires a copy of the requested records, a copy of such records shall be mailed to him together with a statement of the fees for search and duplication at the time of the determination or promptly thereafter. In the case of a request for inspection, the requester shall be notified in writing of the determination, when and where the requested records may be inspected, and of the fees involved in complying with the request. In such case, the records shall promptly be made available for inspection at the time and place stated in a manner so as not to interfere with their use by the Department of the Treasury or to exclude other persons from making inspections. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The person making the request will not be allowed to remove the records from the room where inspection is made. If, after making inspection, the person making the request desires copies of all or a portion of the requested records, copies will be furnished to him upon payment of the established fees prescribed by § 1.6.

(3) *Denial of request.* If it is determined that the request for records should be denied (whether in whole or in part or subject to conditions or exceptions), the person making the request will be so notified by mail. The letter of notification shall specify the city or other location where the requested records are situated (if known), contain a statement of the reasons for not granting the request in full, set forth the name and title or position of the responsible official, advise the person making the request of the right to administrative appeal in accordance with paragraph (h) of this section, and specify the official or office to which such appeal shall be submitted.

(4) *Inability to locate records within time limits.* Where the records requested cannot be located and evaluated within the initial 10-day period or any extension thereof in accordance with paragraph (i)(1) of this section, the search for the records shall continue, but the requester shall be so notified, and advised that he may consider such notification a denial of access within the meaning of paragraph (3) above, and provided with the address to which an administrative appeal may be addressed. However, the requester may also be invited, in the alternative, to agree to a voluntary extension of time in which to locate the records. Such voluntary extension of time will not constitute a waiver of the requester's right to appeal any denial of access ultimately made or his right to appeal in the event of failure to comply with the time extension granted.

(h) *Administrative appeal.* At any time within 35 days after the date of the notification described in paragraph (g) of this section or the date of the letter transmitting the last records released, whichever is later, the requester may submit an administrative appeal to the official specified in the appropriate appendix to this subpart whose title and address should also have been included in the initial determination to deny access to the records. The appeal shall—

(1) Be made in writing and signed by the requester,

(2) Be addressed to and mailed or hand delivered, within 35 days of the date of the initial determination, to the office or officer specified in the appropriate appendix to this subpart and also in the initial determination. (See the appendices to this subpart for the address to which appeals made by mail should be addressed.),

(3) Reasonably describe, in accordance with paragraph (d) of this section, the records requested from the denial of access to which an appeal is being taken,

(4) Set forth the address where the requester desires to be notified of the determination on appeal,

(5) Specify the date of the initial request and date of the letter denying the initial request, and

(6) Petition such official to grant the request for records and state any arguments in support thereof.

Appeals shall be promptly stamped with the date of their receipt by the office to which addressed and such stamped date

will be deemed to be the date of receipt for all purposes of this subpart. The receipt of the appeal shall be acknowledged by the responsible official and the requester advised of the date of receipt established by the foregoing and when a response is due in accordance with this paragraph. The determination to affirm the initial denial (in whole or in part) or to grant the request for records shall be made and notification of the determination mailed within 20 days (exclusive of Saturdays, Sundays, and legal public holidays) after the date of receipt of the appeal, unless extended pursuant to paragraph (i) (1) of this section. If it is determined that the appeal from the initial denial is to be denied (in whole or in part), the requester shall be notified in writing of the denial, the reasons therefor, the name and title or position of the official responsible for the denial on appeal, and of the provisions of 5 U.S.C. 552(a) (4) for judicial review of that determination. If a determination cannot be made within the 20-day period (or any extension thereof pursuant to paragraph (i) (1) of this section) the requester shall be promptly notified in writing that the determination will be made as soon as practicable but that the requester is nonetheless entitled to commence an action in a district court as provided in paragraph (k) of this section. However, the requester may also be invited, in the alternative, to agree to a voluntary extension of time in which to decide the appeal. Such voluntary extension shall not constitute a waiver of the right of the requester ultimately to commence an action in a United States district court.

(i) *Time extensions.* (1) *10-day extension.* In unusual circumstances, the time limitations specified in paragraphs (g) and (h) of this section may be extended by written notice from the official charged with the duty of making the determination to the person making the request or appeal setting forth the reasons for such extension and the date on which the determination is expected to be dispatched. Any extension or extensions of time shall not cumulatively total more than 10 additional working days. (For example, if an extension pursuant to this subparagraph is invoked in connection with an initial determination, any unused days of the extension period may be invoked in connection with the determination on administrative appeal by written notice from the official who is to make the appellate determination. If no extension is sought for the initial determination, an extension of 10 days may be added to the ordinary 20-day period for appellate review.) As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request, the following:

(i) The need to search for and collect the requested records from field facilities or other establishments in buildings other than the building in which the office of the official to whom the request is made is located;

(ii) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request, or

(iii) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more constituent units within the Department of the Treasury or within a constituent unit thereof (other than the legal staff or the component concerned with public affairs) having substantial subject-matter interest therein. Consultations with personnel of the Department of Justice concerned with requests for records under 5 U.S.C. 552 do not constitute a basis for an extension under this subdivision.

(2) *Extension by judicial review.* If a constituent unit of the Department of the Treasury fails to comply with the time limitations specified in paragraph (g) or (h) of this section and the person making the request initiates a suit in accordance with paragraph (k) of this section, the court in which the suit was initiated may retain jurisdiction and allow the constituent unit additional time to review its records, provided that the constituent unit demonstrates the existence of exceptional circumstances and the exercise of due diligence in responding to the request.

(j) *Failure to comply.* If a constituent unit of the Department of the Treasury fails to comply with the time limitations specified in paragraph (g), (h), or (i) of this section, any person making a request for records shall be deemed to have exhausted his administrative remedies with respect to such request. Accordingly, the person making the request may initiate suit as set forth in paragraph (k) of this section.

(k) *Judicial review.* If a request for records is denied upon appeal pursuant to paragraph (h) of this section, or if no determination is made within the 10-day or 20-day periods specified in paragraphs (g) and (h) of this section, respectively, together with any extension pursuant to paragraph (i) (1) of this section or by agreement of the requester, the person making the request may commence an action in a United States district court in the district in which he resides, in which his principal place of business is located, in which the records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a) (4). Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C., App.) applicable to actions against an agency of the United States. Delivery of process shall be directed to the official specified in the appropriate appendix to this subpart as the official to receive such process.

(l) *Proceeding against officer or employee.* In accordance with 5 U.S.C. 552 (a) (4) (F), the Civil Service Commission will, upon the issuance of a specified finding by a court, initiate a proceeding to determine whether disciplinary action is warranted against an officer or employee of a constituent unit of the Department of the Treasury who was primarily responsible for a withholding of records. The Commission, after investigation and consideration of the evidence submitted, shall submit its findings and recommendations to the head of the constituent unit and the Secretary of the Treasury, and shall send copies of the findings and recommendations to the officer or employee or his representative. For the purposes of this paragraph the officer or employee primarily responsible for withholding records is the officer or employee:

(1) Who, when no response is received within the time limits specified by paragraphs (g), (h), or (i) of this section,

(i) Is identified by title in paragraph (e) of this section as responsible for the initial determinations, or

(ii) Acknowledged the receipt of the appeal as provided in paragraph (h) of this section, unless such acknowledgement identifies another officer or employee as being responsible for the decision; or

(2) Who signed the appellate determination, unless another officer or official is named in such determination as being primarily responsible for the decision.

When the designated deciding official is not, in fact, the person making the decision, because of direction from higher authority, the designated deciding official shall state in the response to the requester that his decision is made by direction and identify the officer or employee who is responsible for such direction. When the officer or employee designated in paragraph (e) of this section as responsible for the initial determination has referred the request to another constituent unit or to another officer or employee, he remains the officer or employee responsible within the meaning of this paragraph until he has notified the requester of such referral and the title of the officer or employee who will be responsible thereafter for the response.

§ 1.6 Fees for services.

(a) *In General.* (1) This fee schedule is applicable uniformly to all constituent units of the Department of the Treasury and supersedes fees schedules heretofore published by any constituent unit of the Department. The fees indicated are to be charged only for search and duplication and under no circumstances will a fee be charged for determining whether an exemption can or should be asserted, deleting exempt matter being withheld from records to be furnished, or monitoring a requester's inspection of records made available in this manner.

(2) While certain relevant publications which are available for sale through the Government Printing Office will be placed on the shelves of the reading rooms and similar public inspection facilities, such publications will not be available for sale there. Persons desiring to purchase such publications should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. However, copies of pages of such publications on the public

inspection facilities' shelves may be obtained at those facilities in accordance with the schedule of fees set forth in paragraph (g) of this section.

(b) *When charged.* (1) Unless performed without charge, waived or reduced in accordance with paragraphs (c) or (d) of this section, fees shall be charged in accordance with the schedule contained in paragraph (g) of this section for services rendered in responding to requests for records.

(2) Fees may be waived or reduced at the discretion of the official who determines the availability of records, when the record is not located for any reason or when it is determined to be exempt from disclosure.

(c) *Services performed without charge.* The heads of constituent units or their delegates are authorized to determine, under the rulemaking procedures of 5 U.S.C. 553, which classes of records under their control may be provided to the public without charge, or at a reduced charge.

(d) *Waiver or reduction of fees.* (1) Fees may be waived or reduced on a case by case basis in accordance with this paragraph by the official who determines the availability of the records, provided such waiver or reduction has been requested in writing. Fees shall be waived or reduced by such official when he determines either that:

(i) The records are being requested by, or on behalf of, an individual who demonstrates in writing under penalty of perjury to the satisfaction of the deciding official that he is indigent and compliance with the request does not constitute an unreasonable burden on the constituent unit of the Department (to demonstrate indigency an individual shall show that he is eligible for Federally aided public assistance designed to supplement income on the basis of financial need, e.g., food stamp program); or

(ii) A waiver or reduction of the fees is in the public interest because furnishing the information primarily benefits the general public.

(2) Normally, no charge should be made for providing records to Federal, state or foreign governments, international governmental organizations, or local governmental agencies or offices thereof in accordance with subdivision (1) (ii) above.

(3) Appeals from denials of requests for waiver or reduction of fees shall be decided in accordance with the criteria set forth in subparagraph (1) above by the official authorized to decide appeals from denials of access to records. Appeals shall be addressed in writing to such official within 35 days of the denial of the initial request for waiver or reduction and shall be decided promptly.

(e) *Avoidance of unexpected fees.* In order to protect the requester from unexpected fees, all requests for records shall state the agreement of the requester to pay the fees determined in accordance with paragraph (g) of this section or state the amount which the requester has set as an acceptable upper limit he is willing to pay to cover the costs of processing the request. When the fees for processing the request are estimated by the constituent unit of the Department of the Treasury to exceed that limit, or when the requester has failed to state a limit and the costs are estimated to exceed $50.00 and the relevant constituent unit has not then determined to waive or reduce the fees, a notice shall be sent to the requester. This notice shall:

(1) Inform the requester of the estimated costs;

(2) Extend an offer to the requester to confer with personnel of the relevant constituent unit of the Department of the Treasury in an attempt to reformulate the request in a manner which will reduce the fees and still meet the needs of the requester; and

(3) Inform the requester that the running of the time period, within which the relevant constituent unit of the Department of the Treasury is obliged to make a determination on the request, has been tolled pending a reformulation of the request or the receipt of advance payment or an agreement from the requester to bear the estimated costs.

(f) *Form of payment.* (1) Payment shall be made by check or money order payable to the order of the Treasury of the United States or that relevant constituent unit of the Department of the Treasury.

(2) When the estimated costs exceed $50.00, the requester may be required to enter into a contract for the payment of actual costs determined in accordance with paragraph (g) below, which contract may provide for prepayment of the estimated costs in whole or in part.

(g) *Amounts to be charged for specified services.* The fees for services performed by the relevant constituent unit of the Department of the Treasury shall be imposed and collected as set forth in this paragraph. Should services other than those described be requested and rendered, appropriate fees shall be established by the head of the relevant constituent unit of the Department, or his delegate, and such fees shall be imposed and collected pursuant to 31 U.S.C. 483a, but subject to the constraints imposed by 5 U.S.C. 552(a) (4) (A).

(1) *Duplication.* (i) Photocopies, per page up to 8½" x 14"—$0.10 each.

(ii) Photographs, films and other materials—actual cost.

The constituent unit of the Department may furnish the records to be released to a private contractor for copying and shall charge the person requesting the records the actual cost of duplication charged by the private contractor. No fee will be charged where the requester furnishes the supplies and equipment and makes the copies at the government location.

(2) *Unpriced printed materials.* Otherwise printed material, which is available at the location where requested and which does not require duplication in order that copies may be furnished, will be provided at the rate of $0.25 for each twenty-five pages or fraction thereof.

(3) *Search Services.* (i) The fee charged for services of personnel involved in locating records shall be $3.50 for each hour or fraction thereof.

(ii) Where, because of the nature of the records sought and the manner in which such records are stored, a computer search is required, the fee shall be $3.50 for each hour (or fraction thereof) of personnel time associated with the search plus an amount which reflects the actual costs of extracting the stored information in the format in which it is normally produced, based on computer time and supplies necessary to comply with the request.

(4) *Searches requiring travel or transportation.* Shipping charges to transport records from one location to another, or for the transportation of an employee to the site of requested records when it is necessary to locate rather than examine the records, shall be at the rate of the actual cost of such shipping or transportation.

APPENDIX A—OFFICE OF THE SECRETARY

1. *In general.* This appendix applies to the Office of the Secretary as defined in 31 CFR § 1.1(a). It identifies the location of the public reading room at which Office of the Secretary documents are available for public inspection and copying, the officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading room.* The public reading room for the Office of the Secretary is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR § 1.5 (g) as to whether to grant requests for records for the Office of the Secretary will be made by the head of the organizational unit having immediate custody of the records requested or his delegate. Requests for records should be addressed to:

Freedom of Information Request, O.S., Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Requests may be delivered personally to the Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR § 1.5(h) with respect to records of the Office of the Secretary will be made by the Secretary, Deputy Secretary, Under Secretary, General Counsel or Assistant Secretary having jurisdiction over the organizational unit which has immediate custody of the records requested, or the delegate of such officer. Appeals made from initial determinations to deny records made by mail should be addressed to:

Freedom of Information Appeal, O.S., Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appeals may be delivered personally to the Library, Room 5030, Main Treasury Building,

1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury or his delegate and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

APPENDIX B—INTERNAL REVENUE SERVICE

1. *In general.* This appendix applies to the Internal Revenue Service. It identifies the locations of the public reading rooms at which documents of the Internal Revenue Service are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officers designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the Internal Revenue Service, see 26 CFR 601.1 701 and 601.702.

2. *Public reading rooms.* Public reading rooms for the Internal Revenue Service are maintained at the following locations:

NATIONAL OFFICE

Mailing address: Assistant to the Commissioner (Public Affairs), Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224.

Location: Same as mailing address.

NORTH ATLANTIC REGION

Mailing address: Regional Public Affairs Officer, Room 1002, 90 Church Street, New York, N.Y. 10007.

Location: Same as mailing address.

MID-ATLANTIC REGION

Mailing address: Regional Public Affairs Officer, Post Office Box 12805, Philadelphia, Pa. 19106.

Location: Federal Office Building, 600 Arch Street.

SOUTHEAST REGION

Mailing address: Regional Public Affairs Officer, Post Office Box 926, Atlanta, Ga. 30301.

Location: 275 Peachtree Street NE., Atlanta, Ga. 30303.

MIDWEST REGION

Mailing address: Regional Public Affairs Officer, Room 2034, 35 East Wacker Drive, Chicago, Ill. 60601.

Location: Same as mailing address.

CENTRAL REGION

Mailing address: Regional Public Affairs Officer, Post Office Box 2119, Cincinnati, Ohio 45201.

Location: Room 7106, Federal Office Building, 550 Main Street.

SOUTHWEST REGION

Mailing address: Regional Public Affairs Officer, 1114 Commerce Street, Dallas, Tex. 75202.

Location: Room 11D9, 1100 Commerce Street.

WESTERN REGION

Mailing address: Regional Public Affairs Officer, Room 2780, 525 Market Street, San Francisco, Calif. 94105.

Location: Same as mailing address.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Internal Revenue Service will be made by the Chief, Disclosure Staff or his delegate. Requests made by mail should be addressed to:

Chief, Disclosure Staff, Internal Revenue Service, c/o Ben Franklin Station, P.O. Box 388, Washington, D.C. 20044.

Requests may be delivered personally to the Office of the Chief, Disclosure Staff, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5 (h) with respect to records of the Internal Revenue Service will be made by the Commissioner of Internal Revenue or his delegate. Appeals made by mail should be addressed to:

Commissioner of Internal Revenue, c/o Ben Franklin Station, P.O. Box 929, Washington, D.C. 20044.

Requests may be delivered personally to the Director of the Disclosure Division in the Office of the Chief Counsel, in the Internal Revenue Building, located at 1111 Constitution Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner of Internal Revenue and shall be delivered to such officer as the following location:

Commissioner, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC: A: OS.

APPENDIX C—UNITED STATES CUSTOMS SERVICE

1. *In general.* This appendix applies to the United States Customs Service. It identifies the locations of the public reading rooms at which United States Customs Service documents are available for public inspection and copying, the officers designated to make initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of the requests, appeals and service of process. For additional rules promulgated specifically with respect to the United States Customs Service, see 19 CFR, Part 103.

2. *Public reading rooms.* Public reading rooms for the United States Customs Service are maintained at the following locations:

United States Customs Service (Headquarters), 2100 K Street NW., Washington, D.C. 20229.

Region I—Boston
24th Floor, John F. Kennedy Building, Government Center, Boston, Massachusetts 02203.

Region II—New York
6 World Trade Center, New York, New York 10048.

Region III—Baltimore
U.S. Customshouse, 40 Gay Street, Baltimore, Maryland 21202.

Region IV—Miami
Plaza Executive Centre, Suite 300, 7370 NW. 36th Street, Miami, Florida 33166.

Region V—New Orleans
Room 13036, Federal Building, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Region VI—Houston
500 Dallas Street, Suite 1240, Houston, Texas 77002.

Region VII—Los Angeles
New Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.

Region VIII—San Francisco
New Federal Building, 450 Golden Gate Avenue, Box 37117, San Francisco, California 94102.

Region IX—Chicago
Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

It should be noted that on or about April 1, 1975, the address for Headquarters of the United States Custom Service will change to Constitution Avenue and 14th Street, NW., Washington, D.C. 20229.

3. *Request for records.* (a) For records which are not maintained at Headquarters, initial determinations as to whether to grant requests for records under 31 CFR 1.5(g) will be made by the Regional Commissioner of Customs in whose region the records are maintained. Requests may be mailed or delivered personally to the respective regional commissioner at the following locations:

Region I—Boston
24th Floor, John F. Kennedy Building, Government Center, Boston, Massachusetts 02203.

Region II—New York
6 World Trade Center, New York, New York 10048.

Region III—Baltimore
U.S. Customshouse, 40 Gay Street, Baltimore, Maryland 21202.

Region IV—Miami
Plaza Executive Centre, Suite 300, 7370 NW. 36th Street, Miami, Florida 33166.

Region V—New Orleans
Room 13036, Federal Building, 701 Loyola Avenue, New Orleans, Louisiana 70113.

Region VI—Houston
500 Dallas Street, Suite 1240, Houston, Texas 77002.

Region VII—Los Angeles
New Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012.

Region VIII—San Francisco
New Federal Building, 450 Golden Gate Avenue, Box 37117, San Francisco, California 94102.

Region IX—Chicago
Room 1501, 55 East Monroe Street, Chicago, Illinois 60603.

(b) Requests for information from Headquarters of the United States Customs Service should be mailed or personally delivered to the Director, Classification and Value Division, Office of Regulations and Rulings, United States Customs Service, 2100 K Street NW., Washington, D.C. 20229. Any substantive denial of an initial request for information under 31 CFR 1.5(g) will be made by the Assistant Commissioner, Office of Regulations and Rulings, United States Customs Service.

(c) All such requests should be conspicuously labeled on the face of the envelope "Freedom of Information Act Request" or "FOIA Request".

(d) It should be noted that on or about April 1, 1975, the address of Headquarters will change to Constitution Avenue and 14th Street NW., Washington, D.C. 20229.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR § 1.5(h) will be made by the Commissioner of Customs, and all such appeals should be mailed or personally delivered to the United States Customs Service, 2100 K Street NW., Washington, D.C. 20229. It should be noted that on or about April 1, 1975, the address for Headquarters will change to Constitution Avenue and 14th Street NW., Washington, D.C. 20229.

5. *Delivery of process.* Service of process will be received by the Chief Counsel, United States Customs Service, 2100 K Street NW., Washington, D.C. 20229. It should be noted that on or about April 1, 1975, the address of Headquarters will change to Constitution Avenue and 14th Street NW., Washington, D.C. 20229.

APPENDIX D—UNITED STATES SECRET SERVICE

1. *In general.* This appendix applies to the United States Secret Service. It identifies the location of the public reading room at which Secret Service documents are available for public inspection and copying, the titles of officers designated to make the initial and

appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the U.S. Secret Service, see 31 CFR 401 through 408.3.

2. *Public reading rooms.* No room has been set aside for this purpose. The U.S. Secret Service will provide a room on an ad hoc basis when necessary.

3. *Requests for records.* Initial determinations under 31 CFR 1.5 (g) as to whether to grant requests for records of the U.S. Secret Service will be made by the Assistant to the Director, Office of Public Affairs, U.S. Secret Service. Requests made by mail should be addressed to:

Assistant to the Director, Office of Public Affairs, U.S. Secret Service, 1800 G Street NW., Room 805, Washington, D.C. 20223.

Requests may be delivered personally to the Office of Public Affairs, U.S. Secret Service, 1800 G Street NW., Room 805, Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5 (h) with respect to records of the U.S. Secret Service will be made by the Assistant Secretary (Enforcement, Operations, and Tariff Affairs). Appeals made by mail should be addressed to:

Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 3448, Washington, D.C. 20220.

Requests may be delivered personally to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) in Room 3448, Main Treasury Building located at 1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the U.S. Secret Service Legal Counsel and shall be delivered to such officer at the following location:

Legal Counsel, U.S. Secret Service, 1800 G Street NW., Room 801, Washington, D.C. 20223.

Appendix E—Bureau of Alcohol, Tobacco and Firearms

1. *In general.* This appendix applies to the Bureau of Alcohol, Tobacco and Firearms. It identifies the locations of the public reading rooms at which documents of the Bureau of Alcohol, Tobacco and Firearms are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process, and the addresses for delivery of requests, appeals, and service of process. For additional rules promulgated specifically with respect to the Bureau of Alcohol, Tobacco and Firearms, see 27 CFR, Part 71.

2. *Public reading rooms.* Public reading rooms for the Bureau of Alcohol, Tobacco and Firearms are maintained at the following locations:

BUREAU HEADQUARTERS

Mailing address: Assistant to the Director for Public Affairs, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

Location: Same as mailing address.

NORTH ATLANTIC REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 6 World Trade Center, New York, New York 10048.

Location: Same as mailing address.

MID-ATLANTIC REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 2 Penn Center Plaza, Philadelphia, Pennsylvania 19102.

Location: Same as mailing address.

SOUTHEAST REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, Post Office Box 2009, Atlanta, Georgia 30303.

Location: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 3835 Northeast Expressway, Atlanta, Georgia 30303.

MIDWEST REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 230 South Dearborn Street, Chicago, Illinois 60604.

Location: Same as mailing address.

CENTRAL REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 550 Main Street, Cincinnati, Ohio 45202.

Location: Same as mailing address.

SOUTHWEST REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 1114 Commerce Street, Dallas, Texas 75202.

Location: Same as mailing address.

WESTERN REGION

Mailing address: Regional Director, Bureau of Alcohol, Tobacco and Firearms, 525 Market Street, 34th Floor, San Francisco, California 94105.

Location: Same as mailing address.

3. *Requests for records.* Initial determinations under 31 CFR § 1.5(g) as to whether to grant requests for records of the Bureau of Alcohol, Tobacco and Firearms will be made by the Assistant to the Director for Public Affairs or his delegate. Requests made by mail should be addressed to:

Assistant to the Director for Public Affairs, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

Requests may be delivered personally to the office of the:

Assistant to the Director for Public Affairs, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

4. *Administrative appeal of initial determination to deny records.* Appellate determination under 31 CFR 1.5(h) with respect to records of the Bureau of Alcohol, Tobacco, and Firearms will be made by the Director of the Bureau of Alcohol, Tobacco, and Firearms or his delegate. Appeals made by mail should be addressed to:

Director, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226.

Requests may be delivered personally to the office of the Director, Bureau of Alcohol, Tobacco, and Firearms at 1200 Pennsylvania Avenue, NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Director of the Bureau of Alcohol, Tobacco, and Firearms and shall be delivered to such officer at the following location:

Director, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226. Attention: Chief Counsel.

Appendix F—Bureau of Engraving and Printing

1. *In general.* This appendix applies to the Bureau of Engraving and Printing. It identifies the locations of the public reading rooms at which Bureau of Engraving and Printing documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals, and service of process.

2. *Public reading rooms.* No room has been set aside for this purpose. The Bureau of Engraving and Printing will provide a room on an ad hoc basis when necessary.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Bureau of Engraving and Printing will be made by the Director, Bureau of Engraving and Printing. Requests made by mail should be addressed to:

Director,
Bureau of Engraving and Printing, Department of the Treasury, 14th and C Streets SW., Washington, D.C. 20228.

Requests may be delivered personally to the Director, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Bureau of Engraving and Printing will be made by the Assistant Secretary (Enforcement, Operations, and Tariff Affairs). Appeals made by mail should be addressed to:

Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 3448, Washington, D.C. 20220.

Requests may be delivered personally to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs) in Room 3448, Main Treasury Building located at 1500 Pennsylvania Avenue, NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury, or his delegate, and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appendix G—Bureau of Government Financial Operations

1. *In general.* This appendix applies to the Bureau of Government Financial Operations. It identifies the location of the public reading room at which documents of the Bureau of Government Financial Operations are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the Bureau of Government Financial Operations is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to

grant requests for records will be made by the Director, Executive Staff. Requests made by mail should be addressed to:

Director, Executive Staff (FOIA), Bureau of Government Financial Operations, Department of the Treasury, Room 600, Treasury Annex No. 1, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Director, Executive Staff, Room 600, Treasury Annex No. 1, Pennsylvania Avenue and Madison Drive NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) will be made by the Commissioner, Bureau of Government Financial Operations. Appeals made by mail should be addressed to:

Commissioner, Bureau of Government Financial Operations (FOIA), Department of the Treasury, Room 3132, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appeals may be delivered personally to the office of the Commissioner, Bureau of Government Financial Operations, Room 3132, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner, Bureau of Government Financial Operations and shall be delivered to such officer at the following location:

Commissioner, Bureau of Government Financial Operations, Department of the Treasury, Room 3132, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appendix H—Bureau of the Mint

1. *In General.* This appendix applies to the Bureau of the Mint. It identifies the location of the public reading room at which documents of the Bureau of the Mint are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* No room has been set aside for this purpose. The Bureau of the Mint will provide a room on an ad hoc basis when necessary.

3. *Requests for records.* Initial determinations under 31 CFR 1.5 (g) as to whether to grant requests for records of the Bureau of the Mint will be made by the Assistant Director for Public Services, Bureau of the Mint. Requests made by mail should be addressed to:

Chief, Information Systems and Documentation Branch, Bureau of the Mint, Department of the Treasury, Room 912, Warner Building, Washington, D.C. 20220.

Requests may be delivered personally to Information Systems and Documentation Branch of the Bureau of the Mint, Room 912, Warner Building located at 501 13th Street NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Bureau of the Mint will be made by the Director of the Mint. Appeals made by mail should be addressed to:

Director of the Mint, Department of the Treasury, Washington, D.C. 20220.

Requests may be delivered personally to the office of the Director of the Mint in Room 2064, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Director of the Mint and shall be delivered to such officer at the following location:

Director of the Mint, Room 2064, Main Treasury Building, Department of the Treasury, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appendix I—Bureau of the Public Debt

1. *In general.* This appendix applies to the Bureau of the Public Debt. It identifies the location of the public reading room at which Bureau of the Public Debt documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the Bureau of the Public Debt, see 31 CFR, Part 323.

2. *Public reading rooms.* The public reading room for the Bureau of the Public Debt is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Information Officer of the Bureau of the Public Debt. Requests made by mail should be addressed to:

Information Officer, Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Information Officer, Room 200, Washington Building, 1435 G Street NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Bureau of the Public Debt will be made by the Commissioner of the Public Debt. Appeals made by mail should be addressed to:

Commissioner,
Bureau of the Public Debt,
Department of the Treasury,
Washington, D.C. 20226.

Requests may be delivered personally to the Chief Counsel of the Bureau of the Public Debt, Room 200, Washington Building, 1435 G Street NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner of the Public Debt and shall be delivered to such officer at the following location:

Commissioner, Bureau of the Public Debt,
Room 300, Washington Building,
1435 G Street NW.,
Washington, D.C. 20226.

Appendix J—Office of the Comptroller of the Currency

1. *In general.* This appendix applies to the Office of the Comptroller of the Currency. It identifies the locations of the public reading rooms at which documents of the Office of the Comptroller of the Currency are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process. For additional rules promulgated specifically with respect to the Office of the Comptroller of the Currency, see 12 CFR, Part 4.

2. *Public reading rooms.* Public reading rooms for the Office of the Comptroller of the Currency are maintained at the following locations for the records as stated:

National Office

Mailing address: Special Assistant for Public Affairs, Comptroller of the Currency, Washington, D.C. 20219.

Location: Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C.

Locations at which certain records are available: All public records of the Comptrollers of the Currency, except the public portions of applications by national banking associations to establish a branch or seasonal agency and the public portion of applications to organize a national banking association during the period such applications are in the investigatory process in the respective regions, are available in the national office listed above. During this investigatory period, the public portions of these applications will be available in the respective regions listed below.

Regional Offices

Mailing address and location for each region listed below are the same:

Region	Area within region	Office address
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.	Three Center Plaza, Suite P-400, Boston, Mass. 02108.
2	New York, New Jersey, Puerto Rico, Virgin Islands.	33 Liberty St., Room 621, New York, N.Y. 10005.
3	Pennsylvania, Delaware.	Three Parkway, Suite 1316, Philadelphia, Pa. 19107.
4	Indiana, Ohio, Kentucky.	One Erieview Plaza, Cleveland, Ohio 44114.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	400 North Eighth St., Room 5215, Richmond, Va. 23240.
6	South Carolina, Georgia, Florida.	1510 First National Bank Bldg., Two Peachtree St. NW., Atlanta, Ga. 30303.
7	Illinois, Michigan.....	164 West Jackson Blvd., Room 715, Chicago, Ill. 60604.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	165 Madison Ave., Rm. 1900, Memphis, Tenn. 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin.	822 Marquette Ave., Rm. 300, Minneapolis, Minn. 55402.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main St., Suite 2616, Kansas City, Mo. 64105.
11	Oklahoma, Texas.....	1401 Elm St., Suite 4500, Dallas, Tex. 75202.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1600 Broadway, Suite 1800, Denver, Colo. 80202.
13	Washington, Oregon, Idaho, Montana, Alaska.	707 Southwest Washington St., Room 900, Portland, Oreg. 97205.
14	California, Nevada, Hawaii, Guam.	555 California St., Suite 3039, San Francisco, Calif. 94104.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Office of the Comptroller of the Currency will be made by the Special Assistant for Public Affairs or his delegate. Requests made by mail should be addressed to:

Special Assistant for Public Affairs, Comptroller of the Currency, Washington, D.C. 20219.

Requests may be delivered personally to the office of the Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza East, SW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Office of the Comptroller of the Currency will be made by the First

Deputy Comptroller or his delegate. Appeals made by mail should be addressed to:

Special Assistant for Public Affairs, Comptroller of the Currency, Washington, D.C. 20219.

Appeals may be delivered personally to the office of the Special Assistant for Public Affairs, Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Chief Counsel, Comptroller of the Currency and shall be delivered to such officer at the following location:

Office of the Chief Counsel, Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza East SW., Washington, D.C. 20219.

APPENDIX K—UNITED STATES SAVINGS BOND DIVISION

1. *In general.* This appendix applies to the United States Savings Bond Division. It identifies the location of the public reading room at which United States Savings Bond Division documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the United States Savings Bond Division is maintained at the following location:

Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Information Officer of the Bureau of the Public Debt. Requests made by mail should be addressed to:

Information Officer, Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226.

Requests may be delivered personally to the office of the Information Officer, Room 200, Warner Building, 1435 G Street NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5 (h) with respect to records of the United States Savings Bond Division will be made by the Commissioner of the Public Debt. Appeals made by mail should be addressed to:

Commissioner, Bureau of the Public Debt, Department of the Treasury, Washington, D.C. 20226.

Requests may be delivered personally to the Chief Counsel of the Bureau of the Public Debt, Room 200, Washington Building, 1435 G Street NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the Commissioner of the Public Debt and shall be delivered to such officer at the following location:

Commissioner, Bureau of the Public Debt, Room 300, Washington Building, 1435 G Street NW., Washington, D.C. 20226.

APPENDIX L—CONSOLIDATED FEDERAL LAW ENFORCEMENT TRAINING CENTER

1. *In general.* This appendix applies to the Consolidated Federal Law Enforcement Training Center. It identifies the location of the public reading room at which Consolidated Federal Law Enforcement Training Center documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the Consolidated Federal Law Enforcement Training Center is maintained at the following location:

Library, Room 514, Consolidated Federal Law Enforcement Training Center, 1310 L Street NW., Washington, D.C.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records will be made by the Director, Consolidated Federal Law Enforcement Training Center. Requests made by mail should be addressed to:

Director,
Consolidated Federal Law Enforcement Training Center, Department of the Treasury, Washington, D.C. 20220.

Requests may be delivered personally to the Library, Room 514, 1310 L Street NW., Washington, D.C.

4. *Administrative appeal of initial determination to deny records.* Appellate determinations under 31 CFR 1.5(h) with respect to records of the Consolidated Federal Law Enforcement Training Center will be made by the Assistant Secretary (Enforcement, Operations, and Tariff Affairs). Appeals made by mail should be addressed to:

Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Department of the Treasury, 1500 Pennsylvania Avenue NW., Room 3448, Washington, D.C. 20220.

Requests may be delivered personally to the Assistant Secretary (Enforcement, Operations, and Tariff Affairs), Room 3448, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury, or his delegate, and shall be delivered to such officer at the following location:

General Counsel,
Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

APPENDIX M—OFFICE OF THE ASSISTANT SECRETARY FOR TAX POLICY

1. *In general.* This appendix applies to the Office of the Assistant Secretary for Tax Policy, including the Office of International Tax Counsel, the Office of Tax Analysis, the Office of the Tax Legislative Counsel, and generally the Office of Industrial Economics. It identifies the locations of the public reading rooms at which documents are available for public inspection and copying, the titles of officers designated to make the initial and appellate determinations with respect to requests, the officer designated to receive service of process and the addresses for delivery of requests, appeals and service of process.

2. *Public reading rooms.* The public reading room for the Office of the Assistant Secretary for Tax Policy is maintained at the following location:

Library, Room 5030, Main Treasury Building, Washington, D.C. 20220.

3. *Requests for records.* Initial determinations under 31 CFR 1.5(g) as to whether to grant requests for records of the Office of the Assistant Secretary for Tax Policy will be made by the Freedom of Information Officer, Office of Tax Legislative Counsel, or

Deputy Tax Legislative Counsel, Room 3064, Main Treasury Building, Washington, D.C. 20220.

Requests for records should be addressed to:

Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 4028, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Requests may be delivered personally to the Freedom of Information Officer at the same address.

4. *Administrative appeal of initial determination to deny records.* Appeals from initial determinations to deny records made by mail should be addressed to:

Assistant Secretary for Tax Policy, Department of the Treasury, Room 3112, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Appeals may be delivered personally to the Assistant Secretary for Tax Policy at the same address.

5. *Delivery of process.* Service of process will be received by the General Counsel of the Department of the Treasury, or his delegate, and shall be delivered to such officer at the following location:

General Counsel, Department of the Treasury, Room 3000, Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, D.C. 20220.

Subpart B—Under Other Provisions

§ 1.7 Scope.

The regulations in this subpart concern access to information and records other than under 5 U.S.C. 552. This subpart is applicable only to the Office of the Secretary as defined in § 1.1(a) of this part and the Bureau of Engraving and Printing, the United States Savings Bond Division and the United States Secret Service.

[§§1.8 through 1.11 are not changed by this document.]

Done at Washington, District of Columbia, this 18th day of February, 1975.

[SEAL] STEPHEN S. GARDNER,
Deputy Secretary of the Treasury.

[FR Doc.75-4760 Filed 2-18-75;1:28 pm]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 2—RECORDS AND TESTIMONY

Freedom of Information Act Fees

On February 7, 1975, there was published in the FEDERAL REGISTER (40 FR 5783) a notice of proposed rulemaking with a proposed uniform fee schedule for requests under the Freedom of Information Act. The uniform fee schedule will provide fees to be charged for manual searches for records, for duplicating records and for computer services involved in producing records. The fees to be charged are based on the direct costs of performing these services.

No comments on the proposed schedule were received from the public; however, based on suggestions from representatives of the Department paragraphs (1) and (2) have been changed to clarify the intention that the fees referenced therein apply only to copies produced from ordinary office copying machines.

Accordingly, with editorial changes, the proposed Appendix A is adopted as set forth below.

APPENDIX A

FEES

The following uniform fee schedule is applicable to all constituent units of the Department. It states the fees to be charged to members of the public for services performed in locating and making available records or copies thereof in connection with requests made under the Freedom of Information Act. It also states the fees to be charged for certification of documents.

(1) *Photo copies, basic fee.* For photo copies of documents other than documents requiring special handling because of their age or unusual dimensions: $0.25 for the first page of copy, $0.05 for each page of copy thereafter reproduced on a standard office duplicating machine, in size up to 8½" x 13".

(2) *Photo copies, documents requiring special handling.* For photo copies of documents which require special handling because of their age: $0.25 for the first page of copy, $0.10 for each page of copy thereafter reproduced on a standard office duplicating machine, in size up to 8½" x 13".

(3) [Reserved].

(4) [Reserved].

(5) *Clerical searches.* For each quarter hour, or portion thereof, spent by clerical personnel in locating a requested record or records: $1.10.

(6) *Nonclerical searches.* For each quarter hour, or portion thereof, spent by professional or managerial personnel in locating a requested record or records where the search cannot be performed by clerical personnel: $2.10.

(7) [Reserved].

(8) Certification. For each certificate of verification attached to authenticated copies of records furnished to the public: $0.25.

(9) [Reserved].

(10) *Computerized records, computer time charges.* For services in processing requests for records maintained in computerized form (includes personnel cost):

(a) CDC 6500.

(i) Batch use, central processing unit per hour, $160.00.

(ii) Batch use, Input/Output, per hour, $138.00.

(iii) Remote Terminals, central processing unit, per hour, $160.00.

(iv) Remote Terminals, Input/Output, per hour, $250.00.

(v) Remote Terminals, connect time, per hour, $5.00.

(vi) Plotters, $24.00.

(b) Burroughs 5500

(i) Computer time, per hour, $66.00.

(c) CYBER 74-28

(i) Central Memory, kiloword hour, $10.53.

(ii) Extended Core Storage, kiloword hour, $5.92.

(iii) Mass Storage, Input/Output, per 1000 physical records, $0.07.

(iv) Central processor, per second, $0.10.

(v) Magnetic Tape, Input/Output, per 1000 physical records, $3.01.

(vi) Card Input, per 1000 cards, $0.85.

(vii) Card Output, per 1000 cards, $11.75.

(viii) Printer, per 1000 lines, $0.66.

(ix) Interactive Terminal, connect time, per hour, $3.60.

(d) IBM 1130

(i) Computer time, per hour, $25.00.

(e) IBM 1620

(i) Computer time, per hour, $15.00.

(f) NCR 200

(i) In house batch, per hour, $19.00.

(ii) Remote batch, per hour, $22.00.

(g) DEC 1070

(i) *Basic charge for batch processing.* $4.00 per job plus $2.16 per 1000 disk accesses plus $260.00 per hour central processor charge.

(ii) *Core use charge.* In addition to the basic charges, a core use charge is added to each job. This charge is computed using the following formula: CPU Charge under paragraph (i) multiplied by Words of Core, divided by 25,000.

(iii) *Terminal Access by COPE 1200.* Basic DEC 1070 charges plus $1.00 per job plus $20.00 per COPE 1200 machine resource unit, defined as follows: Lines printed, divided by 13,333, plus cards read, divided by 5,556, plus cards punched, divided by 2,500.

(iv) *Terminal access by Data 110 Model 78.* Basic DEC 1070 charges plus $1.00 per job plus $20.00 per model 78 machine resource unit, defined as follows: Lines printed, divided by 12,300, plus cards read, divided by 7,000, plus cards punched, divided by 4,500.

(v) The basic batch processing charge in paragraph (i) is based on highest priority use of the computer. Unless otherwise requested, Freedom of Information requests shall be processed on this basis. If the requester so specifies, a request will be processed on the following basis: $2.00 per job plus $1.26 per 1000 disk accesses plus $260.00 per hour central processor charge.

(h) IBM 360/65 and 370/155.

(i) *Basic charge for batch processing.* $16.00 per job plus $33.03 per 1000 tape access plus $11.01 per 1000 disk access plus $3.67 per 1000 drum accesses plus $1320.00 per hour central processor charge.

(ii) *Core use charge.* (A) If in any Job Step the amount of core reserved exceeds the amount of core used by more than 20K, the basic charges are increased for every Job Step by 1% for each 1K of such excess core reserved. If the excess condition exists in more than one Job Step, the maximum excess is applied to the charges for all Job Steps. The minimum charge is $10.00.

(iii) The basic batch processing charge in paragraph (i) is based on highest priority use of the computer. Unless otherwise requested, Freedom of Information requests shall be processed on this basis. If the requester so specifies, a request will be processed on any one of seven lower priority bases. The charge for each priority basis is as follows:

(A) *Priority A.* $7.50 per job plus $21.96 per 1000 tape accesses plus $7.32 per 1000 disk accesses plus $2.44 per 1000 drum accesses plus $880.00 per hour central processor charge.

(B) *Priority B and C.* $3.00 plus $10.98 plus $3.66 plus $1.22 plus $440.00 per hour central processor charge.

(C) *Priority D and E.* $1.50 plus $6.48 plus $2.60 plus $0.72 plus $260.00 per central processor charge.

(D) *Priority F.* $1.00 plus $3.24 plus $1.08 plus $0.36 plus $130.00 per central processor charge.

(11) *Computerized records, materials.* For materials used in processing requests for records maintained in computerized form:

(a) Paper. $7.00 per 1000 sheets.

(b) Cards. $1.60 per 1000 cards.

(12) [Reserved]

(13) [Reserved]

(14) *Other services.* When a response to a request requires services or materials other than the common ones described in this schedule, the direct cost of such services or materials to the Government may be charged, but only if the requester has been notified of such cost before it is incurred.

(15) *Effective dates.* This schedule applies to all requests made under the Freedom of Information Act between February 19, 1975 and November 30, 1975, inclusive.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4778 Filed 2-18-75;3:20 pm]

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5489]

[Idaho 4350]

IDAHO

Withdrawal for Atomic Energy Commission Communications Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Atomic Energy Commission, now the Energy Research and Development Administration:

BOISE MERIDIAN

T. 2 N., R. 39 E.,
Sec. 6, lot 1.

The area described contains 40.26 acres in Bonneville County.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 12, 1975.

[FR Doc.75-4549 Filed 2-19-75;8:45 am]

[Public Land Order 5490]

[Oregon 012693]

OREGON

Withdrawal for Multiple Use Management

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights and to provisions of existing withdrawals, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, except the mining laws, 30 U.S.C. Ch. 2, the mineral leasing laws, 30 U.S.C. 181, et seq. (1970), the Materials Sale Act of July 31, 1947, 30 U.S.C. 601-604 (1970), the Recreation and Public Purposes Act of 43 U.S.C. 869, and except sales and exchanges initiated by the Bureau of Land Management under R.S. 2455, 43 U.S.C. 1171 (1970), and Section 8 of the Act of June 28, 1934, 43 U.S.C. 315g (1970), respectively, and reserved for multiple use management, including sustained yield of forest resources in connection with intermingled revested Oregon and California Railroad

Grant Lands and reconveyed Coos Bay Wagon Road Grant Lands:

WILLAMETTE MERIDIAN

All public lands in and west of Range 8 East and all lands within that area which hereinafter become public lands.

The areas described aggregate approximately 243,000 acres.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources.

JACK O. HORTON,
Assistant Secretary of the Interior.

FEBRUARY 12, 1975.

[FR Doc.75-4546 Filed 2-19-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Delegations of Authority; Chief, Common Carrier Bureau

1. The Commission has completed a review of the delegations of authority to the Chief, Common Carrier Bureau, and has concluded that in addition to the need for up-dating, the public interest would be served by eliminating where appropriate the recitation of specific delegations of authority presently appearing in certain sections of the rules (§§ 0.291, 0.292, 0.294, 0.295, 0.296, 0.297 and 0.298) and in lieu thereof condensing and restructuring those sections in terms of those matters to be referred to the Commission. As so amended, the residue of undefined matters will be disposed of at staff level in accordance with established policy and precedent unless a particular matter warrants referral to the Commission. It also appears desirable to merge the Telephone and Telegraph Committees into a single unit and to rename the group The Telecommunications Committee.

2. Authority for the adoption of this Order is contained in section 5(d) of the Communications Act of 1934, as amended. Since it relates to internal Commission management, practices, and procedure, and because the early implementation of these changes will expedite the transaction of public business, compliance with the notice and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, is not required.

3. Accordingly, *It is ordered*, That the §§ 0.214, 0.292, 0.294, 0.295, 0.296, 0.297, and 0.298 of the Commission's rules are deleted.

4. *It is further ordered*, That § 0.293 of the Commission's rules is renumbered 0.292.

5. *It is further ordered*, That §§ 0.215, 0.291, 0.302, 0.303 and 0.307 of the Commission's rules are amended in the manner set forth below effective February 19, 1975.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted: February 4, 1975.

Released: February 13, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 0.91, paragraph (e) and (g) are revised, and (h) added to read as follows:

§ 0.91 Functions of the Bureau.

The Common Carrier Bureau develops, recommends, and administers policies and programs with respect to the regulation of rates, services, accounting, reporting, and facilities of communication common carriers involving the use of wire, cable, radio and space satellites. The Bureau performs the following functions:

* * * * *

(e) Advises and assists members of the public and the industries regulated on Commission policy and regulations.

* * * * *

(g) Obtains from carriers and from persons directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carriers full and complete information necessary to enable the Commission to perform the duties and carry out the objects for which it was created.

(h) Carries out the functions of the Commission or the Telecommunications Committee under the Communications Act of 1934, as amended, except as reserved to Commission under § 0.291.

§ 0.214 [Deleted]

2. Section 0.214 is deleted.

3. The heading and text of § 0.215 is revised to read as follows:

§ 0.215 Telecommunications Committee.

A Telecommunications Committee, composed of three Commissioners, designated as such by the Commission, or a majority thereof, will act, except as otherwise ordered by the Commission, upon all applications or requests submitted under section 214 or 319 of the Communications Act of 1934, as amended, by communications common carriers, for certificates or authorizations for the construction, acquisition, operation, or extension of wire, cable, or radio facilities, for temporary or emergency service, for supplementing existing facilities, for discontinuance, reduction, or impairment of service, except those covered by § 0.291.

4. Section 0.291 and headnote are revised to read as follows:

§ 0.291 Authority Delegated.

The Chief, Common Carrier Bureau is hereby delegated authority to perform all functions of the Bureau, as described in § 0.91, with the following exceptions.

(a) *Authority concerning applications.* (1) Authority to act on any formal and informal radio applications and section 214 applications for common carrier services (including all marine and aeronautical applications) which are in hearing status or subject of a petition to deny or where the estimated cost of construction (or value of radio facilities where an assignment or transfer of facilities is involved) is in excess of $10 million or the annual rental is in excess of $2 million. (The only exception to these monetary limitations will be special temporary authorizations in the event of extraordinary circumstances requiring the immediate restoration or institution of public service).

(2) Authority to act on any applications or requests which present novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Authority concerning sections 219 and 220 of the Act.* Authority to promulgate regulations and orders pursuant to sections 219 and 220 of the Communications Act of 1934, as amended.

(c) *Authority concerning section 221 (a) of the Act.* (1) Authority to determine upon consideration of all relevant factors whether hearings shall be held on applications filed under section 221(a) of the Communications Act of 1934, as amended, where a request has been made by a telephone company, an association of telephone companies, a State Commission or local government authority.

(2) Authority to act in all cases upon applications filed under section 221(a) of the Communications Act of 1934, as amended, where the proposed expenditure for consolidation, acquisition or control is in excess of $1 million.

(3) Authority to act upon any application, petition or request under section 221(a) of the Communications Act of 1934, as amended, which presents novel questions of fact, law or policy which cannot be resolved under outstanding precedents and guidelines.

(d) *Authority concerning tariff regulations.* Authority to determine whether a tariff filed on sixty days notice shall be suspended; or whether a tariff filed on thirty days notice shall be suspended for more than thirty days.

(e) *Authority concerning non-common carrier satellite systems.* Authority to determine whether a construction permit shall be granted for a non-common carrier satellite system, or any part thereof, where the construction costs are in excess of $10 million.

(f) *Authority to designate for hearing.* Authority to designate for hearing all formal complaints and all applications except mutually exclusive applications for radio facilities filed pursuant to Parts 21, 23 and 25 of this chapter.

(g) *Authority concerning forfeitures.* Authority to impose, reduce, or cancel forfeitures pursuant to sections 203 and 510 of the Communications Act of 1934, as amended, in amounts of $10,000 or more.

(h) *Authority concerning applications for review.* Authority to act upon any applications for review of actions taken by the Chief, Common Carrier Bureau pursuant to any delegated authority.

§ 0.292 [Deleted]

5. Section 0.292 is deleted.

§ 0.293 [Redesignated]

6. Section 0.293 is renumbered 0.292.

§§ 0.294–0.298 [Deleted]

7. Sections 0.294, 0.295, 0.296, 0.297 and 0.298 are deleted.

8. In § 0.302, paragraphs (c) and (d) are added to read as follows:

§ 0.302 Authority concerning records and papers.

* * * * *

(c) To return, in rulemaking proceedings, pleadings which:

(1) Combine requests in a manner prohibited by § 0.229(c) of this chapter.

(2) Fail to contain an appropriate affidavit as required by § 1.229(c) of this chapter.

(d) To act on complaints filed under section 208 of the Communications Act, which, contrary to the provisions of §§ 1.716 or 1.722 of this chapter, fail to allege facts which, if true, would constitute a violation of the Communications Act or of a Commission Order, rule, or regulation.

9. Section 0.303(g) is revised to read as follows:

§ 0.303 Authority concerning extension of time and waivers.

* * * * *

g) For extensions of time within which to file pleadings before the Chief, Common Carrier Bureau on any matter not in hearing status.

10. Section 0.307 is revised to read as follows:

§ 0.307 Record of actions taken.

The application and authorization files in the appropriate central files of the Common Carrier Bureau are designated as the Commission's official records of actions by the Chief, Common Carrier Bureau pursuant to authority delegated to him. In the case of joint authority exercised by the Chief, Common Carrier Bureau, and the Chief, Safety and Special Radio Services Bureau, § 0.337 applies.

[FR Doc.75-4603 Filed 2-19-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1210]

PART 1033—CAR SERVICE

Track Use Authorization

FEBRUARY 14, 1975.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of February 1975.

It appearing, that the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees (PC), in Finance Docket No. 26154, has been authorized to abandon operations over the line of the Providence and Worcester Company (P&W) between Worcester, Massachusetts, and Providence, Rhode Island; that the P&W has concurrently been authorized to resume separate operation of its line between these points; that the Slatersville, Rhode Island branch and the Wrentham, Rhode Island branch of the PC have been severed of direct connections with the remainder of the PC by reason of abandonment of operations of the PC over the line of the P&W; that the P&W has consented to operate the Slatersville and Wrentham branches of the PC for the account of the PC, subject to approval by the Commission of a permanent operating agreement; that certain other operations of the P&W over tracks of the PC and of the PC over tracks of the P&W are required to permit separate operations of the P&W and the PC in the manner ordered by the Commission; that continued operation of the P&W and of the Slatersville and Wrentham branches of the PC is necessary to provide uninterrupted railroad service to shippers served by these lines; that operation by the P&W over tracks of the PC and by the PC over tracks of the P&W is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1210 Service Order No. 1210.

(a) The Providence and Worcester Company (P&W) be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, (PC), pending disposition by the Commission of applications seeking approval of permanent agreements for the operation of such lines.

(1) The P&W is authorized to operate over the Norwich and Worcester tracks of the PC along Southbridge Street between Norwich and Worcester survey station 72+46 and joint P&W—Norwich and Worcester survey station 2240+99, all in Worcester, Massachusetts.

(2) The P&W is authorized to operate over the Slatersville and Wrentham branches of the PC from a point of connection near Woonsocket, Rhode Island, to the ends of the track at Woonsocket and at Slatersville, Rhode Island, a distance of approximately 4.4 miles (the Slatersville branch) and from a point of connection near Valley Falls, Rhode Island, to the end of the track, a distance of approximately 1 mile (the Wrentham branch).

(b) The P&W and PC, be, and they are hereby, authorized to operate over tracks of the other between Boston Switch in Central Falls, Rhode Island and DePasquale Avenue in Providence, Rhode Island, a distance of approximately 5 miles.

(c) The P&W and the PC be, and they are hereby, authorized to operate jointly over tracks between Wilkes Barre pier and the junction of the Darlington and East Junction lines, all in the vicinity of East Providence, Rhode Island.

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

(e) *Rates applicable.* Inasmuch as this operation by the P&W over tracks of the PC and by the PC over tracks of the P&W is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via the PC, until tariffs naming rates and routes specifically applicable via the P&W become effective.

(f) Nothing herein shall be considered as a pre-judgment of the dispute between the parties as to the use by either railroad of tracks owned by the other, or tracks owned jointly by them.

(g) *Effective date.* This order shall become effective at 11:59 p.m., February 14, 1975.

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 1, 1975, unless otherwise modified, changed or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.75-4665 Filed 2-19-75;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 THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEDUCTIBILITY OF FINES AND PENALTIES

Notice of Proposed Rule Making

On December 6, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 25936) to conform the Income Tax Regulations under sections 61, 162, 212, and 471 of the Internal Revenue Code of 1954 to section 902 of the Tax Reform Act of 1969 (83 Stat. 710) and section 310 of the Revenue Act of 1971 (85 Stat. 525). The proposed amendment to the regulations under section 61 as set forth in paragraph (1) of the appendix to such notice was effectuated as part of Treasury Decision 7285, published in the FEDERAL REGISTER for September 19, 1973 (38 FR 26184). The proposed regulations set forth in paragraphs (2) through (7) of the appendix to such notice, with the exception of two portions of one paragraph of the proposed regulations under section 162(f), were adopted in revised form in Treasury Decision 7345, published in the FEDERAL REGISTER for February 20, 1975, 40 FR 7437. The following relates to those excepted portions.

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 24, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulation should submit his request, in writing, to the Commissioner by March 24, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 162(f) of the Internal Revenue Code of 1954, in order to clarify the definition of fines or similar penalties for purposes of that section.

A previous notice of proposed rule making published December 6, 1972 in the FEDERAL REGISTER (37 FR 25936) contained language excluding from the definition of a fine and similar penalty sanctions imposed to encourage prompt compliance with filing or other requirements if the sanction was more in the nature of a late charge or interest charge than a fine. This language has been removed because it is inconsistent with the general Congressional intent in enacting section 162(f) not to liberalize the law with respect to the nondeductibility of fines and penalties.

The category of fines and similar penalties includes amounts paid pursuant to a conviction or a plea of guilty or nolo contendere in a criminal proceeding, amounts paid as a civil penalty imposed by Federal, State, or local law (including additions to tax and additional amounts and assessable penalties imposed by chapter 68 of the Code), amounts paid in settlement of an actual or potential liability for a fine or penalty, and amounts forfeited as collateral posted in connection with a proceeding which could result in a fine or penalty; but it excludes expenses of defending against a prosecution or civil suit and compensatory damages paid to a government.

In order to clarify the definition of fines or similar penalties for purposes of section 162(f) of the Internal Revenue Code of 1954, the Income Tax Regulations (26 CFR Part 1) are amended by revising paragraph (b) (1)(ii) and (2) of § 1.162-21 to read as follows:

§ 1.162-21 Fines and penalties.

* * * * *

(b) *Definition.* * * *

(1) * * *

(ii) Paid as a civil penalty imposed by Federal, State, or local law, including additions to tax and additional amounts and assessable penalties imposed by chapter 68 of the Internal Revenue Code of 1954;

* * * * *

(2) The amount of a fine or penalty does not include legal fees and related expenses paid or incurred in the defense of a prosecution or civil action arising from a violation of the law imposing the fine or civil penalty, nor court costs assessed against the taxpayer, or stenographic and printing charges. Compensatory damages (including damages under section 4A of the Clayton Act (15 U.S.C. 15a), as amended) paid to a government do not constitute a fine or penalty.

[FR Doc.75-4670 Filed 2-19-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 4110, 4120, 4130]

CONSERVATION OR PROTECTION OF NATURAL RESOURCES OR THE ENVIRONMENT

Proposed License, Permit, and Leasing Procedures; Requirements and Conditions

On pages 4262 and 4263 of the FEDERAL REGISTER of March 1, 1972, there was published a notice and text of a proposed amendment to Parts 4110, 4120 and 4130 of Title 43, Code of Federal Regulations. The purpose of that proposed amendment was to make grazing privileges subject to cancellation where a grazier has violated or failed to comply with any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment and (1) grazing land administered by the Bureal of Land Management is involved or affected; and (2) such violation or failure to comply is related to a grazing use authorized by said lease, license, or permit.

Interested persons were given until June 12, 1973, within which to submit comments, suggestions, or objections to the proposed amendment. One hundred and fifty comments were received.

The proposed rulemaking has been revised to require conviction of a violation of a Federal or State law concerning the

conservation or protection of natural resources or the environment as a prerequisite to reduction or cancellation of a grazing lease, license, or permit by the Bureau of Land Management. This requirement will make these regulations more consistent with regulations being promulgated under the Act of June 8, 1940, the Bald Eagle Protection Act (16 U.S.C. 668), as amended October 23, 1972 (Pub. L. 92-535). Proposed rules to incorporate the provisions of Pub. L. 92-535 into the Code of Federal Regulations were published September 18, 1974.

Since the revised proposal constitutes a substantive change from the proposed rulemaking published March 1, 1972, interested parties may again submit written comments, suggestions, or objections to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until March 24, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5625, Interior Building, Washington, D.C., during regular business hours (7:45 a.m. – 4:15 p.m.).

ROLAND G. ROBISON, Jr.,
Deputy Assistant Secretary of the Interior.

FEBRUARY 12, 1975.

Parts 4110, 4120, 4130, of Subchapter D of Chapter II, Title 43 of the Code of Federal Regulations are amended as follows:

PART 4110—GRAZING ADMINISTRATION (INSIDE GRAZING DISTRICTS) (THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS)

1. A new paragraph (15) is added to § 4115.2–1(e) of Part 4110 to read as follows:

§ 4115.2–1 License and permit procedures; requirements and conditions.

* * * * *

(e) * * *

(15) The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment may result in the cancellation or reduction of a license or permit where (i) grazing land administered by the Bureau of Land Management is involved or affected, and (ii) such violation is related to a grazing use authorized by said license or permit. Laws or regulations relating to the conservation or protection of natural resources or the environment include, but are not limited to, those relating to air and water pollution, protection of wildlife and fish, and the use of pesticides.

* * * * *

PART 4120—GRAZING ADMINISTRATION (OUTSIDE GRAZING DISTRICTS AND EXCLUSIVE OF ALASKA); GENERAL

2. A new paragraph (12) is added to § 4125.1–1(i) of Part 4120 to read as follows:

§ 4125.1–1 Leasing procedures; requirements and conditions.

* * * * *

(i) * * *

(12) The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment may result in the cancellation or reduction of a lease where (i) grazing land administered by the Bureau of Land Management is involved or affected, and (ii) such violation is related to a grazing use authorized by said lease. Laws or regulations relating to the conservation or protection of natural resources or the environment include, but are not limited to, those relating to air and water pollution, protection of wildlife and fish, and the use of pesticides.

* * * * *

PART 4130—GRAZING ADMINISTRATION (ALASKA)

3. Paragraph (f) of § 4131.2–7 of Part 4130 is amended by numbering the existing paragraph (1) and adding a subparagraph to read as follows:

§ 4131.2–7 Lease.

* * * * *

(f) *Restrictions.* * * *

(1) * * *

(2) The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources or the environment may result in the cancellation or reduction of a lease where (i) grazing land administered by the Bureau of Land Management is involved or affected, and (ii) such violation is related to a grazing use authorized by said lease. Laws or regulations relating to the conservation or protection of natural resources or the environment include, but are not limited to, those relating to air and water pollution, protection of wildlife and fish, and the use of pesticides.

* * * * *

[FR Doc.75-4545 Filed 2-19-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1823]

[FmHA Instruction 442.13]

DEVELOPMENT GRANTS FOR COMMUNITY DOMESTIC WATER AND WASTE DISPOSAL SYSTEMS

Application Processing

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment to § 1823.472 of Subpart P of Part 1823, Title 7, Code of Federal Regulations (39 FR 20475) by amending paragraph (d) (3) to further explain participation with other Federal agencies; by amending paragraph (e) (1) and (2) to further explain the disbursal of grant funds; by adding a new subdivision (ii) under paragraph (e) (2) to provide additional information pertaining to audit reports, and by redesignating paragraph (e) (2) (ii) and (iii) as paragraph (e) (iii) and (iv) without change.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6315, South Building, Washington, D.C. 20250.

Comments will be received through March 17, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Chief, Directives Management Branch during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, § 1823.472 (d) (3), (e) (1) and (2) and (e) (2) (ii) read as follows:

§ 1823.472 Application processing.

* * * * *

(d) * * *

(3) FmHA grants may be used on projects where other Federal financial assistance is available on all or part of the facility. If any Federal grants other than FmHA are made in connection with the proposed project the amount of an FmHA grant plus the amount of other Federal grants may not exceed fifty percent (50%) of the development costs of the project unless such other Federal grants are being made by the Department of Defense, Economic Development Administration, Environmental Protection Agency, or a Regional Economic Development Commission. In such cases, the maximum percentages allowed under these agencies' authorities will apply. In determining the Federal grant limitations, waste treatment and waste collection facilities will be recognized as separate projects.

* * * * *

(e) Grant closing and delivery of funds: (1) Grants will be closed in accordance with instructions received from the Office of the General Counsel. The policy of FmHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds and loan funds will be disbursed before the disbursal of any grant funds. If grant funds are available from other agencies and they are transferred to the Finance Office for disbursement by FmHA, these grant funds should be used before FmHA grant funds.

(2) When FmHA is not making a loan and all or a portion of the grant is for construction, the grant will not be closed and funds will not be delivered before construction is completed; except, where State statutes preclude the use of interim financing, the applicant will provide FmHA with an opinion from the State Attorney General to that effect and a statement by the applicant certifying that it has no other resources to pay for

the completion of the construction. In such exceptional cases the State Director will forward his recommendations for fund disbursal and a copy of the State Attorney General's opinion to the National Office for concurrence prior to closing the grant or issuing funds.

* * * * *

(ii) Grantees will be required to submit an audit report prepared in sufficient detail to allow FmHA to determine that grant funds have been used in compliance with the proposal, any applicable laws and regulations, and the grant agreement when grants are closed and funds delivered in accordance with paragraph (e)(2) of this section. Such audit reports should ordinarily be available for review prior to grant closing; however, FmHA may, upon receipt of the grantee's request accompanied by supporting factual data, permit the grantee a period of time up to 90 days to submit the audit report. Audit reports shall be prepared preferably by the State Auditor or at his direction. If this is not practical, audit reports will be prepared by an independent public accountant. An independent public accountant is an independent certified public accountant or an independent liensed public accountant, licensed on or before December 31, 1970, who is certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

* * * * *

(7 U.S.C. 1989; 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).

Dated: February 13, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4640 Filed 2-19-75;8:45 am]

Food and Nutrition Service

[7 CFR Parts 270, 271]

[Amendment No. 53]

FOOD STAMP PROGRAM

Outreach Program

Pursuant to the authority contained in the Food Stamp Act of 1964 (78 Stat. 703, as amended; 7 U.S.C. 2011-2026), notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend Parts 270 and 271 of its regulations governing the operation of the Food Stamp Program, 7 CFR 270 and 271. The proposed amendment would delete the current definition of outreach and require State agencies to take effective outreach action, using a full-time State Outreach Coordinator.

While it is recognized that there is no way to make certain that all eligible households participate in the program inasmuch as participation is a voluntary matter with any household, it is the intent of the amendment that all eligible households be made aware of the existence of the program and its benefits and how they may participate therein if they choose to do so.

Interested parties may submit written comments, suggestions, or objections regarding the proposed amendment to P. Royal Shipp, Director, Food Stamp Division, Food and Nutrition Cervice, U.S. Department of Agriculture, Washington, D.C. 20250, not later than March 21, 1975.

All comments, suggestions, or objections received by this date will be considered before the final regulations are issued.

All written comments, suggestions, or objections will be open to public inspection pursuant to 7 CFR 1.27(b) at the Office of the Director, Food Stamp Division, during regular business hours (8:30 a.m. to 5 p.m.) at 500 12th Street SW., Washington, D.C., Room 650.

The proposed amendment is as follows:

PART 270—GENERAL INFORMATION AND DEFINITIONS

§ 270.2 [Amended]

1. In § 270.2, paragraph (nn) is deleted and reserved.

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

2. In § 271.1, paragraph (k) is amended to read as follows:

§ 271.1 General Terms and Conditions for State agencies.

* * * * *

(k) *Outreach.* Each State agency shall take immediate and functional action (hereafter called "outreach"), pursuant to an outreach plan approved by FNS, using a full-time State Coordinator, other State personnel, and the services provided by federally funded and other agencies and organizations, to inform all low-income households, with due regard to ethnic groups, of the availability and benefits of the Food Stamp Program, and how they may apply to participate.

* * * * *

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

Dated: February 14, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-4641 Filed 2-19-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

RESERVE SAMPLE REQUIREMENT

Reasonable Exceptions

Section 702(b) of the Federal Food, Drug, and Cosmetic Act directs the Secretary, upon request, where a sample of food, drug, or cosmetic is collected for analysis under the act, to provide a part of such sample for examination or analysis by any person named on the label of the article or the owner of the article. The Secretary is, however, authorized by regulations to make "reasonable exceptions" from this requirement as he finds "necessary for the proper administration of the provisions of this Act."

The Commissioner of Food and Drugs has promulgated regulations pursuant to this section, making exceptions which he has deemed reasonable and necessary.

After reexamining the regulation (21 CFR 1.700), the Commissioner concludes that changes in circumstances since its original promulgation make certain revisions both desirable and necessary.

1. A minor addition to § 1.700(b)(1) is proposed to clarify the procedure to be followed if twice the amount of the official sample is unavailable. From the present wording, one could conclude that such unavailability would lead to a total exemption from the reserve sample requirement as regards that sample. The more reasonable approach would be to requre the taking of as large a reserve sample as is reasonably available up to an amount equal to that of the official sample. The Commissioner proposes to add language to paragraph (b)(1) to confirm this preferable procedure.

2. Section 1.700(b)(2) exempts from the reserve sample requirement any article the cost of twice the quantity of which is estimated to exceed $10. Clearly, inflation has made the $10 limitation unreasonable; however, some dollar limitation is necessary to prevent the expending of unreasonably large amounts for the reserve samples. The Commissioner has determined that a reasonable limitation at present would be $50 for twice the cost of any article.

3. The exeception for perishable samples (§ 1.700(b)(3)) should also be clarified by conforming it to the realities of modern technology. Simple perishability has never been and should not now be an excuse for failure to keep a reserve sample unless practicable preservation techniques cannot keep the sample in a state in which it could be meaningfully analyzed. On the other hand, certain radioactive substances might be examples of unpreservable substances which are not "perishable." Also, certain microbiological samples, while they are not strictly-speaking, "perishable," cannot, by any known method, be maintained at the level originally analyzed. The Commissioner, therefore, proposes to amend the exemption for "perishable" articles so that the regulation reflects these facts.

4. Modern practicable preservation techniques have made the exceptions set forth in § 1.700(b)(7) as it presently stands neither reasonable nor necessary. Since a field sample can lead to regulatory action or prosecution and since preservation of a field sample is now often technically practicable, the fact that rapid organoleptic or field analysis is undertaken is, standing alone, not a reasonable basis for an exception. Exceptions for lack of quantity and for

perishability or its equivalent are necessary and should provide ample protection for all in the case of a field sample. Therefore, the Commissioner proposes to delete the first sentence of § 1.700(b)(7).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 702(b), 52 Stat. 1056–1057 as amended; 21 U.S.C. 372(b)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 1.700 by revising the section heading and paragraph (b) to read as follows:

§ 1.700 Reserve samples.

* * * * *

(b) When an officer or employee of the Department collects an official sample of a food, drug, or cosmetic for analysis under the act, he shall collect at least twice the quantity estimated by him to be sufficient for analysis, unless:

(1) The amount of the article available and reasonably accessible for sampling is less than twice the quantity so estimated, in which case he shall collect as much as is available and reasonably accessible.

(2) The cost of twice the quantity so estimated exceeds $50.

(3) The sample cannot by diligent use of practicable preservation techniques available to the Food and Drug Administration at the time and place of collection be kept in a state in which it could be readily and meaningfully analyzed in the same manner and for the same purposes as the Food and Drug Administration's analysis.

(4) The sample is collected from a shipment or other lot which is being imported or offered for import into the United States.

(5) The sample is collected from a person named on the label of the article or his agent, and such person is also the owner of the article.

(6) The sample is collected from the owner of the article, or his agent, and such article bears no label or, if it bears a label, no person is named thereon.

In addition to the quantity of sample set forth in this paragraph, the officer or employee shall, if practicable, collect such further amount as he estimates will be sufficient for use as trial exhibits.

* * * * *

Interested persons may, on or before April 21, 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: February 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4590 Filed 2-19-75;8:45 am]

[21 CFR Part 640]

NORMAL SERUM ALBUMIN (HUMAN) AND PLASMA PROTEIN FRACTION (HUMAN)

Proposed Additional Standards

As published in the FEDERAL REGISTER of June 24, 1972 (37 FR 12505 and 37 FR 12506), the Director of the National Institutes of Health proposed additional standards of safety, purity and potency for Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) which are biological products subject to licensure pursuant to section 351 of the Public Health Service Act. Additional standards are specific requirements pertaining to the manufacture of a particular biologic product and supplement the general biologics regulations applicable to the manufacture of all biological products. Normal serum albumin and plasma protein fraction are similar in composition and use. They are both blood derivatives obtained through fractionation of human blood plasma. Both products are administered to burn victims to combat loss of liquids and sodium and are also useful in treatment of shock due to trauma. In addition, these products are useful in replacing deficient plasma proteins in hypoproteinemic individuals.

Shortly after publication of the proposed standards under Title 42 of the Code of Federal Regulations, the Division of Biologics Standards, National Institutes of Health, was transferred to the Food and Drug Administration where it is now the Bureau of Biologics. The Commissioner of Food and Drugs is now charged with administering and enforcing section 351 of the Public Health Service Act. Correspondingly, regulations for these products are now published in Title 21 of the Code of Federal Regulations along with other regulations enforced by the Food and Drug Administration.

Since initial publication of the proposed standards in June 1972, several incidents of adverse reactions, including septicemia and hepatitis, involving fractionated plasma have been reported to the Bureau of Biologics. The Commissioner has concluded, after a thorough investigation of these adverse reactions and review of pertinent manufacturing procedures for fractionated plasma products, that the standards first proposed for normal serum albumin and plasma protein fraction in June 1972 must be strengthened to provide increased protection to the public. In addition, more than 2 years have passed since the original proposals were published and in that time changes in manufacturing techniques have taken place and there have evolved new concepts concerning the significance and reliability of some testing procedures based upon the availability of new instrumentation. Therefore, the Commissioner has made substantive revisions in some sections of the 1972 proposal and is publishing the standards again as proposals. Since normal serum albumin and plasma protein fraction are similar in many respects, the Commissioner has decided to repropose the additional standards together to eliminate the repetitive recitation of comments necessitated by separate publication.

Fifteen comments concerning the first proposal for Normal Serum Albumin (Human) and six comments concerning the first proposal for Plasma Protein Fraction (Human) were received from manufacturers and interested parties. These comments have been carefully evaluated and most have been accepted in part or in their entirety and are now incorporated into this proposal. Since there will be a full and complete comment period for this new proposal, the Commissioner believes that there would be little value in discussing the previous comments in great detail. Therefore, the Commissioner will discuss only very briefly those substantive comments received in conjunction with the 1972 proposal. In addition, the new provisions which have been added to increase protection to the public will be highlighted in this preamble.

In the following paragraphs, the section numbers for Normal Serum Albumin (Human) are listed first, those for Plasma Protein Fraction (Human) listed second. Where the items discussed apply to both products, the word "product" is used rather than repeating both product names. Where a comment applies to only one product, the product will be named.

A. The following suggestions have been accepted by the Commissioner and have been incorporated into the new proposal:

1. The original proposals required that the source material for the product be stored in a manner to prevent contamination by micro-organisms, pyrogens, and other impurities. The Commissioner recognizes the validity of the comment that source materials may be subject to contamination during transportation as well as during storage, and therefore has revised §§ 640.80(b)(4) and 640.90(b)(4) to add the requirement that the source material be transported, as well as stored, in a manner designed to prevent such contamination.

2. The original proposals would have established that the date of manufacture be the date of placing the product into solution. The Commissioner agrees with the suggestion that it would be more precise to state that the date of manufacture shall be the date of placing the product powder or concentrate into solution. Therefore §§ 640.81(a) and 640.91(a) are revised accordingly.

3. The requirement in the original proposals that "all processing steps shall be conducted in a manner designed to prevent contamination with either micro-organisms or other deleterious matter" has been revised in §§ 640.81(c) and 640.91(c) to read, "all processing

steps shall be conducted in a manner to minimize the risk of contamination from either micro-organisms or other deleterious matter." The Commissioner has made this revision in light of the suggestion that the former wording could be interpreted to mean that only a completely closed, sterile system could be used throughout the processing, which is not feasible in view of the large volume of product that is made and the many processing steps involved.

4. The original proposals stated that all forms of bulk product fractions may be stored prior to further processing, provided they are stored in clearly identified and hermetically closed vessels at a temperature of −10° C or lower. Several comments suggested that bulk freeze-dried products could be stored safely at 5° C or colder, and that bulk liquid concentrates could be safely stored at −5° C, which is the commonly accepted storage temperature for such liquid biological products. Several comments further suggested that it was unnecessary to store bulk products in hermetically closed containers.

The Commissioner has adopted the suggested storage temperatures for the different forms of the bulk products because he believes that these temperatures will ensure the integrity of the final products. He further believes that a hermetic closure is not necessary for a storage container of bulk material, inasmuch as it will be sterile-filtered prior to filling into final containers. Therefore §§ 640.81(d) and 640.91(d) are revised to permit two different storage temperatures for bulk products stored in closed containers.

5. The content of the final product for Normal Serum Albumin (Human) in § 640.82(a) is expressed in percentage of protein present, rather than in percentage of albumin present as originally proposed, since the concentration in question is the total protein content and not the albumin content. The albumin concentration, which is required to be 96 percent of the total protein concentration, is discussed in § 640.82(b).

6. Due to the development of equivalent methods, it is proposed that the protein composition of the products in §§ 640.82(b) and 640.92(b) may be determined by any method that has been approved by the Director, Bureau of Biologics, rather than being limited solely to the moving boundary electrophoresis method as stated in the original proposals.

7. The original proposal stated that the sodium content of Normal Serum Albumin (Human) shall be 100 to 160 milliequivalents per liter. A comment objected to establishing a lower limit of sodium content for the 25 percent albumin, suggesting that it be removed. In light of the fluid drawing properties of both protein and salt, sound medical practice often justifies administration of albumin which contains only small amounts of a salt component. Therefore, in revised § 640.82(d) the Commissioner has eliminated the lower limit of 100 milliequivalents per liter of sodium for the 25 percent solution, as originally proposed, and retained only the upper limit of 160 milliequivalents per liter. In addition, a sodium content level of 130 to 160 milliequivalents per liter has been proposed for the 5 percent albumin to assure that it will be in the normal isotonic range for blood.

8. The original proposals required that the sterile bulk solution of the product be kept at a temperature not above 5° C before filling into final containers. However, a provision has been added to §§ 640.83(b) and 640.93(b) in this reproposal to permit the bulk product to reach ambient temperature immediately prior to filling. This revision is made as a result of a comment which suggested that permitting the product to reach ambient temperature would allow time for some degassing before the filling operation. Such degassing may tend to prevent foaming in the filling line, which if not prevented, could result in a lack of uniformity in the volume of the filled final containers.

9. The original proposal for Normal Serum Albumin (Human) required that the type of source material, expressed as venous blood or placentas, appear on the final container label. Four manufacturers objected to the provision because it: (a) Presumed that there is a significant distinction in the final products produced from these two sources, (b) appeared to place a stigma on placentas as a source of albumin, and (c) presented a problem in that there would not be sufficient space on the label of 20- and 50-milliliter vials to include such information in type of legible size.

The Commissioner concurs that there is no significant difference between albumins prepared from placental or venous plasma, and therefore there is no reason to place a stigma on placentas as a source of albumin. However, the Commissioner does believe that information regarding the source of the product should be available to the physician when treating a patient to provide a complete medical history for further treatment or testing. Therefore, § 640.84 (b), as reproposed has been revised to require that the source material be listed on the package or container label or in the package insert.

10. In response to comments that 200 milliliters was an unnecessarily large amount of product for test purposes, it is proposed that the volume of the final product to be submitted to the Bureau of Biologics for testing before release be 100 milliliters, as set forth in §§ 640.85(a) and 640.95(a). It is required, however, that the product be divided equally into at least two final containers, and packaged as for distribution. The two containers are required so that samples for sterility and pyrogen testing may be withdrawn from an unopened container so as not to compromise the test when performed at the Bureau of Biologics, Food and Drug Administration, prior to release of the product. The final containers may be of any size and number, provided the total volume of product is 100 milliliters.

B. The following suggestions concerning the original 1972 proposals were rejected by the Commissioner:

1. One manufacturer suggested that placental blood be included as source material for Plasma Protein Fraction (Human).

Since there is no satisfactory evidence that placental blood is an appropriate source for the manufacture of Plasma Protein Fraction (Human), the regulations cannot be so revised at this time. When and if sufficient data is submitted to the Food and Drug Administration establishing its suitability as source material, the regulations will be amended. Until that time, however, it is proposed that the use of placental blood be permissible only pursuant to § 640.96 *Equivalent methods*, and then only if sufficient evidence for its use is presented and approved by the Director, Bureau of Biologics, Food and Drug Administration.

2. Two comments suggested that the heating time required in processing the product, §§ 640.81(e) and 640.91(e), be established at "not less than 10 hours," rather than the originally proposed requirement of "heating for 10 hours."

The Commissioner rejects this suggestion, since it implies that unlimited reheatings of the product would be acceptable, which is not the case, for they may compromise the integrity of the product.

3. Two comments, concerning §§ 640.82 (f) and 640.92(f), suggested the use of an instrument, such as the nephelometer, in determining whether or not the product remained unchanged after heating at 57° C for 50 hours, on the grounds that such an instrument is more objective than visual examination.

The scientific literature, however, indicates that a nephelometric reading has limited significance and reliability in clinical evaluation of the safety and efficacy of the product. Therefore, the Commissioner does not propose to require that a nephelometer be used in determining the presence of turbidity after heating, but he does believe that it may be a valuable additional check in quality assurance, and encourages manufacturers to continue its use where appropriate.

C. The following revisions or additions have been made in the reproposed regulations as a result of the Commissioner's determination that the standards should be strengthened to lessen the possibility of adverse reactions.

1. The Commissioner proposes that the final product should be heated for 10 hours at 60° C in the final containers, rather than in bulk. This heating, following all processing steps, is required to minimize the risk of bacterial contamination that may occur in the filling step, and to inactivate any hepatitis B virus which may be present. Therefore, §§ 640.81(e) and 640.91(e) have been revised accordingly.

2. A comment regarding the original proposals suggested that a provision should be included to require that the product in final containers be free of turbidity after being held for a period of at least 1 week at 18° to 35° C.

The Commissioner agrees with the suggestion that an additional check on sterility is warranted and has, therefore, adopted the substance of the suggestion. He has also proposed additional requirements, which he believes will result in the production of a safer product, and has combined these in a new paragraph (g) *Incubation* which has been added to each additional standard in §§ 640.81 and 640.91. The substance of this new provision is to provide for a 21-day incubation period at 20° to 25° C, after which each final container must be examined for turbidity and possible microbial contamination.

The temperature of 20° to 25° C has been designated because most microbial contaminants grow well in this temperature range, while the incubation period has been set at 21 days to enhance the development of visible growth in contaminated bottles.

3. A survey of manufacturing practices and quality control testing of fractionated plasma products conducted by the Bureau of Biologics in the fall of 1973 revealed poor manufacturing practices, including the inadequate evaluation of vials demonstrating turbidity. As a result of this study, the Commissioner believes that more detailed information regarding processing is essential to enable the Bureau to effectively evaluate each lot prior to release.

Therefore, he proposes to require in §§ 640.85 and 640.95 that samples and protocols be submitted for each filing of each lot, rather than for just each lot as required in the original proposals, and that protocols contain specific production information such as the lot numbers of all in-process bulk lots used to prepare the final bulk lot, including a description of any reprocessing performed on in-process bulk material; a description of any reprocessing performed on final bulk or final container material before packaging; the results of all required quality control tests, including initial and repeat tests performed on bulk and final container material; a description of any nonrequired heating steps on final container or bulk material, including the reasons for and the results obtained from such heating; the total number of vials filled and the fill volume of the vials; and the total number of rejected filled vials, including the vials rejected for turbidity and the results of the tests performed on the turbid vials.

Pertinent background data and information on which the Commissioner relies in proposing these regulations are on public display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 640 by adding new Subparts H and I as follows:

Subpart H—Normal Serum Albumin (Human)

Sec.
640.80 Normal Serum Albumin (Human).
640.81 Processing.
640.82 Tests on final product.
640.83 General requirements.
640.84 Labeling.
640.85 Samples; protocols; official release.
640.86 Equivalent methods.

Subpart H—Normal Serum Albumin (Human)

§ 640.80 Normal Serum Albumin (Human).

(a) *Proper name and definition.* The proper name of the product shall be Normal Serum Albumin (Human). The product is defined as a sterile solution of the albumin component of human blood.

(b) *Source material.* The source material of Normal Serum Albumin (Human) shall be blood, plasma, serum or placentas from human donors determined at the time of donation to have been free from disease-causative agents that are not destroyed or removed by the processing method, as determined by the medical history of the donor and from such physical examination and clinical tests as may appear necessary for each donor at the time the blood was obtained. Where source material is a licensed product for which additional standards are effective, the requirements of those additional standards shall determine the propriety of the source material for use in the production of Normal Serum Albumin (Human). Where no additional standards are effective with respect to source material for the production of Normal Serum Albumin (Human), such source material shall:

(1) Be collected by a procedure approved by the Director, Bureau of Biologics, Food and Drug Administration, which is designed to assure the integrity of the source material and to minimize risk to contamination;

(2) Be identified to accurately relate it to the individual donor and the dates of collection;

(3) Not contain a preservative; and

(4) Be stored and transported in a manner designed to prevent contamination by microorganisms, pyrogens, or other impurities.

(c) *Additives in source material.* Source material shall not contain an additive unless it is shown that the processing method yields a final product free of the additives to such extent that the continued safety, purity, and potency of the final product will not be adversely affected.

§ 640.81 Processing.

(a) *Date of manufacture.* The date of manufacture shall be the date of placing the albumin powder or concentrate into solution.

(b) *Processing method.* The processing method shall not affect the integrity of the product, and shall have been shown to consistently yield a product which is safe for intravenous injection.

(c) *Microbial contamination.* All processing steps shall be conducted in a manner to minimize the risk of contamination from either microorganisms or other deleterious matter. Preservatives to inhibit growth of microorganisms shall not be used during processing.

(d) *Storage of bulk fraction.* Bulk liquid concentrate to be held more than 1 week prior to further processing shall be stored in clearly identified closed vessels at a temperature of −5° C or colder. Any other bulk form of the product, to be held more than 1 week prior to further processing, such as freeze-dried powder, shall be stored in clearly identified closed vessels at a temperature of 5° C or colder.

(e) *Heat treatment.* The product in solution shall be heated in the final containers, within 4 hours of completing filling, at an attained temperature of 60° C±0.5° C for 10 hours.

(f) *Stabilizer.* Either 0.16 millimole sodium acetyltryptophanate, or 0.08 millimole sodium acetyltryptophanate and 0.08 millimole sodium caprylate shall be added per gram of albumin as a stabilizer.

(g) *Incubation.* All final containers of liquid Normal Serum Albumin (Human) shall be stored at 20° to 25° C for at least 21 days following heat treatment at 60° C for 10 hours, as required by § 640.81(e). At the end of this incubation period, each final container shall be examined and all containers showing any indication of turbidity or microbial contamination shall not be issued. The contents of turbid final containers shall be examined microscopically and tested for sterility. If growth occurs, the types of organisms shall be identified, and the material from such containers shall not be used for further manufacturing.

§ 640.82 Tests on final product.

Tests shall be performed on the final product to determine that it meets the following standards:

(a) *Protein content.* The final product shall be either a 25±1.5 percent or a 5.0±0.3 percent solution of protein.

(b) *Protein composition.* At least 96 percent of the total protein in the final product shall be albumin, as determined by a method that has been approved for each manufacturer by the Director, Bureau of Biologics, Food and Drug Administration.

(c) *Hydrogen ion concentration.* The pH shall be 6.9±0.5 when measured in a solution of the final product diluted with 0.15 molar sodium chloride to contain 1 percent protein.

(d) *Sodium content.* The sodium content of the final product containing 25 percent protein shall not exceed 160 milliequivalents per liter. The sodium content of the final product containing 5 percent protein shall be 130 to 160 milliequivalents per liter.

(e) *Heme content.* The absorbance at 403 nanometers of a solution of the final product, diluted to contain 1 percent protein in a cell with a 1-centimeter light path, shall not exceed 0.25.

(f) *Heat stability.* A final container sample of Normal Serum Albumin (Human) shall remain unchanged, as determined by visual inspection, after heating at 57° C for 50 hours, when compared to another unheated control sample.

§ 640.83 General requirements.

(a) *Preservative.* The final product shall not contain a preservative.

(b) *Storage of bulk solution.* After all processing steps have been completed, sterile bulk solution shall be kept at a temperature of 5° C or colder before filling into final containers, except that the bulk solution may be allowed to reach ambient temperature immediately before filling.

§ 640.84 Labeling.

In addition to the labeling requirements of §§ 610.60, 610.61, and 610.62 of this chapter,

(a) The container and package labels shall contain the following information:

(1) The osmotic equivalent in terms of plasma;

(2) The caution "Do not use if turbid" placed in a prominent position on the label;

(3) The need for additional fluids when 25 percent albumin is administered to a patient with marked dehydration;

(4) The albumin content, expressed as either a 5 percent or a 25 percent solution;

(b) The type of source material, expressed as venous plasma, placental plasma, or both, used to manufacture the product shall appear on either the container or package label or in the package insert.

§ 640.85 Samples; protocols; official release.

From each filling of each lot of Normal Serum Albumin (Human), the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Building 29A, 8800 Rockville Pike, Bethesda, MD 20014:

(a) A sample consisting of no less than 100 milliliters of product filled in equal volumes in at least two final containers packaged as for distribution.

(b) A protocol which consists of a complete summary of the history of manufacture of each filling, including the following items:

(1) The lot numbers of all in-process bulk lots used to prepare the final bulk lot, including a description of any reprocessing performed on in-process bulk material.

(2) A description of any reprocessing performed on final bulk or final container material before packaging.

(3) The results of all required tests, including initial and repeat tests performed on bulk and final container material.

(4) A description of any heating steps on final container material other than as required in § 640.81(e), or performed on bulk material, including the reasons for the heating and the results obtained from such heating.

(5) The total number of vials filled and the fill volume of the vials and, if more than one fill volume is used, the total number of vials filled for each fill volume.

(6) The total number of rejected filled vials, including the vials rejected for turbidity and the results of the tests performed on the turbid vials.

(c) Normal Serum Albumin (Human) shall not be issued by the manufacturer until written notification of official release is received from the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.86 Equivalent methods.

Modification of any particular manufacturing method or process, or the conditions under which it is conducted, as set forth in these additional standards for Normal Serum Albumin (Human), shall be permitted only upon the submission by the manufacturer to the Director, Bureau of Biologics, Food and Drug Administration, of substantial evidence demonstrating that the modification will assure the continued safety, purity and potency of Normal Serum Albumin (Human) to an extent equal to or greater than the methods or processes provided in §§ 640.80 through 640.85, and the equivalent method has received the written approval of the Director, Bureau of Biologics, Food and Drug Administration.

Subpart I—Plasma Protein Fraction (Human)

Sec.

Subpart I—Plasma Protein Fraction (Human)

§ 640.90 Plasma Protein Fraction (Human).

(a) *Proper name and definition.* The proper name of the product shall be Plasma Protein Fraction (Human). The product is defined as a sterile solution of protein composed of albumin and globulin, derived from human blood.

(b) *Source material.* The source material of Plasma Protein Fraction (Human) shall be blood, plasma, or serum from human donors determined at the time of donation to have been free from disease-causative agents that are not destroyed or removed by the processing method, as determined by the medical history of the donor and from such physical examination and clinical tests as may appear necessary for each donor at the time the blood was obtained. Where source material is a licensed product for which additional standards are effective, the requirements of those additional standards shall determine the propriety of the material for use in the production of Plasma Protein Fraction (Human). Where no additional standards are effective with respect to source material for the production of Plasma Protein Fraction (Human), such source material shall:

(1) Be collected by a procedure approved by the Director, Bureau of Biologics, Food and Drug Administration, which is designed to assure the integrity of the source material and to minimize risk of contamination.

(2) Be identified to accurately relate it to the individual donor and the dates of collection;

(3) Not contain a preservative; and

(4) Be stored and transported in a manner designed to prevent contamination by microorganisms, pyrogens, or other impurities.

(c) *Additives in source material.* Source material shall not contain an additive unless it is shown that the processing method yields a final product free of the additives to such extent that the continued safety, purity, and potency of the final product will not be adversely affected.

§ 640.91 Processing.

(a) *Date of manufacture.* The date of manufacture shall be the date of placing the plasma protein fraction powder or concentrate into solution.

(b) *Processing method.* The processing method shall not affect the integrity of the product, and shall have been shown to consistently yield a product which:

(1) Does not show more than a 5 percent increase in the components having an electrophoretic mobility similar to that of alpha globulin, after heating at 60° C for 10 hours;

(2) Contains less than 5 percent protein with a sedimentation coefficient greater than 7.0 S;

(3) Is safe for intravenous injection;

(c) *Microbial contamination.* All processing steps shall be conducted in a manner to minimize the risk of contamination from either microorganisms or other deleterious matter. Preservatives to inhibit growth of microorganisms shall not be used during processing.

(d) *Storage of bulk fraction.* Bulk liquid concentrate to be held more than 1 week prior to further processing shall be stored in clearly identified closed vessels at a temperature of −5° C or colder. Any other bulk form of the product to be held more than 1 week prior to further processing, such as freeze dried powder, shall be stored in clearly identified closed vessels at a temperature of 5° C or colder.

(e) *Heat treatment.* The product in solution shall be heated in the final containers, within 4 hours of completing filling, at an attained temperature of 60° C ±0.5° C for 10 hours.

(f) *Stabilizer.* Either 0.16 millimole sodium acetyltroptophanate, or 0.08 millimole sodium acetyltryptophanate and 0.08 millimole sodium caprylate shall be added per gram of plasma protein fraction as a stabilizer.

(g) *Incubation.* All final containers of liquid Plasma Protein Fraction (Human) shall be stored at 20° to 25° C for at least 21 days following heat treatment at 60° C for 10 hours, as required by § 640.91

(e). At the end of this incubation period, each final container shall be examined and all containers showing any indication of turbidity or microbial contamination shall not be issued. The contents of turbid final containers shall be examined microscopically and tested for sterility. If growth occurs, the types of organisms shall be identified and the material from such containers shall not be used for further manufacturing.

§ 640.92 Tests on final product.

Tests shall be performed on the final product to determine that it meets the following standards:

(a) *Protein content.* The final product shall be a 5.0 ±0.3 percent solution of protein.

(b) *Protein composition.* The total protein in the final product shall consist of at least 83 percent albumin, and no more than 17 percent globulins. Of the globulins, no more than 1 percent shall be gamma globulin. The protein composition shall be determined by a method that has been approved for each manufacturer by the Director, Bureau of Biologics, Food and Drug Administration.

(c) *Hydrogen ion concentration.* The pH shall be 7.0±0.3 when measured in a solution of the final product diluted with 0.15 molar sodium chloride to contain 1 percent protein.

(d) *Sodium content.* The sodium content of the final product shall be 100 to 160 milliequivalents per liter.

(e) *Heme content.* The absorbance at 403 nanometers of a solution of the final product diluted to contain 1 percent protein in a cell with a 1-centimeter light path shall not exceed 0.25.

(f) *Heat stability.* A final container sample of Plasma Protein Fraction (Human) shall remain unchanged, as determined by visual inspection, after heating at 57° C for 50 hours, when compared to another unheated control sample.

(g) *Potassium content.* The potassium content of the final product shall not exceed 2 milliequivalents per liter.

§ 640.93 General requirements.

(a) *Preservative.* The final product shall not contain a preservative.

(b) *Storage of bulk solution.* After all processing steps have been completed, sterile bulk solution shall be kept at a temperature of 5° C or colder before filling into final containers, except that the bulk solution may be allowed to reach ambient temperature immediately before filling.

§ 640.94 Labeling.

In addition to the labeling requirements of §§ 610.60, 610.61 and 610.62 of this chapter, the container and package labels shall contain the following information:

(a) The osmotic equivalent in terms of plasma.

(b) The caution "Do not use if turbid" placed in a prominent position on the label.

§ 640.95 Samples; protocols; official release.

For each filling of each lot of Plasma Protein Fraction (Human), the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Building 29A, 8800 Rockville Pike, Bethesda, MD 20014:

(a) A sample consisting of no less than 100 milliliters of product filled in equal volumes in at least two final containers packaged as for distribution.

(b) A protocol which consists of a complete summary of the history of manufacture of each filling, including the following items:

(1) The lot numbers of all in-process bulk lots used to prepare the final bulk lot, including a description of any reprocessing performed on in-process bulk material.

(2) A description of any reprocessing perfomed on final bulk or final container material before packaging.

(3) The results of all required tests, including initial and repeat tests performed on bulk and final container material.

(4) A description of any heating steps on final container material other than as required in § 640.91(e), or performed on bulk material, including the reasons for the heating and the results obtained from such heating.

(5) The total number of vials filled and the fill volume of the vials and, if more than one fill volume is used, the total number of vials filled for each fill volume.

(6) The total number of rejected filled vials, including the vials rejected for turbidity and the results of the tests performed on the turbid vials.

(c) Plasma Protein Fraction (Human) shall not be issued by the manufacturer until written notification of official release is received from the Director, Bureau of Biologics, Food and Drug Administration.

§ 640.96 Equivalent methods.

Modification of any particular manufacturing method or process, or the conditions under which it is conducted, as set forth in the additional standards for Plasma Protein Fraction (Human), shall be permitted only upon the submission by the manufacturer to the Director, Bureau of Biologics, Food and Drug Administration, of substantial evidence demonstrating that the modification will assure the safety, purity, and potency of Plasma Protein Fraction (Human) to an extent equal to, or greater than, the methods or processes provided in §§ 640.90 through 640.95, and the equivalent method has received the written approval of the Director, Bureau of Biologics, Food and Drug Administration.

Interested persons may, on or before April 21, 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: February 13, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-4593 Filed 2-19-75;8:45 am]

Public Health Service

[42 CFR Part 32]

MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

Clarifying Authority to Procure Services

Notice is hereby given that the Assistant Secretary for Health with the approval of the Secretary of Health, Education, and Welfare proposes to revise, clarify and amend Part 32, title 42, Code of Federal Regulations as set out below.

Primarily, the amendments clarify existing authority to procure necessary services through non-Federal medical and hospital facilities in support of available Federal medical facilities for the care of primary beneficiaries of the Service and to conform the regulations to prevailing practice. Other changes are in the nature of changing nomenclature, of incorporating legislative enactments of recent years, and of eliminating obsolete phraseology, among them the substitution of "Hansen's disease" for the term "leprosy." No change in the level and range of services provided to primary beneficiaries on January 1, 1973, required to be maintained by section 818, Pub. L. 93-155, is effected by these revisions.

Specifically, the proposed changes are as follows: Section 32.1 as revised removes obsolete terms such as First, Second, Third and Fourth class stations and substitutes "Secretary" for "Surgeon General" pursuant to Reorganization Plan No. 3 of 1966 which transferred the authorities, functions and duties of the Surgeon General to the Secretary. Section 32.6 would delete obsolete reference in (a)(2) thereof to a defunct organization, the War Shipping Administration, add "(8) Seamen-trainees" who were made eligible for medical benefits by section 10 of Pub. L. 90-174, eliminate the old subparagraph (8) pertaining to field employees of the Public Health Service in accordance with section 10 of Pub. L. 90-174, and correct the reference in (c)(4) to the Federal Employees' Compensation Act. Sections 32.14 and 32.17 increase to 180 days the period of time within which there must be 60 days of service for purposes of eligibility. Minor procedural modifications for compatibility with present field organization authorizing points are made in §§ 32.11-23. Sections 32.22, 32.41, 32.64 and 32.116 of the old regulations would be deleted as obsolete. Section 32.46 would combine old §§ 32.46, 32.51 and 32.56 without substantive

change. Sections 32.86–90 referring to Hansen's disease have been completely rewritten and unused and unneeded authorities deleted. A new section providing for reconsideration of determinations of eligibility would be added as section 32.22. Sections 32.57 and 32.76 would remain unchanged. Sections 32.61, 32.63, 32.65, 32.106 and 32.111 would be simplified for clarity with no substantive change. Section 32.62 would eliminate obsolete procedural requirements and organizational entities. It is proposed that these regulations will become effective upon republication in the FEDERAL REGISTER.

Interested persons are invited to submit written comments, suggestions, or objections regarding the revised 42 CFR Part 32 to the Director, Division of Hospitals and Clinics, Bureau of Medical Services, Federal Center Building 3, Prince Georges Center, 6525 Belcrest Road, Hyattsville, Maryland 20782. Comments will be available for public inspection in room 1110, Federal Center Building 3, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday. All comments received by March 24, 1975, will be considered.

It is therefore proposed to issue a revised Part 32 of Title 42 as set forth below.

Dated: January 30, 1975.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: February 14, 1975.

CASPAR W. WEINBERGER,
Secretary.

Part 32 of Chapter I of Title 42 of the Code of Federal Regulations is revised to read as follows:

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

AUTHORITY: Sec. 2, 321, 322, 58 Stat. 682, 695, 696 as amended; 42 U.S.C. 2, 248, 249. Sec. 32.86 to 32.90 issued under sec. 331 and 332, 58 Stat. 696, 698 as amended; 42 U.S.C. 255, 256.

DEFINITIONS

§ 32.1 Meaning of terms.

All terms not defined herein shall have the same meaning as given them in the Act.

(a) "Act" means the Public Health Service Act, approved July 1, 1944, 58 Stat. 682, as amended;

(b) "Service" means the Public Health Service;

(c) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may have been delegated.

(d) "Seamen" includes any person employed on board in the care, preservation, or navigation of any vessel, or in the service, on board, of those engaged in such care, preservation, or navigation, but does not include the owner or joint owners of a vessel or the spouse of any such owner, except owner-operators as described in § 32.6(a)(12);

(e) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, exclusive of aircraft and amphibious contrivances;

(f) "Authorizing Official" means Service officers or employees duly designated by the Director, Division of Hospitals and Clinics to authorize and provide care and treatment to beneficiaries at Service expense;

(g) "Active Duty," with respect to an enrollee of the United States Maritime Service, means that the enrollee is on the active list of that service, as distinguished from being on inactive status, and includes absence on authorized leave or liberty;

(h) "Commercial fishing operations" means the gathering of any form of either fresh water or marine animal life for sale on a commercial basis through available markets.

(Sec. 2, 321, 58 Stat. 682, as amended, 695, as amended; 42 U.S.C. 201, 248).

BENEFICIARIES

§ 32.6 Persons eligible.

(a) Under this part the following persons are entitled to care and treatment by the Service as hereinafter prescribed:

(1) Seamen employed on vessels of the United States registered, enrolled, or licensed under the maritime laws thereof, other than canal boats engaged in the coasting trade, hereinafter designated as American seamen;

(2) Seamen employed on United States or foreign flag vessels as employees of the United States;

(3) Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships or on vessels of the United States Government of more than five tons burden;

(4) Seamen on vessels of the Mississippi River Commission;

(5) Officers and crew members of vessels of the Fish and Wildlife Service;

(6) Enrollees in the United States Maritime Service on active duty and members of the Merchant Marine Cadet Corps;

(7) Cadets at State maritime academies or on State training ships;

(8) Seamen-trainees while participating in maritime training programs to develop or enhance their employability in the maritime industry;

(9) Persons afflicted with Hansen's disease;

(10) Seamen on foreign flag vessels other than those seamen employed on foreign flag vessels specified in subparagraph (2) of this paragraph;

(11) Non-beneficiaries for temporary treatment and care in case of emergency;

(12) Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations.

(b) Separate regulations govern: (1) The medical care of certain personnel, and their dependents, of the Coast Guard, National Oceanic and Atmospheric Administration and Public Health Service (see Part 31 of this chapter); (2) physical and mental examinations of aliens (see Part 34 of this chapter); (3) physical and mental examinations of aliens (see Part 34 of this chapter); and (4) Medical Care for Indians. (See Part 36 of this chapter.)

(c) While regulations of the Public Health Service are not required with respect thereto, circular instructions by the Service cover the care and treatment or physical examination of the following:

(1) Persons not otherwise eligible for treatment for purposes of study;

(2) Persons detained in accordance with quarantine laws;

(3) Persons detained by the Immigration and Naturalization Service, for treatment at the request of that Service;

(4) Persons entitled to treatment under the Federal Employees' Compensation Act and extensions thereof;

(5) Beneficiaries of other Federal agencies on a reimbursable basis;

(6) Medical examinations of;

(i) Employees of the Alaska Railroad and employees of the Federal Government for retirement purposes;

(ii) Employees in the Federal classified service, and applicants for appointment, as requested by the Civil Service Commission for the purpose of promoting health and efficiency;

(iii) Seamen for purposes of qualifying for certificates of service; and

(iv) Employees eligible for benefits under the Longshoremen's and Harbor Workers' Compensation Act, as amended as requested by any deputy commissioner thereunder.

AMERICAN SEAMEN

§ 32.11 Scope of benefits.

(a) American seamen (hereinafter referred to in §§ 32.11 to 32.23, inclusive, as seamen) shall, on presenting evidence of eligibility, be entitled to medical, surgical, and dental treatment or hospitalization at medical care facilities operated by the Service or in accordance with these regulations, at Service contract medical facilities at the expense of the Service.

(b) Where medical facilities of the Service are not available, medical care and services may be obtained from contract medical providers designated by the Service. Expenses for medical care and services obtained from non-Service providers or in non-Service facilities not arranged for by the Service in behalf of seamen is not an obligation of the Service and will not be paid.

§ 32.12 Provision of services.

(a) When a seaman requires medical, surgical and dental treatment or hospitalization which the Service is unable to provide in the local Service operated facility, or in the case of an emergency, arrangements for such medical, surgical, and dental treatment or hospitalization at the expense of the Service shall be made by an authorizing official.

(b) If eligibility cannot be established at the time of application by the seaman or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) The authorizing official shall keep himself informed regarding the progress of the case in order that treatment or hospitalization shall not be unnecessarily prolonged.

§ 32.13 Application for treatment.

(a) In nonemergency cases, a sick or disabled seaman, in order to obtain the benefits of the Service, must apply in person, or by proxy if too sick to do so, to an authorizing official as specified in § 32.12, and must furnish satisfactory evidence of his eligibility for such benefits.

(b) In emergency cases, a sick or disabled seaman shall, upon admission for such condition or as soon thereafter as is practicable under the circumstances, either personally or by proxy, notify the nearest authorizing official of the fact of such admission and treatment and shall furnish appropriate identification and satisfactory evidence of eligibility for such benefits.

§ 32.14 Evidence of eligibility.

(a) As evidence of his eligibility a seaman must present a properly executed master's certificate, or a continuous discharge book, or a certificate of discharge, showing that he has been employed on a registered, enrolled, or licensed vessel of the United States. The certificate of the owner or accredited commercial agent of a vessel as to the facts of the employment of any seaman on said vessel may be accepted in lieu of the master's certificate where the latter is not procurable. When an applicant cannot furnish any of the foregoing documents, his certification as to the facts of his most recent (including his last) employment as a seaman, stating names of vessels and dates of service, may be accepted as evidence in support of his eligibility. Documentary evidence of eligibility, excepting continuous discharge books and certificates of discharge, shall be filed at the medical care facility of the Service where application is made. Where continuous discharge books and certificates of discharge are submitted as evidence of eligibility, the pertinent information shall be abstracted therefrom, certified by the officer accepting the application, and filed at the station.

(b) Except as otherwise provided in §§ 32.11 to 32.23, inclusive, documentary evidence of eligibility must show that the applicant has been employed for 60 days of continuous service on a registered, enrolled, or licensed vessel of the United States, a part of which time must have been during the 180 days immediately preceding application for relief. There may be included as a part of such 60 days of continuous service as a seaman time spent in training as (1) an active duty enrollee in the United States Maritime Service, (2) a member of the Merchant Marine Cadet Corps, (3) a cadet at a State maritime academy, or (4) a cadet on a State training ship. The phrase "60 days of continuous service" shall not be held to exclude seamen whose papers show brief intermissions between short services that aggregate the required 60 days: Provided, that any such intermission does not exceed 60 days. The time during which a seaman has been treated as a patient of the Service shall not be considered as absence from the vessel in determining eligibility. When the seamen's service on his last vessel is less than 60 days, his oath or affirmation as to previous service may be accepted.

§ 32.15 Sickness or injury while employed.

A seaman taken sick or injured on board or ashore when actually employed on a vessel shall be entitled to care and treatment without regard to length of service.

§ 32.16 Seamen from wrecked vessels.

Seamen taken from wrecked vessels of the United States and returned to the United States, if sick or disabled at the time of their arrival in the United States, shall be entitled to care and treatment without regard to length of service.

§ 32.17 Lapse of more than 180 days since last service.

(a) Where more than 180 days have elapsed since an applicant's last service as a seaman, he will no longer be eligible for benefits from the Service: *Provided*, That if he can show that he has not definitely changed his occupation, such period of time shall not exclude him from receiving care and treatment (1) if due in whole or in part to closure of navigation or economic conditions resulting in decreased shipping with consequent lack of opportunity to ship; or (2) if he provides satisfactory evidence that he has been under continuous medical supervision and treatment at other than Service expense for a condition which occurred or arose during any period of treatment at a Service facility or at Service expense.

(b) Where a seaman receives care and treatment by the Service or at Service expense during a period of eligibility for a condition or illness which requires, in the opinion of the attending physician, continuing and recurring care and treatment on a regular and frequent basis, such periods of continuing and recurring care and treatment whether obtained privately by the seaman or at Service facilities or Service expense shall not be included in the computation of the 180 day period above.

§ 32.18 Procedure in case of doubtful eligibility.

When a reasonable doubt exists as to the eligibility of an applicant for service, the matter shall be referred immediately to the appropriate authorizing official or Hospital Director for decision. If, in the opinion of such person the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shall be given pending the decision as to eligibility.

§ 32.19 False document evidencing service.

The issue or presentation of a false document as evidence of service with intent to procure the treatment of a person as a seaman shall be immediately reported to the Headquarters of the Service.

§ 32.20 Treatment during voyage.

The Service shall not be liable for expenses incurred during a voyage for the care of sick and disabled seamen.

§ 32.21 Care while in custody.

Seamen shall not be provided treatment at the expense of the Service while in police custody.

§ 32.22 Reconsideration of eligibility denial.

A decision of the authorizing official or Hospital Director denying eligibility shall be communicated to the seaman in writing, shall set forth the reasons therefor, and shall state that such decision may be reconsidered by the Secretary upon written request setting forth the facts in support of such request.

§ 32.23 Certificate of discharge from treatment.

A certificate of discharge from treatment may, at the discretion of the officer in charge, be given to a hospital patient, but such certificate, when presented at another medical care facility shall not be taken as establishing the seaman's eligibility for further care and treatment, but may be considered in connection with other documentary evidence of eligibility submitted by the seaman.

SEAMEN; STATE SCHOOL SHIPS AND VESSELS OF THE UNITED STATES GOVERNMENT

§ 32.46 Conditions and extent of treatment.

Seamen, not enlisted or commissioned in the military or naval establishments, who are employed on State school ships, on vessels of the United States Government of more than five tons burden, or on vessels of the Mississippi River Commission or of the Fish and Wildlife Service, shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

OWNER-OPERATORS OF COMMERCIAL FISHING VESSELS

§ 32.57 Conditions and extent of treatment.

Persons who own vessels registered, enrolled, or licensed under the maritime laws of the United States, who are engaged in commercial fishing operations, and who accompany such vessels on such fishing operations, and a substantial part of whose services in connection with such fishing operations are comparable to services performed by seamen employed on such vessel or on vessels engaged in similar operations shall be entitled to care and treatment by the Service under the same conditions, where applicable, and to the same extent as is provided for American seamen.

MARITIME SERVICE ENROLLEES AND MERCHANT MARINE CADETS

§ 32.61 Use of Service facilities.

Enrollees in the United States Maritime Service on active duty and members of the Merchant Cadet Corps shall, upon written request of the responsible officer of the station or training ship to which such enrollees or cadets are attached, identifying the applicant, be entitled to medical surgical, and dental treatment or hospitalization at medical care facilities of the Service or at Service expense. Whenever an enrollee or cadet applies for care without the above-mentioned written request and in the opinion of the responsible Service officer the applicant's condition is such that immediate care and treatment is necessary, temporary care and treatment shall be given pending verification of the applicant's status as an enrollee or cadet.

(b) If eligibility cannot be established at the time of application by the enrollee or cadet or by the person who applies in his behalf, the applicant shall be notified that the authorization for treatment is conditional and that the payment of reasonable expenses by the Service for such treatment shall be subject to proof of eligibility.

(c) The authorizing official shall keep himself informed regarding the progress of the case in order that treatment or hospitalization shall not be unnecessarily prolonged.

§ 32.62 Injury while in custody.

Enrollees on active duty or cadets shall not be provided treatment at the expense of the Service while in police custody.

§ 32.63 Absence without leave.

Enrollees on active duty or cadets shall not be entitled, when absent without leave, to receive medical care except at a medical care facility of the Service or under contract to the Service.

CADETS AT STATE MARITIME ACADEMIES OR ON STATE TRAINING SHIPS

§ 32.76 Conditions and extent of treatment.

Cadets at State maritime academies or on State training ships shall be entitled to care and treatment by the Service under the same conditions and to the same extent as is provided for American seamen. Provided, however, that the written request of the superintendent or other responsible officer of an academy, including the master of a training ship, shall be accepted in lieu of the documentary evidence of eligibility required of American seamen.

PERSONS WITH HANSEN'S DISEASE

§ 32.86 Admissions to Service facilities.

Any person with Hansen's disease who presents himself for care or treatment or who is referred to the Service by the proper health authority of any State, Territory, or the District of Columbia shall be received into the Service hospital at Carville, Louisiana, or into any other hospital of the Service which has been designated by the Secretary as being suitable for the temporary accommodation of persons with Hansen's disease.

§ 32.87 Confirmation of Diagnosis.

At the earliest practicable date, after the arrival of a patient at the Service hospital at Carville, Louisiana, or at another hospital of the Service the medical staff shall confirm or disapprove the diagnosis of Hansen's disease. If the diagnosis of Hansen's disease is confirmed, the patient shall be provided appropriate inpatient or outpatient treatment. If the diagnosis is not confirmed, the patient shall be discharged.

§ 23.88 Examinations and treatment.

Patients will be provided necessary clinical examinations which may be required for the diagnosis of primary or secondary conditions, and such treatment as may be prescribed.

§ 32.89 Discharge.

Patients with Hansen's disease will be discharged when, in the opinion of the medical staff of the hospital, optimum hospital benefits have been received.

§ 32.90 Notification to health authorities regarding discharged patients.

Upon the discharge of a patient the medical officer in charge shall give notification of such discharge to the appropriate health officer of the State, Territory, or other jurisdiction in which the discharged patient is to reside. The notification shall also set forth the clinical findings and other essential facts necessary to be known by the health officer relative to such discharged patient.

SEAMEN ON FOREIGN FLAG VESSELS

§ 32.106 Conditions and extent of treatment; rates; burial.

(a) Seamen on foreign flag vessels may, when suitable accommodations are available and on application of the master, owner, or agent of the vessel, be provided treament at medical care facilities of the Service at rates prescribed by the Secretary.

(b) Upon application, the Service may assist in arranging for private hospitalization of such seamen or private services in connection with their treatment at the expense of the master, owner, or agent of the vessel.

(c) If any such seaman dies while receiving treatment by the Service, the expenses of burial shall be paid directly to the vendors by the master, owner, or agent.

NONBENEFICIARIES: TEMPORARY TREATMENT IN EMERGENCY

§ 32.111 Conditions and extent of treatment; charges.

(a) Persons not entitled to treatment by the Service may be provided temporary care and treatment at medical care facilities of the Service in case of emergency as an act of humanity.

(b) Persons referred to in paragraph (a) of this section who, as determined by the officer in charge of the Service facility, are able to defray the cost of their care and treatment shall be charged for such care and treatment at the following rates (which shall be deemed to constitute the entire charge in each instance): In the case of hospitalization, at the current interdepartmental reciprocal per diem rate; and, in the case of

outpatient treatment, at rates established by the Secretary.

[FR Doc.75-4630 Filed 2-19-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-AL-14]

CONTROL AREAS

Proposed Designation and Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would designate additional control area upward from 14,500 feet MSL to Flight Level 450 within an area west of the Alaskan Peninsula and north of Control 1236 and south of Control 1485.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before March 24, 1975 will be considered before action is taken on the proposed amendment. The substance of the proposal may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

On March 4, 1965, (29 FR 19185), the Federal Aviation Administration amended § 71.9 of the Federal Aviation Regulations to include the airspace of Alaska south of latitude 68°00'00'' N., excluding the Alaskan Peninsula west of longitude 160°00'00'' W., within the Continental Control Area. Subsequently, on January 17, 1970, (35 FR 622), § 71.9 of the Federal Aviation Regulations was amended to include the airspace of Alaska north of latitude 68°00'00'' N., excluding the Alaskan Peninsula west of longitude 160°00'00'' W., within the Continental Control Area. These actions were taken to provide air traffic control service to civil and military aircraft operating at high altitudes over Alaska. At that time there was a requirement for this service over the whole state. However, the agency had neither the air traffic control, nor communications capability to provide this service over the Alaskan Peninsula west of longitude 160°00'00'' W.

Since the designation of the original Continental Control Area in Alaska, there has been a considerable increase in jet traffic in Alaska in support of the recent discovery of oil and building of the pipeline. Civil air traffic operates from Nome, Alaska, to Tokyo via routes north of the NOPAC-1 route and military air traffic operates over the peninsula. As the agency now has both the air traffic control capability and necessary communications to provide air traffic control services to these high altitude operations, action is proposed herein to designate the controlled airspace necessary to the provision of such service.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations by designating an additional control area in § 71.163 as follows:

CONTROL 1238

That airspace extending upward from 14,500 feet MSL to FL 450, within an area bounded by a line beginning at latitude 60°57'00''N., longitude 165°17'00''W.; along the northern boundary of Control 1236 to latitude 60°17'00''N., longitude 168°42'00'' W.; thence to latitude 62°35'00''N., longitude 175°00'00''W.; thence to latitude 65°00'00'' N., longitude 168°58'23''W.; thence to latitude 68°00'00''N., longitude 168°58'23''W.; along the southern boundary of Control 1485 to latitude 68°00'00''N., longitude 165°30'-00''W.; thence by a line 3 nautical miles from and parallel to the shoreline to the point of beginning, excluding that portion that lies within Continental Control Area, control areas, and transition areas at Nome and Kotzebue, Alaska.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on February 12, 1975.

F. L. CUNNINGHAM,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-4497 Filed 2-19-75;8:45 am]

DEPARTMENT OF LABOR

Office of Employee Benefits Security

[29 CFR Parts 2520, 2521, 2522, 2523]

REPORTING AND DISCLOSURE REQUIREMENTS

Intent to Defer Effective Dates

Notice is hereby given of the intent to defer certain reporting and disclosure requirements published in proposed rules on pages 42235 through 42242 in the FEDERAL REGISTER of December 4, 1974 as Parts 2520, 2521, 2522 and 2523 of Title 29 of the Code of Federal Regulations.

Final regulations on reporting and disclosure requirements, and the final version of Form EBS-1, are not expected to be available before the middle of March, 1975. The Department of Labor has determined that there would not be sufficient time before April 30, 1975 to prepare and file with the Secretary of Labor, or to furnish to plan participants and beneficiaries, as the case may be, completed EBS-1 plan description forms and summary plan descriptions prepared in accordance with the final reporting and disclosure regulations. Application of the April 30 deadline would therefore result in excessive expense and difficulties for plans. In addition, attempts to meet the reporting and disclosure requirements without adequate time would lead to inadequate and incomplete documents, to the detriment of plan participants and beneficiaries. Accordingly, the Department of Labor intends to defer those reporting and disclosure dates that were set at not later than April 30, 1975 in the December 4, 1974 proposed regulations to not later than August 31, 1975, as follows:

(1) For welfare plans, the dates for filing a plan description and a copy of the summary plan description with the Secretary of Labor, and for furnishing summary plan descriptions to participants and beneficiaries receiving benefits under the plan;

(2) For pension plans not using the alternative covered in (3) below, the dates for filing a plan description and

a copy of the summary plan description with the Secretary of Labor, and for furnishing summary plan descriptions to participants and beneficiaries receiving benefits under the plan;

(3) For pension plans using the alternative method of compliance described in § 2521.30 of the December 4, 1974 proposed regulations, the dates for filing a plan description, an interim summary plan description, and a supplementary statement with the Secretary of Labor, and for furnishing to participants and beneficiaries receiving benefits under the plan a supplementary statement and, on request or as otherwise required by the alternative method of compliance, an interim summary plan description.

PAUL J. FASSER, Jr.,
Assistant Secretary for Labor Management Relations.

[FR Doc.75-4598 Filed 2-19-75;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Parts 302, 330, 353, 531, and 550]

CIVIL SERVICE RETENTION RIGHTS

Persons Injured On the Job

Notice is hereby given that under authority of section 8151 of title 5, United States Code, it is proposed to amend Parts 302, 330, 353, 531, and 550 of title 5 of the Code of Federal Regulations to implement the civil service retention rights provision of the injury compensation amendments of 1974 as follows:

Sections 302.103, 302.104, and 302.303 (c) are revised and §§ 302.105 and 302.303 (b) are added to give injured employees in the excepted service who recover more than one year after they begin receiving compensation, the priority placement consideration required by law.

Sections 330.301(c) and 330.701 (a) and (b) are revised to incorporate an editorial perfecting change in the wording.

Part 353 is revised in its entirety to give injured employees who recover within one year after they begin receiving compensation, absolute restoration rights to their previous positions or equivalent ones.

Sections 531.404(c) and 531.509 are revised to credit injured employees, for purposes of within-grade increases and salary retention, with all the time during which they received compensation or continuation of pay.

Section 550.704(d) is revised to credit injured employees who resume Federal employment, with all the time during which they received compensation or continuation of pay, for purposes of meeting the 12-month continuous service requirement for severance pay.

Agencies, unions, and other interested persons may submit comments, objections, or suggestions to the Bureau of Recruiting and Examining, U.S. Civil Service Commission, Washington, D.C. 20415, on or before March 24, 1975. The proposed amendments are set forth below.

PART 302—EMPLOYMENT IN THE EXCEPTED SERVICE

1. The heading and text of §§ 302.103 and 302.104 are revised, §§ 302.105 and 302.303(b)(3) are added, and § 302.303 (c) and the authority are revised as set out below:

Subpart A—General Provisions

§ 302.103 Definition.

"Person entitled to priority consideration" means a former employee of an agency who sustained an injury in line of duty under the provisions of 5 U.S.C. chapter 81, subchapter I, and who has recovered from such injury more than 1 year after the date of commencement of compensation. To be eligible under this part the person must apply for reappointment to his former agency within 30 days of the date of cessation of compensation.

§ 302.104 Applicability of regulations to applicants and employees.

Each agency shall follow the provisions of this part relating to examination, rating, and selection for appointment of an applicant when a qualified preference eligible or person entitled to priority consideration applies for appointment to a position covered by this part. Each agency, in its discretion, may follow these provisions in making an appointment when no preference eligible or person entitled to priority consideration applies.

§ 302.105 Special agency plans.

An agency having a position subject to this part may submit to the Commission a system for making appointments which will result in granting to a person the preference or priority consideration referred to in sections 1302(c) or 8151 of title 5, United States Code, but which does not conform to all the procedural requirements set forth in this part. However, an agency may not put such a system into effect until it has received the prior approval of the Commission.

* * * * *

Subpart C—Accepting, Rating, and Arranging Applications

§ 302.303 Maintenance of employment lists.

* * * * *

(b) *Reemployment list.* * * *

(3) The name of each former employee of the agency who has been furloughed or separated due to injury sustained in line of duty under the provisions of 5 U.S.C. chapter 81, subchapter I, and who is eligible for priority consideration under this part.

(c) *Regular employment list.*—(1) The regular employment list shall consist of the names of eligible applicants who have been assigned numerical ratings and whose names are not on the agency reemployment list.

(2) A person entitled to priority consideration under this part is eligible for entry on an agency's regular employment list when he:

(i) Has a statement from his last employing agency that he cannot be placed and

(ii) Has ceased receiving compensation under 5 U.S.C. chapter 81 no more than one year previously for a person formerly in tenure group II and two years previously for a person formerly in tenure group I. Eligibility may be terminated earlier, however, upon the person's acceptance of a nontemporary, full-time position or upon his declination of full-time employment in a position equivalent to the one he held at the time of injury.

(5 U.S.C. 1302, 3301, 3302, 8151; E.O. 10577, 3 CFR 1954–1958 Comp. p. 218, unless otherwise noted.)

PART 330—RECRUITMENT, SELECTION, AND PLACEMENT (GENERAL)

2. Sections 330.301(c) and 330.701 are revised as set out below:

Subpart C—Displaced Employee Program

§ 330.301 Definition.

* * * * *

(c) Was separated or furloughed because of a compensable injury sustained in line of duty under the provisions of subchapter I of chapter 81 of title 5, United States Code; or

* * * * *

§ 330.701 Coverage.

This subpart applies to each present or former employee who is not eligible for assistance under Subpart C of this part and who—

(a) Was separated or furloughed because of a compensable injury sustained in line of duty under the provisions of subchapter I of chapter 81 of title 5, United States Code; or

(b) Is under 60 years of age, has been retired under section 8337 of title 5, United States Code, and is subsequently found by the Commission to have recovered from his disability or to have been restored to earning capacity.

(5 U.S.C. 1302, 3301, E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

PART 353—RESTORATION TO DUTY

3. Part 353 is revised in its entirety.

Subpart A—General Provisions

Sec.
353.101 Scope.
353.102 Definitions.
353.103 Persons covered.
353.104 Agency action at time employee enters on military duty.
353.105 Agency action when an employee is injured in line of duty.
353.106 Notification of rights and obligations.
353.107 Maintenance of records.

Subpart B—Agency Action in Employee's Absence

353.201 Personnel actions.
353.202 Transfer of function to another agency.
353.203 Abolishment of agency.

Subpart C—Agency Obligation to Restore

353.301 Extent of agency's obligation and how discharged.
353.302 Time limit for restoration.

AUTHORITY: The provisions of this part issued under 38 U.S.C. 2021, et seq., and 5 U.S.C. 8151.

Subpart A—General Provisions

§ 353.101 Scope.

This part sets forth rights and obligations of employees and agencies in connection with restoration following (a) military duty subject to the provisions of 38 U.S.C. 2021, et seq. (formerly section 9 of the Military Selective Service Act of 1967, as amended), and (b) employee injuries subject to the provisions of 5 U.S.C. chapter 81, subchapter 1.

§ 353.102 Definitions.

In this part:

(a) "Law" means Pub. L. 93-508 (38 U.S.C. 2021 et seq.) and Pub. L. 93-416 (5 U.S.C. 8151).

(b) "Leave of absence" means military leave, annual leave, leave without pay, continuation of pay, or any combination of these.

(c) "Military duty" means a period of (1) active duty for training or for service in the Armed Forces of the United States, (2) inactive duty training in the Armed Forces of the United States, and (3) active duty in the Public Health Service that is covered by 38 U.S.C. 2024(b). For the purpose of this paragraph, full-time training or other full-time duty performed by a member of the National Guard under 32 U.S.C. 316, 503, 504, or 505 is considered active duty for training in the Armed Forces of the United States, and inactive duty training performed by a member of the National Guard under 32 U.S.C. 502 or 37 U.S.C. 206(a) or 1002(a) is considered inactive duty training in the Armed Forces of the United States.

(d) "Injury" means an injury in line of duty subject to the provisions of 5 U.S.C. chapter 81, subchapter I, and includes, in addition to accidental injury, a disease proximately caused by the employment.

§ 353.103 Persons covered.

(a) The provisions of this part concerned with military duty cover each employee of an agency who enters on military duty from:

(1) A career or career-conditional appointment in the competitive service; or

(2) An appointment without time limitation in a position outside the competitive service.

(b) Subpart E of this part covers the restoration rights of TAPER employees.

(c) The provisions of this part concerned with employee injury cover the following persons:

(1) A civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States, who was separated or furloughed from a position without time limitation as a result of a compensable injury;

(2) An individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service, or authorizes payment of travel or other expenses of the individual;

(3) An individual, other than an independent contractor or an individual employed by an independent contractor, employed on the Menominee Indian Reservation in Wisconsin in operations conducted under a statute relating to tribal timber or logging operations on that reservation;

(4) An individual employed by the Government of the District of Columbia;

(5) An individual appointed to a position on the office staff of a former President under section 1(b) of the Act of August 25, 1958 (72 Stat. 838);

(6) A Peace Corps Volunteer or Volunteer Leader; and

(7) Individuals enrolled in programs under title I of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-113) for periods of service of at least one year; but do not include—

(i) A commissioned officer of the Regular Corps of the Public Health Service;

(ii) A commissioned officer of the Reserve Corps of the Public Health Service on active duty;

(iii) A commissioned officer of the Environmental Science Services Administration; or

(iv) A member of the Metropolitan Police or the Fire Department of the District of Columbia who is pensioned or pensionable under section 521.535 of title 4, District of Columbia Code.

§ 353.104 Agency action at time employee enters on military duty.

Each employee who enters on active duty with restoration rights under section 2021 or 2024 (a), (b), or (c) of title 38, United States Code, shall be either separated or furloughed, at the option of his agency, when he enters on military duty, except that an agency may elect to place a member of a reserve component of the Armed Forces or a member of the National Guard on leave of absence, instead.

§ 353.105 Agency action where an employee is injured in line of duty.

Agencies should carry injured employees on leave without pay for at least the first year the employee is receiving injury compensation under 5 U.S.C. chapter 81. Extensions of such leave may be granted, if warranted, based on review of each individual case.

§ 353.106 Notification of rights and obligations.

An agency shall notify an employee who is separated, furloughed, or given leave of absence because of military duty or injury, of his rights, obligations, and benefits relating to his Government employment.

§ 353.107 Maintenance of records.

Each agency shall identify the position vacated by an employee who is injured or leaves to enter on military duty. It shall also maintain the necessary records to assure that all such employees are preserved the rights and benefits granted by law and this part.

Subpart B—Agency Action in Employee's Absence

§ 353.201 Personnel actions.

(a) Each agency shall consider every employee absent because of injury or military duty for all promotions for which he would be considered were he not absent. A promotion based on this consideration is effective on the date it would have been made if the employee were not absent.

(b) When the position of an employee absent because of injury or military duty is regraded upward during his absence, his agency shall place him in the regraded position.

(c) An agency may not demote or separate an employee absent on military duty. If the employee's position is abolished during his absence, the agency shall reassign him to another position of like seniority, status, and pay.

(d) An employee absent because of injury is subject to the same conditions of employment as though he had not been injured.

§ 353.202 Transfer of function to another agency.

If the function with which an employee absent because of injury or military duty was associated at the time of his departure, is transferred to another agency and if the employee would have been transferred with the function under Part 351 of this chapter if he were not absent, the gaining agency shall retain the employee in his position or assign him to a position of like seniority, status, and pay. It shall also assume the obligation to restore the employee in accordance with law and this part.

§ 353.203 Abolishment of agency.

If an agency is abolished and its functions are not transferred to another agency, it shall furnish the Commission a list of its employees absent because of injury or military duty. For each employee, the list shall state the employee's name, date of birth, position, grade, and pay, and the name of the organizational unit in which his position was located. The agency shall note in each employee's

Official Personnel Folder that notification was made under this section.

Subpart C—Agency Obligation to Restore

§ 353.301 Extent of agency's obligation and how discharged.

When an employee is entitled to restoration under sections 2021 or 2024 (a), (b), or (c) of title 38, United States Code, or under 5 U.S.C. 8151, the agency shall restore him in accordance with this subpart.

§ 353.302 Time limit for restoration.

(a) An employee returning from military duty is entitled to be restored as soon as possible after his application for restoration, filed in accordance with the requirements in law, is received in the agency but, in no event, later than 30 days after his application is received.

(b) An employee whose injury or disability has been overcome within one year after the date of commencement of compensation, or from the time compensable disability recurs if the recurrence begins after the injured employee resumes regular full-time employment with the United States, is entitled to resume his former position immediately, but in no event later than 30 days after notifying his agency that he is fully recovered. An employee whose injury or disability has been fully overcome shall notify his agency within 15 days of the date he is found fit to resume his full-time duties.

§ 353.303 Position to which restored.

An employee is entitled to be restored to employment in the following order, unless the position is occupied by an employee in a higher retention subgroup under Part 351 of this chapter:

(a) To the position to which promoted while he was injured or on military duty, or, if that position is not available, to a position of like seniority, status, and pay;

(b) To the position he left because of injury or military duty, or, if that position is not available, to a position of like seniority, status, and pay;

(c) To the next best available position for which he is qualified. For purposes of this paragraph, the next best available position is one that most nearly approximates in seniority, status, and pay the position to which an employee is entitled under either paragraph (a) or (b) of this section.

§ 353.304 Physical disqualification.

A returning employee who, because of injury or disability sustained in line of duty or during military duty, is disqualified for a position to which he has restoration rights, is entitled to be restored to another position in the agency for which he is qualified that will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

§ 353.305 Conflicting rights.

If two or more employees are entitled to be restored to the same position, the employee who left his position first is entitled to the prior right of restoration. Each other employee is entitled to be restored in accordance with the provisions of §§ 353.303 and 353.304.

§ 353.306 Partially recovered injured employees.

Agencies are expected to restore, according to the circumstances in each case, an employee whose injury or disability has been partially overcome within one year of the date he began receiving compensation and who is able to return to limited duty.

§ 353.307 Notice of right of appeal.

(a) When an agency refuses to restore, or determines that it is not feasible to restore an employee under the provisions of law and this part, it shall notify him in writing of the reasons for its decision, of his right to appeal to the Commission, and of the time limit applicable to the filing of an appeal. The agency shall forward a copy of the notice to the Commission.

(b) When an agency restores an employee it shall notify him that he is being restored in accordance with the requirements of § 353.303 of this subpart. The agency shall also inform the employee that he has 15 days in which to appeal to the Commission a restoration that he believes does not conform to the requirements of this subpart.

Subpart D—Appeals to the Commission

§ 353.401 Appeals to the Commission.

(a) *Executive branch and District of Columbia employees.* (1) An employee with a right to restoration under sections 2021 or 2024 (a), (b), or (c) of title 38, United States Code, or under 5 U.S.C. 8151 may appeal to the Commission in furtherance of this right as follows:

(i) Failure of restoration: If the agency concerned fails to restore an employee within 30 days after receipt of a properly filed application for restoration, the employee may appeal to the Commission not later than 15 calendar days after the 30-day period has expired.

(ii) Not feasible to restore: If the agency concerned decides that it is not feasible to restore an employee, he may appeal this decision to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iii) Refusal of restoration: If the agency concerned refuses to restore an employee, he may appeal to the Commission not later than 15 calendar days after receipt of notice from the agency.

(iv) Improper restoration: If an employee considers that he has been improperly restored, he may appeal to the Commission not later than 15 calendar days after this restoration.

(v) Former agency abolished: If the agency in which an employee was employed when he left for military duty or was injured is abolished and its functions are not transferred to another agency, the employee may appeal to the Commission not later than 15 calendar days after expiration of the period specified by law and in this part for applying for restoration.

(2) An employee who left a position in an agency with right to return to his position under sections 2024(d) or 2024 (e) of title 38, United States Code, may appeal to the Commission in furtherance of his right to return to work in accordance with the provisions of such sections and this part.

(b) *Other employees.* An employee of another branch who is entitled by law to appeal to the Commission may do so not later than 15 calendar days after expiration of any period specified in the law for applying for restoration. If a period is not specified by law the employee may appeal to the Commission not later than 15 calendar days from the time he receives notice of an action under subsection (a) of this section.

§ 353.402 Where appeals are filed.

Appeals under this subpart are to be filed with the office of the Commission having appellate jurisdiction.

§ 353.403 Finality of appeal decision.

The decision of the office of the Commission having appellate jurisdiction is final. However, either party to the appeal may petition the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 353.404 Agency action when the Commission recommends corrective action.

Compliance with the recommendation of the Commission for corrective action is mandatory unless the agency petitions the Appeals Review Board to reopen and reconsider the decision under § 772.310 of this chapter.

§ 353.405 General provisions governing appeals.

(a) *Delayed appeals.* The Commission may extend the time limits in §§ 353.401 and 353.404 when the appellant shows that he was not notified of these limits, and was not otherwise aware of them, or that circumstances beyond his control prevented him from filing an appeal within the prescribed limits.

(b) *Ascertainment of facts.* Each appellant shall submit in writing all facts that he considers pertinent to his appeal. The Commission may also conduct such appropriate investigations as it considers necessary.

(c) *Notification of appeal decisions.* The Commission shall submit its decision on an appeal in writing to each appellant and to each agency concerned.

(d) *Cancellation of appeals.* The Commission shall cancel an appeal, and the appellant and the agency concerned will be so notified on receipt of the appellant's written request for cancellation, or on failure of the appellant to furnish information requested by the Commission.

(e) *Death of appellant.* When an appeal under this subpart is filed properly before the death of an appellant, the Commission shall process it to completion and adjudicate it. The Commission, in recommending corrective action in the decision on such an appeal, may provide for amendment of the agency's records to show retroactive restoration and the appellant's continuance on the rolls in an active duty status to the date of death.

Subpart E—Restoration Rights of TAPER Employees

§ 353.501 Rights of TAPER employees.

(a) *General.* Subject to the exceptions set forth in paragraph (b) of this section an employee serving in a position in the competitive service under a temporary appointment pending establishment of a register under section 316.201 of this chapter (other than an employee serving in grades GS–16, GS–17, or GS–18), is entitled to rights equivalent to those provided for employees covered by sections 2021 and 2024 of title 38, United States Code, or 5 U.S.C. 8151, and subparts A through D of this part apply to a TAPER employee.

(b) *Exceptions.* (1) Sections 353.203 and 353.401(a)(1)(v) do not apply to a TAPER employee. (2) The right of restoration of a TAPER employee is restricted to the geographical area in which the installation he left because of military duty or injury is located. (3) The prohibitions in section 2021(b)(1) and section 2024(c) of title 38, United States Code, against discharging employees without cause within 1 year or 6 months respectively after restoration from military duty do not apply to a TAPER employee; restoration of a TAPER employee may not cause his employment to extend beyond the date it would otherwise be terminated. (4) A TAPER employee who cannot be restored in his former agency does not have the right to restoration in another agency that nontemporary employees have.

PART 531—PAY UNDER THE GENERAL SCHEDULE

4. Sections 531.404 and 531.509 are amended as set out below:

Subpart D—Within-Grade Increases

* * * * *

§ 531.404 Creditable service—waiting period.

* * * * *

(c)(1) Leave of absence granted to an employee because of an injury for which compensation is payable under subchapter I of chapter 81 of title 5, United States Code, is creditable service in the computation of a waiting period.

(2) An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as creditable service in the computation of a waiting period.

* * * * *

Subpart E—Salary Retention

* * * * *

§ 531.509 Continuous service.

The period of two continuou years of service immediately prior to a demotion required by section 5337(a) of title 5, United States Code, or by § 531.502(b) of this subpart includes any period or periods of nonpay status occurring in the 2-year period. An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as continuous service for the purpose of satisfying the two continuous years requirement. Similarly, the salary retention period after demotion includes any period or periods in a nonpay status or periods during which the employee was receiving continuation of pay or compensation because of such injury.

(5 U.S.C. 5115, 5338, sections 531.501 to 531.516 also issued under 5 U.S.C. 5337, 5338, and sections 531.404 and 531.509 issued under 5 U.S.C. 8151, as well)

PART 550—PAY ADMINISTRATION (GENERAL)

5. Section 550.704(d) is amended as set out below:

Subpart G—Severence Pay

* * * * *

§ 550.704 General provisions.

* * * * *

(d) *Determination of 12 months' continuous service.* The requirement of section 5595(b) of title 5, United States Code, is met if the employee on the date of separation has been on the rolls of one or more agencies under one or more appointments without time limitation, or temporary appointments that precede or follow on appointment without time limitation, without any break in service of more than 3 calendar days for at least the preceding 12 calendar months. An employee who is separated by his agency as a result of an injury incurred while in the performance of duty, and who is entitled to a continuation of pay or compensation pursuant to subchapter I of chapter 81 of title 5, United States Code, is entitled, upon reemployment with the Federal Government, to have the entire time, during which he was receiving compensation or continuation of pay, counted as continuous service for purposes of determining whether the employee has satisfied the 12 months continuous service requirement.

(5 U.S.C. 5595; E.O. 11257, 3 CFR 1964–1965 Comp. p. 357. Section 550.704 also issued under 5 U.S.C. 8151.)

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

[FR Doc.75-4632 Filed 2-19-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 83]

[Docket No. 20102]

BRIDGE TO BRIDGE RADIO STATIONS

Availability of Energy Source

In the matter of amendment of § 83.-717 of the rules to ensure the ready availability of an energy source for required Bridge-to-Bridge radio stations.

1. On July 8, 1974, we released a notice of proposed rule making (39 FR 26170), published in the FEDERAL REGISTER on July 17, 1974, in the above-captioned matter. The time for filing of comments and reply comments has passed.

2. Comments were filed by the Utilities Telecommunications Council ("UTC"), the American Institute of Merchant Shipping ("AIMS"), and the Atlantic Richfield Company ("ARCO"). No reply comments have been filed.

3. Because this matter was internally initiated by the staff of the Commission, no public notice of this action was given prior to the release of our notice of proposed rule making. A common point in the comments received is that there are ways to operationally and technically satisfy the ready availability of energy requirement of § 81.717 of the rules other than that suggested by our proposed rule change. Specifically, UTC suggested that on smaller vessels, such as the ones its members operate, connection of the Bridge-to-Bridge radio is made to the starter battery, a rechargeable battery not located on the bridge. ARCO, on the other hand, has installed, at considerable expense according to its comments, its batteries in the Battery Room and the associated chargers in the Radio Room. ARCO also maintains it has installed separate batteries and chargers for VHF radio installations.

4. The point of all these comments appears to be that there are different, but satisfactory, technical means of achieving and satisfying the objective of § 83.-717 of assuring a readily available energy source to the Bridge-to-Bridge Radio. We agree with these comments. As ARCO further points out, ambiguity and the possibility of misinterpretation exist in the proposed rule. Most of the problem appears to result from an attempt to list one method of satisfying the requirement, i.e., the proposed requirement of locating either the battery charger or spare batteries on the bridge, when, in fact, there are other equally satisfactory methods of satisfying the requirement. Rather than attempt to catalogue all acceptable methods in the rule—at the risk of omitting some—we believe that the rule as it is presently written adequately states the requirement and that the proposed changes would not substantially improve it. It further appears that the cataloguing of satisfactory methods would needlessly hinder flexibility, under differing operational and ship design considerations, in satisfying the basic requirement.

5. Accordingly, *it is ordered*, That the notice of proposed rule making in Docket No. 20102, is withdrawn and this proceeding is terminated.

Adopted: February 4, 1975.

Released: February 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-4602 Filed 2-19-75;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 CM-5/18]

ADVISORY PANEL ON ACADEMIC MUSIC

Notice of Meeting

Pursuant to Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Academic Music has scheduled a meeting to be held on Wednesday, March 26 in Room 1408 at the Department of State, 2201 C Street NW., Washington, D.C. The meeting hours will be from 10 a.m. to 12:30 p.m. and from 2 p.m. to 5 p.m.

The sessions will be open to the public. The agenda is: (1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the music field sponsored by the Department of State;

(3) Evaluation of tapes and records of performing artists who are planning tours abroad, and other performers who wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein by telephone before March 18; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 40, so the public will be admitted on a first-come, first-served basis.

Dated: February 12, 1975.

BART N. STEPHENS,
Deputy Director, Office of International Arts Affairs.

[FR Doc.75-4573 Filed 2-19-75;8:45 am]

[Public Notice CM-5/19]

ADVISORY PANEL ON FOLK MUSIC AND JAZZ

Notice of Meeting

Pursuant to Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Folk Music and Jazz has scheduled a meeting to be held on Thursday March 27 in Room 1408 at the Department of State, 2201 C Street NW., Washington, D.C. The meeting hours will be from 10 a.m. to 12:30 p.m. and from 2 p.m. to 5 p.m.

The sessions will be open to the public. The agenda is: (1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the music field sponsored by the Department of State;

(3) Evaluation of tapes and records of performing artists who are planning tours abroad, and other performers who wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein by telephone before March 18; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 40, so the public will be admitted on a first-come, first-served basis.

Dated: February 12, 1975.

BART N. STEPHENS,
Deputy Director, Office of International Arts Affairs.

[FR Doc.75-4574 Filed 2-19-75;8:45 am]

[Public Notice CM-5/17]

ADVISORY PANEL ON MUSIC

Notice of Meeting

Pursuant to Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Music has scheduled a 2-day meeting to be held on Monday, March 24 and on Tuesday, March 25 in Room 1408 at the Department of State, 2201 C Street NW., Washington, D.C. The meeting hours for each day will be from 10 a.m. to 12:30 p.m. and from 2 p.m. to 5 p.m.

The sessions will be open to the public. The agenda is: (1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the music field sponsored by the Department of State;

(3) Evaluation of tapes and records of performing artists who are planning tours abroad, and other performers who wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein by telephone before March 18; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 40, so the public will be admitted on a first-come, first-served basis.

Dated: February 12, 1975.

BART N. STEPHENS,
Deputy Director, Office of International Arts Affairs.

[FR Doc.75-4572 Filed 2-19-75;8:45 am]

[Public Notice 441; Delegation of Authority No. 127-3]

DEPUTY UNDER SECRETARY FOR MANAGEMENT

Delegation of Authority

By virtue of the authority vested in me by the act of June 20, 1874 (18 Stat. 90; 22 U.S.C. 2664) and by section 4 of the act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended, for any period of vacancy in the position of the Deputy Under Secretary of State for Management, I hereby delegate:

All duties, functions, and responsibilities vested in the Deputy Under Secretary of State for Management, to Lawrence S. Eagleburger.

The delegation to Mr. Eagleburger is in addition to functions previously vested in him as Executive Assistant to the Secretary of State and it includes the authority to redelegate any of the duties, functions, and responsibilities of the Deputy Under Secretary of State for Management.

This Delegation of Authority shall be effective on February 13, 1975.

Dated: February 12, 1975.

ROBERT S. INGERSOLL,
Acting Secretary of State.

[FR Doc.75-4575 Filed 2-19-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Meeting

Notice is hereby given that the Law Enforcement/Private Security Relationship Study Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet Friday, March 7, 1975, in Chicago, Illinois. The meeting place has not yet been determined.

Further discussion will be held on the relationships between private security personnel and public law enforcement agencies.

The meeting will be open to the public.

For further information, please contact: Irving Slott, Director, Planning Development and Evaluation Division, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20531.

GERALD YAMADA,
Attorney-Advisor,
Office of General Counsel.

[FR Doc.75-4622 Filed 2-19-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 49443]

WYOMING

Notice of Application

FEBRUARY 11, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 14 N., R. 92 W.,
Sec. 5, lot 8;
Sec. 6, lot 8, S½NE¼, N½SE¼, and SW¼SE¼;
Sec. 7, W½NE¼, SE¼NW¼, N½SE¼, and SE¼SE¼.
T. 15 N., R. 92 W.,
Sec. 4, lots 7, 8, and SW¼NW¼;
Sec. 5, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 8, W½E½;
Sec. 17, W½E½, and SE¼SW¼;
Sec. 20, NW¼NE¼, and E½W½;
Sec. 29, W½E½, SE¼SW¼, and NE¼NW¼;
Sec. 32, NW¼NE¼, E½NW¼, N½SW¼, and SW¼SW¼.
T. 16 N., R. 92 W.,
Sec. 12, NW¼SE¼, and E½SW¼;
Sec. 13, N½NW¼, and SW¼NW¼;
Sec. 14, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 22, SE¼SE¼;
Sec. 23, NW¼NE¼, E½NW¼, SE¼NW¼, and W½SW¼;
Sec. 27, N½NE¼, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 33, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 34, NW¼NW¼.

The pipeline will convey natural gas from the Blue Gap Unit II #7 Well in Sec. 7, T. 14 N., R. 92 W. to an existing pipeline in Sec. 12, T. 16 N., R. 92 W., all in Carbon County, Wyoming.

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

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-4547 Filed 2-19-75;8:45 am]

[Wyoming 49462]

WYOMING

Notice of Application

FEBRUARY 11, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas meter station right-of-way on the following land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 12 N., R. 93 W.,
Sec. 3, NE¼SE¼.

The pipeline will regulate natural gas through the Barrel Springs Gathering System in Carbon County, Wyoming.

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

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-4548 Filed 2-19-75;8:45 am]

Office of the Secretary

ALASKA

Availability of Final Environmental Statement

[INT FES 75-28]

CHUKCHI-IMURUK NATIONAL PRESERVE, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Chukchi-Imuruk National Reserve in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Chukchi-Imuruk National Reserve and its management by the agencies indicated below.

Proposal recommends that: Approximately 2.7 million acres of public lands and waters on the Seward Peninsula of Alaska be designated by Congress as the Chukchi-Imuruk National Reserve.

Management by: National Park Service and Fish and Wildlife Service.

[INT FES 75-26]

HARDING ICEFIELD-KENAI FJORDS NATIONAL MONUMENT, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Harding Icefield-Kenai Fjords National Monument in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Harding Icefield-Kenai Fjords National Monument and its management by the agencies indicated below.

Proposal recommends that: Approximately 300,000 acres of public lands and waters on the south coast of the Kenai Peninsula in Alaska be established legislatively by Congress as the Harding Icefield-Kenai Fjords National Monument and, further, that legislative recognition be given an Area of Ecological Concern of 460,000 acres associated with the proposed monument.

Management by: National Park Service and Fish and Wildlife Service.

[INT FES 75-30]

KOBUK VALLEY NATIONAL MONUMENT, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Kobuk Valley National Monument in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Kobuk Valley National Monument and its management by the agency indicated below.

Proposal recommends that: Approximately 1.8 million acres of public lands and waters in northwest Alaska be designated by Congress as the Kobuk Valley National Monument and, further, that the entire Salmon River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: National Park Service.

[INT FES 75-32]

LAKE CLARK NATIONAL PARK, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Lake Clark National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Lake Clark National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 2.6 million acres of public lands and waters north of Cook Inlet, Alaska, be designated by Congress as the Lake Clark National Park.

Management by: National Park Service.

[INT FES 75-31]

PORCUPINE NATIONAL FOREST, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Porcupine National Forest in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Porcupine National Forest and its management by the agency indicated below.

Proposal recommends that: Approximately 5.5 million acres of public lands and waters in northeast Alaska be designated by Congress as the Porcupine National Forest and that 114 miles of the Porcupine River and 102 miles of the Sheenjek River be designated in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

[INT FES 75-29]

WRANGELL MOUNTAINS NATIONAL FOREST, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Wrangell Mountains National Forest in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Wrangell Mountains National Forest and its management by the agency indicated below.

Proposal recommends that: Approximately 5.5 million acres of public lands and waters in southeast Alaska be designated by Congress as the Wrangell Mountains National Forest and that 90 miles of the Bremner River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

[INT FES 75-25]

WRANGELL-ST. ELIAS NATIONAL PARK, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Wrangell-St. Elias National Park in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Wrangell-St. Elias National Park and its management by the agency indicated below.

Proposal recommends that: Approximately 8.6 million acres of public lands and waters in southeast Alaska be designated by Congress as the Wrangell-St. Elias National Park.

Management by: National Park Service.

[INT FES 75-24]

YUKON-KUSKOKWIM NATIONAL FOREST, ALASKA

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Yukon-Kuskokwim National Forest in Alaska. The proposal is made in accordance with the Alaska Native Claims Settlement Act of 1971. The environmental statement considers the legislative establishment of the Yukon-Kuskokwim National Forest and its management by the agency indicated below.

Proposal recommends that: Approximately 7.3 million acres of public lands and waters in Interior Alaska be designated by Congress as the Yukon-Kuskokwim National Forest and that 202 miles of the Nowitna River be designated as a Wild River in accordance with the National Wild and Scenic Rivers Act of 1968.

Management by: Forest Service, Department of Agriculture.

The final environmental statements are available for inspection at the following locations.

North Atlantic Regional Office
National Park Service
150 Causeway Street
Boston, Massachusetts 02114

Southeast Regional Office
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Rocky Mountain Regional Office
National Park Service
645-655 Parfet Avenue
Denver, Colorado 80215

Western Regional Office
National Park Service
450 Golden Gate Avenue
Box 36063
San Francisco, California 94102

Fish and Wildlife Service
1500 Plaza Building, Room 288
1500 NE. Irving Street
P.O. Box 3737
Portland, Oregon 97208

Fish and Wildlife Service
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Fish and Wildlife Service
John W. McCormack P.O. and Courthouse
Boston, Massachusetts 02109

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Midwest Regional Office
National Park Service
1709 Jackson Street
Omaha, Nebraska 68102

Southwest Regional Office
National Park Service
P.O. Box 728
Santa Fe, New Mexico 87501

Pacific Northwest Regional Office
National Park Service
Room 931, 4th and Pike Building
1424 Fourth Avenue
Seattle, Washington 98101

Fish and Wildlife Service
500 Gold Avenue, SW.
Room 9018
P.O. Box 1306
Albuquerque, New Mexico 87103

Fish and Wildlife Service
17 Executive Park Drive, NE.
Room 411
Atlanta, Georgia 30329

Fish and Wildlife Service
10597 West Sixth Avenue
Denver, Colorado 80215

U.S. Forest Service
Federal Building
Missoula, Montana 59801

U.S. Forest Service
Federal Building
517 Gold Avenue, SW.
Albuquerque, New Mexico 87101

U.S. Forest Service
630 Sansome Street
San Francisco, California 94111

U.S. Forest Service
1720 Peachtree Road, NW.
Atlanta, Georgia 30309

Bureau of Land Management
1600 Broadway
Room 700
Denver, Colorado 80202

Bureau of Land Management
Federal Building
300 Booth Street
Reno, Nevada 89502

Bureau of Land Management
Federal Building, Room 398
550 W. Fort Street
Boise, Idaho 83702

Bureau of Land Management
2120 Capitol Avenue
P.O. Box 1828
Cheyenne, Wyoming 82001

Bureau of Land Management
Federal Building
316 North 26th Street
Billings, Montana 92301

U.S. Forest Service
Denver Federal Building
Denver, Colorado 80225

U.S. Forest Service
Federal Building
324 25th Street
Ogden, Utah 84401

U.S. Forest Service
319 SW. Pine Street
P.O. Box 3623
Portland, Oregon 97208

U.S. Forest Service
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

Bureau of Land Management
Federal Building
125 South State Street
Salt Lake City, Utah 84111

Bureau of Land Management
Federal Building
Room 3022
Phoenix, Arizona 85025

Bureau of Land Management
Federal Building
P.O. Box 1449
Santa Fe, New Mexico 87501

Bureau of Land Management
2800 Cottage Way
Room E-2841
Sacramento, California 95825

Bureau of Land Management
729 Northeast Oregon Street
P.O. Box 2965
Portland, Oregon 97208

Bureau of Land Management
Robin Building
7981 Eastern Avenue
Silver Spring, Maryland 20910

Southeast Regional Office
Bureau of Outdoor Recreation
148 Cain Street
Atlanta, Georgia 30303

Mid-Continent Regional Office
Bureau of Outdoor Recreation
Denver Federal Center
Building 41, P.O. Box 25387
Denver, Colorado 80225

Northwest Regional Office
Bureau of Outdoor Recreation
1000 2nd Avenue
Seattle, Washington 98104

Northeast Regional Office
Bureau of Outdoor Recreation
Federal Office Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Lake Central Regional Office
Bureau of Outdoor Recreation
3853 Research Park Drive
Ann Arbor, Michigan 48104

South Central Regional Office
Bureau of Outdoor Recreation
5000 Marble Avenue, NE.
Albuquerque, New Mexico 87110

Pacific Southwest Regional Office
Bureau of Outdoor Recreation
450 Golden Gate Avenue
San Francisco, California 94102

A limited number of single copies of the final environmental statement is available from the following:

Department of the Interior
Alaska Planning Group
Washington, D.C. 20240

Department of the Interior
National Park Service
524 W. Sixth Avenue
Room 201
Anchorage, Alaska 99501

Department of the Interior
Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

Dated: February 3, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Docs.75-4643—4650 Filed 2-19-75; 8:45 am]

ANDREW F. JONES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1974.

Dated: January 1, 1975.

ANDREW P. JONES.

[FR Doc.75-4556 Filed 2-19-75; 8:45 am]

B. C. HULSEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1974.

Dated: December 30, 1974.

B. C. HULSEY.

[FR Doc.75-4555 Filed 2-19-75; 8:45 am]

B. M. GUTHRIE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 27, 1974.

Dated: December 27, 1974.

B. M. GUTHRIE.

[FR Doc.75-4552 Filed 2-19-75; 8:45 am]

C. N. WHITMIRE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1, 1975.

Dated: December 30, 1974.

C. N. WHITMIRE.

[FR Doc.75-4565 Filed 2-19-75; 8:45 am]

CARLOS O. LOVE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) Texas Utilities Fuel Company.
(2) Sold 200 shares of Texas Utilities Company stock.
(3) No change.
(4) No change.

This statement is made as of December 31, 1974.

Dated: December 31, 1974.

CARLOS O. LOVE.

[FR Doc.75-4557 Filed 2-19-75; 8:45 am]

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete Chase Manhattan Mortgage & Realty.
(3) No change.
(4) No change.

This statement is made as of December 11, 1974.

Dated: December 11, 1974.

EARL D. DRYER.

[FR Doc.75-4551 Filed 2-19-75; 8:45 am]

ELMER HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 6, 1974.

Dated: December 6, 1974.

ELMER HALL.

[FR Doc.75-4553 Filed 2-19-75; 8:45 am]

FRED M. TREFFINGER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 3, 1975.

Dated: January 3, 1975.

FRED M. TREFFINGER.

[FR Doc.75-4563 Filed 2-19-75; 8:45 am]

FREDERICK L. PETERSEN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and

Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 4, 1974.

Dated: December 4, 1974.

FREDERICK L. PETERSEN.

[FR Doc.75-4560 Filed 2-19-75;8:45 am]

HARLEY L. COLLINS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 30, 1974.

Dated: December 30, 1974.

HARLEY L. COLLINS.

[FR Doc.75-4550 Filed 2-19-75;8:45 am]

JOHN A. McMAHON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1974.

Dated: December 31, 1974.

JOHN A. MCMAHON.

[FR Doc.75-4558 Filed 2-19-75;8:45 am]

JOHN R. VOGEL, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 27, 1974.

Dated: November 27, 1974.

JOHN R. VOGEL.

[FR Doc.75-4564 Filed 2-19-75;8:45 am]

KEITH E. SPENCER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months.

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 3, 1974.

Dated: December 3, 1974.

KEITH E. SPENCER.

[FR Doc.75-4562 Filed 2-19-75;8:45 am]

ROBERT J. MARCHETTI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 1, 1975.

Dated: January 3, 1975.

ROBERT J. MARCHETTI.

[FR Doc.75-4559 Filed 2-19-75;8:45 am]

ROBERT WINFREE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 31, 1974.

Dated: December 31, 1974.

ROBERT WINFREE.

[FR Doc.75-4566 Filed 2-19-75;8:45 am]

SAMUEL R. SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of January 1, 1975.

Dated: December 30, 1974.

SAMUEL R. SHEPPERD.

[FR Doc.75-4561 Filed 2-19-75;8:45 am]

WILLIAM HENNE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of January 2, 1975.

Dated: January 2, 1975.

WILLIAM HENNE.

[FR Doc. 75-4554 Filed 2-19-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Tuesday, March 4, 1975.

The purpose of the meeting is to review the report of the 5-Man Subcommittee appointed at the February 10, 1975, meeting of the Committee and consider areas of improving the grower designation plan for the 1975 flue-cured marketing season. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.-9404 will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee

at the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: February 13, 1975.

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

[FR Doc.75-4599 Filed 2-19-75;8:45 am]

Farmers Home Administration

[Designation Number A140]

INDIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Indiana:

Jay

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 23 through August 18, 1974, and freeze September 23, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Otis R. Bowen that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 13th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4638 Filed 2-19-75;8:45 am]

[Designation Number A141]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in six counties in Nebraska as a result of damages and losses caused by various natural disasters. The following chart lists the counties, the natural disasters, and the dates on which the natural disasters occurred:

NEBRASKA—6 Counties

1974

County	Drought	Freeze	Hailstorm
Gage	June 1 to July 30.	Sept. 3, 4, and 13.	
Garfield	June 1 to July 31.	Sept. 3 and 13.	
Rock	June 1 to Sept. 9.		
Saline	June 11 to July 31.	Sept. 3	Aug. 17.
Valley	June 1 to July 31.	Sept. 3 and 13.	
Wheeler	June 1 to July 31.	Sept. 3 and 13.	

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 13th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4639 Filed 2-19-75;8:45 am]

Forest Service

PLUMAS NATIONAL FOREST TIMBER MANAGEMENT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Timber Management Plan, Plumas National Forest, California, USDA-FS-R5-DES (Adm)-75-7.

The environmental statement concerns a timber management plan for the management of the timber resources on the forest and proposes a Potential Yield of 2,505.4 million board feet of timber from the Standard, Special, and Marginal Components for the 10 year period from July 1, 1975 to July 1, 1985 under a sustained yield program based on a 140-year rotation. The proposed action will be carried out within Plumas, Butte, Lassen, Sierra and Yuba counties in northeastern California.

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on February 11, 1975.

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

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., SW., Washington, D.C. 20250.
USDA, Forest Service, 630 Sansome Street, Rm. 529, San Francisco, California 94111.
Plumas National Forest, P.O. Box 1500 (159 Lawrence St.), Quincy, California 95971.

A limited number of single copies are available, upon request, from Regional Forester Douglas R. Leisz, California Region, Forest Service, 630 Sansome Street, San Francisco, California 94111.

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

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

Comments concerning the proposed action and requests for additional information should be addressed to Douglas R. Leisz, Regional Forester, Forest Service, 630 Sansome Street, San Francisco, California 94111. Comments must be received by April 14, 1975 in order to be considered in the preparation of the final environmental statement.

T. W. KOSKELLA,
Deputy Regional Forester.

FEBRUARY 11, 1975.

[FR Doc.75-4541 Filed 2-19-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NORTHWESTERN UNIV.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00535-90-46070. Applicant: Northwestern University, Department of Materials Science, the Technological Institute, Evanston, Ill. 60201. Article: Scanning electron microscope, model JSM-50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The

article is intended to be used in various research and teaching programs throughout the university. The research programs will include:

(a) Cyclic creep study of aluminum and copper,

(b) Deformation of low dislocation density single crystals,

(c) Fatigue and fracture study of iron and steel,

(d) Investigation of mechanical properties of Al-Ni alloys,

(e) Examination of the microfabric of clay specimens,

(f) Diffusion study of Fe and S in NiO, and

(g) Composition distribution in In-Ga-Phosphide.

The teaching materials and information acquired from the use of the article will be used in several courses including Materials Science 750–C65, a course in electron microscopy and election diffraction in Materials Science. The article will also be used in Biological Sciences 409–C65, a course in submicroscopic cytology including electron microscopy and its applications. In addition, the information gained will be employed for educational purposes in photographic enlargements and in slides used to illustrate lectures. COMMENTS: Comments dated June 26, 1973 were received from Applied Research Laboratories (ARL) which state inter alia that ARL manufactures an instrument similar to the article that will perform the work described by the applicant.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time the article was ordered (June 22, 1972).

Reasons: This application is a resubmission of Docket Number 73–00013–90–46070 which was denied without prejudice to resubmission on February 22, 1973 for informational deficiencies.

In reply to Question 8 the applicant alleged that the foreign article provided the following pertinent specifications:

(a) Selected area channeling patterns from an area on the order of 10 micrometers diameter;

(b) Provision for visual observation of specimen through a light microscope at the same time the specimen is bombarded with the electron beam;

(c) 70Å resolution capability, referring to the secondary electron image;

(d) Capability for dispersive x-ray analysis.

With regard to these specifications the National Bureau of Standards (NBS), in its memorandum dated August 1, 1973, advised that the most closely comparable domestic instrument, the AMR model 900 scanning electron microscope manufactured by AMR Corporation, satisfied specifications (a) (b) and (d), and thus NBS makes no findings on their pertinency. With regard to specification (c), which states a 70Å resolution capability in the secondary electron mode of operation, NBS advises that the resolution guaranteed for the foreign article in this mode is 100Å. Accordingly, NBS makes no finding on the pertinency of 70Å resolution. NBS also makes no finding on the pertinency of the 100Å guaranteed by the foreign article because the AMR–900 also meets this specification. Therefore, NBS finds that the domestic AMR–900, which was available at the time of order, is scientifically equivalent to the foreign article for the applicant's intended uses.

For these reasons, we find that the domestic Model AMR–900 scanning electron microscope was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.75–4613 Filed 2–19–75;8:45 am]

PACIFIC MED. CENTER

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00110–35–07700. Applicant: Pacific Medical Center, 2340 Clay Street, San Francisco, California 94115. Article: Fundus Camera with Flash. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The article will be used to establish criteria for ophthalmoscopic and photographic evaluation of the nerve fiber layer of the retina. The study will identify optimal photographic methods for study of nerve fiber detail. Special emphasis will be placed on carefully defining changes that will be helpful in early detection of disease (such as glaucoma), in making patient care decisions (such as avoiding expensive and dangerous studies in conditions which mimic papilledema), or establishing a prognosis (as in an initial presentation of multiple sclerosis or optic nerve compression).

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated January 9, 1975 that the basic design, flexibility, and acceptance of a variety of filters are pertinent to the applicant's intended use in research to establish criteria for evaluation of the nerve fiber layer of the retina by ophthalmoscopic means and by fundus photography. HEW also advises that it knows of no instrument or apparatus which is scientifically equivalent to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.75–4614 Filed 2–19–75;8:45 am]

Maritime Administration

SS CANADA MAIL

Amendment of Invitation for Sealed Bids for the Bareboat Charter of the Vessel

Notice is hereby given that Invitation for Bids No. 1, dated November 26, 1974, inviting sealed bids for the bareboat charter of the SS CANADA MAIL, Official No. 297579, notice of which was published in the FEDERAL REGISTER on December 6, 1974 (39 FR 42703), has been amended by Addendum No. 3, dated February 14, 1975, so as to extend the time for the receipt of bids from February 18, 1975, to 11 a.m. e.s.t., March 4, 1975, and to provide for public opening of such bids at 11:30 a.m. e.s.t., on said date at the office of the Maritime Administration, Room 3708, Commerce Building, 14th Street between E and Constitution Avenue, NW, Washington, D.C. 20230.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: February 14, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75–4695 Filed 2–19–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Meeting

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble the month of March 1975:

National Advisory Council on Alcohol Abuse and Alcoholism
March 17–18, 9:30 a.m.
Conference Room 14–105, Parklawn Bldg., Rockville, Maryland
Open—March 17; Closed—Otherwise
Contact David Orchard, Parklawn Bldg., Rm. 16–86
5600 Fishers Lane, Rockville, Md. 20852, 301–443–4703

Purpose: Advises the Secretary, Department of Health, Education, and Welfare regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. Reviews all grant applications submitted, evaluates these applications in terms of scientific merit and coherence with Department policies, and makes recommendations to the Secretary with respect to approval and amount of award.

Agenda: March 17 will be devoted to a discussion of (1) Status Report from the National Center for Alcohol Education, (2) Discussion of the proposed FY '76 budget, (3) Discussion of the Conference on Alcohol Research (1/10/75), (4) Discussion of the AMA Resolution, (5) Future Role of the Liaison Representatives, (6) Discussion of the Success from NIAAA Support of Research Studies, (7) Results of the Follow-up Study of 2,000 Clients that come into contact with NIAAA Programs, and (8) Report from Liaison Representatives.

March 18, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of sections 552(b)(4) and 552(b)(6), Title V, U.S. Code and section 10(d) of Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

Substantive program information may be obtained from the contact person listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and a roster of Council members is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6–C–15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone—(301) 443–3306.

Dated: February 14, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75–4584 Filed 2–19–75;8:45 am]

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, Pub. L. 92–463, that the second meeting of the Community Education Advisory Council will be held March 7 and 8, 1975, at The Lounge, National Center for Community Education, 1017 Avon Street, Flint, Michigan. The Friday meeting will begin at 9 a.m. and end at 5 p.m. The Saturday meeting will begin at 8 a.m. and end at 12 p.m.

The Community Education Advisory Council is authorized under Pub. L. 93–380. The Council is established to advise the Commissioner of Education on policy matters relating to the interest 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) Consideration of Policy related to Regulations.

(2) Annual Report to Congress.

(3) Procedures for Evaluation.

(4) Future Business and Administration Matters.

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 February 14, 1975.

JULIE ENGLUD,
Special Assistant to the U.S. Commissioner of Education.

[FR Doc. 75–4597 Filed 2–19–75;8:45 am]

Office of the Secretary

NATIONAL BLOOD POLICY

Meeting

Responding to a request made by the Department in the FEDERAL REGISTER September 10, 1974 (Vol. 39, Number 176, pages 32702–11), certain private sector organizations listed below[1] formed the Ad Hoc Committee to Establish the American Blood Commission. Pertinent passages of the FEDERAL REGISTER announcement are reproduced here for the convenience of the reader.

Notwithstanding the existence of these unresolved issues, the Department recognizes that formation of the American Blood Commission as a coordinating body in the private sector is the sine qua non for moving forward at this time in implementing the National Blood Policy. Once the initial step of establishing an American Blood Commission has been taken, it will be possible to deal adequately with the entire range of blood banking issues that require attention. The Department will continue to work with the private sector to see to it that these issues are resolved in a satisfactory manner. But nothing else is so important to the success of the private sector implementation effort as the American Blood Commission as a first step.

INAUGURAL CONVENTION OF THE AMERICAN BLOOD COMMISSION AND FORMATION OF AD HOC COMMITTEE TO ESTABLISH THE AMERICAN BLOOD COMMISSION

Establishment of the American Blood Commission will require considerable preparatory work. Various groups in the private sector have called on the Department to sponsor the activities and the specific planning needed to bring the Commission into

[1] American Association of Blood Banks, AFL–CIO, American Heart Association, American Hospital Association, American Medical Association, American National Red Cross, American Society of Clinical Pathologists, Blue Cross Association, Chamber of Commerce of the United States, College of American Pathologists, Council of Community Blood Centers, National Hemophilia Foundation, and Pharmaceutical Manufacturers Association.

being. Officials of the Department feel that it would be appropriate for the Federal Government to continue to play a catalytic role in the formation of an American Blood Commission, so long as this is done without usurping the proper functions of the private sector, and so long as it is borne clearly in mind that the American Blood Commission must remain a private sector undertaking. Accordingly, the Department agrees that the Inaugural Convention of the American Blood Commission shall be convened under the auspices of the Department.

In order to make necessary arrangements to ensure the success of the Inaugural Convention, it is essential that the private sector form an ad hoc committee to establish the American Blood Commission, and select a suitable chairman to guide the committee's activities. The Department will encourage the private sector's efforts to form this committee. The ad hoc committee shall consist of 13 members, in addition to the chairman, and shall be composed of one representative from each of the following: Council of Community Blood Centers; American National Red Cross; American Association of Blood Banks; American Medical Association; American Hospital Association; American Society of Clinical Pathologists; College of American Pathologists; Blue Cross Association; Pharmaceutical Manufacturers Association; National Hemophilia Foundation; and three additional lay groups, to be selected shortly. The chairman shall be an individual with proven administrative abilities, and with no commitments to any of the organizations represented on the committee. Once this ad hoc committee is formed by the private sector, the Department will seek to cooperate and will consider providing financial support for the activities of the ad hoc committee in this planning phase.

It shall be the responsibility of the ad hoc committee to make all necessary preparations for the inaugural convention of the American Blood Commission. The ad hoc committee will be expected to accomplish the following tasks:

1. Write a draft charter for the American Blood Commission. This draft charter is to be presented, discussed, modified as appropriate, and then ratified at the inaugural convention. The draft charter may borrow, where appropriate, from the draft American Blood Commission plan, and should contain at least the following:

a. Preamble—purposes (goals) functions (objectives).

b. Structure of the Commission (organization).

c. Criteria for membership in the Commission.

d. Executive Committee: composition and tenure.

e. Frequency of meetings: American Blood Commission and Executive Committee.

f. Tasks and implementing actions of the Commission/Committee, defined in terms of elements of the National Blood Policy.

g. Designation of task forces as information-gathering instruments.

h. Mechanism for altering the charter.

i. Financing of the American Blood Commission.

j. Officers.

k. Staff.

2. Determine logistics of the inaugural convention (when and where).

3. Draw up a list of invitees and select the mechanism for announcing the inaugural convention.

4. Establish rules of participation in the inaugural convention.

5. Draft an agenda.

6. Propose funding of the convention.

7. Provide for recording of the convention proceedings.

8. Propose the legal status of the American Blood Commission.

9. Establish working groups to accomplish all of the above.

Several points deserve particular emphasis at this time. The Department will consider financially supporting the activities of the ad hoc committee during the planning phase. In doing so, the Department intends to demonstrate its commitment to implementation of the National Blood Policy, and to fruitful cooperation with the private sector. The Department does not intend thereby to dominate the workings of the ad hoc committee, nor to underwrite the ongoing operations of the American Blood Commission. The Department fully expects that the private sector organizations, recipients of blood services, and third-party payers will bear most of the costs of operating regional programs and maintaining the American Blood Commission. Nevertheless, the Department recognizes the community's shared responsibility to maintain an adequate supply of blood, and to educate the members of the community to that responsibility. Inasmuch as all Americans will benefit from an improved nationwide blood service system, and will gain therefrom the assurance that high quality blood will be available when they need it, it is appropriate for the Department to consider offering financial support for starting up the Commission and for partial maintenance of such campaigns to educate the public as may be needed. In the main, however, the American Blood Commission and the blood service system generally should be self-supporting with regard to ongoing operations.

The precise nature of the relationship between the Federal Government and the American Blood Commission will come into sharper focus as the ad hoc committee progresses with its tasks, and as the Commission comes into being. Although the Department expects the ad hoc committee to consider how the Commission should relate to the Department, this is intended to foster creative and critical thinking on the part of the ad hoc committee, and not to commit the Federal Government to a particular course of action. The Department does have some broad guidelines on this subject. The Department has no wish to become deeply involved in blood banking operations and, indeed, the entire implementation strategy from which the American Blood Commission proposal has issued is based on a fervent desire to let the private sector do what it knows best. As long as the American Blood Commission and the ad hoc committee remain faithful to the principles of the National Blood Policy and the expectations for implementing the Policy that the Department has articulated, the Federal Government will be pleased to cooperate with the private sector, and to tailor Federal actions to be complementary to those of the American Blood Commission. The reader is implored to understand clearly that this FEDERAL REGISTER notice and the announcement of the Department's response do not constitute rule-making or regulation setting. Rather, the Department is engaged in trying to fashion a partnership with the private sector to promote and protect the health of all the people of the United States.

The Ad Hoc Committee has produced plans for an American Blood Commission and for the Inaugural Convention of that Commission, and has announced that the Inaugural Convention will be held at the Statler Hilton Hotel, 16th & K Streets, NW, Washington, D.C. 20005, on April 4 and 5, 1975. Both sessions will begin at 9 a.m.; the former will terminate at 4:30 p.m., the latter at noon.

The Ad Hoc Committee is inviting numerous national organizations to attend the Inaugural Convention. Those organizations having expressed an intent to become members of this private sector Commission and having paid registration fees of $100 will be entitled to vote on the charter and bylaws of the Commission, and in the election of a board of directors and officers of the Commission.

National organizations that are concerned with the provision of blood services and, hence, may wish to become voting members of the Commission are encouraged to communicate promptly with the Chairman, Ad Hoc Committee to Establish the American Blood Commission, 1828 L Street, NW, Suite 608, Washington, D.C. 20036, Telephone 202/872-1828 or 1829. Parties desiring additional background information may obtain same by communicating with the Chairman at the above noted address.

The Ad Hoc Committee has invited the attendance of the public as observers, but has stated that public attendance will be limited by the available space and that a registration fee of $25 will be required of all attendees.

Dated: February 10, 1975.

THEODORE COOPER,
Acting Assistant Secretary for Health.

[FR Doc.75-4620 Filed 2-19-75;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Professional Standards Review Council

Date and Time: March 31, 1975 (1 p.m. to 5 p.m.); April 1, 1975 (9 a.m. to 1 p.m.)

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue, SW, Washington, D.C.

Purpose of Meeting: The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A-16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: February 12, 1975.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75-4589 Filed 2-19-75;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL TECHNICAL SUBCOMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name: National Professional Standards Review Council Technical Subcommittee.

Date and time: March 31, 1975 (9 a.m. to 12 noon).

Place: Auditorium (first floor), DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

Purpose of Meeting: The Technical Subcommittee was established to assist the National Professional Standards Review Council in the areas of data and information systems, evaluation of PSROs, and medical care norms, standards, and criteria. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include discussion of issues relevant to the PSRO data and information systems, medical care norms, standards and criteria, and the evaluation of PSROs.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 16A-16, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: February 12, 1975.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.75-4588 Filed 2-19-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 75-2-65; Docket 26494, Agreement C.A.B. 24902 and 24913]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of February, 1975.

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 air carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted by mail vote, have been assigned the above-designated C.A.B. agreement numbers.

Insofar as transportation to/from U.S. points is concerned, Agreement C.A.B. 24902 would increase, effective April 1, 1975, all fares to/from Zaire by $3.80 each way to compensate carriers for an increase in the airport service charge recently imposed by the Government of Zaire. Agreement C.A.B. 24913, effective February 25, 1975, would decrease by 10.985 percent fares sold in Pakistani currency for transportation commencing in Pakistan to the Western Hemisphere over the North Atlantic. This decrease is considered necessary for technical reasons in order to maintain consistency with agreements reached at the 1974 Fort Lauderdale and Montreux meetings. Although fares from Pakistan were exempted from increases agreed to at the meetings of the appropriate resolutions, the fare tables themselves do not reflect the proper levels thus causing problems with both publication and ticketing. We will approve the agreements as being reasonable since they reflect a pass-through of an increased passenger service charge in Zaire and fares from Pakistan as previously agreed upon.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act does not find that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement C.A.B.:	*IATA resolutions*
24902	200 (Mail 231) 005ww, JT12 (Mail 861) 005ww, JT23 (Mail 353) 005ww, JT123 (Mail 746) 005ww.
24913	JT123 (Mail 747) 022r.

Accordingly, *it is ordered*, That: 1. Agreements C.A.B. 24902 and 24913 be and hereby are approved; and

2. Tariffs implementing the agreements be marked to expire March 31, 1976.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-4626 Filed 2-19-75;8:45 am]

[Order 75-2-63; Docket 26494; Agreement C.A.B. 24945]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fares

Adopted by the Civil Aeronautics Board at is office in Washington, D.C. on the 14th day of February, 1975.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers and other air carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which amends the results of an earlier meeting held in Ge-

neva,[1] has been assigned the above C.A.B. agreement number.

The agreement adjusts the level of proportional fares, used to construct through fares from interior U.S. points to points in the South Pacific over Honolulu, to reflect recent Board disapproval in Order 74-12-23, December 6, 1974, of the 5 percent fuel-related increase in specified South Pacific fares. We will approve the agreement as it seems reasonable and consistent with our past policies regarding fares between the U.S. and South Pacific points.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act, does not find that the following resolution, incorporated in Agreement C.A.B. 24945, is adverse to the public interest or in violation of the Act:

Agreement C.A.B.	IATA No.	Title	Application
24945	015a	South Pacific Proportional Fares-North America (Amending)	3/1

Accordingly, *It is ordered*, That:

1. Agreement C.A.B. 24945 be and hereby is approved;

2. Tariffs implementing the agreement shall be marked to expire March 31, 1975; and

3. The carriers are hereby authorized to file tariffs implementing the agreement on not less than one day's notice for effectiveness not earlier than February 19, 1975. The authority in this paragraph expires March 21, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-4627 Filed 2-19-75;8:45 am]

[Docket 27075]

PITTSBURGH-ATLANTA-JAMAICA CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 18, 1975, at 10:00 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Burton S. Kolko.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before March 4, 1975, and the other parties on or before March 12, 1975. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., February 13, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-4625 Filed 2-19-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BATHROOM SAFETY

Meeting

ABT Associates, Incorporated, under contract to the Consumer Product Safety Commission, Bureau of Engineering Sciences, will conduct a conference of interested parties such as bathtub and bathroom fixture and accessory manufacturers, government representatives, safety experts, members of the design, building, and medical professions, as well as consumers to discuss the preliminary results of an investigation of bathroom accidents. This conference will be held on March 5 and 6, 1975, at ABT Associates, 55 Wheeler Street, Cambridge, Massachusetts.

Topics which will be presented include proposed new-product performance guidelines as well as recommendation for renovations and retrofit measures and concepts for educational programs which may enhance the inherent safety of the bathroom.

The meeting is open to the public. An agenda is available from Ms. Deborah Blackwell, ABT Associates, (617) 492-7100. Questions may also be directed to Mr. Brian Pierman, Bureau of Engineering Sciences, Consumer Product Safety Commission, (301) 496-7588.

Dated: February 13, 1975.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.75-4621 Filed 2-19-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

LIQUID METAL FAST BREEDER REACTOR PROGRAM

Proposed Final Environmental Statement, Extension of Comment Period

The availability of the proposed final environmental statement for the Liquid Metal Fast Breeder Reactor Program was announced in the FEDERAL REGISTER January 24, 1975 (40 FR 3804 and 40 FR 3799). The period for receipt of comments by the Energy Research and Development Administration was through March 25, 1975. In view of delays in the publication of the document the comment period is hereby extended to April 9, 1975.

Dated at Germantown, Md., this 11th day of February 1975.

For the Energy Research and Development Administration.

JAMES L. LIVERMAN,
Acting Deputy Assistant Administrator for Environment and Safety.

[FR Doc.75-4716 Filed 2-19-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180032 FRL 331-2]

COLORADO DEPARTMENT OF AGRICULTURE

Denial of Application for Exemption To Use Pesticide for Predator Control

Application was made by the Colorado Department of Agriculture pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), for an exemption to allow use of strychnine, sodium monofluoroacetate (1080), and sodium cyanide for predator control.

The Administrator of the Environmental Protection Agency has, after giving due consideration to the application and other pertinent information, denied this request for an exemption.

Background. On March 9, 1972, the Administrator, EPA, suspended and canceled all registrations of pesticides containing strychnine, sodium monofluoroacetate (1080), and sodium cyanide for use as predator controls; notice of this action was published in the FEDERAL REGISTER on March 18, 1972 (37 FR 5718).

On January 18, 1974, the Administrator published in the FEDERAL REGISTER (39 FR 2295), notice of a decision concerning the use of the M-44 device and sodium cyanide under experimental use

[1] Approved by Order 74-12-122, December 30, 1974.

permits designed to generate data concerning effects on non-target species, efficacy of the product in reducing sheep losses and comparative data with non-chemical means of control.

Specifically, the Administrator noted the following:

> The knowledge which would permit satisfactory evaluation of the M–44 as a candidate for registration or for any widespread use is not available. There still exists a lack of reliable data as there did in early 1972, in particular (insofar as the M–44 is concerned):
>
> 1. Insufficient data on the amount of coyote control which can be achieved by the M–44 without causing unreasonable adverse effects on the environment;
>
> 2. Insufficient data on the correlation between the number of sheep lost (with and) without the use of the M–44;
>
> 3. Insufficient data comparing the effectiveness and cost of the M–44 with non-chemical coyote control alternatives, including denning, shooting, trapping, and protective measures applied directly to sheep and lambs.

The above mentioned FEDERAL REGISTER notice also denied pending applications from the States of Texas, California, and Wyoming for registration of the M–44 and requests for exemptions for emergency use (Wyoming requested the use of sodium cyanide, 1080, and strychnine). However, this same notice went on to say:

> It is possible that, upon the collection of appropriate data, the EPA may at some future time be able to register the M–44 under the FIFRA, as amended, with ample protection of public health and the environment, and be consistent with the policies articulated in the 1972 Order.
>
> The Administrator has therefore, determined to give expedited, favorable consideration to applications for experimental permits for use of the M–44 under the FIFRA, as amended. Under the Act, experimental use may proceed so that the applicant can accumulate the field information necessary for registration.

Finally, on January 31, 1974, the Administrator published a regulation in the FEDERAL REGISTER (39 FR 3939) which required any party wishing to undertake an experimental use program involving the use of sodium cyanide in a spring-loaded ejector unit (such as the M–44) as predator control to obtain an experimental use permit pursuant to section 5 of the amended FIFRA. Several programs are now underway in a number of Western States and under the Department of the Interior, enabling collection of data under the different geographic and climatic conditions that could be encountered under registered use conditions.

Conclusion. While the data submitted with the request demonstrates that losses are occurring to predation, the Agency's evaluation reveals that information is still lacking in the three areas listed above.

Therefore, the Administrator denies the request for exemption under section 18 of the amended FIFRA, for emergency use of sodium cyanide, 1080, and strychnine to control predators. However, expeditious and favorable consideration will be given to an application for an experimental use permit to obtain the data needed to apply for registration of sodium cyanide in the M–44 for predator control. Hazard to humans, in the case of the explosive type "coyote getter", and environmental risk, in the case of 1080 and strychnine, are among additional issues which led to the cancellation of these methods for predator control in 1972. These issues still exist at this time.

Dated: February 10, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75–4681 Filed 2–19–75;8:45 am]

[FRL 325–2]

FUELS AND FUEL ADDITIVES

Suspension of Enforcement of Regulations for Control of Lead Additives in Gasoline

Regulations controlling the amount of lead additives in gasoline were published on December 6, 1973 (38 FR 33734). Beginning January 1, 1975 the regulations would have required gasoline manufacturers to gradually reduce the average lead content of gasoline manufactured at each refinery to 0.5 gram of lead per gallon over a four year period. The purpose of the regulations was to reduce lead emissions from automobiles to protect public health.

On December 20, 1974 these regulations were set aside by the U.S. Court of Appeals for the District of Columbia Circuit. Written opinions were issued on January 28, 1975. As a result of this decision by the Court, EPA has suspended enforcement of these regulations.

The Court's ruling regarding these regulations does not affect the unleaded gasoline regulations (38 FR 1254 and amendments) currently being enforced by EPA. The unleaded gasoline regulations are needed to protect the catalytic converters on most 1975 cars and require certain service stations to offer for sale a grade of unleaded gasoline.

Dated: February 12, 1975.

JOHN QUARLES,
Acting Administrator.

[FR Doc.75–4682 Filed 2–19–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION

Reporting Forms

FEBRUARY 13, 1975.

The Cable Television Bureau is in the process of changing the format of FCC Form 325 (annual reporting form) to make it more suitable for computerization. As a result the mailing of these forms will be delayed. This delay may well necessitate extending the required filing date for the Form 325. If extension is necessary further notice will be given. FCC Form 395 (annual employment report) will be mailed with the Form 325 and therefore some extension of the filing date for it may also be required.

It is anticipated that a new Form 326 (annual financial reporting form) will be adopted this year pursuant to a rule-making proceeding now before the Commission. Public notice of its filing date will be given.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–4605 Filed 2–19–75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Change in Meeting Place

This notice is given to advise of a change in location for the Wholesale Petroleum Advisory Committee meeting scheduled for February 24, 1975. The meeting will take place at 9 a.m. at the Sheraton Hotel, 1893 West Mockingbird Lane, Dallas, Texas, rather than at FEA Regional Headquarters, 2626 Mockingbird Lane, Dallas, Texas, as previously announced. A Notice of Meeting was published in the issue of February 10, 1975, of the FEDERAL REGISTER (40 FR 6231).

Issued at Washington, D.C. on February 18, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75–4809 Filed 2–18–75;8:45 am]

FEDERAL MARITIME COMMISSION

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 March 3, 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:

Neal M. Mayer, Esq.
Coles & Goertner
1000 Connecticut Avenue, NW
Washington, D.C. 20036

Agreement No. T-3017-3, between the International Longshoremen's Association, AFL-CIO (ILA), the New York Shipping Association, Inc. (NYSA), Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc. (Carriers), deals with the parties' agreement (as heretofore amended) providing for the settlement of the parties' litigation in and the Carriers' withdrawal from FMC Dockets Nos. 69-57 and 73-34. The purpose of Agreement No. T-3017-3 is to ratify and confirm the terms of the settlement provided for by the basic agreement as approved by the Commission, as of January 16, 1975, and thereafter.

By order of the Federal Maritime Commission.

Dated: February 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4618 Filed 2-19-75;8:45 am]

SEA-LAND SERXVICE, INC. AND PUERTO RICO MARITIME SHIPPING AUTHORITY

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 March 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Gerald A. Malia, Esq.
Ragan & Mason
The Farragut Building
900 Seventeenth Street, N.W.
Washington, D.C. 20006

Agreement No. T-3036, between Sea-Land Service, Inc. (Sea-Land) and the Puerto Rico Maritime Shipping Authority (Authority), provides for the sublease to the Authority of certain facilities at Berths 52, 54, 56, 58 and 60, Elizabeth, New Jersey, for a term ending September 30, 1984 (with renewal options). As compensation, Sea-Land will receive $2,176,573.59 annually plus other payments for utilities, taxes, etc. Sea-Land is also to receive $250,000 annually from October 1, 1975 until September 30, 1979 for certain termination rights under the agreement. Agreement No. T-3036 is subject, with certain exceptions, to the agreement between Sea-Land and the Port of New York and New Jersey Authority (Port) providing for the lease of the facility to Sea-Land. The Authority's operations on the subleased premises will be subject to the rules and regulations contained in the Port's Tariff.

By Order of the Federal Maritime Commission.

Dated: February 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4619 Filed 2-19-75;8:45 am]

VIRGINIA PORT AUTHORITY AND PORTSMOUTH TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, 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 March 12, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularly 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. J. Robert Bray, Esq.
Virginia Port Authority
1600 Maritime Tower
Norfolk, Virginia 23510

Agreement No. T-3058, between the Virginia Port Authority (Port) and Portsmouth Terminals, Inc. (PTI), provides for the lease to PTI of certain premises at Pinners Point, Virginia to be used for marine terminal operations. As compensation, PTI shall pay Port a basic rental of $14,670 per annum plus 60 percent of the rental received by PTI from its use and occupation of the South Piggyback Area, after operational expenses have been deducted. This agreement is subject to the terms and conditions set forth in an agreement dated July 1, 1974, between the Port and the Southern Railway Company (SRC), wherein SRC grants Port the privilege to use said premises for marine terminal operations, or upon written approval by SRC, to assign said privilege to a third party.

By Order of the Federal Maritime Commission.

Dated: February 14, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-4617 Filed 2-19-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP74-239]

ALASKAN ARCTIC GAS PIPELINE CO.

Supplement to Application

FEBRUARY 12, 1975.

Take notice that on January 21, 1975, Alaskan Arctic Gas Pipeline Company (Applicant), Suite 230, 1730 Pennsylvania Avenue NW., Washington, D.C. 20006, filed in Docket No. CP74-239 the third supplement to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act by submitting Exhibit H, its statement of gas supply data, in compliance with § 157.14(a)(10) of the Commission's regulations under the Natural Gas (18 CFR 157.14(a)(10)), all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

By its application in the subject docket filed March 21, 1974,[1] Applicant seeks a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport as a contract carrier natural gas in interstate commerce from the Prudhoe Bay area on the North Slope of Alaska, eastward for approximately 195 miles to a point of interconnection at the Canadian border with the proposed facilities of the Canadian Arctic Gas Pipeline Limited (CAG) for the account of various contract shippers. Applicant did not accompany said application with certain required exhibits, including the instant submittal.

Applicant states that the instant submittal, Exhibit H, presents basic information relative to the amount of present and potential gas reserves in the Prudhoe Bay (Prudhoe) area of Alaska. Furthermore, because the gas from Prudhoe will be carried by Applicant's sister company, CAG, together with gas from Canada's Mackenzie Delta (Delta) area, Applicant states that it also submits herein information on Delta area gas supplies.

Applicant claims that present and potential gas reserves in the two areas available from structures already delineated total almost 30 billion Mcf, more than enough to assure the feasibility of both Applicant's and CAG's pipelines. In addition, Applicant states that the potential of the areas exceeds the level of proven reserves presently delineated. Applicant maintains that the information presented herein supports the projections it made in previous exhibits to the subject application as to the amount of gas available and the timing of its availability. Applicant further claims that, although Exhibit I (market data) is yet to be filed, markets are available for the gas from the Prudhoe and Delta areas.

Applicant estimates[2] reserves of salable gas in the Prudhoe area as of December 1974 are about 22.5 billion Mcf at 14.73 psia and 60 degrees F. (or 23.9 billion Mcf on a 1,000 Btu per cubic foot basis), of which about 7.9 billion Mcf are attributed to solution gas and about 14.6 billion Mcf to gas cap associated gas. Applicant notes that its reserve estimates are confined to the Prudhoe Oil Pool of the Prudhoe Bay Field and thus do not include the gas which may become available from the Kiparuk and Lisburnie Pools of that field, both of which are known to be hydrocarbon-bearing reservoirs. Applicant points to estimates by the State of Alaska of over 114 billion Mcf in the Pruhoe area as evidence that Applicant's estimates of reserves are conservative.

Applicant estimates that the salable gas reserves of the Delta area, in the proven, probable and possible categories,[3] are about 6.35 billion Mcf. Applicant further estimates that potential reserves in the area (including the Beaufort Sea) are in excess of 50 billion Mcf of gas.

Applicant projects gas deliverability from the Prudhoe area of about 2 million Mcf per day (or about 740 million Mcf per year), increasing to about 2.25 million Mcf per day (or about 821 million Mcf per year) in the third full year of operations. With gas sales beginning in July of 1980, Applicant predicts total delivery from the Prudhoe area to be approximately 12.5 billion Mcf through 1995.

Applicant projects gas deliverability from the Delta area of about 882,000 Mcf per day from presently identified sources. With gas sales beginning in July of 1979, Applicant predicts total delivery from the Delta area to be approximately 5.2 billion Mcf through 1995.

Any person desiring to be heard or to make any protest with reference to said supplement should on or before February 26, 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. Any person who has heretofore filed a protest or petition to intervene in this proceeding need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4474 Filed 2-19-75;8:45 am]

[1] The application was noticed in the FEDERAL REGISTER on April 15, 1974 (39 FR 13590).

[2] Applicant states that its estimates and other data in Exhibit H are based upon a report by the consultant firm DeGrolyer and MacNaughton.

[3] Applicant states that by the time its pipeline is completed the Delta area reserves will be proven.

[Docket No. E-9249]

AMERICAN ELECTRIC POWER SERVICE CORP.

Changes in Rates and Charges

FEBRUARY 7, 1975.

Take notice that American Electric Power Service Corporation (AEP) on February 3, 1975, tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), Amendment No. 8 dated January 13, 1975 to the Operating Agreement dated March 1, 1966, among Consumers Power Company, and The Detroit Edison Company, designated Indiana Rate Schedule FPC No. 68.

According to AEP, section 1 of amendment No. 8 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week and section 2 provides for an increase in the Demand Charge for Limited Term Power from $2.50 to $2.75 per kilowatt per month. AEP states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Amendment.

AEP requests waiver of the Commission 30-day notice requirement to permit this filing to become effective as of February 1, 1975.

AEP states that copies of this filing have been sent to Detroit Edison Company and to Consumers Power 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 §§ 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 24, 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.75-4512 Filed 2-19-75;8:45 am]

[Docket No. E-9248]

AMERICAN ELECTRIC POWER SERVICE CORP.

Changes in Rates and Charges

FEBRUARY 7, 1975.

Take notice that American Electric Power Service Corporation (AEP) on January 31, 1975, tendered for filing on

behalf of its affiliate, Ohio Power Company (Ohio), Modification No. 5 dated November 15, 1973 to the Interconnection Agreement dated December 1, 1963, between Ohio and Columbus and Southern Ohio Electric Company, designated Ohio Rate Schedule FPC No. 32.

According to AEP, section 1 of modification No. 5 provides for an increase in the Demand Charge for Short Term Power from $0.45 to $0.50 per kilowatt per week and section 2 provides for an increase in the Demand Charge for Limited Term Power from $2.50 to $2.75 per kilowatt per month. AEP states that since the use of Short Term and Limited Term Power cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the modification.

AEP requests that the instant filing be permitted to become effective March 1, 1975.

AEP states that a copy of this filing has been sent to Columbus and Southern Ohio 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 §§ 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 24, 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.75-4521 Filed 2-19-75;8:45 am]

[Docket No. CI75-162]

ATLANTIC RICHFIELD CO. ET AL.

Petition To Amend

FEBRUARY 10, 1975.

Take notice that on January 23, 1975, Atlantic Richfield Company (Operator), et al. (Petitioner), P.O. Box 2819, Dallas, Texas 75221, filed in Docket No. CI75-162 a petition to amend the order of the Commission issued in said docket on December 3, 1974, pursuant to section 7(c) of the Natural Gas Act issuing a certificate of public convenience and necessity authorizing Petitioner to sell natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), from certain leases in the Bay Lizette Area of Lafourche Parish, Louisiana, pursuant to an agreement between the parties dated August 22, 1974, so as to authorize Petitioner to sell and deliver additional volumes of gas attributable to the royalty interests in the land and leaseholds committed to said agreement and all additional volumes attributable to Petitioner's special form lease from the Lafourche Basin Levee District, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued December 3, 1974, Petitioner was authorized to sell Tennessee its net working interest (100 percent of the working interest exclusive of the volume of gas applicable to the royalty interest in and under the leases committed) in certain leases now owned in the Bay Lizette Area of Lafourche Parish from the surface down to the base of the TEX-L-1 sand. The petition indicates that the application filed in the original proceeding in Docket No. CI75-162 specifically stated that Petitioner's August 22, 1974, gas purchase and sales agreement with Tennessee covers only Petitioner's net interest in the lease and that certification was not requested for and "should not cover the royalty interest in the reserves underlying said leases".

The petition states further that Petitioner has been apprised by the royalty owners that they have not found an intrastate market for their gas and would entertain a request from Petitioner for authority to sell the royalty owners' share of gas to Tennessee under the same terms and conditions as set forth in Petitioner's August 22, 1974, agreement with Tennessee, "provided that any such authorization would be revokable at any time by the royalty owners."

Petitioner states that it has accepted the proposed royalty arrangements with the State of Louisiana and the Lafourche Basin Levee District and the conditional authorization from Lafourche Basin Levee District to market Petitoner's working interest in the special form lease subject to Tennessee's consent and the receipt of requisite regulatory approvals. Petitioner states further that it has entered into an agreement dated December 20, 1974, with Tennessee to sell, along with Petitioner's share of gas committed under the Gas Purchase and Sales Agreement of August 22, 1974, certain additional volumes described above of heretofore uncommitted gas attributable to the State of Louisiana's royalty interest and certain additional volumes of gas attributable to said special form lease from the Lafourche Basin Levee District, so long as and only so long as Petitioner is authorized by such lessors to sell such gas.

The petition indicates that by resolution dated November 13, 1974, the State Mineral Board approved Petitioner's request for authority to sell the State's share of royalty gas along with Petitioner's share of gas to Tennessee produced from the Tex L1 RA SU A, State Lease No. 1 Well, said unit being effective May 15, 1974, affecting State Lease No. 5918, Bay Lizette Field, Lafourche Parish. The resolution states that such approval is specifically subject to the additional understanding that this approval authorizes marketing of the State's royalty gas by its lessee only under temporary certificate or similar approval of the federal regulatory authority "until such time as the State Mineral Board exercises its right to revoke such authority and to take the states' royalty share of gas in kind."

The petition further indicates that by resolution adopted November 14, 1974, the Board of Commissioners for the Lafourche Basin Levee District waives the requirement that the gas produced from Lease No. LA. 12987, granted to Petitioner on April 12, 1973, in sections 11 and 12, Township 21 South, Range 23 East, Lafourche Parish, be sold in intrastate markets and that Petitioner is permitted, to sell the production, inclusive of the royalty interest of the board, in the interstate market and specifically to Tennessee. The resolution is stated to be temporary in nature and subject to revocation of the rights granted therein at anytime at the option of the Board.

Petitioner proposes to sell the above-designated additional volumes of gas estimated to be 25,000 Mcf per month to Tennessee at 59.53 cents per Mcf at 15.025 psia, subject to Btu adjustment upward and downward from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 24, 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 Commissions' rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4536 Filed 2-19-75;8:45 am]

[Rate Schedule Nos. 314, etc.]

ATLANTIC RICHFIELD COMPANY, ET AL.

Rate Change Filings

FEBRUARY 11, 1975.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and in Opinion No. 699-H, issued December 4, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before February 28, 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 Com-

mission'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 party 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.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Jan. 23, 1975	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	314	United Gas Pipe Line Co...	Texas Gulf Coast.
Do	Burmah Oil and Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94103, Houston, Tex. 77018.	15	Lone Star Gas Co.	Other Southwest.
Jan. 24, 1975	HNG Oil Co., P.O. Box 1188, Houston, Tex. 77001.	2	Texas Gas Pipe Line Corp..	Texas Gulf Coast.
Do	do	4	Texas Eastern Transmission Corp.	Do.
Jan. 29, 1975	Clinton Oil Co., P.O. Box 1201, Wichita, Kans. 67201.	60	Arkansas Louisiana Gas Co.	Do.
Do	Koch Industries, Inc., P.O. Box 2256, Wichita, Kans. 67201.	2	El Paso Natural Gas Co....	Rocky Mountain.
Do	do	3	do	Do.
Do	do	4	do	Do.
Do	do	5	do	Do.
Do	do	6	do	Do.
Do	do	7	do	Do.
Do	do	8	do	Do.
Do	do	1	do	Do.
Do	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	172	Cities Service Gas Co.	Hugoton-Anadarko.
Do	do	124	Natural Gas Pipe Line Corporation of America.	Do.
Do	do	187	do	Do.
Jan. 30, 1975	W. G. Haun and Elva Armer, c/o Mr. Merle Brigging, 200 North Main, Wichita, Kans. 67202.	1	Zenith Natural Gas Co.	Do.
Do	Davis-Noland-Merrill Grain Co., Suite 1220, 127 West 10th St., Kansas City, Mo. 64105.	1	do	Do.
Do	Mobil Oil Corp., Three Greenway Plaza East, Suite 800, Houston, Tex. 77046.	78	Lone Star Gas Co.	Other Southwest.
Do	H. S. Cole, Jr.[1], P.O. Box 55344, Houston, Tex. 77055.	3	Texas Gas Transmission Corp.	South Louisiana.
Do	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	2	Tennessee Gas Pipeline Co..	Texas Gulf Coast.
Do	Exxon Corp., P.O. Box 2181, Houston, Tex. 77001.	24	Columbia Gas Transmission Corp.	South Louisiana.
Do	do	26	do	Do.
Do	do	104	Tennessee Gas Pipeline Co..	Texas Gulf Coast.
Do	do	304	do	Do.
Do	Atlantic Richfield Co.	505	do	Do.
Jan. 31, 1975	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	66	United Gas Pipe Line Co..	Other Southwest.
Do	Murphy Oil Corp.	8	Southern Natural Gas Co....	Do.
Do	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	103	do	Do.
Do	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	287	Arkansas Louisiana Gas Co.	Do.
Do	General American Oil Company of Texas, Meadows Building, Dallas, Tex. 75206.	35	do	Do.

[1] Filing made by Clover Bobo Cole, et al., as apparent successor-in-interest.

[FR Doc.75-4376 Filed 2-19-75;8:45 am]

[Dockets Nos. E-8855 and E-9037]

BOSTON EDISON CO.

Further Extension of Procedural Dates

FEBRUARY 10, 1975.

On February 3, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 12, 1974, as most recently modified by notice issued December 13, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's revisions, February 7, 1975.
Service of company rebuttal and any intervenor changes, February 14, 1975.
Hearing, February 27, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4516 Filed 2-19-75;8:45 am]

[Dockets Nos. CI63-464 and CI71-532]

CHARLES CLAFLIN ALLEN GROUP, ET AL.

Petition To Amend

FEBRUARY 10, 1975.

Take notice that on January 31, 1975, Charles Claflin Allen Group, Lunes Company Group and Wm. S. Barnickel & Company (Petitioners), 408 Olive Street, St. Louis, Missouri 63102, filed in Docket No. CI63-464 a petition to amend the order issuing a certificate of public convenience and necessity in said docket on March 12, 1963, pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) pursuant to the terms of a gas purchase agreement dated November 7, 1974, between Mobil Oil Corporation (Mobil) and Transco, said agreement having resulted from the settlement agreement certified to the Commission in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G-2730, et al., all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection. Petitioners also request termination of the proceeding on their application for permission and approval to abandon sales in Docket No. CI71-532.

Petitioners represent owners of certain mineral interests in the La Gloria Field, Brooks and Jim Wells Counties, Texas, and have entered into a contract with Mobil whereby Mobil is to operate said interests. As owner-operator, Mobil was granted a certificate of public convenience and necessity on March 12, 1963, in Docket No. CI63-464, to sell gas from Petitioners' interest, as well as from other specific properties in the La Gloria Field, to Transco. On January 18, 1971, Mobil filed an application in Docket No. CI71-532 for permission and approval to abandon said sales of gas to Transco. Petitioners joined in said application on March 17, 1971. By the order accompanying Opinion No. 655 in Docket No. G-2730, et al. (49 FPC 738), the Commission authorized the abandonment requested by Mobil's application in Docket No. CI71-532 and in other similar applications involving all the sales of La Gloria Field gas to Transco. The United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. "Transcontinental Gas Pipe Line Corporation v. FPC," 488 F.2d 1325 (D.C. Cir. 1973).

As a result of settlement negotiations concerning the La Gloria Field gas Mobil entered into a new contract with Transco, dated November 7, 1974, and filed it with the Commission to become effective upon the effective date of the revised settlement proposal in Docket No. G-2730, et al. By order issued January 17, 1975, in Docket No. G-2730, et al., the Commission issued a temporary certificate authorizing delivery of volumes from the La Gloria Field in accordance with certain of the terms of the revised settlement agreement, but withholding a final decision on the proposed settlement until all gas purchase agreements between the pipelines and producers who are parties to the proceeding in Docket No. G-2730, et al., have been filed, along with certificate amendment applications, and until all such filings have been properly reviewed.

Petitioners state that they have executed a contract identical to the one

dated November 7, 1974, that Mobil filed with the Commission in the La Gloria Field proceeding, and have sent said contract to Transco for signature. Petitioners, accordingly, request in Docket No. CI63-464 the change in rate level as prescribed in the new contract.

Petitioners' summary of the applicable contract with Transco states that estimated volumes of 3,000,000 Mcf per month, initially sold to Mobil by Petitioners, will be sold at a price consistent with the nationwide rate promulgated by § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a).

Any person desiring to be heard or to make any protest with reference to said petition to amend and request to terminate the proceeding on application for abandonment authorization should on or before February 28, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4529 Filed 2-19-75;8:45 am]

[Docket No. CP74-324]

CITIES SERVICE GAS CO.

Order Fixing Hearing and Establishing Procedures

FEBRUARY 10, 1975.

On June 17, 1974, Cities Service Gas Company (Applicant) filed in Docket No. CP74-324 an application as supplemented on September 8, 1974 and November 11, 1974, pursuant to section 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and for permission and approval to abandon certain facilities and service on its transmission system, all as more fully set forth in the application, as supplemented, in this proceeding.

Applicant is engaged in the purchase of natural gas from various sources in the states of Texas, Oklahoma, Kansas, Missouri and Nebraska for direct use and for resale. Applicant maintains a pipeline system to provide this service and in this regard Applicant proposes to abandon facilities and construct replacement facilities as described below:

(1) Abandon in place approximately 3.70 miles of 5-inch gas pipeline and construct approximately 3.70 miles of 2-inch gas pipeline in the DeMalorie 5-inch pipeline, Greenwood County, Kansas;

(2) Abandon in place approximately 0.23 mile of 6-inch gas pipeline and replace by constructing 0.23 mile of 2-inch gas pipeline in the Santa Fe Shops 6-inch pipeline, Neosho County, Kansas;

(3) Abandon in place approximately 0.03 mile of 4-inch and 4.66 miles of 6-inch, abandon by reclaim approximately 0.56 mile of 3-inch and 0.54 mile of 6-inch gas pipeline and construct approximately 5.79 miles of 3-inch gas pipeline in the South Mound pipeline, Neosho and Labette Counties, Kansas;

(4) Abandon in place approximately 0.45 mile of 4-inch and 6-inch gas pipeline and construct approximately 0.45 mile of 3-inch gas pipeline in the Carl Junction 4 and 6-inch pipeline, Jasper County, Missouri;

(5) Abandon by reclaim ten 170 horsepower compressor units at Applicant's Pierce City Compressor Station in Lawrence County, Missouri;

(6) Abandon by reclaim 1.62 miles of 3-inch gas pipeline and replace by constructing 1.62 miles of 2-inch gas pipeline in the Nelagoney 3-inch pipeline, Osage County, Oklahoma;

(7) Abandon by reclaim approximately 0.85 mile of 2-inch and 3-inch gas pipeline and replace by constructing 0.85 mile of 2-inch gas pipeline in the Pershing 2 and 3-inch pipeline, Osage County, Oklahoma; and,

(8) Abandon by reclaim approximately 7.20 miles of 20-inch gas pipeline and construct approximately 0.40 mile of 3-inch gas pipeline in the Pampa 20-inch pipeline, Sedgwick County, Kansas.

The application states that the facilities which Applicant proposes to abandon in place or by reclaim are largely inadequate and obsolete in view of operational requirements and will be replaced where necessary by new facilities needed to meet efficiently and economically changing operating conditions on portions of Applicant's pipeline system and to prevent leakage and gas loss.

Applicant seeks authority to discontinue gas deliveries to The Gas Service Company (Gas Service) for resale to two domestic consumers served from a section of its Pampa 20-inch pipeline which it proposes to abandon. Although these consumers' contracts with Gas Service provide for termination of service upon 10 days notice, Applicant states that such service would be discontinued 60 days from the date of the Commission's order granting abandonment authority. Applicant originally proposed to issue notice of termination to these consumers promptly upon issuance of an order by the Commission approving the requested abandonment; however, in response to a Commission Staff request, Applicant has caused Gas Service to advise the affected consumers of Applicant's pending abandonment application and the proposed termination of their natural gas service. Applicant's original application further indicated that no alternative natural gas source is available to these consumers; and therefore, to assist in their conversion to propane Applicant would pay each consumer $500, which Applicant stated it believed to be more than adequate to cover such conversion costs. In response to Staff inquiry as to the feasibility of conversion to an alternative fuel and whether Applicant will fully compensate the two consumers for their conversion costs, Applicant in its supplement filed November 11, 1974, revised its estimate as to conversion costs to $630 and expressed its willingness to reimburse actual conversion costs up to this figure.

By letter received November 20, 1974, Mr. A. W. Young through counsel has filed a protest to the granting of this abandonment request. Mr. Young, one of the affected consumers, is a farmer and livestock feeder in the area immediately north of Clearwater, Kansas, and has been served by the pipeline proposed to be abandoned for many years. The letter states that removal of this gas line serving Mr. Young's residence and farm facilities will impose a hardship on him and that his cost for substitute fuels will be more than double and possibly triple the present cost of gas fuel used by him. Mr. Young's protest also states that while he was uncertain of the number of other consumers served by the pipeline, it was his impression that a number of substantial industries including a Kansas Gas and Electric Company generating station and Vulcan Materials are served by the pipeline.

An additional protest was also received from Mr. Robert Daily, the other customer whose service would be terminated incident to the proposed abandonment. Mr. Daily states that the termination of natural gas service would be quite an inconvenience to him and that although Applicant is willing to reimburse him up to $630 for the cost of conversion to alternative fuel, an alternative fuel would be much more costly to use.

In light of these protests, we believe that sufficient cause exists to set this matter for a formal hearing. The hearing should consider, among other things, the reasons for not constructing a replacement pipeline for the entire 7.20-mile length rather than the proposed construction of a 0.40-mile pipeline for this area; the cost and availability of alternative fuel supply in the consumers' area; the hardship which those consumers would suffer; and the existence of other consumers on the pipeline as asserted by Mr. Young and whether they will be affected by the proposed abandonment.

After due notice by publication in the FEDERAL REGISTER on July 9, 1974 (39 FR 25250), no petition to intervene, notice of intervention or further protest to the granting of the application has been filed.

The Commission finds. It is necessary and appropriate that a formal hearing be set in Docket No. CP74-324 as hereinbefore described.

The Commission orders. (A) A formal hearing shall be convened in the proceeding in Docket No. CP74-324 as hereinbefore described, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on March 20, 1975 at 10 a.m. (e.d.t.). The Presiding Administrative Law Judge for the purpose—see delegation of authority, 18 CFR 3.5(d)—shall

preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of Cities Service Gas Company as to all the issues raised by the June 17, 1974, filing in Docket No. CP74-324, as supplemented, as well as all issues referred to in this order shall be filed on all parties of record, including the Commission Staff on or before March 6, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4539 Filed 2-19-75;8:45 am]

[Docket No. RP73-93]

COLORADO INTERSTATE GAS CO.

Filing of Report of Refunds

FEBRUARY 7, 1975.

Take notice that on January 27, 1975, Colorado Interstate Gas Company (CIG) tendered for filing a report of refunds in the above captioned docket. CIG states that these refunds are pursuant to Commission order of October 30, 1974, affirming and adopting the Initial Decision of the Presiding Administrative Law Judge, and that they reflect the elimination of coal and water option payments from the settlement cost of service. CIG states that it mailed refunds to its jurisdictional customers on January 24, 1975.

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 28, 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.75-4523 Filed 2-19-75;8:45 am]

[Dockets Nos. RP73-85 and RP73-86]

COLUMBIA GAS TRANSMISSION CORP.

Extension of Procedural Dates

FEBRUARY 10, 1975.

On January 24, 1975, Washington Gas Light Company filed a motion to extend the procedural dates fixed by order issued January 20, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of intervenor's testimony, February 28, 1975.

Service of company rebuttal, March 21, 1975.

Hearing, April 2, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4510 Filed 2-19-75;8:45 am]

[Docket No. RP75-59]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

FEBRUARY 12, 1975.

Take notice that Columbia Gas Transmission Corporation (Columbia), on January 31, 1975, tendered for filing a proposed change in its FPC Gas Tariff, Original Volume No. 1. The proposed change is to Section 10.2 of the General Terms and Conditions and is filed to reflect a change from six percent (6%) to nine percent (9%) in the interest to be charged on delinquent accounts of customers.

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 and 1.10). All such petitions or protests should be filed on or before February 24, 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.75-4475 Filed 2-19-75;8:45 am]

[Docket No. CP75-223]

COLUMBIA GULF TRANSMISSION CO. AND NATURAL GAS PIPELINE CO. OF AMERICA

Application

FEBRUARY 10, 1975.

Take notice that on February 5, 1975, Columbia Gulf Transmission Company (Columbia) P.O. Box 683, Houston, Texas 77001, and Natural Gas Pipeline Company of America (Natural) 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-233 a joint application[1] pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing on a temporary basis the transportation and exchange of natural gas from reserves offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request certificate authorization to enable Natural, pending construction of facilities authorized in Docket No. CP75-204, to continue to receive gas produced from reserves offshore Louisiana. The application indicates that Natural and Columbia are seeking authorization in Docket No. CP74-204 to build and operate facilities for the transportation and exchange of natural gas from reserves located offshore Louisiana, including gas purchased by Natural from Shell Oil Company (Shell) in Eugene Island Block 331. The application further indicates that by order issued January 10, 1975, in Docket No. CP74-204, the Commission issued a temporary certificate authorizing installation and operation of facilities which would, inter alia, enable Columbia to transport gas from Block 331 for Natural under a transportation and exchange arrangement. The application also states that by order issued September 24, 1974, in Docket Nos. CP72-296, CP74-101, and CP74-195, the Commission approved an interim arrangement pending construction of said facilities authorized in Docket No. CP74-204. Under this arrangement natural gas from Block 331 would be transported for Natural in part by Columbia and in part by Michigan Wisconsin Pipe Line Company (Mich Wisc)

The application states that pursuant to the interim arrangement authorized in Docket No. CP72-296, et al., and under a contract between Natural and Mich Wisc dated April 10, 1972, Mich Wisc has been transporting up to 26,000 Mcf of gas per day from Block 331 for the account of Natural, of which gas volumes in excess of 15,600 Mcf per day are transported on a best-efforts basis. Natural states that it has been informed by Mich Wisc that Mich Wisc will no longer be able to make available to Natural additional capacity above 15,600 Mcf per day. The application states that Columbia is willing to assist Natural by transporting additional gas volumes.

In order that Natural can continue to receive the additional volumes which Mich Wisc is no longer able to transport, the application proposes that Columbia be authorized to furnish such a service pending construction of the facilities authorized in Docket No. CP74-204 which are anticipated to be completed on or about September 1, 1975. Applicants propose an arrangement under which Columbia will receive up to 15,000 Mcf (5,000 Mcf of which is on a best-efforts basis) of natural gas per day into its existing 20-inch pipeline from Eugene Island Block 250 to the Blue Water Project in Eugene Island Block 227 and will redeliver an equivalent volume to Natural at an existing interconnection at Texaco Inc.'s Henry Plant. The application indicates that the Block 331 natural

[1] The application which is filed by Natural indicates that Natural is authorized to state that Columbia joins in the application.

gas initially will be transported to Block 250 by Natural and Columbia under the short-term arrangement authorized in Docket No. CP72-296, et al., and that no additional facilities will be needed.

The application states that the charge for the proposed interim transportation of gas by Columbia for Natural will be the same as provided in Columbia's transportation agreements with Texas Gas Transmission Corporation which are on file as Columbia's FPC Gas Tariff, Original Volume No. 2, Rate Schedule X-12 (for the 20-inch pipeline) and X-13 (for the Blue Water Project).

Applicants assert that the evidence upon which the Commission in Docket No. CP74-204 found that an emergency exists and issued a temporary certificate continues to exist. Applicants, therefore, request that the Commission issue a certificate authorizing the above described transportation and exchange of natural gas.

It appears reasonable and consistent with the public interest in this case to prescribe a shortened period for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 18, 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4535 Filed 2-19-75;8:45 am]

[Docket CS72-978]

CORPENING ENTERPRISES

Change in Name

FEBRUARY 12, 1975.

Notice is hereby given that due to the death of A. V. Corpening, Jr., on June 9, 1974, the above docket shall henceforth be designated as follows:

Estate of A. V. Corpening, Jr.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4476 Filed 2-19-75;8:45 am]

[Project No. 2485]

CONNECTICUT LIGHT AND POWER CO. ET AL.

Application for Approval of Revised Exhibit K

FEBRUARY 10, 1975.

Public notice is hereby given that application was filed October 10, 1974 under the Federal Power Act (16 U.S.C. 791a-825r) by The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company (Correspondence to: Paul J. Sullivan, Vice President, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089 and Maurice L. Zilber, Esq., Peabody, Brown, Rowley & Storey, One Boston Place, Boston, Massachusetts 02108) for approval of revised Exhibit K for constructed Project No. 2485, known as the Northfield Mountain Pumped Storage Project, located on the Connecticut River, a navigable water, in Franklin County, Massachusetts.

The revised Exhibit K for Northfield Mountain Pumped Storage Project No. 2485 was filed in compliance with Article 33 of the license, in order to reflect the as-built configuration of the Project.

The revised Exhibit K, sheets 1 and 2 (Detail Map of Project) delineates the project boundary and indicates land rights and ownership status of land occupied by the principal features of the Project's upper reservoir, underground powerhouse, and the tailrace tunnel area.

Approval of the revised Exhibit K as part of the license would include within the project boundary flowage rights on lands within a part of the reservoir area of the Turners Fall Project No. 1889, which is utilized as the lower reservoir for Project No. 2485.

Concurrent orders for Projects Nos. 1889 and 2485, issued November 7, 1972, approved Exhibit K maps for the entire lower reservoir, with the exception of revised Exhibit K of the subject application.

Any person desiring to be heard or to make protest with reference to said application should on or before March 24, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4532 Filed 2-19-75;8:45 am]

[Docket No. CP73-334]

EL PASO NATURAL GAS CO.

Petition To Amend

February 12, 1975.

Take notice that on February 3, 1975, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP73-334 a petition to amend the order of the Commission issued in said docket pursuant to section 7(c) of the Natural Gas Act, on October 10, 1973, so as to conform the facilities authorized therein with the facilities actually constructed, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The October 10, 1973 order authorized Petitioner to construct and operate certain additional facilities on its interstate system required for the reactivation and the injection of gas into the Rhodes Reservoir located in Lea County, New Mexico, and for the withdrawal of gas therefrom for the protection of Petitioner's east-of-California Priority 1 and 2 requirements during the 1973-74 heating season. The principal facilities authorized to be constructed were up to 25 injection/withdrawal wells with appurtenances and 5.6 miles of 4½-inch O.D. and 6⅝-inch O.D. gathering pipeline.

The petition states that as a result of redesigning the injection and withdrawal system, as test data of actual deliverability of the new wells was obtained during the drilling phase of the project, Petitioner installed an additional 1.1 miles of 4½-inch O.D., 6⅝-inch O.D. and 8⅝-inch O.D. gathering pipe, and that there has been no change, as a result of the modification in facility installation, in withdrawal capabilities from that set forth in Petitioner's initial application in Docket No. CP73-334, and as authorized by the Commission. Petitioner requests that the Commission's order of October 10, 1973, be amended to reflect the installation of the additional facilities.

Petitioner states that the actual cost of the subject project exceeded its original estimate by $63,257.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 27, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4477 Filed 2-19-75;8:45 am]

[Docket No. CP75-209]

EL PASO NATURAL GAS CO.

Extension of Time

FEBRUARY 12, 1975.

On February 3, 1975, Southland Royalty Company filed a motion to extend the time for filing answers and petitions to intervene fixed by order issued January 30, 1975, in the above-designated matter. On February 11, 1975, Warren Petroleum Company, a Division of Gulf Oil Corporation filed a similar motion.

Upon consideration, notice is hereby given that the date for filing answers and petition to intervene in the above matter is extended to and including March 3, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4478 Filed 2-19-75;8:45 am]

[Docket No. G-103]

ENTEX, INC.

Redesignation

FEBRUARY 12, 1975.

On October 29, 1974, Entex, Inc., notified the Commission of their corporate name change from the former United Gas, Inc., effective April 4, 1974.

Notice is hereby given that the export and Presidential permits issued in the above-designated matter are redesignated as those of Entex, Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4479 Filed 2-19-75;8:45 am]

[Docket Nos. CI74-328 and CI74-381]

FOURWAY OIL CO.

Order Providing for Hearing Consolidating Proceedings and Granting Interventions

FEBRUARY 10, 1975.

On November 23, 1973 and January 10, 1974, respectively, Fourway Oil Company, (Fourway), filed applications for abandonment of its sales of casinghead gas to Atlantic Richfield Company (ARCO) from the Abell Field, Pecos County, Texas. The first such application filed covers a sale under a contract dated March 1, 1959 involving gas extracted from the Rooney Lease (Docket No. CI74-328), while the other application refers to sales from the Fuller Lease pursuant to a contract dated November 1, 1957 (Docket No. CI74-381). These sales are currently being made to PGP Gas Properties, Inc., (PGP), which has succeeded to the interests of ARCO under these contracts. The gas from both leases is processed in the Imperial Gas Processing Plant, Crane and Pecos Counties, Texas by PGP.

Fourway has asserted that the reason for the abandonment requests is because the subject contracts have been terminated by them according to their provisions. At the time when Fourway gave notice of termination to ARCO,[1] it indicated that negotiation for higher price for the gas would be an alternative to final termination of sales. Subsequent negotiations have been conducted by the parties in an attempt to determine an acceptable price and contract term. Pending abandonment authorization, Fourway is continuing sales from the subject wells to PGP under an interim agreement between them and PGP, dated April 18, 1974, whereby Fourway sells the gas at 30.0 cents per Mcf as permitted under its small producer certificate.

Fourway has also filed for a unilateral rate increase to the national rate for the instant sales following the issuance of Opinion No. 699. However, the Commission rejected the filing since no new contracts had been executed.

Because there are factual and legal issues involved in the applications in both dockets herein which require resolution in an evidentiary proceeding, and since the negotiations between the parties have as yet failed to reach fruition, we will order a hearing thereon and consolidate the resultant proceedings.

On March 6, 1974, Northern Natural Gas Company, (Northern), filed a petition to intervene in Docket No. CI74-831. The petition asserted sufficient interest by Northern in the proceeding since Northern purchases the gas that is processed pursuant to the sale from Fourway to ARCO, (now PGP).

The Commission finds. (1) Good cause exists to consolidate and set for hearing and disposition the matters involved in the proceedings in Docket Nos. CI74-328 and CI74-381 because of common issues of law and fact.

(2) Good cause exists to grant the intervention of Northern since their participation herein may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, (18 CFR, Chapter 1), a public hearing shall be held commencing March 11, 1975 in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, concerning the propriety of permitting the abandonment requests by Fourway in the instant dockets. In addition, the applicable dockets, (Docket Nos. CI74-328 and CI74-381) shall be consolidated for hearing and subsequent disposition.

(B) On or before February 25, 1975 Fourway shall file and serve its testimony and exhibits comprising its case-in-chief upon all parties to this proceeding including Commission Staff.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose—see delegation of authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

(D) The petitioner hereinabove set forth is permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and, *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4540 Filed 2-19-75;8:45 am]

[1] Rooney Lease contract terminated March 1, 1973 and Fuller Lease contract terminated November 1, 1973.

[Project No. 2654]

GARKANE POWER ASSOCIATION, INC.

Application for Withdrawal of Application for License

FEBRUARY 10, 1975.

Public notice is hereby given that an application was filed June 11, 1971 and again on June 27, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by the Garkane Power Association, Inc. (Correspondence to: Mr. Glen P. Willardson, General Manager, Garkane Power Association, Inc., 56 East Center Street, Richfield, Utah 84701) for approval of withdrawal of application for license for constructed Torrey Hydro Plant Project No. 2654, located on the Fremont River in Wayne County, Utah and affecting lands of the United States.

The project consists of: (1) A dam with a 480 foot long earth fill section and an 80 foot wide timber crib diversion section; (2) a concrete canal inlet with a 10-foot mechanical radial gate; (3) a canal 13 feet wide and 8,050.2 feet long; (4) a 42" diameter, 26.12 foot long steel pipe (5) a powerhouse containing a 300 kw generator connected to a 450 horsepower turbine; and (6) appurtenant electrical and mechanical facilities. The application states that the Torrey Hydro Plant has not been operating since January 1970, and there are no plans to rehabilitate the project in the future. Applicant states that the maintenance and up-keep would not be economically

feasible. The Applicant intends to leave the dam and project canal intact for use by the Fremont River Water Distribution System for irrigation purposes.

Any person desiring to be heard or to make protest with reference to said application should on or before March 20, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4508 Filed 2-19-75;8:45 am]

[Docket No. RP75-54]

GRAND VALLEY TRANSMISSION CO.

Order Accepting for Filing and Approving Without Suspension, Proposed Rate Increase and Denying Request for Waiver

FEBRUARY 12, 1975.

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 because of the rate for sales by Grand Valley to Northwest, and consequently the depressed rate which Grand Valley has been able to offer to producers in its area, Grand Valley has been unable to attract additional supplies of gas for sale to Northwest, and the volumes of sales to Northwest have thus declined.

The proposed increase to Northwest of 3 cents per Mcf will result in an annual revenue increase from jurisdictional sales by $56,762 based on sales volumes for the twelve months ended September 30, 1974. However, 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 1975 over 1974 figures.

The contract existing between Grand Valley and Northwest is a fixed-rate contract which precludes Grand Valley from increasing its rate without Northwest's approval. However on November 27, 1974, Grand Valley and Northwest amended their purchase agreement to permit the requested rate increase. Consequently the contract does not bar the requested increase of Grand Valley.

Grand Valley has requested an effective date for its proposed rate increase of no later than February 14, 1975 and therefore requested the Commission to grant waiver of its notice requirements to the extent it would be necessary to permit the increase to go into effect prior to that date.

Notice of the January 13, 1975 filing by Grand Valley was issued on January 22, 1975, with comments, protests, and petitions to intervene due on or before February 5, 1975. No comments have been received.

Upon a review of Grand Valley's proposed rate increase we find that the proposed rates have been shown to be just and reasonable. Furthermore, Grand Valley has not shown good cause for this Commission to waive its 30-day notice requirement. We shall therefore permit the requested rate increase to become effective without suspension, on February 13, 1975.

The Commission finds. (1) It is necessary and appropriate in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission accept for filing Grand Valley's January 13, 1975 filing in Docket No. RP75-54, without suspension, and permit it to become effective on February 13, 1975.

(2) Good cause has not been shown by Grand Valley for this Commission to waive its notice requirements under Section 154.22 of its Regulations.

The Commission orders. (A) Grand Valley's January 13, 1975 filing in Docket No. RP75-54 is hereby accepted and permitted to become effective without suspension on February 13, 1975.

(B) Grand Valley's request for waiver of the Commission's notice requirements under § 154.22 is hereby denied.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4480 Filed 2-19-75;8:45 am]

[Docket No. E-9253]

GULF STATES UTILITIES CO.

Change of Parties

FEBRUARY 10, 1975.

Take notice that on February 3, 1975 Gulf States Utilities Company (Company) tendered for filing copies of a letter and an affidavit in which the City of Kirbyville assumed all responsibilities and liabilities as stated in the Company's contract with Kirbyville Light and Power Company, FPC Schedule No. 110. The Company requests that the present agreement which was accepted by letter in Docket No. E-8817 be assigned to the City of Kirbyville.

A copy of this filing has been sent to Kirbyville Light and Power Company.

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 24, 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.75-4513 Filed 2-19-75;8:45 am]

[Docket No. E-9252]

GULF STATES UTILITIES CO.

Rate Schedule Filing

FEBRUARY 10, 1975.

Take notice that on February 3, 1975 Gulf States Utilities Company (Company) tendered for filing an agreement for wholesale electric service between the Company and the Town of Welsh, Louisiana. The Company states that the agreement supersedes FPC Rate Schedule No. 51. The Company states that the rates in the agreement are the same as those being considered in FPC Docket No. E-8121 and thus subject to be changed as a result of those proceedings.

The Company states that a copy of the filing has been sent to the Town of Welsh.

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 24, 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.75-4514 Filed 2-19-75;8:45 am]

[Docket No. CS75-291, etc.]

JERE CLAYTON HUBBARD ET AL.

Applications for "Small Producer" Certificates [1]

FEBRUARY 10, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

applications should on or before March 5, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests is 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS75-291..	Jan. 13, 1975	Mrs. Jere Clayton Hubbard, 416 First National Bank Bldg., Midland, Tex. 79701.
CS75-292.....	do.....	W. P. Buckthal, 509 Bank of the Southwest Bldg., Amarillo, Tex. 79100.
CS75-293.....	do.....	W. T. Speller, 516 American Bank Bldg., Odessa, Tex. 79760.
CS75-294..	Jan. 20, 1975	William M. Shepperd, 4151 Southwest Freeway, Houston, Tex. 77027.
CS75-295.....	do.....	C. H. Hinton, 3120 West 28th, Amarillo, Tex. 79105.
CS75-296.....	do.....	Garland Casebier, 507 Petroleum Bldg., Midland, Tex. 79701.
CS75-297	do.....	O. H. Shaller, Box 503, Cheyenne, Okla. 73628.
CS75-298.....	do.....	Swadco Corp., P.O. Box 265, Monahans, Tex. 79756.
CS75-299..	Jan. 21, 1975	Barrons Resources, Inc., 919 Third Ave., New York, N.Y. 10022.
CS75-300..	Jan. 20, 1975	Harold L. Penn, P.O. Box 3092, Olympic Station, Beverly Hills, Calif. 90212.
CS75-301..	Jan. 22, 1975	G. William Hurley, 3351 Carmel Dr., Casper, Wyo. 82601.
CS75-302..	Dec. 26, 1974	O'Nelli Duncan—Mich.-Wisc. Gas Program 1974, A Limited Partnership, Room 1606, First National Center West, Oklahoma City, Okla. 73102.
CS75-303..	Jan. 23, 1975	Vulcan Materials Co., Suite 330, 220 West Douglas, Wichita, Kans. 67202.
CS75-304..	Jan. 24, 1975	Dorothy M. Bumgarner, 1436 Spring Dr., Wichita, Kans. 67208.
CS75-305.....	do.....	H. J. Hendrick, 579 Milner Bldg., Jackson, Miss. 39201
CS75-306.	Jan. 22, 1975	Forced Gas Co., P.O. Box 7, Houston, Tex. 77001.

[FR Doc.75-4534 Filed 2-19-75;8:45 am]

[Docket No. RM74-12]

JURISDICTIONAL SALES OF NATURAL GAS

Order Granting Petitions for Rehearing for Purposes of Further Consideration

FEBRUARY 10, 1975.

On January 22, 1975, Union Oil Company of California (Union) filed a petition for rehearing of Order No. 521, issued January 9, 1975.[1] Subsequent petitions for rehearing have been filed by other parties to this proceeding.[2] For the reasons set forth, we grant all petitions for rehearing and/or clarification of Order No. 521 for the sole purpose of reconsideration of that order.

Section 19(a) of the Natural Gas Act provides that any person "aggrieved by an order" of the Commission "may apply for rehearing within thirty days after the issuance of that order" and that such petitions if not acted upon "within thirty days after it is filed . . . may be deemed to have been denied."[3] Because these time constraints do not allow sufficient time for a considered decision of the Commission upon all of the applications for rehearing of Order No. 521, the public interest requires that we grant the application for rehearing in part for the sole purpose of reconsideration of Order No. 521. This action does not constitute a grant or denial of any or all of the petitions for rehearing of Order No. 521 on their merits in whole or in part.[4]

The Commission orders. The petitions for rehearing of Order No. 521 filed by the parties listed in Appendix A are hereby granted for the sole purpose of further consideration of Order No. 521.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Atlantic Richfield Company
Texaco Inc.
Union Oil Company of California

[FR Doc.75-4504 Filed 2-19-75;8:45 am]

[1] —— F.P.C. —— (January 9, 1975).

[2] Appendix A sets forth a list of all parties filing petitions for rehearing of Order No. 521.

[3] 52 Stat. 831 (1938); 15 U.S.C. § 717r(a) (1970).

[4] Area Rate Proceeding, et al., (Southern Louisiana Area), 40 FPC 1091 (1968).

[Docket No. G-12004, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

FEBRUARY 11, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 6, 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-12004 ..... D 1-27-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., West Gueydan Field, Vermilion Parish, La.	Uneconomical	[2]
G-13746 ..... D 1-27-75	do.....	Transcontinental Gas Pipe Line Corp., Ship Shoal Block 72 Field, Federal offshore Louisiana.	Nonproductive	[2]

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI61-130..... E 1-17-75	Service Drilling Co. (successor to Terra Resources, Inc.), 1800 Fourth National Bank Bldg., Tulsa, Okla. 74119.	Natural Gas Pipeline Company of America, Panhandle Field, Carson County, Tex.	14.2	14.65
CI64-799..... D 1-27-75	Mobil Oil Corp.....	El Paso Natural Gas Co., Waha Field, Pecos and Reeves Counties, Tex.	(1)	.....
CI65-1355..... D 1-27-75	do.....	El Paso Natural Gas Co., Coyanosa Field, Pecos and Reeves Counties, Tex.	(1)	.....
CI66-176..... D 1-24-75	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., Furry Unit, Arkoma Basin, Haskell County, Okla.	(2)	.....
CI68-1255..... C 10-1-73 [3]	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Aztec, Angels Peak, and Blanco Fields, San Juan and Rio Arriba Counties, N. Mex.	[4] [5] 55.70265	15.025
CI75-207..... A 1-24-74 [6]	Perry R. Bass and Bass Enterprises Production Co., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, Big Eddy No. 30 Area, Eddy County, N. Mex.	[5] 51.0	14.73
CI75-208..... A 1-24-74 [6]	Perry R. Bass and Bass Enterprises Production Co.	Natural Gas Pipeline Company of America, Big Eddy No. 38 Area, Eddy County, N. Mex.	[5] 51.0	14.73
CI75-339..... A 11-22-74 [7]	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Transcontinental Gas Pipe Line Corp., Sorrento Field, Ascension Parish, La.	[7] [8] 35.075	15.025
CI75-242..... (CS71-51) F 1-20-75	Sun Calvert Co. (successor to Calvert Exploration Co.,) P.O. Box 2880, Dallas, Tex. 75221.	Western Transmission Corp., Browning Unit Area, Carbon County, Wyo.	[8] [9] 40.0	14.65
CI75-427..... (CS71-727) F 1-15-75	Sun Oil Co. (successor to Southdown, Inc.).	Texas Gas Transmission Corp., Ship Shoal Block 23, offshore Terrebonne Parish, La.	[10] 36.1125 [11] 58.5014	15.025 15.025
CI75-429..... (C167-882) B 1-20-75	R. H. Adkins, Box 555, Hamlin, W. Va. 25523.	Hope Natural Gas Co., Elizabeth E. Daubenspeck et al., Lease, Wyoming County, W. Va.	Depleted	.....
CI75-431..... A 1-23-75	Texas Gas Exploration Corp., (Operator) et al., 1100 First City National Bank Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., West Chalkley Field Area, Calcasieu Parish, La.	[10] 63.15	15.025
CI75-434..... (G-7852) B 1-27-75	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., Ike West Field, Live Oak County, Tex.	(12)	.....
CI75-435..... (G-4603) B 1-27-75	Sohio Petroleum Co., 970 First National Center, North, Oklahoma City, Okla. 73102.	Texas Gas Transmission Corp., South Lewisburg Field, Acadia and St. Landry Parishes, La.	Nonproductive	.....
CI75-436..... A 1-27-75	Pinto, Inc., 999 The Main Bldg., Houston, Tex. 77002.	United Gas Pipe Line Co., Block 587, West Cameron Area, offshore Louisiana.	[13] 57.21	15.025

[1] Acreage is nonproductive and no deliveries have ever taken place.
[2] Buyer has elected not to compress gas available for delivery.
[3] Being renoticed, because by amendment to application filed Jan. 23, 1975, Applicant requests the certificate in accordance with Opinion No. 699.
[4] Subject to upward and downward Btu adjustment; includes 4.70130 cents per Mcf tax adjustment.
[5] Petition to amend the order of Dec. 23, 1974, to request a higher price. Applicant states service will not commence until about Feb. 21, 1975.
[6] Subject to upward and downward Btu adjustment.
[7] Being renoticed, because by amendment to application filed Jan. 15, 1975, Applicant requests a change in price and states its willingness to accept a certificate at the area rate under Optnion No. 598.
[8] Includes 5.575 cents per Mcf tax reimbursement and is subject to downward Btu adjustment.
[9] Applicant is willing to accept the 35.0 cents per Mcf rate prescribed in Opinion No. 699-H, issued Dec. 4, 1974, for gas covered under contracts dated on or after Oct. 1, 1968, for the Rocky Mountain Area.
[10] Includes 4.1125 cents per Mcf tax reimbursement and is subject to downward Btu adjustment. Applicant is willing to accept a certificate in accordance with Opinion No. 598.
[11] Rate for gas produced from acreage added under amendment dated Feb. 8, 1973. Includes 0.5 cents per Mcf gathering allowance and is subject to downward Btu adjustment.
[12] Includes 7 cents per Mcf tax reimbursement and 4.13 cents per Mcf upward Btu adjustment.
[13] Flash gas from Mobil's gas processing plant is no longer available from plant.
[14] Includes 0.51 cent per Mcf gathering allowance and 4.68 cents per Mcf upward Btu adjustment. The contract rate is 80 cents per Mcf.

[FR Doc.75-4380 Filed 2-19-75;8:45 am]

[Docket No. CS75-273, etc.]

MAHUN OIL & GAS CORP. ET AL.

Applications for Small Producer Certificates [1]

FEBRUARY 10, 1975.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 28, 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.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
CS75-273..	Dec. 26, 1974	Mahun Oil & Gas Corp., 960 Johnson Ferry Rd., Suite 320, Atlanta, Ga. 30342.
CS75-274.....	do.....	Marton Majoros, M.D., 960 Johnson Ferry Rd., Suite 320, Atlanta, Ga. 30342.
CS75-276..	Dec. 27, 1974	Samuel J. Hileman, Route 1, Box 78, West Union, W. Va. 26456.
CS75-277..	Dec. 26, 1974	Lilly Oil Co., P.O. Box 1885, Paso Robles, Calif. 93446.
CS75-278..	Dec. 30, 1974	Barrett Drilling Co., P.O. Box 1345, Shawnee, Okla. 74801.
CS75-279.....	do.....	RMNG Gathering Co., 420 Capitol Life Center, 1600 Sherman St., Denver, Colo. 80203.
CS75-280..	Jan. 15, 1975	Montana Royalty Corp., P.O. Box 515, Chinook, Mont. 59523.
CS75-281..	Jan. 2, 1975	W. F. Schell, 320 Page Court, 220 West Douglas, Wichita, Kans. 67202.
CS75-282..	Jan. 6, 1975	Sterling Drilling Co., P.O. Box 129, Sterling, Kans. 67579.
CS75-283.....	do.....	Dale G. Wier, 460 South Market St., Opelousas, La. 70570.
CS75-284..	Jan. 8, 1975	Wayne J. Spears, 708 Ouachita Bank Bldg., Monroe, La. 71201.
CS75-285..	Jan. 9, 1975	Paula Jean Wier, 516 Mont Rose Ave., Lafayette, La. 70570.
CS75-286.....	do.....	Howard Hampton, 3501 North Causeway Boulevard, Metairie, La. 70002.
CS75-287..	Jan. 10, 1975	The Polumbus Corp., Three Park Central, Suite 200, 1515 Arapahoe, Denver, Colo. 80202.
CS75-288.....	do.....	Polest, Ltd., Three Part Central, Suite 200, 1515 Arapahoe, Denver, Colo. 80202.
CS75-289.....	do.....	Larco Drilling Co., Inc., 1700 Capital Towers, Jackson, Miss. 39201.
CS75-290.....	do.....	Voyager Petroleums, Inc., 8301 East Prentice Ave., Englewood, Colo. 80110.

[FR Doc.75-4533 Filed 2-19-75;8:45 am]

[Docket No. CI75-450]

MARATHON OIL CO.

Application

FEBRUARY 7, 1975.

Take notice that on February 3, 1975, Marathon Oil Company (Applicant), 539 South Main Street, Findlay, Ohio 45840,

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

filed in Docket No. CI75-450 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 of Natural gas in interstate commerce from the Walker Creek Field, Columbia County, Arkansas, to Texas Gas Transmission Corporation (Texas Gas) and delivery of said gas to Beacon Gasoline Company for processing and redelivery to Texas Gas in Webster Parish, Louisiana, 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 will commence a sixty-day emergency sale of gas from the subject acreage to Texas Gas on February 1, 1975, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29), and that Applicant proposes to continue said sale after the expiration of the sixty-day period for a term of one year or until gas injection operations are commenced and the gas is no longer available, whichever occurs first, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that its interests in the Walker Creek Field have been unitized with those of others in order to implement a pressure maintenance program which is expected to be implemented in approximately six months and that gas will not be available to the interstate market after said implementation.

Applicant proposes to sell approximately 5,000 Mcf per month at 15.025 psia at the nationwide rate promulgated by § 2.56a of the Commission's general policy and interpretations (18 CFR 2.56a), or a contract price of 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, whichever is the lesser.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 26, 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.75-4524 Filed 2-19-75;8:45 am]

[Docket No. CP72-279]

NATURAL GAS PIPELINE CO. OF AMERICA

Petition To Amend

FEBRUARY 12, 1975.

Take notice that on January 27, 1975, Natural Gas Pipeline Company of America (Petitioner), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP72-279 a petition to amend the order issued in said docket on December 6, 1972 (48 FPC 1206), as amended October 9, 1973 (50 FPC 1021), and September 6, 1974 (52 FPC ——), pursuant to section 7(c) of the Natural Gas Act by authorizing the continuation through February 28, 1976, of the 59,100 Mcf per day of 100-day storage service under Petitioner's FPC Rate Schedule S-3,[1] and in accordance with the third amendment, dated December 5, 1974, to the relevant transportation and exchange agreement between Petitioner and Michigan Wisconsin Pipe Line Company (Mich Wisc), all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that the December 5, 1974, amendment extends the term of the original agreement with Mich Wisc dated April 4, 1972, as amended March 2, 1973 and December 28, 1973, for the period through February 28, 1976, on the same terms and conditions as previously authorized in the subject docket. Pursuant to the agreement Petitioner will deliver to Mich Wisc near Woodstock, Illinois, a total of 5,910,000 Mcf of gas during the summer months. Petitioner states that such gas will be provided by Petitioner's customers by scheduling summer storage injection volumes from within said customers' effective monthly quantity entitlements. Mich Wisc, according to the agreement, will cause the injection of an equivalent volume of gas into storage for redelivery to Petitioner during the period from November 1975 through February 1976.

[1] The petition states that the applicable rate schedule designation will be changed to MS-3 in order to distinguish more readily between types of storage service currently in effect and additional storage service Petitioner plans to offer pursuant to authorization to be requested from the Commission in the near future.

Petitioner states that it has offered this continued storage service, at a rate of 59,100 Mcf per day for 100 days on a pro rata basis, to its jurisdictional customers who are participants in the current year's service, and that the volumes not accepted were then reoffered to accepting customers pro rata until the total volume was contracted. Petitioner, accordingly, also seeks authorization for service in the following quantities:

	Share of 59,100 Mcf
DMQ-1 customers:	
Associated Natural Gas Co.	166
Illinois Power Co.	4,348
Iowa Electric Light & Power Co.	2,166
Iowa Illinois Gas & Electric Co.	9,643
Iowa Power & Light Co.	741
Iowa Southern Utilities Co.	389
North Shore Gas Co.	5,011
The Peoples Gas Light & Coke Co.	35,018
Wisconsin Southern Gas Co., Inc.	1,006
G-1 customers:	
Kaskaskia Gas Co.	47
Monarch Gas Co.	85
Nashville, Ill., city of	72
Perryville, Mo., city of	133
Pinckneyville, city of	91
Spearville, Kans., city of	14
United Cities Gas Co.	170
	59,100

Petitioner asserts that proposed additional winter period service is urgently needed by its customers to enable them to meet their respective presently attached peak-day requirements in the event of a severe 1975-1976 winter. Petitioner states that no new facilities will be required to in order to extend the subject service.

Petitioner indicates that the rate for the subject service is based on the cost of storage service provided by Mich Wisc under its Rate Schedule X-29 and the allocated portion of Petitioner's cost of pipeline loopings on the north end of its system said to be required for the proposed deliveries. Said rate computes to 51.92 cents per Mcf, according to Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 27, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4481 Filed 2-19-75;8:45 am]

[Docket No. E-9250]

NIAGARA MOHAWK POWER CORP.

Filing of Transmission Agreement and Request for Waiver

FEBRUARY 10, 1975.

Take notice that on February 3, 1975 Niagara Mohawk Power Corp. (Niagara) tendered for filing as a rate schedule a transmission agreement between Niagara and Consolidated Edison Company of New York, Inc., (Con Ed) dated September 30, 1974. This rate schedule is proposed to supersede Niagara Mohawk Power Corporation's Rate Schedule FPC No. 84.

Niagara states that the service to be rendered by it under this rate schedule is the transmission of short term or supplemental power and residual energy from Long Sault, Inc. at its St. Lawrence switchyard to Con Ed at its Pleasant Valley Substation. The source of the Long Sault, Inc., power and residual energy is the Hydro Quebec Electric Power Commission which will arrange with Cedar Rapids Transmission Company, Ltd., to deliver such power and energy at the international boundary to Long Sault, Inc.

Copies of the filing were served upon Con Ed.

Niagara requests a waiver of notice requirements of the Commission's regulations to allow an effective date of July 1, 1974.

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 and protests should be filed on or before February 24, 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.75-4531 Filed 2-19-75;8:45 am]

[Docket No. E-9251]

NIAGARA MOHAWK POWER CORP.

Filing of Amendment

FEBRUARY 10, 1975.

Take notice that on February 3, 1975, Niagara Mohawk Power Corporation (Niagara) and New York State Electric and Gas Corporation (NYSEG) tendered for filing proposed changes in Niagara Mohawk Power Corporation's Rate Schedule FPC No. 51 and New York State Electric and Gas Corporation's Rate Schedule FPC No. 39. The proposed filing is submitted as Supplement No. 6 to both schedules.

Niagara states that the supplementary agreement is filed for the purpose of amending the original transmission agreement of July 21, 1966, as amended, to reflect the addition of three interconnection points which will be subject to transmission charges. All other provisions of the transmission agreement are not affected.

Copies of the filing were served upon NYSEG.

Niagara requests a waiver of the notice requirements of the Commission's regulations to allow an effective date of November 1, 1974.

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 and protests should be filed on or before February 24, 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.75-4530 Filed 2-19-75;8:45 am]

[Docket No. RP75-52]

NORTH CAROLINA UTILITIES COMMISSION AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Order Setting Hearing, Prescribing Procedures, and Waiving Regulations

JANUARY 31, 1975.

On January 7, 1975, the State of North Carolina and the North Carolina Utilities Commission (North Carolina) filed a petition for (1) an investigation of Transcontinental Gas Pipe Line Corporation's (Transco) supply situation, (2) extraordinary relief from curtailment, and (3) immediate relief pendente lite. In support of its petition, North Carolina alleges that Transco will curtail deliveries to North Carolina some 20 percent below the levels anticipated less than three months ago. This increased curtailment, it is alleged, will terminate all industrial use of natural gas within North Carolina, causing widespread unemployment and loss of production essential to the national economy.

On January 8, 1975, we issued an order in Docket No. RP75-51 instituting an investigation into the circumstances causing increased curtailment on the Transco system.[1] A hearing on the investigation is presently scheduled to commence on January 27, 1975.

By order of January 9, 1975,[2] we denied interim extraordinary relief to North Carolina on the ground that their petition failed to meet the minimal requirements of Order No. 467-C, 18 CFR 2.78 (a)(ii). As to North Carolina's other requests for relief, however, including a suggestion that the interim settlement be modified, we treated the petition as a complaint filed under section 5(a) of the Natural Gas Act. We noted that we would address this matter further in a separate order.

Consistent with our heretofore stated purpose, we shall treat North Carolina's petition as a complaint filed under section 5(a) and set it for hearing to determine whether or not this Commission should exercise its power under section 5(a) to modify the interim curtailment plan which is currently effective pursuant to an order issued on November 26, 1974, by the District of Columbia Circuit in Consolidated Edison Company of New York, Inc. v. F.P.C., Nos. 73-1999, et al. In this regard we reiterate what we stated in our order of January 10, 1975, in this docket (mimeo at 11-12):

> * * * [W]e are not prepared to say that the currently effective interim plan is sufficient to protect Transco's customers from even the remainder of the current winter heating season. Transco's supply situation continues to worsen, as indicated by the growing number of petitions for extraordinary relief, and it may be necessary for the Commission to either modify the present interim plan or prescribe a new plan pursuant to our authority under Section 5(a) of the Act. Any further modification, however, will be made only if it is determined that the harm created by the currently effective plan is greater than the harm that would be inherent in a switch at mid-winter to a new plan.

Therefore, the Commission finds. Good cause exists to treat North Carolina's petition as a complaint filed under section 5(a), waive the requirements contained in our rules of practice and procedure relative to the subject filing, set it for formal hearing, and establish the procedures for that hearing, all as hereinafter ordered.

The Commission orders. (A) A hearing shall be convened on March 3, 1974, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, for the purpose of determining whether the currently effective interim curtailment plan on the Transco system should be modified by this Commission.

(B) North Carolina, as well as any other party seeking a modification in the interim plan, shall file their direct testimony and supporting exhibits on or before February 10, 1975. Rebuttal testimony and exhibits shall be filed on or before February 24, 1975.

(C) Section 1.6(a) of our rules of practice and procedure is hereby waived with

[1] Order instituting investigation and order to show cause, setting hearing, and establishing procedures, issued in RP75-51 on January 8, 1975.

[2] Order consolidating proceedings, modifying previously issued orders, granting rehearing, setting hearings on requests for interim extraordinary relief and for permanent extraordinary relief and prescribing procedures, issued on RP75-16-I, et al., on January 9, 1975.

respect to North Carolina's filing of January 7, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4482 Filed 2-19-75;8:45 am]

[Docket No. RP75-52]

NORTH CAROLINA UTILITIES COMMISSION AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Fixing Time for Intervention

FEBRUARY 12, 1975.

Take notice that on January 31, 1975, the Commission issued an order setting hearing, prescribing procedures, and waiving regulations in which no time was fixed for filing petitions to intervene. Pursuant to § 1.8(d) of the Commission's rules of practice and procedure all such petitions to intervene shall be filed on or before February 24, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4483 Filed 2-19-75;8:45 am]

[Docket Nos. CP75-111 and CP75-112]

NORTHERN NATURAL GAS CO.

Order Consolidating Proceedings, Modifying Previously Issued Orders, Granting Interventions, Setting Hearings and Prescribing Procedures

JANUARY 31, 1975.

On January 20, 1975 the Commission issued an order designating the joint application of Village of Circle Pines, Minnesota (Circle Pines) and the Hutchinson Utilities Commission (Hutchinson) in Docket No. CP75-112 for a formal hearing, granted intervention and established formal procedures. Circle Pines and Hutchinson filed (October 1, 1974) pursuant to section 7(a) of the Natural Gas Act for authorization directing Northern Natural Gas Company (Northern) to consolidate the respective natural gas contract demand quantities of these joint applicants and to deliver same to a new entity, the Circle-Hutch Public Utility Board[2] for the purpose of resale within their respective communities. The applicants thus seek authority to transfer their existing respective contract demands to the Utility Board which would in turn execute the necessary service agreements with Northern to replace the present service agreements between Northern and Circle Pines and Northern and Hutchinson.

The joint applicants contend that the primary purpose for the formation of the Utility Board is to enable Circle Pines to make use of Hutchinson's peak shaving facility (which has a potential capacity greater than Hutchinson's requirements) by being able on peak days to increase its daily takes (above its existing contract demand but within the limits of the proposed consolidated contract demand) while at the same time Hutchinson would increase the output of its peak shaving plant to make up for its reduced takes from the Utility Board. Joint Applicants contend that both Circle Pines and Hutchinson would meet their peak daily requirements without burdening Northern or its other existing customers. Furthermore, Hutchinson would benefit in that according to the Joint Agreement Hutchinson would be appropriately reimbursed by Circle Pines for the increased use of the former's peak shaving plant.

On October 29, 1974 Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) filed a petition to intervene contending that the above proposal by Circle Pines and Hutchinson may have the effect of reducing the gas supply available to it as a customer of Northern[3] as well as other customers of Northern.

On November 25, 1974 Northern filed an answer and objection to the application and requested an evidentiary hearing to resolve and clarify various issues including: (1) Liability of the Utility Board with respect to payment of bills, and its financial resources available to meet such obligations; (2) operational responsibility for receipt of curtailment orders and compliance with same; (3) determination of specific volumes expected to be delivered through existing delivery points in order to allow Northern to determine adequacy of existing branch lines and measuring station facilities; (4) whether pursuant to the "Joint Agreement" additional "governmental units" may be added to the agreement at a future date; and (5) potential adverse impact of the Utility Board's exercise of various powers. As a result of the foregoing questions, the above application in Docket No. CP75-112 was designated for hearing.

On October 11, 1974, the Commission issued a notice of application (filed October 1, 1974) by Northern in docket No. CP75-111 as an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northern at the request of its customer, Inter-City Gas Limited (Inter-City) to adjust and realign volumes by community within Inter-City's presently authorized contract demand.

Specifically, Inter-City requests through Northern that Reserve Mining Company (Reserve Mining) which is an existing firm industrial customer has requested a reduction of 2,055 Mcf in its currently effective contract demand of 9,863 Mcf per day. In addition Inter-City proposes various minor adjustments in deliveries to other existing customers as is necessary in order to more effectively utilize the volumes of gas available from Northern during the 1974-75 heating season in the residential and small volume high priority market. Furthermore, Inter-City requests that 1,681 Mcf per day of the 2,055 Mcf per day reduction from Reserve Mining be delivered at Grand Rapids, Minnesota. Presently, Northern is not delivering gas to Grand Rapids[4] and would be required to install additional metering facilities.[5]

On November 4, 1974 Iowa Power and Light Company (Iowa) filed a petition to intervene and requested a hearing. Iowa contends that much of the gas sold to Reserve Mining is used as low priority boiler fuel. Iowa argues that should this type of load become vulnerable in the future due to Northern's declining gas supply Iowa would be adversely affected by allowing Inter-City to remove contract demand from exposure to future curtailment by shifting it from a large low priority industrial user to a small volume high priority market. Iowa states that it is not opposed to the proposed small volume realignments among Inter-City's customers but objects to the "firming up" of 2,055 Mcf per day which otherwise would be associated with Reserve Mining.

In light of Northern's request to realign existing contract demand authorizations on behalf of Inter-City pursuant to section 7(c) of the Natural Gas Act; the necessity to clarify the intended end use of the natural gas proposed to be delivered to Grand Rapids in light of Northern's present and future curtailment situation; the justification for Inter-City's failure to make use of an existing delivery point at Grand Rapids sup-

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[1] Circle Pines operates a municipal gas distribution system and purchases its total supply of natural gas from Northern under Northern's CD Rate Schedule (Contract Demand: 873 Mcf per day) and PS Rate Schedule (Contract Demand: 50 Mcf per day) for resale. Circle Pines has peak day requirements in excess of its peakday contractual entitlement from Northern and therefore has had to purchase penalty gas in the past to meet its high priority load on peak days. Circle Pines has no peak shaving plant. Hutchinson operates a municipal distribution system and purchases its entire supply of natural gas from Northern under Northern's CD Rate Schedule (Contract Demand: 5,200 Mcf per day) and WPS Rate Schedule (Contract Demand: 260 Mcf per day) for resale in the community Hutchinson has a propane oil peak shaving plant which with additional modification would have a capacity of 150 Mcf per hour.

[2] Pursuant to § 471.59 of the Minnesota Statutes, Circle Pines and Hutchinson entered into a "Joint and Cooperative Agreement" establishing the Circle-Hutch Public Utility Board for the purpose of purchasing gas from Northern for resale in their respective communities.

[3] Northern presently delivers and sells 78,875 Mcf per day to Michigan-Wisconsin on a firm basis.

[4] In Docket No. CP70-19 Great Lakes Gas Transmission Company was authorized to deliver gas to Grand Rapids for the account of Inter-City. However, this delivery point has not been utilized since 1970-71 heating season.

[5] The estimated cost of the new metering facilities proposed by Northern amounts to $4,320, and the estimated cost of removal for existing facilities is $50. Inter-City has agreed to reimburse Northern for the cost of the proposed new metering facilities.

plied by Great Lakes; and finally Iowa's petition to intervene present good cause for designating Northern's application in Docket No. CP75–111 for formal hearing.

The applications in both proceedings present similar issues of realignments of firm contract demand authorizations of customers in Northern's system, which may result in firming up low priority sales at the expense of Northern's other existing customers. Therefore, these applications should be consolidated to determine what the effects will be on Northern's system-wide delivery obligations especially in light of Northern's gas supply situation now and in the future as well as the present and future curtailments on Northern's system.

The Commission finds. (1) The above-entitled proceedings contain common questions of fact and law that require consolidation of those proceedings for purposes of hearing and decision.

(2) Good cause exists for granting the petitions to intervene that were filed in Docket Nos. CP75–111 and CP75–112 and for modifying the hearing dates and procedures established by our order issued January 20, 1975 in Docket No. CP75–112.

(3) Good cause exists for setting the proceeding consolidated herein for formal hearings and establishing the procedures for this proceeding as hereinafter ordered.

The Commission orders. (A) The applications filed in Docket Nos. CP75–111 and CP75–112 are hereby consolidated for purposes of hearing and decision.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 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 on March 11, 1975 at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, concerning the applications for realignment of deliveries to existing customers filed in the proceedings consolidated in ordering paragraph (A) hereof.

(C) The hearing and procedures established by order issued January 20, 1975 in Docket No. CP75–112 are hereby modified to permit that proceeding to be heard in the consolidated proceeding initiated by this order.

(D) On or before February 10, 1975 all Applicants shall file their testimony and exhibits comprising their cases in chief in support of their respective applications. With respect to joint applicants Circle Pines and Hutchinson in CP75–112 their presentation shall include inter alia evidence containing: (a) their response to the issues raised by Northern in its original "Answer and Objection" filed on November 25, 1974, and (b) a break down of their sales within the categories of priorities established by the Commission in its Order No. 467–B, 18 CFR 2.78(a)(2) for the latest 12-month period and shall serve their-case-in-chief upon all parties to this proceeding including Commission staff.

With respect to applicant Northern in Docket No. CP75–111 its presentation shall include inter alia evidence containing: (a) A breakdown of the sales made by Inter-City within the categories of priorities established by the Commission in its Order No. 467–B, 18 CFR 2.78(a)(2) for the latest 12-month period, (b) specific end use data and information pertaining to the 1,681 Mcf per day to be delivered by Inter-City to the Grand Rapids interconnection, and (c) facts, circumstances and other pertinent information regarding the non-use of delivery facilities and any gas supply agreements existing between Inter-City and Great Lakes at their Grand Rapids interconnection point.

Answering testimony shall be filed and served on all parties on or before February 24, 1975; rebuttal testimony shall be filed and served on all parties on or before March 5, 1975; and at the hearing on March 11, 1975, cross-examination will commence on the testimony and exhibits which are proferred and accepted into evidence.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—see Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(F) Iowa Power and Michigan Wisconsin are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting their asserted rights and interests as specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order entered by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4484 Filed 2–19–75;8:45 am]

[Docket No. CP75–55]

NORTHERN NATURAL GAS COMPANY

Petition To Amend

FEBRUARY 12, 1975.

Take notice that on February 3, 1975, Northern Natural Gas Company (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75–55 a petition to amend the order issued in said docket on October 31, 1974, pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 of the regulations under the Natural Gas Act (18 CFR 157.7), so as to increase the total annual cost limitations for budget-type gas purchase facilities authorized in said order to 12,000,000 and the single project cost limitation to $1,500,000, and so as to expand the definition of budget-type gas purchase facilities to include those facilities which connect producers' facilities with the facilities of another natural-gas company authorized to transport for the account of or exchange with Petitioner gas purchased by Petitioner, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By the order in the instant docket Petitioner is authorized, inter alia to construct during the calendar year 1975 and operate gas-purchase facilities necessary to transport and receive into its main pipeline system supplies of natural gas available from producing areas located adjacent to said system, at a total annual cost limitation of $7,000,000 and a single project cost limitation of $1,000,000.

Petitioner cites, in its petition to amend, Commission Order No. 522, issued in Docket No. RM75–2 on January 16, 1975, which amended, inter alia, § 157.7 of the regulations under the Natural Gas Act to permit, effective February 21, 1975, the issuance of budget-type certificates of public convenience and necessity within the limits of the amended authorization requested by Petitioner.

Petitioner states, as justification for the requested amendment to its certificate, that it will have projects during the calendar year 1975 that would qualify for construction under budget-type authority granted in the subject docket, but that because of the effect of inflation such projects will exceed the single project cost and the total annual cost limitations for said calendar year. Petitioner further states that in recent years it has entered into various natural gas exchanges with other pipeline companies and that from time to time applications are filed to provide for additional delivery points in such exchanges.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 28, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4485 Filed 2–19–75;8:45 am]

[Docket Nos. E-7795 and E-7989]

PHILADELPHIA ELECTRIC CO.

Further Extension of Procedural Dates

FEBRUARY 7, 1975.

On January 29, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued November 11, 1974, as most recently modified by notice issued January 27, 1975, in the above-designated matter. On January 31, 1975, Philadelphia Electric Company filed an answer in opposition to Staff's motion. On February 3, 1975, the Borough of Lansdale, Pennsylvania, filed a response in support of Staff's motion.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony, February 25, 1975.
Service of intervenor's testimony, March 18, 1975.
Service of company rebuttal, April 1, 1975.
Hearing, April 15, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4511 Filed 2-19-75;8:45 am]

[Docket No. E-8741]

POTOMAC ELECTRIC POWER CO.

Order Granting Late Petition To Intervene

FEBRUARY 10, 1975.

On September 27, 1974, Southern Maryland Electric Cooperative, Inc. (Cooperative) filed a petition to intervene in this docket. Notice of PEPCO's filing in this docket was issued on May 1, 1974, with protests and petitions to intervene due on or before May 20, 1974. In support of its petition to intervene, Cooperative states that PEPCO is the sole supplier of its electric power and energy requirements. Cooperative further states that it has not previously filed a petition to intervene since it was named respondent in the complaint filed by PEPCO in its April 18, 1974, filing. Moreover, Cooperative states that the Commission specifically referred to its answer to PEPCO's complaint in the August 6, 1974, order instituting the Section 206 proceeding in this docket.

The Commission finds. Participation by Cooperative in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders. (A) Southern Maryland Electric Cooperative, Inc. is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of the intervenor shall be limited to matters affecting 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 by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The 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 to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4522 Filed 2-19-75;8:45 am]

[Docket No. E-8741]

POTOMAC ELECTRIC POWER CO.

Extension of Procedural Dates

FEBRUARY 10, 1975.

On January 7, 1975, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 6, 1974, as most recently modified by notice issued November 19, 1974, in the above-designated matter. On February 5, 1975, Staff Counsel filed a supplement to the motion. The parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of staff's testimony, April 1, 1975.
Service of intervenor's testimony, April 22, 1975.
Service of company rebuttal, May 6, 1975.
Hearing, May 20, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4515 Filed 2-19-75;8:45 am]

[Docket No. E-9227]

PUBLIC SERVICE CO. OF OKLAHOMA

Proposed Change in Rates

FEBRUARY 10, 1975.

Take notice that on January 24, 1975, Public Service Company of Oklahoma (PSCO) tendered for filing a proposed change in rates which would increase their revenues by $1,627,074. PSCO requests that the Commission waive § 35.11 of the regulations to allow an effective date of January 1, 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 18, 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.75-4520 Filed 2-19-75;8:45 am]

[Docket No. R-472]

REGIS GAS SYSTEMS, INC.

Findings and Order Granting Waiver

FEBRUARY 12, 1975.

By Order No. 489 issued August 24, 1973, in Docket No. R-472 (50 FPC 561), the Commission promulgated § 260.12 of Part 260—Statements and Reports (Schedules), Subchapter G—Approved Forms, Natural Gas Act, Chapter I of Title 18 of the Code of Federal Regulations to prescribe FPC Form No. 16, Report of Supply and Requirements, to be filed by natural gas pipeline companies making sales in interstate commerce of natural gas for resale. The Commission stated in Order No. 489 that it would consider requests by any company for waiver of the requirement to file Form No. 16 and would grant such requests upon good cause being shown.

On November 15, 1974, Regis Gas Systems, Inc. (Regis), filed a request for waiver of the requirement to file Form No. 16 stating that it is only a small gatherer which resells all gas to Trunkline Gas Company (Trunkline). Since Regis sells all of its gas to Trunkline, its supply is reflected in Trunkline's Form No. 16, and, accordingly, Regis should be excused from filing Form No. 16.

The Commission finds. Good cause having been shown, it is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the request by Regis for waiver of the requirement to file Form No. 16 should be granted.

The Commission orders. Subject to further review should Regis' operations change in the future, Regis' request for waiver of the requirement to file Form No. 16 is granted.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4491 Filed 2-19-75;8:45 am]

[Docket No. CI75-444]

ROBERT J. HEWITT

Application

FEBRUARY 10, 1975.

Take notice that on January 27, 1975, Robert J. Hewitt (Applicant), 400 Victoria Bank & Trust Bldg., Victoria, Texas 77901, filed in Docket No. CI75-444 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 Texas Gas Transmission Corporation (Texas Gas) from the Garden City Field, St. Mary Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he made a sale of natural gas to Texas Gas from the subject acreage within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) from October 9, 1974, to December 8,

1974. Applicant proposes to sell natural gas to Texas Gas for a period of one year from the first day of the month next following the month in which Applicant commences deliveries within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell to Texas Gas approximately 24,000 Mcf of natural gas per month at 73.0 cents per Mcf at 14.73 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot. The application indicates that initial upward Btu adjustment is estimated to be 8.9 cents per Mcf. Applicant alleges that the price to Texas Gas is substantially less than the price Applicant could charge and receive if such natural gas were sold in the intrastate market. Applicant further alleges that this gas will be available for sale to Texas Gas for only a limited period of time.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 27, 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.75-4519 Filed 2-19-75;8:45 am]

[Dockets Nos. E-7706, E-7750, E-8092]

SIERRA PACIFIC POWER CO.

Changes in Tariff Sheets Pursuant to Commission Opinion No. 702

FEBRUARY 11, 1975.

Take notice that Sierra Pacific Power Company (Sierra), on October 16, 1974, filed revised tariff sheets applicable to its FPC Electric Tariff, Original Volume No. 1, pursuant to the Commission's Opinion No. 702, issued herein on August 15, 1974. The revised tariff sheets are those designated by Sierra as Substitute Third Revised Sheet No. 4, effective September 1, 1972 through April 27, 1973; Substitute Fourth Revised Sheet No. 4, effective April 28, 1973 through December 30, 1973; Substitute First Revised Sheet No. 5, effective September 1, 1972 through December 30, 1973; and Substitute First Revised Sheet No. 8, effective September 1, 1972 through December 30, 1973. Tariff Sheet Nos. 4 and 5 contain rates, charges, terms and provisions applicable to Schedule R, Resale Service. Tariff Sheet No. 8 contains a Fuel Adjustment clause provision.

Sierra states that although no action has been taken by the Commission on its petition for rehearing and reconsideration of Opinion No. 702, filed September 13, 1974, "it is not believed that it will affect the substitute revised tariff sheets required to be filed in accordance with Opinion No. 702". By order issued on October 9, 1974, the Commission granted rehearing for further consideration of Sierra's petition for rehearing.

Sierra states that copies of the revised tariff sheets have been sent to its jurisdictional customers and interested State commissions. (No copy of the notice for publication in the FEDERAL REGISTER is included in the filing, pursuant to § 35.8 (a) of the Commission's rules.)

Any person desiring to be heard or to protest said rate filings should file a petition to intervene (unless such intervention has been previously granted herein) 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 21, 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.75-4486 Filed 2-19-75;8:45 am]

[Docket No. RP75-61]

SOUTH TEXAS NATURAL GAS GATHERING CO. AND AFFILIATES [1]

Order Instituting an Investigation

FEBRUARY 10, 1975.

As a part of this Commission's administration and enforcement of the provisions of the Natural Gas Act, 15 U.S.C. 717(a) et seq., the Commission has concluded that a field investigation by its staff should be undertaken relative to certain activities of South Texas Natural Gas Gathering Company (South Texas), its parent, affiliates, and subsidiaries. Heretofore, some of these companies have been determined to be "natural-gas companies", within the meaning of the Natural Gas Act, 15 U.S.C. 717b(6). Others properly may or may not be so classifiable.

Continued surveillance of natural gas operations of the South Texas affiliates, through this staff investigation, will serve the purposes of the Natural Gas Act. As set forth infra, this Commission as recently as January 14, 1974, has directed compliance actions by South Texas with requirements of the Natural Gas Act. This investigation complements our prior activities.

We had occasion to examine the activities of South Texas and found that the evidentiary record there established (South Texas Natural Gas Gathering Company, —— FPC ——, Opinion No. 683, issued January 14, 1974):

> * * * that due to mistake of law or other reasons South Texas has failed to file a number of applications for certificates to sell or transport gas and to abandon services or facilities and has failed to make rate schedule filings all as required by the Gas Act under the present law. We shall therefore require that South Texas make filings that are currently relevant and complete all necessary supplements to its Rate Schedule No. 2 covering its sale of gas to Transco (Transcontinental Gas Pipe Line Corporation). [mimeo ed., p. 16].

As a result of that order, South Texas and Coastal States Gas Producing Company (Coastal States), on March 13, 1974, filed in Docket No. CP74-258 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange and transportation of natural gas between the applicants, which is presently pending our review of the Presiding Administrative Law Judge's Initial Decision granting the certificate.

Previously, by order issued February 10, 1964, we, inter alia, deferred determination of the jurisdictional question concerning certain sales and transportation activities of some South Texas affiliates pending final resolution of then pending court proceedings, which have now been finally resolved.[2] (United Gas Pipe Line Company v. Coastal States Gas Producing Company, et al., 31 FPC 406, 409). Specifically, we stated (31 FPC at 409):

> * * * we shall defer action upon the other elements of United's complaint. Specifically until there has been a final resolution of the questions raised in Lo-Vaca Gathering Company v. F.P.C., 323 F. 2d 190, petition for rehearing denied December 17, 1963 (CA5), and in the Florida Parishes case, supra we shall not attempt to pass upon the issues raised by the complaint as to our jurisdiction over the sales by Rio Grande

[1] As used in this order, "affiliate" means a company or person that directly or indirectly, through one or more intermediaries, controls, or is controlled by, or under common control with, South Texas, 18 CFR 201.5A.

[2] The court proceedings are California v. Lo-Vaca Gathering Co., 379 U.S. 366 (1965) and Louisiana Public Service Commission v. F.P.C., 359 F.2d 525 (5th Cir., 1966), certiorari denied 385 U.S. 833.

to Alamo and Coastal to Lo-Vaca, or South Texas' transportation of such gas. We believe that pending such action we should not consider the request that we reclassify Coastal as a pipeline or consider all of the Coastal entities as one for Commission purposes. [Footnotes omitted]

At our initiative, the staff has been directed to conduct the field investigation ordered herein. Our purpose in initiating this investigation is to ascertain the activities of the South Texas affiliates and their compliance with the Natural Gas Act. Accordingly, this investigation will involve the sales and transportation activities of all affiliates of South Texas in order that we may definitively determine which of their activities fall within the scope of this Commission's jurisdiction and the enforcement and remedial measures, if any, to be directed by this Commission in the light of this investigation and our prior opinions as referred to herein.

The investigation herein initiated will encompass activities of all South Texas affiliates. It shall encompass all facts bearing upon which of those operational activities are jurisdictional under the Natural Gas Act. Further, the investigation shall encompass all facts bearing upon whether such jurisdictional activities are being or have been conducted under appropriate authorizations granted by this Commission pursuant to the Natural Gas Act and whether any jurisdictional activities are being conducted by the South Texas affiliates without necessary and appropriate Commission authorization, and, therefore, which may be or have been in violation of the Natural Gas Act. The investigation shall encompass all facts bearing upon the enforcement and remedial measures to be directed by this Commission.

The investigation herein instituted shall encompass initially a Commission staff field review of the past and present activities of all South Texas affiliates limited initially to the Texas geographic area. The staff's assignment is to conduct an immediate field investigation of facilities, properties, books, and records of South Texas and its parent, affiliates, and/or subsidiaries. We here determine and direct that those entities accord Commission staff full and complete access to all facilities, properties, books and records during that field investigation.

Based upon a review of the data obtained from the field investigation herein ordered and any subsequent investigations deemed necessary by our staff for completion of its investigatory task, the staff will report to the Commission its findings and recommendations for further procedures to expeditiously and fully conclude this investigation.

The Commission further finds. (1) Pursuant to section 1(b) of the Natural Gas Act, 15 U.S.C. 717(b), this Commission has jurisdiction over

* * * the transportation of natural gas in interstate commerce, to the sale in interstate commerce of natural gas for resale for ultimate public consumption, for domestic, commercial, industrial, or any other use, and to natural-gas companies engaged in such transportation of sale * * *

(2) It is necessary and appropriate for the purposes of that Act and good cause exists as set forth in the recital portions above for instituting an investigation into the activities of South Texas, its parent, affiliates and/or subsidiaries pursuant to Sections of the Natural Gas Act. 15 U.S.C. 717(a) et seq., as more fully identified infra to determine the jurisdictional and substantive issues as enunciated in the recital portions of this order.

(3) The investigation herein initiated and the procedures hereinafter ordered are the most expeditious method of determining the jurisdictional and substantive issues involved in this proceeding.

(4) The Commission has determined that the following members of South Texas affiliates are or have been previously classified as "natural-gas companies" within the meaning of the Natural Gas Act: South Texas Natural Gas Gathering Company, 28 FPC 401, 418; Coastal States Gas Producing Company, 31 FPC 1027, 1029; Ben Bolt Gathering Company, 26 FPC 825; and Lo-Vaca Gathering Company, 46 FPC 198, 199. The activities, operations and jurisdictional status of some of these may have changed from the dates of those Commission determinations.

The Commission orders. (A) Pursuant to the authority contained in the Natural Gas Act, particularly sections 1, 4, 5, 7, 8, 10, 14, 15, 16, 20 and 21 thereof, 15 U.S.C. 717, c, d, f, g, i, m, n, o, s, t, the Commission's rules of practice and procedure and the regulations under the Natural Gas Act, 18 CFR Parts 1, 152–160, 201–225, 250–260, the Commission hereby institutes an investigation into the activities of South Texas and its parent, affiliates and/or subsidiaries for the purposes as set forth in the recital portion of this order.

(B) Pursuant to the provisions of section 14(c) of the Natural Gas Act, 15 U.S.C. 717m (c), and § 1.23 of the Commission's rules of practice and procedure, 18 CFR 1.23, for purposes of this investigation all members of the Commission investigating staff are each hereby designated an officer of this Commission and are empowered to issue subpenas and to perform all other duties in connection therewith as prescribed by law.

(C) The Commission staff is directed to conduct a full field investigation to obtain the facts and information from the books, records, facilities and properties of South Texas and its parent, affiliates and/or subsidiaries to enable it to make a full and complete report on the jurisdictional and substantive issues set forth in the recital portion of this order, together with recommendations for the further procedures necessary to conclude this investigation.

(D) South Texas, its parent, affiliates, and/or subsidiaries are hereby directed to assist staff, when requested, in staff's field investigation.

(E) Further procedures, if required, shall be set by further order of this Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4506 Filed 2-19-75;8:45 am]

[Docket No. RP75-58]

SOUTHERN NATURAL GAS CO.

Rate Change

FEBRUARY 7, 1975.

Take notice that Southern Natural Gas Company (Southern) on January 30, 1975, tendered for filing two proposed changes in its FPC Gas Tariff, Original Volume No. 3. Southern states that the first change, in Rate Schedule No. F-5, is an increase up to the level allowed by Commission Opinion No. 662. The second change, Southern states, is in Rate Schedule No. F-9 and reflects changes pursuant to Commission Opinion Nos. 699, 699-A, and 699-H.

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 28, 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.75-4509 Filed 2-19-75;8:45 am]

[Docket Nos. RP71-6, RP71-57, and RP72-1]

TENNESSEE GAS PIPELINE CO.

Refund, With Interest, of Purchased Gas Costs Collected During Price Freeze Period

FEBRUARY 7, 1975.

On June 13, 1972, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a purchased gas racking increase to become effective August 1, 1972, pursuant to the purchased gas tracking authority prescribed in the Settlement Agreement approved by Tennessee Gas Pipeline Company, Opinion No. 619, 47 FPC 1327 (1972) in the instant docket. Tennessee's filing proposed an increase of 2.16¢ per Mcf which included the effect of charges to Tennessee's Deferred Purchased Gas Cost Account for the period from April 15, 1971, to November 14, 1971, covered by Phase I of the President's Economic Stabilization Program. Tennessee also filed alternate tariff sheets reflecting a rate increase of only

1.83¢ per Mcf, which excluded the effect of charges to the Deferred Account during the Phase I period. Tennessee stated that the alternate 1.83¢ per Mcf sheets were filed in the event the Commission "deems it inappropriate" to reflect the deferred charges for the Phase I period to the Deferred Purchased Gas Cost Account as part of the June 12, 1972, purchased gas tracking rate increase. Tennessee, however, argued that the costs accrued in the Deferred Account were properly includible in the June 12, 1972, tracking filing because they were consistent with the President's Executive Order No. 11615 instituting Phase I of the Economic Stabilization Program and the Commission's Order 437 implementing such program.

By letter order dated July 31, 1972, 48 FPC 194 (1972) the Commission rejected Tennessee's filing on the grounds that Tennessee's tracking authority expired on June 13, 1972, and, under the approach followed by the Commission, tracking filings had to become effective on or before the date the tracking authority terminated. Following denial of Tennessee's application for rehearing,[1] Tennessee filed a Petition for Review with the U.S. Court of Appeals for the District of Columbia Circuit.

By order of the Court dated November 13, 1972, the Court granted Tennessee's October 30, 1972, motion for stay pending review of the Commission's order. Pursuant to the Court's November 13, 1972, order, the Commission issued an order, 48 FPC 1375 (1972), accepting Tennessee's tariff sheets for filing effective as of August 1, 1972, subject to possible refund, with interest at 7 percent per annum, pending resolution of the appeal to the U.S. Court of Appeals concerning the timeliness of Tennessee's filing.

However, the Commission also stated:

> Our action today is solely for the purpose of complying with the court ordered stay and reserves, until completion of judicial review of our July 31, 1972, order the issue of whether the subject 2.16¢ increase should include increases frozen during Phase I of the President's Economic Stabilization Program.[2]

On August 1, 1974, the Court of Appeals in "Tennessee Gas Pipeline Company, et al. v. Federal Power Commission," _____ U.S. App. D.C. _____, _____ F.2d _____ (Case No. 72-1945) vacated the Commission's July 31, 1972, letter order which had rejected Tennessee's purchased gas cost tracking filing of June 12, 1972, as not having been timely filed. No appeal of that decision has been filed and therefore the Court's decision is final.

Accordingly, we must now decide the proper disposition of the amounts collected by Tennessee, subject to refund, which relate to deferred purchased gas costs accrued in Tennessee's Deferred Account pursuant to the purchased gas tracking authority approved in Opinion No. 619 in the instant docket. We find that permitting Tennessee to retain the amounts collected, subject to refund, which relate to the Phase I freeze period would be inconsistent with the Commission's Order No. 437, 46 FPC 274 (1971), which implemented the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. We find that retention of such amounts by Tennessee would also be inconsistent with Order No. 437A, 46 FPC 1219 (1971) which implemented Executive Order No. 11627. Accordingly, we shall require Tennessee to refund with interest at 7 percent per annum, from August 1, 1972, the revenues collected based on charges to its Deferred Purchased Gas Account in this docket during the period August 15, 1971, to November 14, 1971. Such refunds shall be based upon Tennessee's sales for the period from August 1, 1972, through December 31, 1972. We note that this treatment is consistent with that accorded to other pipelines having deferred purchased gas accounts as a part of their purchased gas tracking authority during the Phase I Freeze period.[3]

The Commission finds. It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act to require Tennessee, within 30 days of the date of issuance of this order, to refund, with interest at 7 per cent per annum, the revenues collected based on charges to its Deferred Purchased Gas Account in this docket during the period August 15, 1971, to November 14, 1971, as hereinafter ordered and conditioned.

The Commission orders. (A) Within 30 days of the date of issuance of this order, Tennessee shall refund, with interest at 7 per cent per annum from August 1, 1972, the revenues collected based on charges of its Deferred Purchased Gas Account in this docket during the period August 15, 1971, to November 14, 1971. Such refunds shall be based upon Tennessee's sales for the period from August 1, 1972, through December 31, 1972.

(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.

APPENDIX A

NATURAL GAS PIPELINE CO. OF AMERICA,
122 South Michigan Ave.,
Chicago, Ill. 60603.

(Attention: Mr. J. I. Poole, Jr., Vice President, Marketing and Rates).

DECEMBER 1, 1971.

GENTLEMEN: This is in regards to your filing on October 14, 1971, of two copies of a tariff sheet, designated as Fourth Revised Sheet No. 38-L.2. to your FPC Gas Tariff, Second Revised Volume No. 1, reflecting increased rates to track increased purchased gas costs, pursuant to the Purchased Gas Cost Adjustment Provision included in your tariff. The tabulation attached to your filing indicates a crediting to the deferred account of amounts for the months of August and September.

This approach is inconsistent with the Commission's order issued August 18, 1971, in Docket No. R-427, implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. It is also inconsistent with the Commission's subsequent order issued November 16, 1971, in the same docket, implementing Executive Order No. 11627. Accordingly, your filing is hereby rejected without prejudice to being refiled excluding the adjustments for the period from August 15-September 30, 1971.

Very truly yours,

KENNETH F. PLUMB,
Secretary.

APPENDIX B

MICHIGAN WISCONSIN PIPE LINE CO.,
1 Woodward Ave.,
Detroit, Mich. 48226.

(Attention: Mr. Ray J. Lynch, Executive Vice President).

APRIL 25, 1972.

GENTLEMEN: This is in regards to your filing on March 31, 1972, of two copies of a tariff sheet, designated as First Revised Sheet No. 27F to your FPC Gas Tariff, Second Revised Volume No. 1, reflecting increased rates to track increased purchased gas costs, pursuant to the Purchased Gas Cost Adjustment Provision included in your tariff. The tabulation attached to your filing indicates a crediting to the deferred account of amounts for the period from September 19, through November 14, 1971.

This approach is inconsistent with the Commission's order issued August 18, 1971, in Docket No. R-427, implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. It is also inconsistent with the Commission's subsequent order issued November 16, 1971, in the same docket, implementing Executive Order No. 11627. Accordingly, your filing is hereby rejected without prejudice to being refiled excluding the adjustments for the period from September 19, through November 14, 1971, from both the Purchased Gas Cost Changes and the Deferred Gas Cost Account Balances.

Very truly yours,

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4538 Filed 2-19-75;8:45 am]

[Docket No. CP75-159]

TENNESSEE GAS PIPELINE COMPANY

Petition To Amend

FEBRUARY 12, 1975.

Take notice that on February 5, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-159 a petition to amend the order issued in said docket on January 24, 1975, pursuant to section 7 of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder (18 CFR 157.7), so as to increase the total annual cost limitations for budget-type gas purchase facilities authorized in said order to $12,000,000 and the single project cost limitations to $1,500,000 and $2,500,000 for onshore and offshore proj-

[1] See: 48 FPC 477 (1972).

[2] The increase would be only 1.83 cents per Mcf if Phase I increases were eliminated.

[3] See letter orders set forth in Appendices A and B to Natural Gas Pipeline Company in Docket No. RP70-35 and Michigan Wisconsin Pipeline Company in Docket No. RP71-112, respectively.

ects, respectively, and so as to expand the definition of budget-type gas purchase facilities to include those facilities which connect producers' facilities with the facilities of another natural-gas company authorized to transport for the account of or exchange with Petitioner gas purchased by Petitioner, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

By the order in the instant docket Petitioner is authorized to construct, during the calendar year 1975, and operate gas-purchase facilities necessary to transport and receive into its main pipeline system supplies of natural gas available from producing areas located adjacent to said system, at a total cost limitation of $7,000,000 and single project cost limitations of $1,000,000 and $1,750,000 for onshore and offshore projects, respectively.

Petitioner cites in its petition to amend Commission Order No. 522, issued in Docket No. RM75-2 on January 16, 1975, which amends, inter alia, § 157-7 of the regulations under the Natural Gas Act to permit, effective February 21, 1975, the issuance of budget-type certificates of public convenience and necessity within the limits of the amended authorization requested by Petitioner.

Petitioner states that it has made increasing use of exchange and transportation agreements in recent years and has also experienced the impact of spiraling construction costs, thereby necessitating the increase in cost limitations and the expanded definition of gas-purchase facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 3, 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 appropirate 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.75-4487 Filed 2-19-75;8:45 am]

[Docket Nos. RI75-107 and RI75-108]

TEXACO INC.

Proposed Changes in Rates [1]

FEBRUARY 7, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI75-107	Texaco, Inc.	45	8	Mountain Fuel Supply Co. (Hiawatha Field, Moffat County, Colo.) (Rocky Mountain Area).	$236,609	1-9-75	2-9-75	[3] Accepted	[4] 15.3004	[1] [2] 24.4806	
	do.		9	do.	660,583	1-9-75		7-9-75	[1] 24.4806	[1] [5] 52.0214	
RI75-108	Mobile Oil Corp.	215	31	Northwest Pipeline Corp. (Lincoln and Sublette Counties, Wyo.) (Rocky Mountain Area).	2,803,000	1-13-75		7-13-75	[6] 25.8282	[1] 52.0214	
	do.	217	30	do.	2,156,000	1-13-75		7-13-75	[6] 28.8282 [1] [2] 26.3238	[1] 52.0214	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—subject to applicable taxes and Btu adjustment.
[2] Unilateral increase to the Opinion No. 658 ceiling rate.
[3] Unilateral increase to the Opinion No. 699-H rate.
[4] Subject to Btu adjustment.
[5] Fractured rate inclusive of applicable taxes.
[6] Substitute filing received Jan. 20, 1975.
[7] Lincoln County.
[8] Accepted, as of the date set forth in the "Effective Date Unless Suspended" column.

The proposed rate increases of Texaco Inc. and Mobil Oil which exceed the applicable area rate under Opinion No. 658 are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699-H, issued December 4, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699-H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc. 75-4517 Filed 2-19-75; 8:45 am]

[Docket No. RI75-99]

TEXAS PACIFIC OIL CO. INC.

Order Granting Petition for Special Relief

JANUARY 31, 1975.

On December 16, 1974, Texas Pacific Oil Company, Inc. (Texas Pacific) filed a petition for special relief pursuant to § 2.76 [1] of the Commission's general policy and interpretations for a sale of natural gas to Arkansas Louisiana Gas Company (Arkla) from a well located in the Kinta Field, Haskell County, Oklahoma (Other Southwest Area, Opinion No. 607).

Texas Pacific is currently selling natural gas to Arkla pursuant to a base contract dated January 29, 1962, providing for a rate of 17.27 cents per Mcf at 14.65 psia. On October 23, 1974, Texas Pacific and Arkla entered into an amendment to

[1] 18 CFR 2.76.

the base contract whereby Arkla agreed to pay Texas Pacific 32 cents per Mcf in consideration of remedial measures to be performed by Texas Pacific on the subject well. Petitioner states that these corrective measures include the replacement of the well's tubing and packer, the cleaning out of the well bore through the producing zone, the stimulation of the producing zone with acid, and the installation of a compressor. Texas Pacific avers that this rework will result in the recovery of an estimated 250,000 Mcf over a 4-year productive life, at an estimated cost of $43,145.

Notice of the petition was issued on January 15, 1975, and appeared in the FEDERAL REGISTER on January 22, 1975, at 40 FR 3513. No protests or petitions to intervene have been filed.

After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is the public interest to grant Texas Pacific's petition.

The Commission finds. The petition for special relief filed by Texas Pacific Oil Company, Inc., meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders. For the above-stated reasons, the petition for special relief of Texas Pacific is hereby granted. Texas Pacific is authorized to collect 32 cents per Mcf at 14.65 psia for all gas produced from the subject well effective upon the filing of 1) a notification signed by Arkla that the proposed remedial work on the subject well has been successfully completed and 2) A notice of change in rate pursuant to § 154.94 of the Commission's regulations with attached copies of the October 23, 1974 contract amendment providing for the proposed rate change.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4488 Filed 2-19-75;8:45 am]

[Docket No. CP74-308]

TRANSCONTINENTAL GAS PIPE LINE CO.

Petition To Amend

FEBRUARY 12, 1975.

Take notice that on February 4, 1975, Transcontinental Gas Pipe Line Corporation (Petitioner), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-308 a petition to amend the order issued in said docket on August 28, 1974, pursuant to section 7 of the Natural Gas Act, as implemented by § 157.7 of the regulations thereunder (18 CFR 157.7), so as to increase the total annual cost limitations for budget-type gas purchase facilities authorized in said order to $12,000,000 and the single project cost limitations to $1,500,000 and $2,500,000 for onshore and offshore projects, respectively, and so as to expand the definition of budget-type gas purchase facilities to include those facilities which connect producers' facilities with the facilities of another natural gas company authorized to transport for the account of or exchange with Petitioner gas purchased by Petitioner and those facilities necessary to connect producers' facilities with Petitioner's pipeline facilities for the purpose of transporting natural gas for the account of or in exchange with another natural gas company, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued in the instant docket Petitioner is authorized to construct during the one-year period commencing August 12, 1974, and operate gas-purchase facilities necessary to transport and receive into its main pipeline system supplies of natural gas available from producing areas located adjacent to said system, at a total annual cost limitation of $7,000,000 and single project cost limitations of $1,000,000 and $1,750,000 for onshore and offshore projects, respectively.

Petitioner cites in its petition to amend Commission Order No. 522, issued in Docket No. RM75-2 on January 16, 1975, which amends, inter alia § 157.7 of the regulations under the Natural Gas Act to permit, effective February 21, 1975, the issuance of budget-type certificates of public convenience and necessity within the limits of the amended authorization requested by Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 4, 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.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4489 Filed 2-19-75;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

FEBRUARY 12, 1975.

On February 10, 1975, Transwestern Pipeline Company filed a motion to extend the procedural dates fixed by order issued November 18, 1974, as most recently modified by notice issued January 13, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal: March 14, 1975.

Hearing: April 1, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4490 Filed 2-19-75;8:45 am]

[Docket No. E-9143]

WEST TEXAS UTILITIES CO.

Filing of Revised Fuel Clause

FEBRUARY 7, 1975.

Take notice that on January 31, 1975, West Texas Utilities Company (West Texas) tendered for filing a revised fuel clause in response to the Commission's order issued December 31, 1974, in the referenced docket. West Texas states that said revised fuel clause should supersede the fuel clause contained in Article 2, paragraph (d), page 3, of West Texas' rate schedule contract for FPC jurisdictional service to Gate City Electric Cooperative, Inc. According to West Texas, the revised fuel clause has been prepared in accordance with Commission Order No. 517, issued November 13, 1974, in Docket No. R-479.

West Texas requests that the Commission accept the tendered revised fuel clause and terminate the refund obligation with respect to the fuel clause, as said obligation was imposed by the aforementioned December 31, 1974, order in this docket.

West Texas states that a copy of the revised fuel clause is being mailed to Gate City Electric Cooperative, Inc., Childress, Texas.

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 24, 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. 75-4525 Filed 2-19-75;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

STUDY OF PREVAILING RATE SYSTEM

Committee Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 6, 1975
Thursday, March 20, 1975
Thursday, March 27, 1975

501
482
19

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

FEBRUARY 13, 1975.

[FR Doc.75-4577 Filed 2-19-75;8:45 am]

FEDERAL RESERVE SYSTEM

COLONIAL BANCORP, INC.

Acquisition of Bank

Colonial Bancorp, Inc., Waterbury, Connecticut, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of Second New Haven Bank, New Haven, Connecticut.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, The Colonial Bank and Trust Company, with deposits of $332.4 million, representing 4.8 percent of the total deposits in commercial banks in the State, and is the seventh largest commercial banking organization in Connecticut. Bank is the tenth largest commercial banking organization in the State and holds deposits of $202.3 million, representing 2.9 percent of the deposits in commercial banks in the State.[1]

Acquisition of Bank would increase Applicant's deposits to $534.7 million (about 8 percent of the deposits in the State) and would result in it becoming the fourth largest commercial banking organization in Connecticut. In view of the structure of banking in Connecticut, the Board does not regard the increase in concentration that would result from this proposal as a factor warranting denial.

Bank is the second largest banking organization in the New Haven market (approximated by the New Haven RMA) by virtue of its control of 20.8 percent of the commercial bank deposits in the market. Applicant's subsidiary bank also operates offices in the New Haven market and, as a result of the consummation of this proposal, Applicant would control approximately 24.2 percent of the deposits in the market. However, the State's three largest banking organizations (CBT Corporation, Northeast Bancorp, Inc., and Hartford National Corporation) have offices in the market and together they account for about 28.1 percent of the total commercial bank deposits in the market. The Board views this proposal, therefore, as an appropriate means whereby Applicant would enhance its ability to compete more effectively with these largest organizations operating in the market.

As noted above, Applicant is presently represented in the New Haven market; however, Applicant's subsidiary bank, which is headquartered in Waterbury, competes primarily in the Waterbury market. In the New Haven market, Applicant's subsidiary operates a total of five offices, all of which are located on the fringe of the market and do not appear to exert a significant competitive influence on the economic hub of the market, the city of New Haven. Since both Applicant and Bank operate in the same market, some amount of existing competition would be eliminated as a result of this proposal. However, on balance, the Board believes that the effects on existing competition would not be significant.

In assessing the effects of the proposal on potential competition, the Board notes that Connecticut's banking law contains a home office protection provision which generally prohibits branching into towns where the home office of another bank is located. Applicant's subsidiary is prohibited from branching into New Haven and Bank is precluded from branching into Waterbury. "Open" towns exist in both the New Haven and Waterbury markets into which Applicant or Bank could branch and there are a limited number of smaller banks available for acquisition; however, neither branching nor a smaller acquisition would enable Applicant or Bank to compete effectively in the principal city of the other's market. Moreover, Bank's history of expansion and growth indicates that, absent affiliation with Applicant, Bank is unlikely to expand into the Waterbury market. Although Applicant's de novo entry into the City of New Haven is possible, in view of the apparent difficulties of obtaining a national charter or of Applicant affiliating with a newly chartered state bank, such entry by Applicant appears remote. Accordingly, on the basis of the facts of record, the Board concludes that consummation of the proposed transaction would not have a significantly adverse effect on potential competition.

The financial condition and managerial resources of Applicant and Bank appear to be generally satisfactory and consistent with approval of the application. As a result of the acquisition, Bank will decrease or eliminate service charges on demand deposit accounts, increase interest rates on time and savings deposits, lower interest rates on retail installment loans and improve the availability of mortgage financing in the New Haven area. In the New Haven market, Bank will be able to offer expanded services to Connecticut's largest banking customers and generally be able to compete more effectively with larger banking organizations operating in that market. Therefore, considerations relating to convenience and needs lend weight toward approval and outweigh any slight anticompetitive effects on existing competition that may result from the proposed transaction. Accordingly, it is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record,[2] the application is approved for the reasons summarized above. The transaction 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 Boston pursuant to delegated authority.

By order of the Board of Governors,[3] effective February 11, 1975.

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

[FR Doc.75-4502 Filed 2-19-75;8:45 am]

[1] State banking data are as of June 30, 1974.

[2] Dissenting Statement of Governors Holland, Wallich, and Coldwell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, and Bucher. Voting against this action: Governors Holland, Wallich, and Coldwell.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 14, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of each request received, the name of the agency sponsoring the proposed collection of information, the agency form number, and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before March 10, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form F–1, required to be filed by some 124 Class A Freight Forwarders, pursuant to section 412 of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1210) adopted through rulemaking proceedings. Reporting burden for carriers is estimated to average 17 man-hours per report. Reports are mandatory and available for use of the public.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–4666 Filed 2–19–75;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following request for clearance of a report form intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on February 11, 1975. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this information in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC report form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before March 10, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 20548.

Further information about the proposed ICC report form may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form M–4, required to be filed by some 77 motor carrier holding companies, pursuant to section 220(a) of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions being made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1207) adopted through rulemaking proceedings. Reporting burden for carriers is estimated to average 45 man-hours per report. Reports are mandatory and available for use of the public.

CARL F. BOGAR,
Assistant Director
Regulatory Reports Review.

[FR Doc.75–4667 Filed 2–19–75;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPM Temporary Reg. G–20]

SECRETARY OF HOUSING AND URBAN DEVELOPMENT

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Housing and Urban Development to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Interstate Commerce Commission.

2. *Effective date.* This regulation is effective August 26, 1974.

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, particularly sections 201(a)(4) and 205 (d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Housing and Urban Development to represent the consumer interests of the executive agencies of the Federal Government before the Interstate Commerce Commission involving the application of Sentry Transport, Inc., for Motor Carrier Permanent Authority (Docket No. MC 139226, Sub. No. 1).

b. The Secretary of Housing and Urban Development may redelegate this authority to any officer, official, or employee of the Department of Housing and Urban Development.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of
General Services.

FEBRUARY 10, 1975.

[FR Doc.75–4543 Filed 2–19–75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on March 7, 1975 from 9 a.m.–5 p.m. and March 8, 1975 from 9 a.m.–4 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will be held to review the final draft of the Council's 1975 Annual Report and to discuss the NIE study.

Because of limited space, all persons wishing to attend should call for reservations by February 28, 1975, Area Code 202/382–6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on February 18, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75–4748 Filed 2–19–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 6–8, 1975, in Room 1046, 1717 H Street, NW, Washington, D. C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, MARCH 6, 1975

11 a.m.–12:30 p.m. and 1:30 p.m.–4 p.m.: Summit Power Station—The Committee will

hear presentations by and hold discussions with representatives of the NRC Staff and the Delmarva Power and Light Company related to the request for a Construction Permit for this station. Closed sessions will be held if required to consider proprietary information related to the design, construction and/or operation of this plant. Closed portions will also be held if necessary to discuss security arrangements for this facility and for Committee deliberative sessions.

4:30 p.m.–6:30 p.m.: Perry Nuclear Power Plant—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the Cleveland Electric Illuminating Company and others to consider matters related to the Construction Permit for this plant.

Closed portions will be held if necessary to discuss proprietary information related to the design and/or construction of this facility and for Committee deliberative sessions.

FRIDAY, MARCH 7, 1975

9:30 a.m.–12:30 p.m. and 1:30 p.m.–3 p.m.: General Electric Company Standard Safety Analysis Report—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the General Electric Company to discuss the request for approval of this standardized plant design. Closed portions will be held if required to discuss proprietary information related to the design, construction and/or operation of this standard type plant. Closed portions will also be held if necessary to discuss security plans for this type facility and for Committee deliberative sessions.

3 p.m.–3:45 p.m.: Meeting with NRC Staff—The Committee will meet with representatives of the NRC Staff to hear presentations and hold discussions regarding recent reactor operating experience, current licensing actions, and operator requalification programs.

4:15 p.m.–6:15 p.m.: Exxon Nuclear Company, Inc.—The Committee will hear presentations by and hold discussions with representatives of the NRC Staff and the Exxon Nuclear Company, Inc. regarding the request for approval of analytical models related to performance of Exxon fuel during postulated loss-of-coolant accidents. Portions of this session will be closed if required to discuss proprietary information related to the design, fabrication and/or operation of this fuel and for Committee deliberative sessions.

It should be noted that, in addition to the closed portion of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Pub. L. 92–463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 26, 1975, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555, and as follows:

SUMMIT POWER STATION

Mrs. L. J. Brown, Librarian
Newark Free Library
Elkton Road & Delaware Avenue
Newark, Delaware 19711

PERRY NUCLEAR POWER PLANT

Perry Public Library
Mrs. Eleanor Plummer
3753 Main Street
Perry, Ohio 44081

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 5, 1975, to the Office of the Executive Secretary of the Committee (Telephone: 202–634–1371) between 8:30 a.m. and 5:15 p.m., Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on March 5, 1975.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. on or after June 6, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4569 Filed 2-19-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2

Notice of Meeting

In accordance with the purppses of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 and 2, will hold a meeting on March 4, 1975 in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Cleveland Electric Illuminating Company for a permit to construct this nuclear power plant. The facility will be located on Lake Erie in Lake County, Ohio. The plant site is approximately 35 miles northeast of Cleveland and 21 miles southwest of Ashtabula, Ohio.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, March 4, 1975—1 p.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the NRC Staff and the Cleveland Electric Illuminating Company and will hold discussions with these groups pertinent to its review of the application of the Cleveland Electric Illuminating Company for a permit to construct the Perry Nuclear Power Plant, Units 1 and 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at

1 p.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the NRC Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any 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, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than February 25, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room 1717 H Street, NW., Washington, D.C. 20555 and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

(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 March 4, 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 opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 3, 1975 to the Office of the Executive Secretary of the Committee (telephone 202-634-1371) between 8:30 a.m. and 5:15 p.m., e.t.

(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. 20555, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 6, 1975 at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and within approximately nine days at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. 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. 2002 (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. 20555 after June 4, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4567 Filed 2-19-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on March 5, 1975 in Room 1062, 1717 H Street, NW, Washington, D.C. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, March 5, 1975, 8:45 a.m. until about 10 a.m. The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to its review of Revision 2 to regulatory guide 1.26, Quality Group Classifications and Standards.

In connection with the above agenda item, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and 10 a.m. on March 5 to consider matters related to the above review. These sessions will involve an exhange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed session with the NRC Staff and any consultants at about 10:15 a.m. until the close of business to discuss the following work papers:

1. Reg. Guide 1.XX—Initial Test Program to Demonstrate Remote Shutdown Capability for Nuclear Power Plants.
2. Reg. Guide 1.XX—Investigation of Materials Under Nuclear Power Plant Foundations.
3. Reg. Guide 1.40 (Revision 1)—Qualification Tests of Continuous-Duty Motors. Installed Inside and Outside Containment of Water-Cooled and Gas-Cooled Nuclear Power Plants.
4. Reg. Guide. 1.XX—Hydrologic Design Criteria for Water Control Structures Constructed for Nuclear Power Plants.
5. Reg. Guide 1.14 (Revision 1)—Reactor Coolant Pump Flywheel Integrity.

This portion of the meeting may include Executive Sessions both before and after the closed session with the NRC Staff.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that other closed sessions will be held to discuss and exchange views on working papers which 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 agency or Subcommittee 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 Regulatory Guide 1.26 may do so by mailing 25 copies thereof, postmarked no later than February 27, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

(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 9 a.m. and 10 a.m. on March 5, 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 March 4, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1413) between 8:30 a.m. and 5:15 p.m., e.t.

(3) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after March 6, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H St., 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 June 5, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4570 Filed 2-19-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' WORKING GROUP ON THE REACTOR SAFETY STUDY (WASH-1400)

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the ACRS Working Group on the Reactor Safety Study (WASH-1400) will hold a closed meeting at 8:30 a.m. on March 5, 1975, in Washington, D.C. to discuss ACRS policy and response to the Commission's request for comments on the draft report of the Reactor Safety Study (WASH-1400).

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463 that the meeting will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during the meeting will be inextricably intertwined with such exempt material, and no separation of this material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

JOHN C. HOYLE,
Acting Advisory Committee Management Officer.

[FR Doc.75-4568 Filed 2-19-75;8:45 am]

[Docket Nos. 50-500 and 50-501]

TOLEDO EDISON CO.

Availability of Draft Environmental Statement for Davis-Besse Nuclear Power Station, Units 2 and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed construction of Davis-Besse Nuclear Power Station, Units 2 and 3, in Ottawa County, Ohio is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Ida Rupp Public Library, Port Clinton, Ohio. The Draft Statement is also being made available at the Ohio State Clearinghouse, 62 East Broad Street, Columbus, Ohio 43215 and the Toledo Metropolitan Area Council of Governments, 420 Madison Avenue, Toledo, Ohio 43604. Single copies of the Draft Environmental Statement (Document No. NUREG-75/006) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

The Applicant's Environmental Report, as amended, submitted by the Toledo Edison Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on September 5, 1974 (39 FR 32175).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report, as amended, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 7, 1975. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Ida Rupp Public Library. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Rockville, Maryland, this 13th day of February 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-4717 Filed 2-19-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SCIENCE EDUCATION PROJECTS; NATO POSTDOCTORAL FELLOWSHIP SUBPANEL

Postponement of Announced Meeting

This announcement concerns the meeting of the NATO Postdoctoral Fellowship Subpanel of the Advisory Panel for Science Education Projects which

was published in the FEDERAL REGISTER on February 12, 1975, Vol. 40, No. 30 (FR Doc. 75-3893) pg. 6546.

The previously scheduled meeting of February 27 and 28, 1975 is postponed until March 17 and 18, 1975. The location will remain unchanged as will the agenda.

Any questions may be routed to Dr. Hall Taylor, Program Manager, Fellowships and Traineeships Section, Rm. W-476, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7595.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 14, 1975.

[FR Doc.75-4585 Filed 2-19-75;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS; SUBPANEL ON MINORITY INSTITUTIONS SCIENCE IMPROVEMENT PROGRAM

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Subpanel on Minority Institutions Science Improvement Program to be held at 9 a.m. on March 27 and 28, 1975, in room 651, 5225 Wisconsin Avenue, NW., Washington, D.C.

The purpose of this Subpanel is to provide advice and recommendations concerning the merit of specific proposals, projects or applications submitted for consideration by the Minority Institutions Science Improvement Program.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b), (4), (5), and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Subpanel, please contact Dr. Art Diaz, Program Manager, Instructional Improvement Implementation Section, Rm. 448-W, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7760.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 13, 1975.

[FR Doc.75-4586 Filed 2-19-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 13, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals with appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

OTHER AGENCIES

Environmental Assessment of Wiping Cloth Industry, Com 501, single-time, sheltered workshops, Caywood, D. P., 395-3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Intracranial Neoplasms Survey—Pilot Study, DSNIh-ND-6, single-time, persons with diagnosis intracranial neoplasm, Hall, George, 395-4697.

Office of Education, Supplemental Application for School Assistance in Federally Affected Areas (Title I of Pub. L. 81-874), OE 4019-3, single-time local educational agencies, Lowry, R. L., 395-3772.

NEW FORMS

DEPARTMENT OF THE INTERIOR

Departmental and Other Grants to States for Establishing Youth Conservation Corps program, annually, State agencies, Lowry, R. L., 395-3772.

REVISIONS

OTHER AGENCIES

Bicentennial Project Register Form—Bicentennial Event Master Calendar Form, LC 4, on occasion, sponsors of bicentennial projects and events, Planchon, P. 395-3898.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service, Sugar Beets—Factory Report (Acreage and Production), semi-annually, sugarbeet processors, Lowry, R. L., 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration, Project Application for Federal Financial Assistance, HUD 483, on occasion, State and local government in disaster areas, Community and Veterans Affairs Division, 395-3532.

DEPARTMENT OF LABOR

Employment Standards Administration:
Application for a Farm Labor Contractor Certificate of Reigstration, WH-410, annually, agricultural workers, Lowry, R. L. 935-3772.

EXTENSIONS

DEPARTMENT OF LABOR

Employment Standards Administration:
Physician's Report on Impairment of Vision, LS-205, on occasion, Evinger, S. K., 395-3648.
Attending Physician's Supplementary Report, LS-204A, on occasion, Evinger, S. K., 395-3648.
Employees Claim for Compensation, LS-203, on occasion, Evinger, S. K., 395-3648.

Bureau of Labor Statistics:
Outside Salespersons, 1973 Gross Annual Earnings and Number of Weeks Worked, BLS 3010C, single-time, Evinger, S. K., 395-3648.
Straight-Time Weekly/Hours and Earnings of Executive, Administrative and Professional Employees, BLS 3010B, single-time, Evinger, S. K., 395-3648.
Survey of Earnings and Hours, Nonsupervisory Occupations in Selected Industries, BLS 3010D, single-time, Evinger, S. K., 395-3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-4747 Filed 2-19-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

FEBRUARY 12, 1975.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a National Securities Exchange is suspended, for the period from February 13, 1975 through February 22, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-4611 Filed 2-19-75;8:45 am]

[70-5617]

GENERAL PUBLIC UTILITIES CORP.

Notice of Proposed Issue and Sale of Common Stock

Notice is hereby given that General Public Utilities Corporation, 80 Pine Street, New York, New York 10005, ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility

Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to issue and sell for cash before April 30, 1975, 2,300,000 additional shares of its common stock, par value $2.50 per share (the "Additional Common Stock"), in a negotiated public underwriting through a group of underwriters represented by Merrill Lynch, Pierce, Fenner & Smith, Incorporated. The issuance and sale of the Additional Common Stock are not subject to the preemptive rights of GPU's present holders of Common Stock by virtue of Subdivision (f) of Article 9 of GPU's Articles of Incorporation which permits, in the discretion of GPU's Board of Directors, the issuance for cash in a public offering in any calendar year of an amount of common stock which is less than 5 percent of the number of such shares (exclusive of shares held in GPU's treasury) outstanding at the beginning of such calendar year. At the beginning of the present calendar year, GPU had outstanding 47,358,002 shares of common stock.

On November 7, 1974 (Holding Company Act Release No. 18646), this Commission announced a temporary suspension of the competitive bidding requirements of Rule 50 under the Act insofar as those requirements apply to sales of common stock. This suspension is effective, under certain conditions, until April 30, 1975. GPU contemplates selling its stock during this period, and thus the sale will be exempt from the competitive bidding requirements.

The proceeds from the sale of the Additional Common Stock will be used by GPU for additional investment in its subsidiaries and/or to repay a portion of GPU's short-term indebtedness, expected to be outstanding at the time of sale of the Additional Common Stock.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 11, 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 filed or as it may be 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.75-4612 Filed 2-19-75;8:45 am]

[Release No. 34-11243; File No. S7-552]

PROXY MATERIAL AND OTHER ISSUER COMMUNICATIONS TO BENEFICIAL OWNERS

Timely Dissemination

The Securities and Exchange Commission announced today that, in view of the fact that the 1975 proxy solicitation season is rapidly approaching, the Commission wishes to re-emphasize its concern that proxy materials and other issuer communications reach beneficial owners in a timely manner. This matter was one of the subjects of the recent Public Fact-Finding Investigation in the Matter of Beneficial Ownership, Takeovers and Acquisitions by Foreign and Domestic Persons held by the Commission. The Commission's staff is continuing its consideration of the views and opinions received during that hearing.

The process of communication between issuers and beneficial owners is one which requires close cooperation among issuers, transfer agents, soliciting agents, and brokers, banks and other securities recordholders such as securities depositories. The Commission notes that certain of the self-regulatory organizations have recently increased their efforts to improve this cooperation and, thereby, the communications between issuers and beneficial owners.

Self-regulatory organizations (i.e., securities exchanges and the National Association of Securities Dealers, Inc.) have rules requiring their members to forward proxy materials, annual reports, and other materials to beneficial owners for whom such members hold securities in a name other than the beneficial owner such as in "street" or "nominee" name. The Commission wishes to remind broker-dealers of their obligations to comply with such applicable self-regulatory requirements in order to facilitate the timely flow of communications between issuers and beneficial shareholders.[1]

The Commission believes it would be helpful for issuers, brokers, banks, proxy soliciting agents and the public to report to the Commission or to the appropriate securities exchange or to the National Association of Securities Dealers, Inc. (with a copy to the Commission) any specific problems which are encountered in the issuer-shareowner communication process, including specific instances where participants in the process appear to impede the timely flow of such material, and any complaint which an issuer or broker receives from a beneficial owner. Such reports should contain all available relevant information, including the identity of the beneficial owner, broker and issuer, and all the known dates upon which these and any other persons requested, sent or received material.

Communications sent to the Commission on this subject may be addressed to Mr. Lee A. Pickard, Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All communications forwarding such material should bear the File No. S7-552 and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 13, 1975.

[FR Doc.75-4608 Filed 2-19-75;8:45 am]

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[1] The Commission has recently adopted rules placing greater responsibilities upon issuers to forward certain materials to recordholders for transmission to beneficial owners. See Securities Exchange Act Release No. 11079 (October 31, 1974), 39 FR 40766.

VETERANS ADMINISTRATION

MEDICAL RESEARCH SERVICE MERIT REVIEW BOARDS

Notice of Meetings

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of meetings of the following Merit Review Boards.

Merit review board	Date	Time	Location
Cardiovascular studies	Mar. 14, 1975	8 a.m. to 6 p.m.	Stratford Room, Sir Francis Drake.[1]
Immunology	Mar. 18, 1975	do	Room 817, VACO.[2]
Nephrology	Mar. 25, 1975	8 a.m. to 5 p.m.	Room 817, VACO.
Respiration	Mar. 31, 1975	8:30 a.m. to 3 p.m.	Do.
Infectious diseases	Apr. 1, 1975	8 a.m. to 6 p.m.	Do.
Neurobiology	do	7 p.m. to 10 p.m.	Parlor A, Burlington.[3]
Do	Apr. 2, 1975	8:30 a.m. to 6 p.m.	Do.[3]
Behavioral sciences	Apr. 3, 1975	7 p.m. to 10 p.m.	Parlor C, Sheraton Inn.[4]
Do	Apr. 4, 1975	8:30 a.m. to 6 p.m.	Do.[4]
Surgery	Apr. 7, 1975	7:30 p.m. to 10:30 p.m.	Suite 1111, Quality Inn.[5]
Do	Apr. 8, 1975	8 a.m. to 6 p.m.	Do.[5]
Hematology	Apr. 11, 1975	8 a.m. to 3 p.m.	Room 139, VACO.
Alcoholism and drug dependence.	Apr. 25, 1975	do	Do.
Basic sciences	Apr. 27, 1975	7:30 p.m. to 10:30 p.m.	Parlor B, Burlington.
Do	Apr. 28, 1975	8 a.m. to 6 p.m.	Room 817, VACO.
Oncology	Apr. 30, 1975	do	Suite 320, Radisson.[6]
Endocrinology	May 2, 1975	9 a.m. to 6 p.m.	Delaware Suite, Sheraton Inn.[7]
Gastroenterology	May 5, 1975	8 a.m. to 4 p.m.	Do.[7]

[1] Sir Francis Drake Hotel, 450 Powell Street, San Francisco, Calif. 94102.
[2] Veterans Administration Central Office, 810 Vermont Ave. NW., Washington, D.C. 20420.
[3] Burlington Hotel, 1120 Vermont Avenue NW., Washington, D.C. 20005.
[4] Sheraton Inn O'Hare South, 2339 North Mannheim, Schiller Park, Ill. 60176.
[5] Quality Inn Downtown, Massachusetts Ave. and Thomas Circle NW., Washington, D.C. 20005.
[6] Radisson Denver Hotel, 1790 Grant Street, Denver, Colo. 80203.
[7] Sheraton Airport Inn, State Route 291, at the Airport, Philadelphia, Pa. 19153.

These meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Veterans Administration investigators working in Veterans Administration hospitals and clinics.

The meetings will be open to the public up to the seating capacity of the rooms for one-half hour at the start of each meeting to discuss the general status of the program. The meetings will be closed thereafter for discussion and evaluation of individual programs. Because of the limited seating capacity of the rooms, those who plan to attend should contact Gerald Libman, Chief, Program Development and Review Division, Medical Research Service, Veterans Administration, Central Office, Washington, DC, (202) 389-5065 at least two days prior to each meeting. Minutes of the meetings and rosters of the members of the Boards may be obtained from this source.

Dated: February 12, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-4415 Filed 2-19-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

DETERMINATION OF REDUCED NATIONAL "ON" INDICATOR FOR FEDERAL-STATE EXTENDED BENEFITS

I, as Secretary of Labor, have determined that there was a reduced National "on" indicator for the week ending on January 11, 1975, and an Extended Benefit Period will, therefore, commence with the week beginning on January 26, 1975, in any State which has amended its unemployment compensation law so as to give effect to the reduced National indicator.

Section 203(d)(1) of the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, provides that there will be a National "on" indicator for a week if in each of the three calendar months preceding that week the rate of insured unemployment for all States equaled or exceeded 4.5 per centum. Whenever there is a National "on" indicator under the Act an Extended Benefit Period commences in every State with the third week after the week of the indicator. During an Extended Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits, after they have exhausted their rights to regular unemployment compensation.

Section 107 of the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869, amended the Federal-State Extended Unemployment Compensation Act of 1970 to authorize a reduction in the National "on" indicator during 1975 and 1976. Under that amendment a State may amend its unemployment compensation law to provide that the National "on" indicator shall take effect in that State when the rate of insured unemployment nationally reaches 4.0 per centum instead of 4.5 per centum.

There have been three consecutive calendar months for each of which the rate of insured unemployment for all States equalled or exceeded 4.0 per centum. The rate was 4.0 per centum for October 1974, 4.5 per centum for November 1974, and 5.2 per centum for December 1974. Accordingly, there was a reduced National "on" indicator for the first week of January 1975.

States which amend their unemployment compensation laws to give effect to the reduced National indicator at the earliest time will, therefore, commence an Extended Benefit Period as of the week beginning on January 26, 1975. I have signed a notice for publication in the Federal Register announcing those States which have an Extended Benefit Period in effect based on the reduced National "on" indicator.

In States in which an Extended Benefit Period commences by reason of the reduced National "on" indicator, there will also be a Federal Supplemental Benefit Period commencing at the same time, pursuant to the Emergency Unemployment Compensation Act of 1974, if the State has entered into an Agreement with the Secretary of Labor of the United States under the Act. During a Federal Supplemental Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal Supplemental Benefits, after they have exhausted their rights to regular compensation and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods).

Signed at Washington, D.C., this 14th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4674 Filed 2-19-75;8:45 am]

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Certain States

I, as Secretary of Labor, have determined that there was a reduced national "on" indicator for the week ending on January 11, 1975, as announced in 40 FR 7509, and that an Extended Benefit Period and a Federal Supplemental Benefit Period commenced with the week beginning on January 26, 1975, in the States of the District of Columbia, Georgia, Minnesota, Ohio, Texas, and Wisconsin. This determination is made pursuant to the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, and the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1569.

Section 203(d)(1) of the Federal-State Extended Unemployment Compensation Act of 1970 provides that there will be a National "on" indicator for a week if in each of the three calendar months preceding that week the rate of insured unemployment for all States equalled or exceeded 4.5 per centum. Whenever there is a National "on" indicator under the Act an Extended Benefit Period commences in every State with the third week after the week of the indicator. During an Extended Benefit Period, individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits after they have exhausted their rights to regular unemployment compensation.

Section 107 of the Emergency Unemployment Compensation Act of 1974 amended the Federal-State Extended Unemployment Compensation Act of 1970 to authorize a reduction in the National "on" indicator during 1975 and

1976. Under that amendment a State may amend its unemployment compensation law to provide that the National "on" indicator shall take effect in that State when the rate of insured unemployment nationally reaches 4.0 per centum instead of 4.5 per centum. Each of the States named herein has amended its unemployment compensation law in accordance with section 107 of the Emergency Unemployment Compensation Act of 1974.

There have been three consecutive calendar months which the monthly rate of insured unemployment for all States equalled or exceeded 4.0 per centum. The rate was 4.0 per centum for October 1974, 4.5 per centum for November 1974, and 5.2 per centum for December 1974. Accordingly, there was a reduced National "on" indicator for the first week of January 1975.

The same "on" indicator is effective to commence a Federal Supplemental Benefit Period in accordance with the Emergency Unemployment Compensation Act of 1974, in States which have entered into an Agreement with the Secretary of Labor pursuant to the Act. During a Federal Supplemental Benefit Period up to 13 weeks of Federal Supplemental Benefits are payable under the Act to individuals who are unemployed and have exhausted their rights to regular unemployment compensation and Federal-State Extended Benefits (or are not eligible for such extended benefits because of the ending of their eligibility periods). Each of the States named herein has entered into an Agreement pursuant to the Act. Accordingly, a Federal Supplemental Benefit Period commenced in each of those States with the week beginning on January 26, 1975.

The Extended Benefit Period in those States will last for a minimum period of 13 weeks, and the Federal Supplemental Benefit Period will last for a minimum period of 26 weeks. The Extended Benefit Period in each State will end with the third week after there is both a State and National "off" indicator in accordance with the State law and the Federal-State Extended Unemployment Compensation Act of 1970. The Federal Supplemental Benefit Period will end on the same date as the Extended Benefits Period if it has been in effect for 26 or more weeks.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the States of the District of Columbia, Georgia, Minnesota, Ohio, Texas, or Wisconsin, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C., this 14th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4675 Filed 2-19-75;8:45 am]

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Certain States

A program for the payment of Federal-State Extended Benefits is contained in the unemployment compensation laws of the States of Delaware, Missouri and New Mexico, in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Up to 13 weeks of Federal-State Extended Benefits are payable under this program, during and Extended Benefit Period, to unemployed individuals who have exhausted their rights to regular unemployment compensation.

In addition, the Emergency Unemployment Compensation Act of 1974, Pub. L. 93-572, provides further rights to unemployment benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted their rights to regular unemployment compensation and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States which have entered into an Agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in a State are satisfied when the rate of insured unemployment in the State reaches 4.0 per centum and remains at or above that level for 13 weeks, or the rate of insured unemployment nationally reaches 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period or a Federal Supplemental Benefit Period is the thirteenth week for a State "on" indicator, and is the first week following the three-month period for a National "on" indicator. An Extended Benefit Period or a Federal Supplemental Benefit Period actually begins with the third week following the week in which there is an "on" indicator. An Extended Benefit Period will last for a period of not less than 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period or a Federal Supplemental Benefit Period occurs when the rate of insured unemployment in a State is less than 4.0 per centum for a thirteen week period, and when the rate of insured unemployment nationally is less than 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period or Federal Supplemental Benefit Period will end with the third week after the week in which there is an "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

In accordance with those laws the following determinations of "on" indicators have been made, and the beginning dates of Extended Benefit Periods and Federal Supplemental Benefit Periods are announced as follows:

Delaware. J. Thomas Schranck, Secretary of Labor of the State of Delaware, has determined that there was a State "on" indicator in Delaware for the week ending on January 11, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 26, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Delaware for the week ending on January 11, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 26, 1975.

Missouri. John F. Meystrik, Director of the State of Missouri Division of Employment Security, has determined that there was a State "on" indicator in Missouri for the week ending on January 11, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 26, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Missouri for the week ending on January 11, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 26, 1975.

New Mexico. Louis R. Bachicha, Chairman-Executive Director of the State of New Mexico Employment Security Commission, has determined that there was a State "on" indicator in New Mexico for the week ending on December 21, 1974, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 5, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in New Mexico for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975. Since, however, the State of New Mexico entered into an Agreement under the Emergency Unemployment Compensation Act of 1974, on January 28, 1975, pursuant to the limitation contained in section 102(f)(1)(B) of the Act, Federal Supplemental Benefits will first become payable in that State with respect to the week beginning on February 2, 1975.

I, as Secretary of Labor, have also determined that there was a reduced National "on" indicator for the week ending on January 11, 1975, as announced in 40 FR 7509, and on the basis of that indicator an Extended Benefit Period and a Federal Supplemental Benefit Period commenced with the week beginning on January 26, 1975, in the States of Delaware and New Mexico. Both of these

States have amended their unemployment compensation laws, in accordance with section 107 of the Emergency Unemployment Compensation Act of 1974, to provide for a National "on" indicator triggering an Extended Benefit Period when the monthly rate of insured unemployment nationally reaches 4.0 percentum and remains at or above that level for three consecutive months. The rate was 4.0 percentum for October 1974, 4.5 percentum for November 1974, and 5.2 percentum for December 1974. Accordingly, there was a reduced National "on" indicator for the first week of January 1975.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the States of Delaware, Missouri, or New Mexico, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 14th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4676 Filed 2-19-75;8:45 am]

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Certain States

A program for the payment of Federal-State Extended Benefits is contained in the unemployment compensation laws of the States of Idaho, North Carolina, Tennessee, and West Virginia, in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Up to 13 weeks of Federal-State Extended Benefits are payable under this program, during an Extended Benefit Period, to unemployed individuals who have exhausted their rights to regular unemployment compensation.

In addition, the Emergency Unemployment Compensation Act of 1974, Pub. L. 93-572, provides further rights to unemployment benefits (referred to herein as Federal Supplemental Benefits) to unemployed individuals who have exhausted their rights to regular unemployment compensation and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States which have entered into an agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in a State are satisfied when the rate of insured unemployment in the State reaches 4.0 per centum and remains at or above that level for 13 weeks, or the rate of insured unemployment nationally reaches 4.0 per centum or 4.5 per centum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period or a Federal Supplemental Benefit Period is the thirteenth week for a tSate "on" indicator, and is the first week following the three-month period for a national "on" indicator. An Extended Benefit Period or a Federal Supplemental Benefit Period actually begins with the third week following the week in which there is an "on" indicator. An Extended Benefit Period will last for a period of not less than 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period or a Federal Supplemental Benefit Period occurs when the rate of insured unemployment in a State is less than 4.0 percentum for a thirteen week period, and when the rate of insured unemployment nationally is less than 4.0 percentum or 4.5 percentum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period or Federal Supplemetal Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

In accordance with those laws the following determinations of "on" indicators have been made, and the beginning dates of Extended Benefit Periods and Federal Supplemental Benefit Periods are announced as follows:

Idaho. H. Fred Garrett, Executive Director of the State of Idaho Department of Employment, has determined that there was a State "on" indicator in Idaho for the week ending on January 4, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 19, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Idaho for the week ending on January 4, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 19, 1975.

North Carolina. Manfred Emmrich, Chairman of the State of North Carolina Employment Security Commission, has determined that there was a State "on" indicator in North Carolina for the week ending on December 28, 1974, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 12, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in North Carolina for the week ending on December 28, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 12, 1975.

Tennessee. Ernest Griggs, Commissioner of the State of Tennessee Department of Employment Security, has determined that there was a State "on" indicator in Tennessee for the week ending on January 4, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 19, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in Tennessee for the week ending on January 4, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 19, 1975.

West Virginia. Clement R. Bassett, Commissioner of the State of West Virginia Department of Employment Security, has determined that there was a State "on" indicator in West Virginia for the week ending on January 4, 1975, and an Extended Benefit Period therefore commenced in that State with the week beginning on January 19, 1975. Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator in West Virginia for the week ending on January 4, 1975, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 19, 1975.

Persons who believe they may be entitled to Federal-State Extended Benefits under the laws of those States, or may be entitled to Federal Supplemental Benefits under the Emergency Unemployment Compensation Act of 1974, or who wish to inquire about their rights under those laws, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 14th day of February 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4677 Filed 2-19-75;8:45 am]

FEDERAL-STATE EXTENDED BENEFITS AND FEDERAL SUPPLEMENTAL BENEFITS

Availability in Maine

I, as Secretary of Labor, have determined that there was a Federal Supplemental Benefit "on" indicator in Maine for the week ending on December 21, 1974, and a Federal Supplemental Benefit Period therefore commenced in that State with the week beginning on January 5, 1975, pursuant to the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869.

The Emergency Unemployment Compensation Act of 1974 provides for the payment of unemployment benefits (referred to herein as Federal Supplemental Benefits) to individuals who are unemployed and have exhausted their rights to regular unemployment compensation and Federal-State Extended Benefits (or are not entitled to such extended benefits because of the ending of their eligibility periods) in States which have entered into an agreement with the Secretary of Labor of the United States pursuant to the Act. Up to 13 weeks of Federal Supplemental Benefits are payable under the Act during a Federal Supplemental Benefit Period.

Emilien A. Levesque, Commissioner of the State of Maine Employment Security Commission, has determined that there was a State "on" indicator in Maine for the week ending on January 25, 1975, and an Extended Benefit Period therefore commenced in Maine with the week beginning on February 9, 1975.

A program for the payment of Federal-State Extended Benefits is contained in the unemployment compensation law of the State of Maine, in accordance with the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Up to 13 weeks of Federal-State Extended Benefits are payable under this program during an Extended Benefit Period to individuals who are unemployed and have exhausted their rights to regular unemployment compensation.

While the "on" indicators are the same for both the Federal-State Extended Benefit program and the Federal Supplemental Benefit program, in Maine the two programs cannot go into effect in the same week because of a restriction in the Federal-State Extended Unemployment Compensation Act of 1970. Under section 203(b)(1)(B) of the Act an Extended Benefit Period cannot begin in a State by reason of a State "on" indicator prior to the fourteenth week after the end of a prior Extended Benefit Period. Because there was an Extended Benefit Period in Maine which ended on November 9, 1974, a new Extended Benefit Period cannot begin before the week beginning on February 9, 1975, which is the fourteenth week after the week that ended on November 9, 1974.

The requirements of the law with respect to the beginning of an Extended Benefit Period and a Federal Supplemental Benefit Period in a State are satisfied when the rate of insured unemployment in the State reaches 4.0 per centum and remains at or above that level for 13 weeks, or the rate of insured unemployment nationally reaches 4.0 percentum or 4.5 percentum (depending on the provisions of the State law) and remains at or above that level for three consecutive calendar months. The week which triggers the beginning of an Extended Benefit Period or a Federal Supplemental Benefit Period is the thirteenth week for a State "on" indicator, and is the first week following the three-month period for a national "on" indicator. An Extended Benefit Period or a Federal Supplemental Benefit Period actually begins with the third week following the week in which there is an "on" indicator. An Extended Benefit Period will last for a period of not less than 13 weeks, and a Federal Supplemental Benefit Period will last for a period of not less than 26 weeks.

Similarly, the "off" indicator ending an Extended Benefit Period or a Federal Supplemental Benefit Period occurs when the rate of insured unemployment in a State is less than 4.0 percentum for a thirteen-week period, and when the rate of insured unemployment nationally is less than 4.0 percentum or 4.5 percentum (depending on the provisions of the State law) for three consecutive calendar months. An Extended Benefit Period or Federal Supplemental Benefit Period actually ends with the third week after the week in which there is an "off" indicator, but not earlier than the thirteenth or twenty-sixth week as stated above.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in the State of Maine, or who wish to inquire about their rights under these programs, should contact the State employment security office or unemployment insurance claims office in their locality.

Signed at Washington, D.C. this 14th day of February, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4678 Filed 2-19-75;8:45 am]

Office of the Secretary

GENERAL ELECTRIC CO.

Investigation Regarding Certification of Eligibility of Workers to Apply for Adjustment Assistance

The Department of Labor has received an International Trade Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers producing transistors and diodes at the Syracuse, New York, and Auburn, New York, plants of General Electric Co., New York, New York (TEA-W-255). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice.

The investigation related to the determination of whether any of the group of workers covered by the International Trade Commission report should be certified as eligible to apply for adjustment assistance, provided under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before February 24, 1975.

Signed at Washington, D.C. this 14th day of February 1975.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.75-4471 Filed 2-19-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 701]

ASSIGNMENT OF HEARINGS

FEBRUARY 14, 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 February 20, 1975.

MC 67450 Sub 50, Peterlin Cartage Co., now being assigned April 15, 1975 (1 day), at Chicago, Ill., in a hearing room to be designated later.

MC 107295 Sub 729, Pre-Fab Transit Co., now being assigned May 5, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 125708 Sub 139, Thunderbird Motor Freight Lines, Inc., now being assigned May 6, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139986, Frank C. Sheer, dba Allstates Coach Service, now being assigned May 6, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 126383 Sub 53, Pinto Trucking Service, Inc., now being assigned May 7, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134501 Subs 9 & 10, Uft Transport Company, now being assigned May 7, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 116431 Sub 18, Denver Southwest Express, Inc., now being assigned May 8, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136032 Sub 5, Texas Continental Express, Inc., now being assigned May 12, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Sub 723, Pre-Fab Transit Co., now assigned April 2, 1975, at Washington, D.C., is postponed to April 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 18302 Sub 2, State Moving & Storage, Inc., now assigned March 17, 1975, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC-C 8378, Laurel Hill Trucking Company, Employers Assistance, Inc., et al., now assigned March 10, 1975, at New York, N.Y., will be held in Room F-2220, 26 Federal Plaza, New York, N.Y.

MC F-12223, Newport Trucking Corp.—Purchase—Relay Transport, Inc., now assigned March 13, 1975, at New York, N.Y., will be held in Room F-2220, 26 Federal Plaza, New York, N.Y.

MC-F-12341, Beverage Transport, Inc., et al., now assigned March 11, 1975, at New York, N.Y., will be held in Room F-2220, 26 Federal Plaza, New York, N.Y.

MC-C 8372, North American Van Lines, Inc.—Investigation and Revocation of Certificates, continued to April 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 8434, Diggins and Ross, Inc.—Investigation and Revocation of Certificate, now

being assigned May 12, 1975 (2 days) in Room 501, 150 Causeway Street, Boston, Massachusetts.

MC 118696 Sub 5, Ferree Moving & Storage, Inc., now being assigned May 14, 1975 (3 days), in Room 501, 150 Causeway Street, Boston, Massachusetts.

MC 135732 Sub 7, Aubrey Freight Lines, Inc., now being assigned March 17, 1975, at New York, N.Y., in a hearing room to be later designated.

MC 136032 Sub 2, Texas Continental Express, Inc., now being assigned March 20, 1975, at New York, N.Y., in a hearing room to be later designated.

MC 140036, Winters Trucking, Inc., now being assigned March 21, 1975, at New York, N.Y., in a hearing room to be later designated.

MC 59264 Sub 59, Smith and Solomon Trucking Company, and MC 91811 Sub 13, Milton K. Morris, Inc., now being assigned March 18, 1975, at New York, N.Y., in a hearing room to be later designated.

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

[FR Doc.75-4655 Filed 2-19-75;8:45 am]

[Notice No. 702]

ASSIGNMENT OF HEARINGS

FEBRUARY 14, 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 February 20, 1975.

CORRECTION.

MC 125115 Sub 5, El Paso Los Angeles Limousine Express, Inc., now assigned March 10, 1975, at El Paso, Texas, is postponed to March 11, 1975 (4 days) at Room 512 U.S. Courthouse, 500 E. San Antonio Street, El Paso, Texas. Instead of now assigned March 11, 1975.

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

[FR Doc.75-4656 Filed 2-19-75;8:45 am]

[Ex Parte No. 241; Exemption No. 95]

BESSEMER AND LAKE ERIE RAILROAD CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rule

It appearing, that the Bessemer and Lake Erie Railroad Company (BLE) and the Norfolk and Western Railway Company (N&W) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the BLE and N&W without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks BLE	*N&W*
BLE	NKP
	P&WV
	VGN
	WAB
	N&W

Effective: February 5, 1975.

Expires: April 15, 1975.

Issued at Washington, D.C., February 5, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-4660 Filed 2-19-75;8:45 am]

[Ex Parte No. 241; Exemption No. 94]

DETROIT, TOLEDO AND IRONTON RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service

It appearing, that The Detroit, Toledo and Ironton Railroad Company (DTI) and the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond and John H. McArthur, Trustees (PC) have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations "GA", "GB", "GD", "GH", "GS", "GT", and "GW", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the DTI and the PC without regard to the requirements of Car Service Rules 1 and 2.

Reporting marks DTI	*PC*
DTI	B&A
	NH
	PCB
	TOC
DT&I	BWC
	NYC
	P&E
	PC
	CASO
	PCA
	PRR

Effective: February 5, 1975.

Expires April 15, 1975.

Issued at Washington, D.C., February 5, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.75-4653 Filed 2-19-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 11, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 21170 (Sub-No. E11), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter and eggs*, from points in that part of Minnesota west of a line beginning at the Iowa-Minnesota State line and extending along Minnesota Highway 76 to junction Minnesota Highway 43, thence along Minnesota Highway 43 to the Minnesota-Wisconsin State line to Pittsburgh, Pa. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. E12), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Darien, Wis., to points in (1) that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line and extending along Iowa Highway 76 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 18, thence along U.S.

Highway 18 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction of unnumbered highway, thence west on unnumbered highway through Greene and Sheffield to junction Iowa Highway 107, thence along Iowa Highway 107 to junction of unnumbered highway at Meservey, thence west on unnumbered highway at Meservey through Goodell and Kanawha to Luverne and junction Iowa Highway 408, thence along Iowa Highway 408 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 222, thence along Iowa Highway 222 to junction Iowa Highway 15, thence along Iowa Highway 15 to Rolfe, thence west from Rolfe on unnumbered highway to junction of Iowa Highway 4, thence along Iowa Highway 4 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Iowa Highway 110, thence along Iowa Highway 110 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line, and (2) that part of Kansas on and east of U.S. Highway 81 and on and west of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Minnesota.

No. MC 21170 (Sub-No. E13), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), restricted to the transportation of such commodities as are dealt in by wholesale, retail, or chain grocery stores, from the facilities of Snyder Packing Co., Adams County, Nebr., to points in that part of Kansas east of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 75 (excluding Topeka), to junction Kansas Highway 39, thence along Kansas Highway 39 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Iowa.

No. MC 21170 (Sub No. E15), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in that part of Iowa north and west of a line beginning at the Iowa-Wisconsin State line and extending along Iowa Highway 364 to junction Iowa Highway 76, thence along Iowa Highway 76 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 13, thence along U.S. Highway 13 to junction Iowa Highway 56, thence along Iowa Highway 56 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction Iowa Highway 190, thence along Iowa Highway 190 to junction Iowa Highway 281, thence along Iowa Highway 281 to junction of unnumbered Highway, thence south on unnumbered Highway to junction of U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 297, thence along Iowa Highway 297 to and including Gilbertsville, thence west on unnumbered Highway to Washburn, thence south on U.S. Highway 218 to La Porte City, thence west on unnumbered Highway to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateways of Darien, Wisc., and Minnesota.

No. MC 31462 (Sub-No. E162), 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 Illinois on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Interstate Highway 72, thence along Interstate Highway 72 to junction Illinois Highway 47, thence along Illinois Highway 47 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Illinois-Missouri State line, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the Illinois-Missouri State line extending along U.S. Highway 54 to Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateways of St. Louis, Mo., and East St. Louis, Ill., and points within 50 miles thereof; and Cairo, Ill., or any points within 25 miles thereof.

No. MC 31462 (Sub-No. E266), 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 Nebraska, on the one hand, and, on the other, points in that part of Michigan east and south of a line beginning at Marquette extending along U.S. Highway 41 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Michigan-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Burlington, Iowa, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E268), 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 Missouri on and north of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 66 to the Missouri-Oklahoma State line, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E271), 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, from points in that part of the Lower Peninsula of Michigan on, north, and west of a line beginning at Bay City extending along Michigan Highway 13 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Ohio-Michigan State line, to the District of Columbia. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E272), 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, from points in that part of the Lower Peninsula of

Michigan on, north, and west of a line beginning at Bay City extending along Michigan Highway 13 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Ohio-Michigan State line, to points in Virginia. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E276), 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, from points in that part of the Lower Peninsula of Michigan on, north, and west of a line beginning at Bay City extending along Michigan Highway 13 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Ohio-Michigan State line, to points in that part of Pennsylvania on and east of a line beginning at Chester extending along U.S. Highway 13 to Philadelphia, thence along Pennsylvania Highway 611 to Easton. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E277), 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, from points in that part of the Lower Peninsula of Michigan on, north, and west of a line beginning at Bay City extending along Michigan Highway 13 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Ohio State line, to points in that part of West Virginia on and south of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 50 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Ft. Wayne, Ind., and points within 40 miles thereof.

No. MC 31462 (Sub-No. E321), 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 Missouri on and north of a line beginning at Kansas City, Mo., extending along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 60. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and points within 50 miles thereof; and Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 59247 (Sub-No. E9), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers, and chemical supplies*, used in the manufacture and sale of chemical products in containers and in tank vehicles, from points in Connecticut to points in Delaware and points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to its junction with Maryland Highway 2, thence along Maryland Highway 2 to Annapolis, including points in Maryland on the Del-Mar-Va Peninsula. The purpose of this filing is to eliminate the gateway of Linden, N.J.

No. MC 59247 (Sub-No. E18), filed June 4, 1974. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Road, Linden, N.J. 07036. Applicant's representative: Louis Salz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, containers, and chemical supplies*, used in the manufacture and sale of chemical products, in containers and in tank vehicles, from points in Nassau and Suffolk Counties, N.Y., to points in Delaware, points in that part of Maryland east of a line beginning at the Pennsylvania-Maryland State line and extending along Interstate Highway 83 to its junction with Maryland Highway 2, thence along Maryland Highway 2 to Annapolis, including points in Maryland on Del-Mar-Va Peninsula, points in that part of Pennsylvania on and east of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to its junction with Interstate Highway 83, thence along Interstate Highway 83 to its junction with unnumbered highway (formerly U.S. Highway 111) at York, Pa., thence along unnumbered highway to the Pennsylvania-Maryland State line, and points in that part of New York east and south of New York Highway 7. The purpose of this filing is to eliminate the gateway of Linden, N.J.

No. MC 61403 (Sub-No. E34), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER December 23, 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 Tennessee on, north, and east of a line beginning at the Kentucky-Tennessee State line and extending along Interstate Highway 75 to Knoxville, thence along U.S. Highway 411 to Newport, thence along U.S. Highway 70 to the North Carolina-Tennessee State line, on the one hand, and, on the other, points in Texas (Kingsport, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial description in (1) (a) above. The remainder of this letternótice remains as previously published.

No. MC 61592 (Sub-No. E52), filed June 25, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and agricultural implements*, in mixed loads with tractors (except truck tractors and commodities the transportation of which require because of their size or weight, the use of special equipment), from O'Fallon Industrial Park, St. Charles County, Mo., to Gulfport, Miss., and points in Louisiana on and southeast of a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 90 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Louisiana Highway 167, thence along Louisiana Highway 167 to junction Louisiana Highway 82, thence along Louisiana Highway 82 to junction Louisiana Highway 333, thence along Louisiana Highway 333 to the southern border of Louisiana. The purpose of this filing is to eliminate the gateway of New Orleans, La.

No. MC 61592 (Sub-No. E53), filed June 25, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck-tractors and except those which because of size or weight require the use of special equipment), from Houston, Tex., to points in Indiana on and north of line beginning at the Indiana-Illinois State line along U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 39, thence along Indiana Highway 39 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line; Maine; Massachusetts; Michigan; New Hampshire; New York on and north of a line beginning at the New York-Pennsylvania State line along New York Highway 17, thence along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 28, thence along New York Highway 28 to junction New York Highway 199, thence along New York Highway 199 to the New York-Connecticut State line; Ohio on and

north of U.S. Highway 224; Rhode Island and Vermont. RESTRICTION: The operations authorized herein are restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above, except that the restricted on (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of that part of the East Moline, Ill., commercial zone in Iowa.

No. MC 61592 (Sub-No. E66), filed July 4, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials and supplies* used in the manufacture of agricultural machinery, agricultural implements, forestry machinery, and grain bins (except commodities in bulk, in tank vehicles) from points in Alabama on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 43, thence along U.S. Highway 43 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Mississippi State line; Arizona; California; Colorado; Florida; Georgia on and south of U.S. Highway 84; Idaho; Mississippi on and south of a line beginning at the Arkansas-Mississippi State line and extending along Mississippi Highway 6, thence along Mississippi Highway 6 to junction Mississippi Highway 41, thence along Mississippi Highway 41 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Mississippi-Alabama State line; Montana, Nevada; New Mexico; Oregon; Utah; Washington and Wyoming; to points in Wisconsin on and south of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of the Long Manufacturing Co., Inc., at Davenport, Iowa.

No. MC 61592 (Sub-No. E78), filed July 5, 1974. Applicant: JENKINS TRUCK LINE, INC., Rural Route 3, P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except chemicals & liquid wood products), from ports of entry on the U.S.-Canada Boundary line in Maine to points in Tennessee west of Kentucky Lake and the Tennessee River, and points in Kentucky west of Kentucky Lake, restricted to the transportation of traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Beardstown, Illinois.

No. MC 61592 (Sub-No. E96), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Gering, Nebraska, to points in Indiana on and northeast of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Kentucky State line; Maryland; the Upper and Lower peninsulas of Michigan on and southeast of a line beginning at the Wisconsin-Michigan State line and extending along Michigan Highway 95 to junction U.S. Highway 41, thence along U.S. Highway 41 to Lake Supe ior; New Hampshire, Rhode Island, Vermont, West Virginia, Wisconsin on and east of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 51 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Wisconsin-Michigan State line. Restriction: The service authorized above is restricted to the transportation of traffic originating at Gering, Nebraska. The purpose of this filing is to eliminate the gateway of Moline, Illinois, and the facilities of Simplicity Manufacturing Company at Port Washington, Wisconsin.

No. MC 61592 (Sub-No. E106), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, Indiana 47130. Applicant's representative: Bob Jenkins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural and garden tractors and agricultural implements in mixed loads with tractors* (except truck tractors and commodities the transportation of which require because of their size or weight, the use of special equipment), from Atlanta, Georgia, to points in Iowa, Missouri on and north of U.S. Highway 66, and Illinois on and northwest of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 40 to junction U.S. Highway 51, thence along U.S. Highway 51 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of the facilities used by the Deutz Tractor Corporation at O'Fallon Industrial Park, St. Charles County, Missouri.

No. MC 83539 (Sub-No. E19), filed May 31, 1974. Applicant: C&H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular route, transporting: (1) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to commodities which are transported on trailers, between points in Georgia, on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31E to its junction with Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Ohio State line. The purpose of this filing is to eliminate the gateways of Nashville, Tenn., and points in Tennessee within 50 miles of Nashville.

No. MC 87928 (Sub-No. E1), filed June 3, 1974. Applicant: AUTOMOBILE TRANSPORT, INC., 36555 Michigan Ave., Wayne, Mich. 48184. Applicant's representative: Mr. Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in North Carolina, South Carolina, and Tennessee, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Connecticut, Massachusetts, Vermont, points in that part of Pennsylvania east of U.S. Highway 219, and the District of Columbia (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*; (2) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Michigan, Illinois, Indiana, and Ohio, on the one hand, and, on the other, points in Vermont, Massachusetts, Connecticut, New York, New Jersey, and points in that part of Pennsylvania east of U.S. Highway 219 (points in that part of Pennsylvania on and west of U.S. Highway 219)*; (3) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Maryland and the District of Columbia, on the one hand, and, on the other, points in Ohio, Indiana, Illinois, and Michigan (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*; (4) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished and/or wrecked, in secondary movements, in truckaway and driveaway service, between points in Kentucky, on the one hand, and, on the other, points in Maryland, New Jersey, New York, Connecticut, Massachusetts, Vermont, the District of Columbia, and that part of Pennsylvania east of U.S. Highway 219 (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219)*;

(5) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished or wrecked, restricted to secondary movements, in driveaway and truckaway service, between points in West Virginia, on the one hand, and, on the other, points in Vermont, Massachusetts, Connecticut, New York, New Jersey, that part of Pennsylvania east of U.S. Highway 219, that part of Maryland in and east of Frederick County, Md., and the District of Columbia (points in Virginia and that

part of Pennsylvania on and west of U.S. Highway 219) *; (6) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished or wrecked, restricted to secondary movements, in driveaway and truckaway service, between Garrett, Allegany, and Washington Counties, Md., on the one hand, and, on the other, points in that part of West Virginia in, west, and south of Pendleton, Randolph, Barbour, Taylor, and Monongahela Counties, W. Va. (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219) *; (7) *Automobiles, trucks, bodies, cabs, and chassis*, new, used, unfinished or wrecked, restricted to secondary movements, in truckaway and driveaway service, between points in Delaware and Rhode Island, on the one hand, and, on the other, points in Michigan, Illinois, Indiana, Kentucky, Ohio, West Virginia, Tennessee, South Carolina, and North Carolina (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219) *; (8) *Automobiles and trucks* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway and driveaway service, from points in Delaware and Rhode Island to points in New Hampshire and Maine (points in New York and Massachusetts) *; (9) *Automobiles and trucks* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway and driveaway service, from points in Connecticut, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia, to points in Maine and New Hampshire (points in Massachusetts and New York) *;

(10) *Automobiles and trucks* as described in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766, in secondary movements, in truckaway and driveaway service, from points in Michigan, Illinois, Indiana, Ohio, West Virginia, Tennessee, Kentucky, South Carolina, and North Carolina to points in Maine and New Hampshire (points in Virginia and that part of Pennsylvania on and west of U.S. Highway 219, and points in New York) *; (11) *New automobiles, new trucks, new bodies, new cabs, and new chassis*, in initial movements, in truckaway service, from places of manufacture and assembly in Wayne County, Mich., and Warren Township, Macomb Country, Mich., to points in Tennessee, South Carolina, and North Carolina (points in Ohio) *; and (12) *Automobiles and trucks* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in driveway and truckaway service, from points in that part of Vermont on and west of a line beginning at the Vermont-New Hampshire State line and extending along Vermont Highway 30 to its junction with U.S. Highway 7, thence along U.S. Highway 7 to its junction with Vermont Highway 73, thence along Vermont Highway 73 to the Vermont-New York State line, to points in Maine (points in New York and Massachusetts) *. Restriction: The operations authorized in (8), (9), (10), and (12) above are restricted to the transportation of traffic originating at plant sites of the Ford Motor Company, and having an immediately prior movement by rail. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 95540 (Sub-No. E788) (Correction), filed November 25, 1974, published in the FEDERAL REGISTER December 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from those points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along Interstate Highway 85 to its intersection with U.S. Highway 70, thence along U.S. Highway 70 to its intersection with U.S. Highway 117, thence along U.S. Highway 117 to the Atlantic Ocean, to points in that part of New Mexico on and north of a line beginning at the New Mexico-Arizona State line extending along U.S. Highway 70 to the New Mexico-Texas State line. The purpose of this filing is to eliminate the gateway of Washington, Pa. The purpose of this correction is to extending the territorial description.

No. MC 97841 (Sub-No. E6) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER January 13, 1975. Applicant: GENERAL HIGHWAY EXPRESS, INC., P.O. Box 727, Sidney, Ohio 45365. Applicant's representative: Paul F. Beery, 8 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Portsmouth, Ohio, on the one hand, and, on the other, those points in Ohio on and or bounded by a line beginning at Lake Erie and extending along U.S. Highway 20 to its junction with U.S. Highway 127, thence along U.S. Highway 127 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Interstate Highway 75, thence along Interstate Highway 75 to its junction with U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Sidney, Ohio. The purpose of this correction is to clarify the territorial descriptions.

No. MC 97841 (Sub-No. E9), filed June 4, 1974. Applicant: GENERAL HIGHWAY EXPRESS, INC., P.O. Box 727, Sidney, Ohio 45365. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Middletown, Ohio, on the one hand, and, on the other, those points in Ohio on or bounded by a line beginning at Toledo, Ohio, and extending along Ohio Highway 2 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 11, thence along Ohio Highway 11 to junction U.S. Highway 7, thence along Ohio Highway 7 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 31, thence along Ohio Highway 31 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Ohio Highway 2. The purpose of this filing is to eliminate the gateway of Sidney, Ohio.

No. MC 106920 (Sub-No. E68), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities classified as dairy products* under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 48 M.C.C. 628, from those points in Indiana south of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 44 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 103, thence along Indiana Highway 103 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 130, thence along Indiana Highway 130 to junction Indiana Highway 6, thence along Indiana Highway 6 to the Indiana-Illinois State line, and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 74 to junction Indiana Highway 55, thence along Indiana Highway 55 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 24, thence along Indiana Highway 24 to the Indiana-Illinois State line, to points in Alabama on and south of a line beginning at the Georgia-Alabama State line and extending along U.S. Highway 84 to junction County Highway 70, thence along County Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E69), filed June 3, 1974. Applicant: RIGGS FOOD

EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, classified as *dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 67 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line, thence along the Indiana-Michigan State line to Lake Michigan, thence along Lake Michigan to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction U.S. Highway 35, thence along U.S. Highway 35 to the Indiana-Ohio State line and thence along the Indiana-Ohio State line to the point of origin, to points in Tennessee on and east of a line beginning at the Tennessee-Georgia State line and extending along U.S. Highway 27 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Tennessee Highway 8, thence along Tennessee Highway 8 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Tennessee Highway 136, thence along Tennessee Highway 136 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 53, thence along Tennessee Highway 53 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E70), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities, classified as dairy products* under B in the appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing-House Products*, 48 M.C.C. 628, from those points in Indiana bounded by a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 224 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Indiana-Michigan State line, thence along the Indiana-Michigan State line to Lake Michigan, thence along Lake Michigan to the Indiana-Illinois State line, thence along the Indiana-Illinois State line to U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to the Indiana-Ohio State line, thence along the Indiana-Ohio State line to the point of origin, to those points in Kentucky on and east of a line beginning at the Kentucky-Ohio State line and extending along Interstate Highway 75 to junction U.S. Highway 25E, thence along U.S. Highway 25E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E71), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from points in Indiana to points in Maine, New Hampshire and Vermont. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107103 (Sub-No. E1), filed June 4, 1974. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive SW., Grand Rapids, Mich. 49509. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 102, Bloomfield Hill, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and related machinery parts, and related contractors' materials and supplies when their transportation is incidental to the transportation by carrier of commodities which because of size or weight requires the use of special equipment: (1) between points in Van Buren and Kalamazoo Counties, Mich., those points in Calhoun County, Mich., which are on and west of U.S. Highway 27, those points in the Lower Peninsula of Michigan which are east of U.S. Highway 27, on the one hand, and, on the other, points in Illinois and Wisconsin (points in Allegan, Barry and Eaton Counties, Mich., and those points on U.S. Highway 27 which are north of Olivet, Mich.)*; (2) between points in Berrien County, Mich., on the one hand, and, on the other, points in Illinois on, south and west of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Mississippi River, and points in Wisconsin on and north of a line beginning at the Wisconsin-Illinois State line and extending along U.S. Highway 151 to its junction with Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan (points in Allegan, Barry and Eaton Counties, Mich.)*;

(3) Between points in Michigan west of U.S. Highway 27 in Branch County, Mich., on the one hand, and, on the other, points in Illinois on and west of a line beginning at the Illinois-Wisconsin State line and extending along Illinois Highway 47 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, and points in Wisconsin (points in Allegan, Barry, and Eaton Counties, Mich.)*; (4) between points in St. Joseph County, Mich., on the one hand, and, on the other, points in Illinois on and west of U.S. Highway 51 and on and south of Illinois Highway 17, and points in Wisconsin on and north of Wisconsin Highway 15 (points in Allegan, Barry and Eaton Counties, Mich.)*; (5) between points in Cass County, Mich., on the one hand, and, on the other, points in Illinois on, west and south of a line beginning at the Illinois-Indiana State line and extending along Interstate Highway 74 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Mississippi River, and points in Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line and extending along U.S. Highway 151 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to Lake Michigan (points in Allegan, Barry and Eaton Counties, Mich.)*; (6) between points in Ohio and points in Wisconsin (points in Allegan, Barry and Eaton Counties, Mich.)*; (7) between points in Ohio on and north of U.S. Highway 30, on the one hand, and, on the other, points in Illinois on and north of Illinois Highway 17 (points in Allegan, Barry and Eaton Counties, Mich.)*; (8) between points in the Lower Peninsula of Michigan which are east of U.S. Highway 27, and points in Indiana (points in Michigan on and west of U.S. Highway 27)*; and (9) between points in the Lower Peninsula of Michigan which are east of U.S. Highway 27 and on and west of U.S. Highway 127, and points in Michigan east of U.S. Highway 27 which are on and north of a line beginning at Lansing, Mich., and extending along Michigan Highway 78 to junction Michigan Highway 21, thence along Michigan Highway 21 to the St. Clair River, on the one hand, and, on the other, points in Ohio (points in Michigan on and west of U.S. Highway 27)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E227), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from Suffolk, Va., to points in Kansas and Missouri (except points in Clark County, Mo.), restricted to the transportation of shipments originating at the facilities used by Pruden Packing Co., at Suffolk, Va. The purpose of this filing is to eliminate the gateway of Augusta, Ga.

No. MC 107515 (Sub-No. E405), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in mechanically refrigerated equipment, from Hart, Ludington, Ionia, and Suttons Bay, Mich., to points in Connecticut, Rhode Island, Massachusetts, and New York. The purpose of this filing is to eliminate the gateways of Menden, Mich., and Toledo, Ohio.

No. MC 112617 (Sub-No. E1), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Georgia and Mississippi, restricted against any transportation to or from points in the Louisville, Ky., Commercial Zone located in the State of Indiana. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E2), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and petroleum products*, in bulk, in tank vehicles, from Louisville, Ky., to points in Maryland, North Carolina and South Carolina, restricted against any transportation to or from points in the Louisville, Ky., Commercial Zone located in the State of Indiana. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 112617 (Sub-No. E3), filed May 11, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Missouri and Wisconsin, restricted against any transportation to or from points in Indiana located within the Louisville, Ky., Commercial Zone. The purpose of this filing is to eliminate the gateway of Doe Run, Ky.

No. MC 113843 (Sub-No. E853) (Correction), filed June 4, 1974, republished in the FEDERAL REGISTER January 16, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chambersburg, Pa., to points in that part of New York bounded by a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to Deposit, thence along New York Highway 8 to junction New York Highway 206, thence along New York Highway 206 to junction New York Highway 7, thence along New York Highway 7 to junction New York Highway 28, thence along New York Highway 28 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 13, thence along New York Highway 13 to Lake Erie, thence along the Lake Erie shoreline and the U.S.-Canada International Boundary line to the New York-Vermont State line, thence along the New York-Vermont State line to New York Highway 149, thence along New York Highway 149 to junction New York Highway 40, thence along New York Highway 40 to junction New York Highway 196, thence along New York Highway 196 to Glen Falls, thence along New York Highway 50 to Schenectady, thence along New York Highway 7 to junction New York Highway 8, thence along New York Highway 8 to Deposit, thence along New York Highway 17 to the New York-Pennsylvania State line and the point of beginning. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct the territorial description.

No. MC 114019 (Sub-No. E381), filed May 29, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as classified in the Appendix of *Modification of Permits of Motor Contract Carriers of Packinghouse Products* 46 M.C.C. 23, from points in Iowa (except Sioux City) to points in Rutland, Bennington, and Windham Counties, and points in Cheshire County, New Hampshire. Restriction: Restricted to shipments moving from, to or between warehouses or other facilities of retail food and household supply and furnishings business houses, peddle service. The purpose of this filing is to eliminate the gateway of Schnectady, New York.

No. MC 114019 (Sub-No. E390), filed May 31, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Foodstuffs*, not frozen (except in bulk), from the facilities of Howard D. Johnson Company in Boston and Brockton, Massachusetts to points in Illinois (except Chicago), Indiana, Iowa, Wisconsin, Ohio, Grand Rapids, and Detroit, Michigan, (B) *Prepared foods* (other than frozen foods) from the facilities of Howard D. Johnson Company at Boston and Brockton, Massachusetts to Denver, Colorado, to points in that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line and extending along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Missouri River, that part of Kansas on and east of U.S. Highway 281 and points in Missouri on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Chicago, Illinois.

No. MC 114019 (Sub-No. E412), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos, asphalt, automobile body panels, asphalt flooring blocks, fibreboard* and *pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpet lining, cement* (in packages), *metal clamps, metal clips, cotton cloth* (saturated with asbestos), *roof coating* (with asbestos, pitch tar, or rosin base), *conduits, creosote* in packages, *eave filler strips, roofing felt, asphalt composition flashing blocks, asbestos* or *felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding mortar* or *cement* (in packages), *nails, asbestos packing, asphaltum, coal tar, asbestos*, and *coal tar paint, roofing paper, paving joints, cement pipe* containing asbestos fiber, *roofing pitch, asphalt paving planks, asbestos ridge rolls, roofing, asbestos sheathing, shingles, sheathings, shorts, asbestos and asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives*, restricted against the transportation of commodities in bulk, (1) from Wilmington, Ill., to points in Colorado and North Dakota, points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line and extending along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line, points in that part of

Nebraska on and west of U.S. Highway 183, points in that part of South Dakota on, north, and west of a line beginning at the Nebraska-South Dakota State line and extending along South Dakota Highway 37 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to the South Dakota-Minnesota State line, points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line and extending along Minnesota Highway 30 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 104.

Thence along Minnesota Highway 104 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 33, thence along Minnesota Highway 33 to junction U.S. Highway 53, thence along U.S. Highway 53 to the U.S.-Canada International Boundary line, (2) from Wilmington, Ill., to points in Pennsylvania, West Virginia, and points in that part of Kentucky on and east of U.S. Highway 431, points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 431 to junction U.S. Highway 43, thence along U.S. Highway 43 to the Mississippi-Tennessee State line, points in that part of New York on and west of a line beginning at Lake Ontario and extending along U.S. Highway 15 to junction New York Highway 245, thence along New York Highway 245 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, Baltimore and Sparrows Point, Md., and points within 30 miles of New York City, N.Y., and Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 114211 (Sub-No. E665), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts* thereof, from Illinois, Indiana, and points in that part of Wisconsin on and south of a line beginning at the Iowa-Wisconsin State line extending along U.S. Highway 151 to junction U.S. Highway 18, thence along U.S. Highway 18 to Milwaukee, Wisc. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E666), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* (except commodities which, because of size or weight, requires the use of special equipment), from Ionkawa, Okla., to points in that part of Texas on and south of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 75 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 87, thence along U.S. Highway 87 to the New Mexico-Texas State line (except Dallas, Fort Worth, Houston, Galveston, Abilene, Sweetwater, Big Springs, Midland, Odessa, and El Paso) with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E667), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements* and *parts* for agricultural implements, the transportation of which, because of size or weight, requires special equipment, between Lincoln, Nebr., on the one hand, and, on the other, points in Colorado, Kansas, Oklahoma, and points in that part of South Dakota on, north and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 47, thence along South Dakota Highway 47 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction U.S. Highway 12, thence along U.S. Highway 12 to the South Dakota-Minnesota State line and points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 52 to junction Iowa Highway 150, thence along Iowa Highway 150 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E668), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* and *parts* thereof, from Maize, Kans., to points in Minnesota, Wisconsin, Michigan, Indiana, Ohio to points in that part of Missouri on, north and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Missouri Highway 5, thence along Missouri Highway 5 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line, and to points in that part of Illinois on, north and east of a line beginning at the Missouri-Illinois State line extending along U.S. Highway 36 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 16, thence along Illinois Highway 16 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Kentucky State line, with no transportation for compensation on return except as otherwise authorized restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E674), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Thief River Falls, Minn., to points in Arizona, New Mexico, Texas, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, Tennessee, North Carolina, South Carolina, Kentucky, Indiana, Michigan, Ohio, and West Virginia; to points in that part of Nebraska on and south of a line beginning at the Iowa-Nebraska State line extending along U.S. Highway 30 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 138, thence along U.S. Highway 138 to the Colorado-Nebraska State line; to points in that part of Colorado on and south of a line beginning at the Nebraska-Colorado State line extending along U.S. Highway 138 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; to points in that part of Utah on and south of a line beginning at the Colorado-Utah State line extending along U.S. Highway 40 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Nevada-Utah State line; to points in that part of Nevada on and south of a line beginning at the Utah-Nevada State line extending along U.S. Highway 50 to junction Alternate U.S. Highway 95, thence along Alternate U.S. Highway 95 to junction U.S. Highway 40, thence along U.S. Highway 40 to the

Nevada-California State line; to points in that part of California on, south, and west of a line beginning at the Nevada-California State line extending along Interstate Highway 80 to junction California Highway 20, thence west along California Highway 20 to junction California Highway 99, thence along California Highway 99 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 299, thence along California Highway 299 to junction U.S. Highway 101, thence along U.S. Highway 101 to Eureka, Calif.; and to points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 8 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to the Wisconsin-Michigan State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E675), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities which because of size or weight, require special equipment and except commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from Grinnel, Iowa; to points in Louisiana, New Mexico, to points in that part of U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Arkansas-Mississippi State line extending along U.S. Highway 82 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Mississippi Highway 27, thence along Mississippi Highway 27 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Mississippi Highway 48, thence along Mississippi Highway 48 to junction Mississippi Highway 35, thence along Mississippi Highway 35 to the Louisiana-Mississippi State line; to points in that part of Arizona on and south of a line beginning at the Arizona-New Mexico State line extending along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line; to points in that part of Nevada on and south of a line beginning at the Nevada-Arizona State line extending along U.S. Highway 93 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction Arizona Highway 58, thence along Arizona Highway 58 west to the California-Nevada State line; and to points in that part of California on and south of a line beginning at the California-Arizona State line extending along California Highway 58 to junction California Highway 190, thence along California Highway 190 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 99, thence along California Highway 99 to junction California Highway 12, thence along California Highway 12 to junction California Highway 116, thence along California Highway 116 to Jenner, Calif., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and Claremore, Okla.

No. MC 114211 (Sub-No. E676), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Pella, Iowa, to points in Oklahoma and points in that part of Kansas on, west, and south of a line beginning at the Kansas-Nebraska State line extending along U.S. Highway 81 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa, and points in Kansas within 15 miles of Martin City, Mo.

No. MC 114211 (Sub-No. E677), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment*, from Barnesville, Minn., to points in Texas and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Kansas.

No. MC 114211 (Sub-No. E678), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, from Grinnell, Iowa, to points in that part of South Dakota on and north of a line beginning at the Montana-South Dakota State line extending along U.S. Highway 14 to the South Dakota-Wyoming State line; to points in that part of Wyoming on and north of a line beginning at the Wyoming-South Dakota State line extending along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Wyoming Highway 120, thence along Wyoming Highway 120 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Idaho State line; to points in that part of Idaho on, north, and west of a line beginning at the Wyoming-Idaho State line extending along U.S. Highway 26 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Idaho State line; to points in that part of California on, north, and west of a line beginning at the Arizona-California State line extending along Interstate Highway 10 to junction California Highway 78, thence along California Highway 78 to junction California Highway 86, thence along California Highway 86 to the United States-Mexico International Boundary line; and to points in Washington, Oregon, Nevada, and Montana, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E679), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed in conjunction with tractors, *attachments* for the above-described commodities, and *parts* in mixed loads with such commodities, from Huron, S. Dak., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, the District of Columbia, New York; to points in that part of North Dakota on and east of a line beginning at the United States-Canada International Boundary line extending along North Dakota Highway 32 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Minnesota State line; to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line along U.S. Highway 2 to the Wisconsin-Michigan State line; to points in that part of the Upper Peninsula of Michigan, on, north, and east of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 2 to Escarba, Mich.; to points in that part of Michigan on and north of a line beginning at Traverse City, Mich., extending along U.S. Highway 31 to junction Michigan Highway 72, thence along Michigan Highway 72 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Michigan Highway 115, thence along Michigan Highway 115 to junction U.S. Highway 10.

Thence along U.S. Highway 10 to junction Michigan Highway 15, thence along Michigan Highway 15 to junction Michigan Highway 46, thence along Michigan Highway 46 to junction Michigan Highway 19, thence along Michigan

Highway 19 to junction Michigan Highway 136, thence along Michigan Highway 136 to Port Huron, Mich.; to points in that part of Ohio on and east of a line beginning at Avon Lake, Ohio, extending along Ohio Highway 83 to junction Ohio Highway 2, thence along Ohio Highway 2 to junction Ohio Highway 301, thence along Ohio Highway 301 to junction Ohio Highway 3, thence along Ohio Highway 3 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Kentucky State line; to points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line extending along Tennessee Highway 53 to junction Tennessee Highway 52, thence along Tennessee Highway 52 to junction Tennessee Highway 136, thence along Tennessee Highway 136 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to junction Tennessee Highway 111, thence along Tennessee Highway 111 to junction Tennessee Highway 30, thence along Tennessee Highway 30 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Tennessee-Georgia State line; to points in that part of Kentucky on and east of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 68 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to the Kentucky-Tennessee State line; to points in that part of Georgia on and east of a line beginning at the Tennessee-Georgia State line extending along U.S. Highway 27 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-Alabama State line; to points in that part of Florida on and east of a line beginning at the Alabama-Florida State line extending along Florida Highway 85 to junction U.S. Highway 90, thence along U.S. Highway 90 to Pensacola, Fla.; and to points in that part of Alabama on and east of a line beginning at the Georgia-Alabama State line extending along U.S. Highway 78 to junction Alabama Highway 9, thence along Alabama Highway 9 to junction Cleburne County Highway 19, thence along Cleburne County Highway 19 to junction U.S. Highway 431, thence along U.S. Highway 431 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alabama Highway 87, thence along Alabama Highway 87 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction U.S. Highway 331, thence along U.S. Highway 331 to the Alabama-Florida State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone, located in Moorhead, Minn.

No. MC 114211 (Sub-No. E901), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, between points in Iowa, on the one hand, and, on the other, points in Colorado, restricted against the transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restricted against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateways of Nebraska City, Nebr., and Beatrice, Nebr.

No. MC 116400 (Sub-No. E1), filed May 25, 1974. Applicant: LAWRENCE TRANSFER & STORAGE CORP., P.O. Box 416, Roanoke, Va. 24003. Applicant's representative: Stanley I. Goldman, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Virginia on and west of a line beginning at the Virginia-North Carolina State line and extending north along U.S. Highway 29 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, Pennsylvania, New York, and the District of Columbia (Staunton or Waynesboro, Va.)*, (2) between points in Virginia on and south of a line beginning at the Chesapeake Bay and extending Interstate Highway 64 to junction U.S. Highway 250, thence along U.S. Highway 250 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in Pennsylvania on and west of a line beginning at the Maryland-Pennsylvania State line extending along U.S. Highway 219 to the Pennsylvania Turnpike, thence along the Pennsylvania Turnpike to the Ohio-Pennsylvania State line (Staunton, Waynesboro, or Harrisonburg, Va.)*, (3) between Washington, D.C., and points in Arlington, Fairfax, Loudoun, Clarke, Frederick, Warren, Page, Greene, Rappahannock, and Shenandoah Counties and the cities of Winchester, Alexandria, Fairfax, and Falls Church, Va., on the one hand, and, on the other, points in North Carolina on and west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 1 to junction U.S. Highway 70.

Thence along U.S. Highway 70 to the Atlantic Ocean, and, points in South Carolina (Waynesboro, Staunton, and Harrisonburg, Va.)*, (4) between Virginia Beach, Chesapeake, Portsmouth, and Norfolk, Va., and points in Virginia east of a line beginning at the Elizabeth River near Portsmouth Va., and extending along U.S. Highway 460 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Virginia Highway 6, thence along Virginia Highway 6 to junction U.S. Highway 29 to the Virginia-Washington, D.C. State line, on the one hand, and, on the other, points in West Virginia on and south of U.S. Highway 33 (Staunton or Harrisonburg, Va.)*, (5) between points in Virginia located in and east of Stafford, Culpeper, Madison, Greene, Albermarle, Nelson, Amherst, Campbell, and Pittsylvania Counties (including independent cities), and the city of Lynchburg, on the one hand, and, on the other, points in West Virginia, on and north of U.S. Highway 33 (except points in Jefferson, Morgan, Berkeley, Hampshire, Mineral, Hardy, Grant, and Pendleton Counties), (Staunton or Harrisonburg, Va.)*, (6) between points in West Virginia on and south of a line beginning at the Kentucky-West Virginia State line and extending along Interstate Highway 64 to junction U.S. Highway 60 at Charleston, W.Va., thence along U.S. Highway 60 to the Virginia-West Virginia State line, on the one hand, and, on the other, Washington, D.C., points in Delaware and New Jersey and those points in Maryland, New York, and Pennsylvania on and east of Interstate Highway 81, (7) between points in Tennessee, on the one hand, and, on the other, points in (a) Virginia on and north of a line beginning at the Virginia-West Virginia State line and extending along Interstate Highway 64 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Rappahannock River, (b) points in Maryland, Pennsylvania, and West Virginia on and east of U.S. Highway 220, and (c) points in Washington, D.C. (Staunton, Va.)*.

(8) Between points in North Carolina on and east of U.S. Highway 21 and points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Pennsylvania on and west of Interstate Highway 81 and points in Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along Interstate Highway 77 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Indiana-Ohio State line (Staunton, Va.)*, (9) between points in North Carolina, on and west of U.S. Highway 21, on the one hand, and, on the other, (1) points in Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia, and (2) points in Virginia, on and east of Interstate Highway 81, located in or north of Augusta, Albermarle, Orange, Spotsylvania, Caroline, and King George Counties, including the cities of Charlotesville, Staunton, and Waynesboro (Staunton, Va.)*, (10) between Richmond, Va., on the one hand, and, on the other, points in North Carolina, on and west of U.S. Highway 25 (Waynesboro, Va.)*, (11) between points in South Carolina, on and west of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 21 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State

line, on the one hand, and, on the other, points in Maryland, Pennsylvania, and the District of Columbia (Staunton, Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 117344 (Sub-No. E19), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 42515. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals*, in bulk, in tank vehicles, from Hamilton and Middleton, Ohio, to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, those points in Missouri on and south of U.S. Highway 50 (except points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission, Oklahoma and Texas, restricted against the transportation of dry chemicals to points in Ohio, and points in Chambers, Montgomery, Harris, Fort Bend, Galveston, Liberty, and Brazoria Counties, Tex. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio, and the gateways of the Polymers and Chemical Division of W. R. Grace & Co., at Owensboro, Ky.

No. MC 117344 (Sub-No. E20), filed May 25, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 42515. Applicant's representative: Thomas L. Maxwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar chemicals* (except styrene), in bulk, in tank vehicles, from Hamilton and Middleton, Ohio to St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Monsanto Chemical Co., at Addyston, Ohio.

No. MC 118959 (Sub-No. E33), filed June 4, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Avenue, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk, from the plantsite of Charmin Paper Products Co., near Neely's Landing, Mo., to Memphis, Tenn. Restriction: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the act. The purpose of this filing is to eliminate the gateway of the plantsite of West Virginia Pulp & Paper Co. at or near Wickliffe, Ky.

No. MC 118959 (Sub-No. E39), filed June 4, 1974. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: William P. Jackson, Jr., 919 18th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Rubber* (except commodities in bulk), from Mayfield, Ky., to points in California with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved, to impose such terms, conditions or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of section 210 of the act. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC 119934 (Sub-No. E4) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER January 23, 1975. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 320 North Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

(A) *Acids* (except soda ash and chemicals derived from petroleum), in bulk, in tank vehicles, from East Chicago, Ind., to points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Oklahoma, and to points in that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 41 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of the plant site of the Central Chemical Co., Division of Wilson & Co., Inc., near Elwood, Ill.

(B) *Phosphoric acid*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Arkansas, Iowa, Minnesota, Missouri, and Nebraska, restricted against serving the site of any glass manufacturing plant. The purpose of this filing is to eliminate the gateway of the plant site of the National Phosphate Corp., at or near Marseilles, Ill. The purpose of this correction is to clarify the gateway in (A) above.

No. MC 126489 (Sub-No. E2) filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* (except salt and salt products, and except cotton seed products), from points in Texas on and west of U.S. Highway 83, to points in that part of Nebraska, on and east of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kans.

No. MC 126489 (Sub-No. E3) filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hucthinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* (except salt and salt products, and except cotton seed products), from points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 283 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Mexican border, to points in Colorado, except Dolores, Montezuma, San Juan, La Plata, Hinsdale, Mineral, Archuleta, Rio Grande, Alamosa, Conejos, Costilla, Las Animas, and Baca Counties, Tex., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kans.

No. MC 126489 (Sub-No. E4) filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients*, except salt and urea, from points in Texas, Hansford, Ochiltree, Lipscomb, Hutchinson, Roberts, Hemphill, Carson, Gray, Wheeler, Donley, Armstrong, Collingsworth, Briscoe, Hall, Childress, Floyd, Motley, Cottle Counties, Tex., to points in Arkansas, except Miller, Lafayette, Columbia, Union, Ashley, and Chicot Counties, Ark., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 126489 (Sub-No. E5) filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed* and *dry feed ingredients*, except salt and urea, from points in Dallan, Sherman, Hartley, Moore, Oldham, Potter, Deaf Smith, Randall, Castro, Swisher, Parmer, Lamb, Hale, and Bailey Counties, Texas, to points in Arkansas-Missouri State line, thence along U.S. Highway 71 to junction Interstate Highway 40, thence along Interstate Highway 40 to Little Rock, Ark., thence along U.S. Highway 65 to the Arkansas-Louisiana State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 126489 (Sub-No. E7), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box

1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed* and *dry feed ingredients* (except salt and salt products, cotton seed products, and urea), from points in Texas on and south of a line beginning with at the New Mexico-Texas line, thence along U.S. Highway 84 to Abilene, Tex., thence along U.S. Highway 83 to the Mexico border to points in Benton, Carroll, Boone, Marion, Bater, Fulton, Sharp, Randolph, Lawrence, Clay, Greene, Craighead, and Mississippi Counties, Ark., with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 126489 (Sub-No. E11), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheat shorts, wheat bran*, and *wheat mill run*, from points in Kansas to points in Louisiana on and east of U.S. Highway 167 and points in Mississippi, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Carthage, Mo. and Van Buren, Ark.

No. MC 126489 (Sub-No. E13), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal*, from Fredonia, Kansas, to points in that part of Texas on and north of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to intersection with Texas Highway 11, thence along Texas Highway 11 to junction with U.S. Highway 259, thence along U.S. Highway 259 to junction with Texas Highway 155, thence along Texas Highway 155 to Tyler, Texas, thence along Texas Highway 31 to Corsicana, Texas, thence along Texas Highway 22 to Hamilton, Texas, thence along U.S. Highway 281 to intersection with U.S. Highway 84, thence along U.S. Highway 84 to Abilene, Texas thence along U.S. Highway 83 to Paduca, Texas, thence along U.S. Highway 70 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Texas-New Mexico State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Carthage, Missouri.

No. MC 126489 (Sub-No. E14), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kansas 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry soybean meal*, from Fredonia, Kansas to points in Arkansas, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Carthage, Missouri.

No. MC 126489 (Sub-No. E16), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kansas 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients* (except salt and urea), from Carthage, Missouri to points in Nebraska on and west of U.S. Highway 81, and points in New Mexico, with no transportation, for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kansas.

No. MC 126489 (Sub-No. E20), filed June 4, 1974. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, Kansas 67501. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry alfalfa products*, from Dawson County, Nebraska, to points in Oklahoma on and east of U.S. Highway 81, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Pratt, Kansas.

No. MC 127840 (Sub-No. E41) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Mills, Montgomery, Adams, Union, Clarke, Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, Harrison, Selby, Audubon, Guthrie, Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Cedar, Scott, Clinton, Jackson, Jones, Linn, Benton, Tama, Marshall, Story, Boone, Greene, Carroll, Crawford, and Monona Counties, Iowa, to points in north and east of Newton, Benton, Tippecanoe, Montgomery, Hendricks, Morgan, Brown, Jackson, Scott, and Clark Counties, Ind., and in north and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties, Ky., and points in Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to extend the territorial description.

No. MC 127840 (Sub-No. E42) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Fremont, Page, Taylor, Ringgold, Decator, Lucas, Wayne, Monroe, Appanouse, Davis, Wapello, Keokuk, Washington, Muscatine, Louisa, Des Moines, Lee, Van Buren, and Jefferson Counties, Iowa, to points in, north, and east of Lake, Jasper, Pulaski, Cass, Howard, Grant, Delaware, Randolph, and Wayne Counties, Ind., and points in Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to clarify the territorial description.

No. MC 127840 (Sub-No. E46) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils* (except fatty acids), from points in Minnesota to points in Ohio east of Interstate Highway 71, points in that part of Kentucky on, south, and east of a line beginning at the Kentucky-Ohio State line, thence along Interstate Highway 71 to its junction with Interstate Highway 65, thence along Interstate Highway 65 to its junction with U.S. Highway 62 to Paducah, points in Pennsylvania, New York, and New Jersey. The purpose of this filing is to eliminate the gateways of Chicago and Bradley, Ill. The purpose of this correction is to extend the destination points.

No. MC 128878 (Sub-No. E17), filed May 16, 1974. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, Shreveport, La. 71103. Applicant's representative: C. Wade Shenwell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from points in Louisiana on and south of U.S. Highway 84 to points in Texas on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Shreveport, La.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4652 Filed 2-19-75;8:45 am]

[Notice No. 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 14, 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 within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 134), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, Ohio 44309, filed February 4, 1975. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Alexandria, La., over Louisiana Highway 28 to junction U.S. Highway 84, and (2) From Alexandria, La., over U.S. Highway 167 to Packton, La., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Alexandria, La., over U.S. Highway 165 to junction Louisiana Highway 8, thence over Louisiana Highway 8 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Louisiana Highway 28, and (2) From Alexandria, La., over U.S. Highway 165 to junction Louisiana Highway 8, thence over Louisiana Highway 8 to junction U.S. Highway 84, thence over U.S. Highway 84 to junction Louisiana Highway 500, thence over Louisiana Highway 500 to Packton, La., and return over the same routes.

No. MC 107478 (Deviation No. 2), OLD DOMINION FREIGHT LINE, 1791 Westchester Drive, P.O. Box 1189, High Point, N.C. 27261, filed January 22, 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 Columbia, S.C., over Interstate Highway 20 to junction U.S. Highway 278 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 Columbia, S.C., over Interstate Highway 26 to junction South Carolina Highway 7, thence over South Carolina Highway 7 to junction South Carolina Highway 61, thence over South Carolina Highway 61 to junction U.S. Highway 78, thence over U.S. Highway 78 to junction U.S. Highway 278, thence over U.S. Highway 278 to junction Interstate Highway 20 and return over the same route.

By the Commission.

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

[FR Doc.75-4663 Filed 2-19-75;8:45 am]

[Notice No. 4]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 14, 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 within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 690) (Cancels Deviation No. 660), GREYHOUND LINES, INC., (Eastern Division) P.O. Box 6903, 1400 West Third Street, Cleveland, Ohio 44101, filed February 3, 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 deviation routes as follows: From junction Pennsylvania Highway 291 and Interstate Highway 95 near Philadelphia, Pa., over Interstate Highway 95 via Chester, Pa., and Wilmington, Del., to Baltimore, Md., thence over Harbor Tunnel Thruway to junction Baltimore-Washington Expressway with the following access routes: (a) From junction U.S. Highway 13 and Sellers Ave., over Sellers Ave., to junction Interstate Highway 95, (b) from junction Pennsylvania Highway 291 and Sellers Ave., over Sellers Ave., to junction Interstate Highway 95, (c) From junction U.S. Highway 13 and Delaware Highway 273, over Delaware Highway 273 to junction Interstate Highway 95, (d) From junction U.S. Highway 222 and U.S. Highway 40 near Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95, (e) From Aberdeen, Md., over Maryland Highway Highway 22 to junction Interstate Highway 95, and (f) From junction Maryland Highway 43 (White Marsh Boulevard) and U.S. Highway 40, over Maryland Highway 43 to junction Interstate Highway 95, 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 pertinent service routes as follows: (1) From Philadelphia, Pa., over unnumbered highway to Darby, Pa., thence over U.S. Highway 13 to Chester, Pa., and (2) From Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa., thence over U.S. Highway 13 via Wilmington, Del., to State Road, Del., thence over U.S. Highway 40 to Baltimore, Md., thence over the Baltimore-Washington Expressway to junction Harbor Tunnel Thruway south of Baltimore, Md., and return over the same routes.

No. MC 1515 (Deviation No. 691), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, Calif. 94106, filed February 3, 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 East Alpine Junction, Calif., over Interstate Highway 8 (when completed) to Manzanita Junction, Calif., 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 East Alpine Junction, Calif., over U.S. Highway 80 to Manzanita Junction, Calif., and return over the same route.

By the Commission.

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

[FR Doc.75-4662 Filed 2-19-75;8:45 am]

[Notice No. 13]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 14, 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 § 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.

Special notice: 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.

MC 124211 (Sub-No. 242) (Republication), filed December 26, 1973, and published in the FR issue of February 7, 1974, and republished this issue. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas Hilt (same address as applicant). An Order of the Commission, Operating Rights Board, dated January 7, 1974, and served February 6, 1975, finds, that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, (1) of *meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities utilized by Platte Valley Packing Co., Division of National Foods, Inc., at Darr, Nebr., to points in Illinois, Iowa, Kansas, Minnesota, Missouri and Wisconsin, and from the facilities of Prairie Maid Meat Products Division, Division of National Foods, Inc., at Lincoln, Nebr., to Chicago, Ill., and Kansas City and Topeka, Kans.; (2) of *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, from points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Wisconsin, to the facilities of Prairie Maid Meat Products Division, Division of National Foods, Inc., at Lincoln, Nebr.; and (3) of *paper and fibreboard boxes*, from Montgomery, Ill., to Lincoln, Nebr.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to modify the authority requested from regular route authority to irregular route authority. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

MC 124711 (Sub-No. 23) (Republication), filed September 17, 1973, and published in the FEDERAL REGISTER issue of January 10, 1974, and republished this issue. Applicant: BECKER & SONS, INC., P.O. Box 1050, El Dorado, Kans. 67042. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. An Order of the Commission, Review Board Number 3, dated January 22, 1975, and served February 5, 1975, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *liquid animal feed, supplements, and ingredients*, in bulk, in tank vehicles, from the facilities of ConAgra Feed Division Great Plains Region in Butler County, Kans., to points in Missouri, Nebraska, Oklahoma, and Iowa; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the point of origin, as being from the facilities of ConAgra Feed Division Great Plains Region in Butler County, Kans., instead of between points in Butler County, Kans. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 12520 (Sub-No. 2) (Notice of Filing of Petition To Modify a License), filed February 3, 1975. Petitioner: ROGER Q. WILLIAMS TOURS, INC., P.O. Box 9112, Knoxville, Tenn. 37920. Petitioner's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner holds a license to engage in operations as a *broker* at Knoxville, Tenn. in No. MC 12520 (Sub-No. 2), issued July 6, 1964, to sell or offer to sell the transportation of *Passengers and their baggage*, in round-trip tours: (1) beginning and ending at Norris, Tenn., and points within 75 miles thereof, and extending to points in the United States (except Alaska and Hawaii); and (2) beginning and ending at points in Alabama, Florida, Louisiana, Mississippi, South Carolina, and West Virginia, and at points in Kentucky, Virginia, and North Carolina (except those within 75 miles of Norris, Tenn.), and extending to points in the United States (except Alaska and Hawaii). By the instant petition, petitioner seeks to modify the above license by adding Birmingham, Ala. as a point at which operations as a broker may be conducted in addition to Knoxville, Tenn. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 120800 (Sub-No. 46) (Partial Correction of Notice of Filing of Petition To Remove Restriction), filed January 14, 1975, and published in the FEDERAL REGISTER issue of February 5, 1975, and partially republished as corrected in this issue. Petitioner: CAPITOL TRUCK LINE, INC., 2500 N. Alameda St., Compton, Calif. 90222. Petitioner's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. The purpose of this partial correction is to indicate that the proper spelling of petitioner's name is CAPITOL in lieu of CAPITAL. The rest of the notice remains as originally published.

No. MC 124912 (Notice of Filing of Petitio.. To Modify a Permit) filed January 31, 1975. Petitioner: DONALD F. DENGEL and A. WILLIAM LIND, a partnership, doing business as D & L TRUCKING COMPANY, 1803 Martin Ave., Sheboygan, Wis. 53081. Petitioner's representative: Edward Solie, 4513 Vernon Blvd., Madison, Wis. 53705. Petitioner holds a motor *contract carrier* permit in No. MC 124912 issued January 2, 1975, authorizing transportation, over irregular routes, of *Malt beverages* and *incidental supplies, premiums, and advertising materials* when shipped with malt beverages, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to Fond du Lac and Sheboygan, Wis., under a continuing contract, or contracts, with Donald F. Dengel, doing business as Don Dengel Distributing Company of Fond du Lac, Wis.; and Lind Distributing Co., Inc., of Sheboygan, Wis. By the instant petition, petitioner seeks to modify the destination points, and to change one of the contracting shippers, so as to read: From points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission, to the unincorporated community of Van Dyne located in the town of Friendship (Fond du Lac County), Wis., and Oshkosh and Sheboygan, Wis., under a continuing contract, or contracts, with General Beverage Sales Co.—Oshkosh, of Oshkosh, Wis.; and Lind Distributing Co., Inc. of Sheboygan, Wis. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 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 69901 (Sub-No. 30) (Correction), filed December 3, 1974, published in the FEDERAL REGISTER issue of January 3, 1975, and February 5, republished as corrected this issue. Applicant: COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, Ind. 47201. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Classes A and B explosives, those of unusual value and those requiring special equipment), between points in Lake, McHenry, Kane, DuPage, DeKalb, Cook, Will and Kendall Counties, Ill.; those in that part of LaSalle County bounded on the west by a line along an unnumbered county highway running in a southerly direction from the LaSalle County line thru Earlville, to U.S. Highway 34; thence east of U.S. Highway 34 to Illinois Highway 23, thence south on Illinois Highway 23 to U.S. Highway 52 to the county line; those in that part of Grundy County bounded by the Grundy County line on the north and east and bounded by Illinois Highway 113 and 47 and U.S. Highway 6 on the south and west; and points in Kankakee County on and north of Illinois Highway 17, restricted against service to and from Kankakee, Bradley and Momence, Ill., but serving all points on the highways designated above. Note: The purposes of this republication are (1) indicated applicant seeks service through Earlville, Ill. in lieu of Earville, Ill. and (2) indicate that service is restricted against traffic to and from Kankakee, Bradley and Momence, Ill. (3) correct the applicant's name. Applicant intends to tack at the common points in the Chicago Commercial Zone as well as common points in DeKalb and McHenry Counties, Ill. to provide service to and from points authorized to be served by applicant in the States of Illinois, Indiana, Ohio, Michigan, Kentucky and Tennessee. Applicant seeks to purchase the operating rights of Berglund Trucking, Inc. in MC 96705 Sub-No. 1. This is a matter directly related to the Section 5 proceeding in MC-F-12379 published in the FEDERAL REGISTER issue of December 18, 1974. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC-F-11855. (Amendment) (MAISLIN TRANSPORT CORP.—MERGER—MAISLIN BROS. TRANSPORT (U.S.) LTD.), published in the May 9, 1973, issue of the FEDERAL REGISTER on page 12190. By petition filed August 12, 1974, applicants sought to amend the application to include H. P. Welch Co., an affiliated motor carrier, in the merger. Applicants' petition was granted and subject to the present republication the merger was authorized by order of the Commission, Review Board 5, dated December 19, 1974. The Commission, by the same order, also authorized the acquisition by Maislin Industries Ltd. of control of the operating rights and properties through the transaction.

No. MC-F-12385. Authority sought for purchase by WESTERN TRANSPORT CRANE AND RIGGING, INC., Route 9, Grant Creek Rd., Missoula, MT 59801, of the operating rights and property of ELKINS TRANSPORT SERVICE, INC., 620 North Freya St., Spokane, WA 99202, and for acquisition by WASHINGTON CONSTRUCTION CO., INC., 500 Taylor St., Missoula, MT 59801, of control of such rights and property through the purchase. Applicants' attorney: M. Von Weiss, also of Missoula, MT 59801. This proceeding was originally entitled MC-FC-75200. The transfer proceeding was dismissed without prejudice to the filing of the instant application. Western presently operates the properties of Elkins under section 210a(b), as authorized by Review Board #5, in its order dated June 19, 1974. Operating rights sought to be transferred: *Contractors' sawmill and mining machinery and equipment, agricultural commodities, ore*, and *Camp, U.S. Forest Service, and Civilian Conservation Corps equipment and supplies*, in truckload lots, as a *common carrier*, over irregular routes, between points in Washington and Idaho, points in that part of Montana west of a line beginning at the Canadian border and extending south through Caldwell, Wagner, and Ballantine, Mont., to the Wyoming State line, and points in that part of Oregon north of a line beginning at Ontario and extending west through Bend & Eugene, Oreg., to the Pacific Ocean, including points named; *construction equipment, material, and supplies*, between Coulee City and Odair, Wash., on the one hand, and, on the other, Coulee Dam, Wash., with restrictions. Vendee holds no authority from this Commission. However it is affiliated with MC-125907, DOUGLAS N. MILLER, doing business as WESTERN TRANSPORT, Route 2, Grant Creek Rd., Missoula, MT 59801, which is authorized to operate as a *common carrier* in Idaho and Montana.

No. MC-F-12431. Authority sought for control by AKERS MOTOR LINES, INCORPORATED, P.O. Box 10303, Charlotte, NC 28237, of P. & K. TRANSPORTATION CO., INC., 534 W. 29th St., New York, NY 10001, and for acquisition by VICTOR DeMARAS, also of Charlotte, NC 28237, of control of P. & K. TRANSPORTATION CO., INC., through the acquisition by AKERS MOTOR LINES, INCORPORATED. Applicants' attorneys: Leonard A. Jaskiewicz, 1730 M St., NW., Suite 501, Washington, DC 20036, and Julius Wolfson, 225 Broadway, New York, NY 10007. Operating rights sought to be controlled: Under a certificate of registration, in Docket No. MC 15914 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of New York. Vendee is authorized to operate as a *common carrier* in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Maryland, Massachusetts and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC F 12432. Authority sought for control by THE GREYHOUND CORPORATION, Greyhound Tower, Phoenix, AZ 85077 of VERMONT TRANSIT CO., INC., 135 St. Paul St., Burlington, VT 05401. Applicants' attorneys: W. L. McCracken, Greyhound Tower—17th Floor, Phoenix, AZ 85077, and L. C. Major, Jr., 6121 Lincolnia Rd., Suite 400 Overlook Office Bldg., Alexandria, VA 22312. Operating rights sought to be controlled: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, etc., as a common carrier over regular and irregular routes, from, to, and between specified points in all of the States in the United States (except Hawaii), with certain restrictions, serving various intermediate and off-route points over one alternate route for operating convenience only, as more specifically described in Docket No. MC 45626 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof, and authority issued under MC 133421 and Sub-No. 1, covering the transportation of *express*, as a *common carrier* over irregular routes, between points in Vermont, between points in Cheshire, Coos, Grafton, and Sullivan Counties, N.H., on the one hand, and, on the other, points in Vermont, with restrictions. THE GREYHOUND CORPORATION holds no authority from this Commission. However, it is affiliated with THE GREYHOUND LINES, INC., which is authorized to operate as a common carrier in all of the States in the United States except Hawaii. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12433. Authority sought for purchase by F-B TRUCK LINE COMPANY, 1945 S. Redwood Rd., Salt Lake City, UT 84104, of the operating rights of LESTER SMITH TRUCKING, INC., P.O. Box 43, Sterling, CO 80751, and for acquisition by MERLIN J. NORTON, also of Salt Lake City, UT 84104, of control of such rights through the purchase. Applicants' representative: David J. Lister, V.P., F-B Truck Line Company, 1945 S. Redwood Rd., Salt Lake City, UT 84104. Operating rights sought to be transferred: *Agricultural commodities*, other

than in containers, as a *common carrier* over irregular routes, between points in Logan County, Colo., between points in a defined area of Colorado, on the one hand, and, on the other, points in Wyoming, Nebraska, Iowa, Missouri, and Kansas; *building and fencing materials, farm machinery, used farm equipment, feed, seed, hides, wool,* and *irrigation supplies,* between points in a defined area of Colorado, on the one hand, and, on the other, points in Wyoming, Nebraska, Iowa, Missouri, and Kansas; *household goods,* as defined by the Commission, between points in a defined area of Colorado, on the one hand, and, on the other, points in that part of Wyoming, Kansas, and Nebraska within 250 miles of Sterling, Colo.; *livestock,* between Denver, Colo., on the one hand, and, on the other, points in Kansas, Missouri, and Iowa, those in Nebraska 25 miles or more from Chappell, Nebr., and those in Campbell, Crook, Weston, Converse, Niobrara, Albany, Platte, Goshen, and Laramie Counties, Wyo., between points in Logan County, Colo., between points in a defined area of Colorado, on the one hand, and, on the other, points in Wyoming, Nebraska, Iowa, Missouri, and Kansas, between points in Wyoming, Nebraska, Iowa, Missouri, and Kansas; machines, other than farm, maximum 5,000 pounds each, between points in a defined area of Colorado, on the one hand, and, on the other, points in Wyoming, Kansas, Nebraska, Iowa, and Missouri; oil-well castings, pipe, and supplies, between Sterling, Colo., and points within 25 miles of Sterling, on the one hand, and, on the other, points in Wyoming, with restriction. Vendee is authorized to operate as a common carrier in Arizona, California, Colorado, Idaho, Iowa, Kansas, Missouri, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. Application has been filed for temporary authority under section 210 a(b).

[Finance Docket No. 27849]

Notice is hereby given that Sacramento Northern Railway has filed with the Interstate Commerce Commission an application seeking authority pursuant to section 5(2)(a)(ii) of the Interstate Commerce Act (49 U.S.C. 5(2)(a)(ii)) to acquire trackage rights over a portion of the track of The Atchison, Topeka and Santa Fe Railway Company, 515.0 feet in length, more or less, in Port Chicago, County of Contra Costa, State of California, near Santa Fe Milepost 1164. Applicant will operate jointly over said track with the Santa Fe, if said authority is granted, for the purpose of providing rail service to the Naval Weapons Station, a military reservation under the jurisdiction of the United States Navy.

Correspondence or inquiries relevant to the above-described application should be directed to:

R. W. Bridges, Attorney
Sacramento Northern Railway
526 Mission Street
San Francisco, California 94105

In the opinion of the applicant, granting of the authority sought in this application will not constitute a major Federal action having a significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

Chicago, Rock Island and Pacific Railroad Company, represented by Mr. James E. Sykes, General Attorney, 139 West Van Buren Street, Chicago, Illinois 60605, hereby gives notice that on February 3, 1975, it filed an application assigned Finance Docket No. 27843 under section 5(2)(a)(ii) of the Interstate Commerce Act for authority to acquire trackage rights over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Emmetsburg and Hartley, Iowa, a distance of 43.69 miles. At the same time an application for authority to construct a connection at Hartley, Iowa, of its tracks with those of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company was filed under section 1(18) of the Act, assigned Finance Docket No. 27844, a distance of 565 feet. In the opinion of the applicant, the granting of the authority sought by these applications will not constitute a major Federal Action having a significant effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (sub-No. 4), *Implementation-National Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant facts set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (B)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

(1) The name and address of applicant and applicant's attorneys are: Georgia Railroad and Banking Company, 699 Broad Street, Augusta, Georgia 30903, represented by Charles E. Campbell, Heyman and Sizemore, 310 Fulton Federal Building, Atlanta, Georgia 30303.

(2) This is an application assigned Finance Docket No. 27839 under section 5(2) of the Interstate Commerce Act seeking authority to permit the Georgia Railroad and Banking Company to acquire from the Seaboard Coast Line Railroad Company and Louisville and Nashville Railroad Company the assets of the Monroe Railroad Company and the Augusta Belt Railway Company. This transaction is envisioned in and required by the terms of that certain Re-Lease Agreement approved by the Commission in Finance Docket No. 27298 in which the Commission permitted the Seaboard Coast Line Railroad Company and the Louisville and Nashville Railroad Company to re-lease and continue to operate the properties of Georgia Railroad and Banking Company through and under the name Georgia Railroad. Article IV (c)(8) of said Re-Lease Agreement approved by the Commission provides for the acquisition by the Georgia Railroad and Banking Company of the assets of the Monroe Railroad Company and the Augusta Belt Railway Company from the Seaboard Coast Line Railroad Company and the Louisville and Nashville Railroad Company. The effect of this proposed transaction, if approved by the Commission, will be that the properties that were the Monroe Railroad Company and the Augusta Belt Railway Company will be owned by the Georgia Railroad and Banking Company and will be included in those properties comprising the Georgia Railroad and leased to the Seaboard Coast Line Railroad Company and Louisville and Nashville Railroad Company. The properties will continue to be operated as connector lines and still be included in the calculation of the lease payments under the aforesaid Re-Lease Agreement. In other words, the net effect will be zero in terms of operations, with the change occurring on paper only.

(3) Approval of this application would permit the operation of the properties previously held by the Monroe Railroad Company and the Augusta Belt Railway Company as described in (2) above, said properties being limited to the following: The properties now held by the Monroe Railroad Company consists of main track mileage of 10.17 miles between Social Circle, Georgia, and Monroe, Georgia with no interchange. Properties held by the Augusta Belt Railway Company consist of 7.19 miles of yard switching track located wholly within the City of Augusta, Georgia, and being operated as a switching line with no interchange. All of the above referred to properties continue to be operated in the same manner in which they are now operated.

In the opinion of the applicant, approval of this application will have no significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969,* 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be

present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

(6) The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than thirty (30) days from the date of first publication in the FEDERAL REGISTER.

Chicago and North Western Transportation Company (hereinafter CNW) hereby gives notice that on the 24th day of January, 1975, it filed with the Interstate Commerce Commission at Washington, D.C., an application for approval of an agreement authorizing trackage rights by the CNW over tracks of the Union Pacific Railroad Company between Ames and Fremont, Nebraska in Dodge County, Nebraska, a distance of approximately 5.60 miles, beginning at Milepost 39.19 at Fremont, Nebraska and extending to Milepost 44.79 at Ames, Nebraska. CNW states that no shippers or receivers will be adversely affected. The trackage rights to be operated lie between Ames and Fremont, Nebraska. This application has been assigned Finance Docket No. 27837.

In the opinion of Applicant the Commission's action requested i.e. approval of the trackage rights, will not have any significant impact and will not significantly adversely affect the quality of the human environment. Rather Applicant alleges that coordination of through train operation will have a beneficial effect on the environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factor set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protest submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

Correspondence in regard to this matter including all protests should be addressed to Stuart F. Gassner, General Attorney, Chicago and North Western Transportation Company, 400 West Madison Street, Chicago, Illinois 60606.

The Interstate Commerce Commission hereby gives notice that under date of January 22, 1975, an Application assigned Finance Docket No. 16990 was filed by the Illinois Central Gulf Railroad Company, 233 N. Michigan Avenue, Chicago, Illinois 60601, seeking approval of a supplemental agreement dated April 18, 1952, as modified, covering joint use of certain terminal facilities of the Louisville and Nashville Railroad Company between South Alice (Birmingham) to the north end of Louisville and Nashville Railroad Company's yard at Boyles (Birmingham), Alabama, a distance of 5.39 miles. Kenneth L. Novander, 233 N. Michigan Avenue, Chicago, Illinois 60601, is attorney for the Illinois Central Gulf Railroad Company.

This Application involves an amending agreement dated February 6, 1974, wherein it is proposed to increase train yard and terminal switching rates as well as elimination under the April 18, 1952, agreement of Illinois Central Gulf Railroad Company's right to use this trackage to reach the yard or yards of a rail carrier other than Louisville and Nashville Railroad Company in Birmingham.

Implementation of this February 6, 1974, amending agreement will not result in the acquisition, construction or abandonment of any railroad facilities, nor will the implementation of this agreement affect any railroad employees.

In the opinion of the applicant, the relief sought is not a major federal action significantly affecting the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceedings will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than thirty days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4664 Filed 2-19-75;8:45 am]

[Notice No. 233]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 19, 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 March 11, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75372. By order of February 12, 1975, the Motor Carrier Board approved the transfer to Coast Freightlines, Inc., Council Bluffs, Iowa, of the operating rights in Certificates Nos. MC 133229 (Sub-No. 6), MC 133229 (Sub-No. 9), and MC 133229 (Sub-No. 11) issued October 12, 1971, August 10, 1973, and July 2, 1974, respectively, to Coats Freightways, Inc., Council Bluffs, Iowa, authorizing the transportation of meats, meat products and meat by-products, except commodities in bulk and hides, from the facilities of Swift Fresh Meats Company at Grand Island, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia; and meats, meat products and meat by-products, and articles distributed by meat packinghouses, except commodities in bulk, and except hides, (1) from the plant site and storage facilities of Swift Fresh Meats Company at Grand Island, Nebr., to points in Maine, New Hampshire, Vermont, Virginia, West Virginia, and Tennessee (except Memphis), and (2) from the plant site and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Michigan, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106, attorney for applicants.

No. MC-FC-75535. By order of February 7, 1975, the Motor Carrier Board approved the transfer to Mistletoe Transit Company, a corporation, Lubbock, Tex., of the operating rights evidenced by the Certificates of Registration in Nos. MC-121742 and MC-121742 (Sub-No. 1) issued December 30, 1974, to R. G. Dudley, doing business as Mistletoe Transit Company, Lubbock, Tex., covering the transportation of newspapers, motion picture films, equipment, advertising and supplies and general commodities, to and from, and between specified points in Texas coextensive to the grant of authority in Certificate No. 3037 issued by the Railroad Commission of Texas. Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-75643. By order of February 7, 1975, the Motor Carrier Board approved the transfer to John Phillip Hanks, doing business as Hanks Tours, Parowan, Utah, of License No. MC 12934 issued August 6, 1965 to Theron Milton Ashcroft, doing business as Ashcroft Tours, Cedar City, Utah, authorizing it

to engage in operations as a broker of passengers and their baggage, in special or charter operations beginning and ending at Cedar City, Utah and extending to points in the United States, including Alaska and Hawaii.

No. MC-FC-75646. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to Norcon Transportation Co., Inc., Blue Point, N.Y., of that portion of the operating rights set forth in Certificate No. MC 134486, issued January 4, 1972, in the name of B R Trucking Company, Inc., and acquired by S & M Delivery Service, Inc., New York, pursuant to No. MC-FC-74483, approved by order entered June 7, 1973 and consummated July 13, 1973, authorizing the transportation of general commodities, with the usual exceptions, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

No. MC-FC-75647. By order entered February 6, 1975, the Motor Carrier Board approved the transfer to All Airport Service, Inc., Wantagh, N.Y., of that portion of the operating rights set forth in Certificate No. MC 134486, issued January 4, 1972, in the name of B R Trucking Company, Inc., and acquired by S & M Delivery Service, Inc., New York, N.Y., pursuant to No. MC-FC-74483, approved by order entered June 7, 1973 and consummated July 13, 1973, authorizing the transportation of general commodities, with the usual exceptions, between Jersey City, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

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

[FR Doc.75-4659 Filed 2-19-75;8:45 am]

[Notice No. 14]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWADER APPLICATIONS

FEBRUARY 14, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by § 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before April 21, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 531 (Sub-No. 306), filed January 27, 1975. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., to all points in the United States (except Alabama, Arkansas, Georgia, Florida, Kentucky, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas, Wisconsin, Alaska, and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify location.

No. MC 2368 (Sub-No. 47), filed January 23, 1975. Applicant: BRALLEY-WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, P.O. Box 495, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tallow, inedible animal grease*, and *inedible animal oil*, between Philadelphia, Pa., on the one hand, and, on the other, points in Virginia, North Carolina, South Carolina, and Georgia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 4405 (Sub-No. 518), filed November 21, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New tank trailers, high pressure gas trailers and specialized custom built trailers*, in initial truckaway and driveaway service, from Portersville, Pa., to points in the United States (except Alaska and Hawaii); (2) *trailers, semi-trailers* including dump trailers, and *trailer chassis*, in initial truckaway and driveaway service, from New Castle, Pa., and Randolph, Ohio to points in the United States (except Alaska and Hawaii); and (3) *tractors*, in secondary driveaway service only when drawing trailers in (1) and (2) moving in initial driveaway service, from Portersville and New Castle, Pa., and Randolph, Ohio, to points in Arizona, Nevada, Oregon and Vermont.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Akron or Cleveland, Ohio.

No. MC 8535 (Sub-No. 53), filed January 2, 1975. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Parkton, Md. 21220. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel* and *iron and steel articles*, between points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Kentucky, Ohio and the District of Columbia, restricted against the severance, by sale or otherwise, from applicant's corresponding authority in MC 8535.

NOTE.—Applicant states that the effect of a grant of authority will be to permit applicant to provide the same type and quantum of service it has been providing within its operating area under No. MC 8535. In No. MC 8535, applicant has authority to engage in operation, in interstate or foreign commerce, as a common carrier by motor vehicle,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

over irregular routes, in the transportation of: *Building and contractors' equipment, materials and supplies; machinery and machine parts; pipe line and plant construction materials and supplies; steel; and also heavy and bulky articles generally requiring rigging, special equipment, or specialized handling,* Between points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Kentucky, Ohio, and the District of Columbia. Applicant contends that the authority already possessed by applicant, as set forth above, permits the transportation of iron and steel and iron and steel articles. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 10761 (Sub-No. 271), filed January 24, 1975. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Dr. S.E., Grand Rapids, Mich. 49506. Applicant's representative: L. R. Knapp (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Vacuum bottles, lunch kits, jugs, chests, cooling boxes, tents, insulating material, bowls and cups, fillers for vacuum bottles,* from the plant site of King Seeley Thermos Co., located at or near Macomb, Ill., to points in Michigan (with the exception of the upper peninsula).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 16798 (Sub-No. 3), filed January 20, 1975. Applicant: AL CAMILLO TRUCKING CO., INC., 224-28 E. Shedaker Street, Philadelphia, Pa. 19144. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber and forest products,* from Wilmington, Del., to points in Delaware, Maryland, New Jersey, those points in that part of Pennsylvania east of the western boundaries of York, Dauphin, Northumberland, Lycoming and Tioga Counties, and points in the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 20546 (Sub-No. 19), filed January 27, 1975. Applicant: C. MALONE TRUCKING, INC., Rear 154 Newton St., Waltham, Mass. 02154. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paperboard and paperboard boxes,* from the plant site facilities of Container Corporation of America located at Medford and Wakefield, Mass., to points in Connecticut and New Hampshire.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 22182 (Sub-No. 29), filed January 15, 1975. Applicant: NU-CAR CARRIERS, INC., 950 Haverford Road, P.O. Box 172, Bryn Mawr, Pa. 19010. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis and bodies, cabs, and parts of and accessories* for such vehicles, (1) From Chesapeake, Va., to points in the United States (except Alaska and Hawaii) in initial and secondary movements; and (2) from Portsmouth, Va., to points in the United States (except Alaska and Hawaii) in secondary movements.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22229 (Sub-No. 98), filed January 24, 1975. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue, SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of General Cable Corporation located at or near Lawrenceburg (Anderson County), Ky., as an off-route point in connection with carrier's authorized regular route service between Louisville, Ky. and Cincinnati, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necesary, the applicant requests it be held at either Washington, D.C. or Louisville, Ky.

No. MC 25639 (Sub-No. 1), filed January 27, 1975. Applicant: DONALD G. POWELL, doing business as POWELL TRUCK LINE, Rural Route No. 1, Jasper, Minn. 56144. Applicant's representative: Raymond M. Kelley, Jr., 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Processed adamant silica (silex) stone,* from the quarry and plant of Jasper Stone Company located at Jasper, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 29120 (Sub-No. 189), filed January 20, 1975. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and hides): (1) Between Racine, Wis. and Dixon, Ill.: From Racine, Wis. over Wisconsin Highway 11 to junction Wisconsin Highway 15, thence over Wisconsin Highway 15 to Beloit, Wis., thence over U.S. Highway 51 to Rockford, Ill., thence over Illinois Highway 2 to Dixon, Ill., and return over the same route, serving no intermediate points, and an alternate route for operating convenience only in connection with applicant's authorized regular route operations; (2) Between Palatine, Ill. and Minneapolis-St. Paul, Minn.: From Palatine, Ill. over Illinois Highway 53 to junction U.S. Highway 12.

Thence over U.S. Highway 12 to Madison, Wis., thence over Interstate Highway 94 to Minneapolis-St. Paul, Minn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations; and (3) Between the junction of U.S. Highway 12 and Wisconsin Highway 50 and Minneapolis-St. Paul, Minn.: From the junction of U.S. Highway 12 and Wisconsin Highway 50 over Wisconsin Highway 50 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to Minneapolis-St. Paul, Minn., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations, restricted in (1), (2) and (3) above against the transportation of shipments originating at or destined to points in Illinois or Indiana within the Chicago, Ill. Commercial Zone as defined by the Commission.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 35320 (Sub-No. 144) (Partial Correction), filed November 19, 1974, published in the FEDERAL REGISTER issue of January 23, 1975, and republished in part, as corrected, this issue. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and those requiring special equipment); (A) Between Cincinnati, Ohio and Evansville, Ind.: From Cincinnati, Ohio over Interstate Highway 71 to Louisville, Ky., thence over Interstate Highway 64 to junction Interstate Highway 64 and Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 57 and U.S. Highway 41, thence over U.S. Highway 41 to Evansville, Ind. and return over the same route, as an alternate route for operating convenience only, in connection with carrier's presently-authorized regular route operations, serving no intermediate points, restricted against the trans-

portation of local traffic moving between Cincinnati, Ohio, on the one hand, and, on the other, Evansville, Ind.; and (5) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (A) Between Chicago, Ill. and Seattle, Wash.: (a) From Chicago, Ill. over Interstate Highway 90 to junction Interstate Highway 90 and U.S. Highway 16 at or near Alden, Minn., thence over U.S. Highway 16 and/or Interstate Highway 90 to Rapid City, S. Dak.

Thence over U.S. Highway 14 and/or Interstate Highway 90 to junction of Interstate Highway 90 and U.S. Highway 87 at or near Sheridan, Wyo., thence over U.S. Highway 87 and/or Interstate Highway 90 to junction U.S. Highway 87, Interstate Highway 90 and Interstate Highway 94 at or near Billings, Mont., thence over U.S. Highway 10 and/or Interstate Highway 90 to Spokane, Wash. thence over Interstate Highway 90 to Seattle, Wash. and return over the same route; and (b) from Chicago, Ill. over Highway 90, as it is completed, to Seattle, Wash. and return over the same route; (B) Between Evansville, Ind. and Louisville, Ky.: From Evansville, Ind. and over U.S. Highway 41 to junction U.S. Highway 41 and Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 57 and Interstate Highway 64, thence over Interstate Highway 64 to Louisville, Ky. and return over the same route, 5 (A) and (B) as alternate routes for operating convenience only, in connection with carrier's presently authorized regular route operations, serving no intermediate points.

NOTE.—The purposes of this partial correction are (A) to correct the route description in part 2; and (B) to indicate in part 5 that applicant seeks alternate route authority in 5 (A) and (B) in lieu of 5 (a) and (b) as previously published. The rest of the notice remains as originally published. Common control may be involved. If a hearing is deemed necessary, applicant requests it may be held at either Lubbock or Dallas, Tex.

No. MC 41951 (Sub-No. 27), filed January 22, 1975. Applicant: WHEATLEY TRUCKING, INC., 125 Brohawn Ave., P.O. Box 458, Cambridge, Md. 21613. Applicant's representative: M. Bruce Morgan, 201 Azar Building, Glen Burnie, Md. 21061. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except frozen, in containers), from Queen Anne, Md., and Millsboro, Del., to points in North Carolina, South Carolina, Georgia and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 45544 (Sub-No. 5), filed January 8, 1975. Applicant: SILVER LINE, INC., 196 Stanton Street, New York, N.Y. 10002. Applicant's representative: Edward L. Nehez, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods, cut materials, trimmings, thread, wearing apparel, and materials*, used in the manufacture and shipping of wearing apparel, between West Deptford, N.J., on the one hand, and, on the other, Wilkes-Barre and West Pittston, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 51146 (Sub-No. 497) (Correction), filed December 2, 1974, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as corrected, this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, publications, and exempted printed matter*, as described in Section 203(B)(7) of the Act, as amended, when transported at the same time and in the same vehicle with printed matter, *and materials, supplies, and equipment*, used in the maintenance and operation of printing plants, between the plantsite of the R. R. Donnelly & Sons Company located at or near Gallatin, Tenn., on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, Michigan, Missouri, Illinois, Indiana, Kentucky, Ohio, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, Rhode Island, Connecticut, New York, Massachusetts, Vermont, New Hampshire, Maine, Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to add the destination state of Virginia omitted in the previous publication. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52657 (Sub-No. 723), filed January 23, 1975. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th St., Chicago, Ill. 60620. Applicant's representative: S. S. Eisen, 370 Lexington Ave., New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in truckaway and driveaway service, (1) from Chesapeake, Va., to points in the United States (except Alaska and Hawaii); and *wrecked, disabled or rejected vehicles*, on return; and (2) from Portsmouth, Va., to points in the United States (except Alaska and Hawaii); secondary movements are restricted to mixed loads of vehicles moving in initial and secondary transportation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York City, N.Y. or Washington, D.C.

No. MC 60012 (Sub-No. 92), filed January 2, 1975. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Avenue, Denver, Colo. 80221. Applicant's representative: John S. Walker, Jr., 1515 Arapahoe Street, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Yampa Project located near Craig, Colo. as off-route points in connection with carrier's authorized regular route operations. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 60186 (Sub-No. 51), filed January 28, 1974. Applicant: NELSON FREIGHTWAYS, INC., 47 East Street, Rockville, Conn. 06066. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. 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, commodities requiring special equipment), (1) between points in New Hampshire, on the one hand, and, on the other, points in Maine, and those in Worcester, Springfield, and Lowell, Mass., (2) between Albany, N.Y., Waterbury and South Windsor, Conn., and Hackensack and Cherry Hill, N.J., on the one hand, and, on the other, points in New York (except those on and east of N.Y. Highway 112), Pennsylvania, Delaware, Maryland and the District of Columbia, and (3) between points in Maine and New Hampshire, on the one hand, and, on the other, points in New York, (except those on and east of N.Y. Highway 112). The purpose of this filing is to eliminate the gateways at Worcester, Springfield, and Lowell, Mass.; Albany, N.Y.; Hackensack and Cherry Hill, N.J.; and South Windsor and Waterbury, Conn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61396 (Sub-No. 277), filed January 10, 1975. Applicant: HERMAN BROS., INC., 2565 St. Mary's, Omaha, Nebr. 68101. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen, liquid nitrogen, liquid argon, gaseous hydrogen, gaseous oxygen, gaseous nitrogen, gaseous argon, and helium*, in bulk, in tank vehicles, from East Alton, Ill., to Fairfield, Ala.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 61692 (Sub-No. 19), filed January 28, 1975. Applicant: WARNERS MOTOR EXPRESS, INC., West Country Club Road, Red Lion, Pa. 17356. Applicant's representative: Robert Gallagher, 1776 Broadway, New York, N.Y. 10019.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *New furniture*, (1) between points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia; and (2) from points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and West Virginia, to points in Rhode Island, Ohio, Michigan, and the District of Columbia; and (b) *household goods* as defined by the Commission (1) between points in Pennsylvania, Maryland, New Jersey, Massachusetts, New York, Connecticut, Delaware, Virginia, West Virginia, Rhode Island, and the District of Columbia; and (2) between points in Pennsylvania, Maryland, New Jersey, Massachusetts, New York, Connecticut, Delaware, Virginia, West Virginia, Rhode Island, and the District of Columbia, on the one hand, and, on the other, points in North Carolina, Florida, Ohio, Indiana, Illinois, and Michigan.

NOTE.—If a hearing is deemed necessary, the applicant does not specify location.

No. MC 66462 (Sub-No. 19) (Correction), filed November 18, 1974, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as corrected this issue. Applicant: THE WILLETT COMPANY, a Corporation, 700 South Desplaines Street, Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Suite 1034, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Muriatic acid*, in bulk, in tank vehicles, from Lemont, Ill. to points in Lake and Porter Counties, Ind., and (2) *Muriatic acid*, in bulk, in tank vehicles, from the plantsite of Keil Chemical Company, located at or near Hammond, Ind., to points in Illinois; and (3) *sulphuric acid*, in bulk, in tank vehicles, from De Pue, Ill., to points in Indiana.

NOTE.— Common control and dual operations may be involved. The purpose of this republication is to correct the commodity description in (2) which was erroneously published in the original notice. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 66807 (Sub-No. 5), filed January 20, 1975. Applicant: MANUFACTURERS EXPRESS, INCORPORATED, 294 Kimberly Avenue, New Haven, Conn. 06519. Applicant's representative: Hugh M. Joseloff, 80 State Street, Hartford, Conn. 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Merrimack, N.H., to Wallingford, and Norwalk, Conn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn.; New York City, or Washington, D.C.

No. MC 80430 (Sub-No. 154), filed January 24, 1975. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601. Applicant's representative: F. Neil Ashemeyer, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, (except commodities in bulk and those requiring special equipment), from points in Florida on and east of a line beginning at the Gulf of Mexico at Yankeetown, Fla., thence along Florida Highway 40 to intersection with U.S. Highway 41, thence north along U.S. Highway 41 to Williston, Fla., thence along Florida Highway 121 to Gainesville, Fla., thence along Florida Highway 24 to intersection with U.S. Highway 301, thence along U.S. Highway 301 to the Florida-Georgia State Boundary line; to points on and west of U.S. Highway 219 in New York; points in Pennsylvania on and west of a line beginning at the West Virginia-Pennsylvania State Boundary line, thence north along U.S. Highway 119 to junction with U.S. Highway 219 south of Du Bois, Pa., thence north along U.S. Highway 219 to the Pennsylvania-New York State line; points in Minnesota, Wisconsin, Iowa, Illinois, Indiana, Kentucky, Missouri, Ohio and Tennessee; to all points in Michigan on and south of a line beginning at Muskegon, Mich., thence east along Michigan Highway 46 to junction with Michigan Highway 57, then east along Michigan Highway 57 to junction State Highway 15, thence south along Michigan Highway 15 to junction with State Highway 21, thence east along Michigan Highway 21 to Port Huron, Mich., and points in Georgia on and north of U.S. Highway 80.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Tampa or Orlando, Fla.

No. MC 80430 (Sub-No. 155) (AMENDMENT), filed July 22, 1974, published in the FEDERAL REGISTER issue of August 29, 1974 as MC 45657 (Sub-No. 52) and republished, as retitled, this issue. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, P.O. Box 85, La Crosse, Wis. 54601. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60003. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of FMC Corp. located near Tupelo, Miss. as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—The purpose of this republication is to indicate the substituted applicant in the above proceeding previously docketed as MC 45657 (Sub-No. 52). If a hearing is deemed necessary, applicant requests it be held at Tupelo, Miss.

No. MC 87103 (Sub-No. 16), filed January 20, 1975. Applicant: MILLER TRANSFER AND RIGGING CO., a Corporation, P.O. Box 6077, Akron, Ohio 44312. Applicant's representative: Edward P. Bocko (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving, construction equipment and cranes; self-propelled articles weighing 15,000 pounds and more, and related machinery, tools and parts and supplies*, when moving in connection therewith, from Shady Grove, Pa., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 119302 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC–87379 (Sub-No. 13), filed January 20, 1975. Applicant: C. H. HOOKER TRUCKING CO., a Corporation, 1475 Roanoke Avenue, Uhrichsville, Ohio 44683. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products* (except earthenware, pottery, stoneware and chinaware), from points in Tuscarawas County, Ohio, to points in Iowa, Maine, Minnesota, Missouri, New Hampshire, Rhode Island and Vermont. Note: Applicant states that it presently holds the above requested authority by tacking separate paragraphs of its authority held in MC–87379 (Sub-No. 7), and that the purpose of this application is to eliminate the gateway of Junction City, Ohio. Applicant holds motor contract carrier authority in MC–126851 (Sub-Nos, 2, 3) therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 94876 (Sub-No. 12), filed January 24, 1975. Applicant: RICHARD ACERRA, INC., 43–09 Vernon Blvd., Long Island, New York, N.Y. 11101. Applicant's representative: J. Aiden Connors, 145 East 49th Street, New York City, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games or toys and childrens furniture*, between Parsippany, N.J., on the one hand, and, on the other, points in Queens, Nassau, and Suffolk Counties, N.Y., under a continuing contract or contracts with F.A.O. Schwarz.

NOTE.—If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 97009 (Sub-No. 23), filed January 23, 1975. Applicant: HERZOG TRUCKING, a Corporation, 200 Delaware St., Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold or distributed by the house of Westmore, its subsidiaries and/or its divisions located at or near Newburgh and Rochester, N.Y. (except commodities in bulk), in mechanical refrigerated equipment, from the facilities of House of Westmore, located at Newburgh and Rochester, N.Y., on the one hand, and, on the other, points in Pennsylvania on and west of the Susquehanna River, Ohio, Illinois, Indiana, Michigan, Oklahoma, Wisconsin, Iowa, Kansas, Missouri, Texas, Arkansas, Louisiana, Kentucky, Tennessee, West Virginia, Virginia and Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albany, N.Y., or Washington, D.C.

No. MC 99780 (Sub-No. 51), filed January 27, 1975. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N. E. Bond St., Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, from the storage facilities of Federal Warehouse Company located at East Peoria, Ill., to points in Cook, Will and Du Page Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 102817 (Sub-No. 22), filed January 24, 1975. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Road, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos, organs, and benches* moving therewith, from Jasper and French Lick, Ind., to points in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind.; Chicago, Ill.; or Washington, D.C.

No. MC 103993 (Sub-No. 849), filed January 27, 1975. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Ave., Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced fiberglass plywood panels*, from Washington Court House, Ohio to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved by the Commission in MC-F-10057. If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 107295 (Sub-No. 757), filed January 15, 1975. Applicant: PRE-FAB TRANSIT CO., 100 South Main St., Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and wire mesh*, from Williamsport, Md., and ports at Baltimore, Md., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 758), filed January 15, 1975. Applicant: PRE-FAB TRANSIT CO. a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, aluminum products, and extrusions* (except commodities in bulk), from North Brunswick, N.J., Phoenix, Ariz., Winton and Burlington, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 929), filed January 20, 1975. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th St., N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sulfuric acid*, in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Co., Inc., at Wurtland, Ky., to Petrolia, Pa.; and (2) *reclaimed vinyl compound*, dry, in bulk, in tank vehicles, from Piqua, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107487 (Sub-No. 4), filed January 27, 1975. Applicant: COLUMBIA CITY FREIGHT LINES, INC., P.O. Box 328, Columbia City, Ind. 46725. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) between Howe, Ind., and Sturgis, Mich: From Howe, Ind., over Indiana Highway 9 to the Indiana-Michigan State Line, thence via Michigan Highway 66 to Sturgis, Mich., and return over the same route; and (2) Between Columbia City, Ind., and Millersburg, Ind.: From Columbia City, Ind., over U.S. Highway 30 to its junction with Indiana 13, thence via Indiana Highway 13 to Millersburg, and return over the same route, serving the intermediate point of Syracuse, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 108676 (Sub-No. 76) (Correction), filed December 16, 1974, published in the FEDERAL REGISTER issue of January 23, 1975, and republished as corrected this issue. Applicant: A. J. METLER HAULING AND RIGGING, INC., 117 Chicamauga Avenue, Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Junk motor vehicles, compacted and crushed motor vehicles, bodies, engines, and parts; and recycled nonferrous and ferrous articles, and materials and supplies* used in the production of recycled metal articles and recycled materials (except commodities in bulk, in tank or dump vehicles), between points in Iowa, Wisconsin, Missouri, Oklahoma, Michigan, Texas, and points in the United States east thereof, on the one hand, and, on the other, Huntsville, Ala.; Knoxville and Chattanooga, Tenn. and Atlanta, Ga. restricted against shipments originating at or destined to the facilities of Shredded Steel Products Company.

NOTE.—The purpose of this republication is to correct the restriction stated above. If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 110420 (Sub-No. 719) (amendment), filed June 3, 1974, published in the FEDERAL REGISTER issue of August 1, 1975, and republished as amended, this issue. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: John R. Sims, Jr., 915 Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except caustic soda, muriatic, nitric, and sulfuric acid), in bulk, in tank vehicles, (1) from Chicago, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee,

Texas, Virginia, Wisconsin, and Wyoming; and (2) in the alternative, from Carpentersville, Lansing, St. Charles, Zion, and Lemont, Ill., to points in Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Wisconsin, and Wyoming, restricted to traffic moving by interchange of trailers at Carpentersville, Lansing, St. Charles, Zion, and Lemont, Ill., from Chicago, Ill.

NOTE.—The purposes of this republication are (1) to indicate a change in applicant's representative; and (2) add part 2 above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110563 (Sub-No. 153), filed January 16, 1975. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodites in bulk), (a) from Mankato, Kans., to points in Iowa and Illinois; and (b) from Denison, Iowa, to points in Illinois, Connecticut, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Delaware, Rhode Island, and the District of Columbia, restricted to traffic originating at the plantsites and warehouse facilities utilized by Dubuque Packing Company located at or near Mankato, Kans. and Denison, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kans., or Kansas City, Mo.

No. MC 111375 (Sub-No. 72), filed January 27, 1975. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, Wis. 53704. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 and *materials, equipment, and supplies*, from Denver, Colo., to points in Arizona, California, Idaho, Illinois, Indiana, Michigan, Minnesota, Nevada, Ohio, Oregon, Utah, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Denver, Colo., or Chicago, Ill.

No. MC 111545 (Sub-No. 209) (Correction), filed January 6, 1975, published in the FEDERAL REGISTER issue of January 30, 1975, and republished as corrected this issue. Applicant: HOME TRANSPORTATION COMPANY, INC., 1425 Franklin Rd., Marietta, Ga. 30052. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, and dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above: (a) from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia and West Virginia; (b) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Illinois, Indiana, Iowa, Minnesota, Missouri, and Wisconsin; and (c) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, restricted to traffice moving in foreign commerce, having a prior movement by water, and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—The purpose of this republication is to indicate the correct docket no. assigned to this proceeding as MC 111545 (Sub-No. 209), in lieu of MC 11545 (Sub-No. 209), as previously published. If a hearing is deemed necessary, applicant requests it be held on consolidated record with other similar applications at Washington, D.C.

No. MC 111729 (Sub-No. 509), filed January 15, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media* of all kinds: (a) between Kalamazoo, Mich., on the one hand, and, on the other, Keokuk, Iowa, and points in Illinois, Indiana, Ohio, and Pennsylvania; and (b) between Sharon Hill, Pa., on the one hand, and, on the other, points in Delaware, New Jersey, and New York; (2) *automotive emergency replacement parts*, between Sharon Hill, Pa., on the one hand, and, on the other, points in Delaware, New Jersey, and New York, 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; (3) *radiopharmaceuticals, radioactive drugs and medical isotopes*, between Arlington Heights, Ill., on the one hand, and, on the other, points in New York, Pennsylvania and West Virginia; and (4) *clinical laboratory samples*, from points in Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, and Rhode Island, to West Nyack, N.Y.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111812 (Sub-No. 513), filed January 22, 1975. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware Street, P.O. Box 1233 57101, Sioux Falls, S. Dak. 57104. Applicant's representative: Ralph H. Jinks, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodity bags, envelopes, packets, pouches, and wrappers*, flat, folded flat or in rolls, requiring separation into individual units, with or without compliment of bag ties, from Sioux Falls, S. Dak., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 112713 (Sub-No. 176), filed January 27, 1975. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of General Cable Corporation located at or near Lawrenceburg, Ky., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 113475 (Sub-No. 24), filed January 21, 1975. Applicant: RAWLINGS TRUCK LINE, INC., P.O. Box 831, Emporia, Va. 23847. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street, N.W., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber*, from points in North Carolina and South Carolina on and east of a line beginning at the North Carolina-Virginia State Boundary line, and extending along U.S. Highway 29 to intersection Alternate U.S. Highway 29 (formerly U.S. Highway 29), near Hamtown, N.C., thence along Alternate U.S. Highway 29 via Greensboro, High Point, and Thomasville, N.C., to intersection U.S. Highway 29, thence along U.S. Highway 29 to Charlotte, N.C., thence along U.S. Highway 21 to Columbia, S.C., thence along U.S. Highway 76 to Sumter, S.C., thence along U.S. Highway 521 to Georgetown, S.C.; and thence in an

easterly direction along a straight line to the Atlantic Ocean, to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, District of Columbia, New York, N.Y., and points in Virginia on and east of U.S. Highway 29.

(2) *Lumber* (except plywood and veneer), from points in North Carolina and South Carolina on and east of a line beginning at the North Carolina-Virginia State line, and extending along U.S. Highway 29 to intersection Alternate U.S. Highway 29 (formerly U.S. Highway 29), near Hamtown, N.C., thence along Alternate U.S. Highway 29 via Greensboro, High Point, and Thomasville, N.C., to intersection U.S. Highway 29, thence along U.S. Highway 29 to Charlotte, N.C., thence along U.S. Highway 21 to Columbia, S.C., thence along U.S. Highway 76 to Sumter, S.C., thence along U.S. Highway 521 to Georgetown, S.C., and thence in an easterly direction along a straight line to the Atlantic Ocean, to points in New York, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, Rhode Island, Tennessee, Vermont, and points in Virginia on and east of U.S. Highway 29. Note: Applicant states that it presently holds authority under its Lead Certificate to transport lumber from Emporia, Va., to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, the District of Columbia, and New York, N.Y. Under the same certificate, it also is authorized to transport lumber from the above described portion of North Carolina and South Carolina to the District of Columbia, Highstown, and Camden, N.J. and a described portion of Pennsylvania, Maryland, and Virginia on and east of U.S. Highways 15 and 29. By tacking such authority at Emporia, applicant has transported lumber in the past from the described North Carolina and South Carolina area to points in Maryland, Pennsylvania, West Virginia, Ohio, Delaware, New Jersey, the District of Columbia, and New York, N.Y.

The purpose of this application is to eliminate the Emporia, Va. gateway and to permit direct service between the named North and South Carolina area, on the one hand, and, on the other, the six States, the District of Columbia, and New York, N.Y. Applicant also holds authority to transport lumber, excluding plywood and veneer, in its Sub-Nos. 5 and 12 certificates. In the past it has tacked this authority with its Lead Certificate to serve the described portion of North and South Carolina and has provided service to points in the States set forth in (2) above. By this application applicant seeks to eliminate the need to tack such authority in providing service between points in a specified North and South Carolina area, on the one hand, and, on the other, New York, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Ohio, Rhode Island, Tennessee, Vermont, and points in Virginia on and east of U.S. Highway 29. If a hearing is deemed necessary, applicant requests it be held at Richmond, Va. or Washington, D.C.

No. MC 113678 (Sub-No. 582), filed January 21, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening, vegetable oil, shortening NOI, cooking and salad oils, and oleomargarine*, not frozen (except commodities in bulk), from the plantsite and warehouse facilities of PVO International, located at or near St. Louis, Mo., and East St. Louis, Ill., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Omaha, Nebr., or Denver, Colo.

No. MC 113855 (Sub-No. 308), filed January 27, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Self-propelled material handling equipment and self-propelled log slashing and skidding equipment* (except self-propelled vehicles designed for the transportation of property or passengers on highways), and *parts and attachments* of self-propelled material handling equipment and self-propelled log slashing and log skidding equipment, between Baraga, Mich., on the one hand, and, on the other, points in the United States (including Alaska, but excluding Hawaii); and (2) *materials, equipment, and supplies*, used in the manufacture and distribution of the commodities described in (1) above, from points in the United States (except Alaska and Hawaii), to Baraga, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113908 (Sub-No. 334), filed January 16, 1975. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same adress as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and de-icer*, in bags, cartons, drums, and bulk, from Viroqua, Wis., to points in Indiana, Kansas, Nebraska, North Dakota, Ohio and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.; Chicago, Ill.; or Washington, D.C.

No. MC 114211 (Sub-No. 241), filed January 10, 1975. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick H. Smyth, 327 South LaSalle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, or used by, agricultural machinery, industrial equipment, and lawn and leisure products dealers (except commodities in bulk), from the facilities of Deere and Company located at Bloomington, Minn. and of International Harvester Company located at St. Paul, Minn., to points in Iowa, Minnesota, Montana, North Dakota, South Dakota, Upper Peninsula of Michigan, Wisconsin, and Wyoming, restricted to shipments originating at Bloomington and St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 114273 (Sub-No. 226), filed January 27, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Ave. NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass and glass glazing units*, from Truesdale, Mo. to Bayport, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 221), filed January 23, 1975. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products dealt in by wholesale and retail grocers*, from Shakopee, Minn., to points in Iowa, South Dakota, North Dakota, Wisconsin, Minnesota and the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Chicago, Ill.

No. MC 114818 (Sub-No. 17), filed December 26, 1974. Applicant: MOTOR CARGO, a corporation, 845 West Center, North Salt Lake, Utah 84054. Applicant's representative: William S. Richards, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Elko, Nev., and Wells, Nev.: From Elko, Nev. over U.S. Highway 40 (interstate Highway 80) to Elko, Nev., and return over the same route, serving all intermediate points: and (b) between Los Angeles, Calif. and Elko, Nev., serving all points in the Los Angeles Harbor Commercial Zone as described by the Commission in *Los Angeles, Calif. Commercial Zone* 3 M.C.C. 676, and no intermediate points: From Los Angeles over Inter-

state Highway 5 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 395, thence over 395 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nevada Highway 8–A to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Nevada Highway 51 to junction U.S. Highway 40, thence over U.S. Highway 40 to Elko, and return over the same route.

NOTE.—Applicant holds contract carrier authority in MC 134152 (Sub-No. 1), therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Salt Lake City, Utah or Reno, Nev.

No. MC 115092 (Sub-No. 36), filed January 14, 1975. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board insulation and insulated gypsum foam board panels* including plastic foam insulation with or without backing or facing, from Salt Lake City, Utah, to points in Mississippi, Arkansas, Missouri, Illinois, Wisconsin, Minnesota, and States west thereof.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 115331 (Sub-No. 386), filed January 27, 1975. Applicant: TRUCK TRANSPORT INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Ave., East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from the plantsite and storage facilities of Illinois Cement Co., located at or near LaSalle, Ill., to points in Indiana, Iowa, Missouri and Wisconsin; and (2) *materials and supplies* used in the manufacturing of cement, from points in Indiana, Iowa, Missouri, and Wisconsin to the plantsite and storage facilities of Illinois Cement Co., at or near LaSalle, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either (1) St. Louis, Mo., or (2) Chicago, Ill.

No. MC 115524 (Sub-No. 30), filed January 10, 1975. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road, NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, molding, and particleboard*, from points in New Mexico, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota and Wyoming; (2) *lumber*, from points in Arizona and Colorado, to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming; (3) *lumber*, from points in Utah, to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Texas, and Wyoming; and (4) *lumber and molding*, from El Paso, Tex. and from the ports of entry on the International boundary line between the United States and Mexico, located at of near Juarez, Mexico to points in Arizona, under a continuing contract with Duke City Lumber Company, Inc.

NOTE.—Applicant holds common carrier authority in MC–135082, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Albuquerque, N. Mex. or Denver, Colo.

No. MC 115730 (Sub-No. 4), filed January 21, 1975. Applicant: THE MICKOW CORP., 1914 East Euclid, P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Flattened car bodies and solid waste*, from points in Iowa, to points in the Chicago, Illinois, Commercial Zone.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Washington, D.C.

No. MC 115840 (Sub-No. 101), filed January 27, 1975. Applicant: COLONIAL FAST FREIGHT LINES, INC., Suite 200, 105 Vulcan Road, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Practice bombs, and mine parts*, (except commodities which because of size or weight require special equipment, and in bulk), from Anniston, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115840 (Sub-No. 102), filed February 5, 1975. Applicant: COLONIAL FAST FREIGHT LINES, INC., Suite 200, 105 Vulcan Rd., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, fittings, parts, and accessories* (except commodities in bulk), from the plant site of Mueller Company at Chattanooga, Tenn., to points in that part of the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant does not specify a location. Applicant requests handling on a consolidated record with MC–115840 (Sub-No. 99).

No. MC 115904 (Sub-No. 37), filed January 16, 1975. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, forest products, sawmill products, wood products, composition board and wall board*, (1) between points in Washington, Idaho and Nevada; and (2) from points in Oregon, to points in Wyoming and Arizona.

NOTE.—Applicant intends to tack the authority requested in (1) above with its Sub-No. 23 at points in Idaho, to provide service on the requested commodities, from points in Washington and Nevada, to points in Colorado. Applicant further intends to tack the authority requested in (1) above with its Sub-No. 24 at points in Idaho, to provide service on lumber, lumber mill products, and composition board, between points in Idaho, Washington, Montana, Utah, Arizona, and Nevada. Applicant further intends to tack the authority requested in (1) above with its pending Sub-No. 33 at points in Idaho, to provide service on the commodities requested herein, from points in Washington and Nevada, to points in Wyoming and Oregon. Applicant concurrently seeks to eliminate the gateway at points in Lemhi County, Idaho in connection with its Sub-No. 33 tacking request. If a hearing is deemed necessary, the applicant requests it be held at either Portland, Oreg., or Seattle, Wash.

No. MC 116273 (Sub-No. 187), filed January 23, 1975. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Ave., Cicero, Ill. 60650. Applicant's representative: Mr. William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Chemicals*, in bulk, in tank vehicles, between the plant site of the Southern California Chemical Company located at or near Union, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116947 (Sub-No. 38), filed January 24, 1975. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby St., SW., Atlanta, Ga. 30310. Applicant's representative: Williams Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, shrouds, pallets, chipboard and dunnage materials*, between Tampa, Fla. and Winston-Salem, N.C., under a continuing contract with Jos. Schlitz Brewing Company.

NOTE.—Applicant holds common control carrier authority in MC 117956 Sub 2 and 8, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 117119 (Sub-No. 523), filed January 27, 1975. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in

bulk), from Manufacturing and storage facilities utilized by Alberto Culver Co., located at or near Dunkirk and Fredonia, N.Y. to the storage facilities of Alberto Culver Company located at or near Sparks.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117503 (Sub-No. 7), filed January 27, 1975. Applicant: HATFIELD TRUCKING SERVICE, INC., 1625 North C Street, Sacramento, Calif. 95814. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, articles of unusual value, commodities requiring special equipment, and commodities in vehicles equipped with mechanical refrigeration), between the San Francisco International Airport, and Oakland International Airport, Calif., and the facilities of air-freight forwarders, serving the above-named airports within twenty five (25) miles thereof, on the one hand, and, on the other, points in San Joaquin, Solano, Stanislaus, and Yolo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Sacramento or San Francisco, Calif.

No. MC 117815 (Sub-No. 238), filed January 17, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 S. E. 20th St., Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Decatur, Ind., to points in Iowa, Illinois, Nebraska, Minnesota, Michigan, Missouri, Kansas, and Wisconsin, restricted to traffic originating at the named origin and destined to points in the destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Indianapolis, Ind., or Chicago, Ill.

No. MC 118202 (Sub-No. 45), filed January 22, 1975. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from the plantsite and storage facilities of Midwest Food Corporation located at or near Clark, S. Dak., to points in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

NOTE.—Applicant holds contract carrier authority in MC 134631 Sub 4 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119777 (Sub-No. 316), filed January 15, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, sand, gravel, limestone, fluorspar*, in bulk, in dump vehicles, (1) between points in Ballard, Breckinridge, Butler, Caldwell, Calloway, Carlislie, Christian, Crittenden, Daviess, Edmondson, Futon, Graves, Grayson, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Meade, Muhlenberg, Ohio, Todd, Trigg, Union and Webster Counties, Ky.; and (2) between points in (1) above on the one hand, and, on the other, points in Kentucky.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 126970 Subs 1 and 3, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.; Frankfort, Ky.; or Nashville, Tenn.

No. MC 119908 (Sub-No. 27), filed January 24, 1975. Applicant: WESTERN LINES, INC., P.O. Box 1145, 3523 N. McCarty Street, Houston, Tex. 77001. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Composition board*, from the plantsite and warehouse facilities utilized by Plywood Panels, Inc., located at or near New Orleans, La., to points in Alabama, Arkansas, Georgia, Kansas, Kentucky, Mississippi, Missouri, New Mexico, Tennessee and Texas.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 110814 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 121470 (Sub-No. 9) (Correction), filed January 2, 1975, published in the FEDERAL REGISTER issue of January 30, 1975, and republished as corrected, this issue. Applicant: TANKSLEY TRANSFER COMPANY, a corporation, 801 Cowan Street, Nashville, Tenn. 37207. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation of the commodities listed above; and (4) *metal pre-fabricated structural components and panels*, from the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., to points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota; and (B) *materials, equipment and supplies* used in the manufacture of the commodities listed in (A)(1) through and including (4) above from points in the United States in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota, to the plantsite and storage facilities of Kirby Building Systems, Inc., located at or near Portland, Tenn., restricted to the transportation of traffic originating at or destined to the plantsite and storage facilities of Kirby Building Systems, Inc.

NOTE.—The purpose of this republication is to indicate applicant seeks to transport *materials, equipment and supplies* used in the manufacture of the commodities listed in (A)(1) through and including (4) above, in lieu of (A) (1) through and including (B) 4 as previously published. If a hearing is deemed necessary, the applicant requests it be held at either Nashville, Tenn. or Louisville, Ky.

No. MC 124606 (Sub-No. 4), filed January 9, 1975. Applicant: FORD TRUCK LINE, INC., 1389 South Third Street, Memphis, Tenn. 38106. Applicant's representative: Allen P. Roberts, 303 Jackson Street, P.O. Box 777, Camden, Ark. 71701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk): (1) Between Memphis, Tenn., and Lewisville, Ark.: From Memphis, Tenn. over Interstate Highway 40 to junction Interstate Highway 30 and U.S. Highway 167 at or near North Little Rock, Ark., thence over U.S. Highway 167 to junction U.S. Highway 79, thence over U.S. Highway 79 to Magnolia, Ark., thence over U.S. Highway 82 to Lewisville, Ark., and return over the same route, serving all intermediate points between Fordyce and Lewisville, Ark., including Fordyce and its Commercial Zone, and serving East Camden, Ark. and the Highland Industrial Park as off-route points; (2) Between Magnolia, Ark., and El Dorado, Ark.: From Magnolia, Ark. over U.S. Highway 82 to El Dorado, Ark., and return over the same route, serving all intermediate points; (3) Between Lewisville, Ark. and Gurdon, Ark.: From Lewisville, Ark. over Arkansas Highway 29 to Hope, Ark., thence over U.S. Highway 67 to Gurdon, Ark., and return over the same route, serving all intermediate points; (4) Between El Dorado, Ark. and Prescott, Ark.: From El Dorado, Ark. over Arkansas Highway 7 to Camden, Ark., thence over Arkansas Highway 24 to Prescott, Ark., and return over the same route, serving all intermediate points.

(5) Between El Dorado, Ark. and Fordyce, Ark.: From El Dorado, Ark., over U.S. Highway 167 to Fordyce, Ark., and return over the same route, serving

all intermediate points; (6) Between Hope, Ark. and Hampton, Ark.: From Hope, Ark., over Arkansas Highway 4 to Hampton, Ark., and return over the same route, serving all intermediate points and the off-route points of East Camden, Ark., and the Highland Industrial Park; (7) Between the junction of Arkansas Highway 24 and Arkansas Highway 53 and Gurdon, Ark.: From the junction of Arkansas Highway 24 and Arkansas Highway 53 over Arkansas Highway 53 to Gurdon, Ark., and return over the same route, serving all intermediate points; and (8) Between the junction of Arkansas Highway 4 and Arkansas Highway 274 and the junction of Arkansas Highway 274 and U.S. Highway 167: From the junction of Arkansas Highway 4 and Arkansas Highway 274 over Arkansas Highway 274 to junction U.S. Highway 167, and return over the same route, serving all intermediate points, and serving East Camden, Ark. and the Highland Industrial Park as off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Camden, El Dorado or Little Rock, Ark.

No. MC 124947 (Sub-No. 36), filed January 15, 1975. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel and iron and steel articles*, from the plantsites and storage facilities of CF & I Steel Corporation located at or near Pueblo, Colo., to points in Arkansas, Illinois, Indiana, Kentucky, Missouri, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.; Chicago, Ill.; or Washington, D.C.

No. MC 126276 (Sub-No. 114), filed January 22, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and products produced and distributed by manufacturers and converters of paper and paper products* (except commodities in bulk), from Millville (Cumberland County), N.J., to points in Illinois, Indiana, Kentucky, and Ohio, under a continuing contract or contracts with Continental Can Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126633 (Sub-No. 2), filed January 15, 1975. Applicant: DILLON BROTHERS, INC., P.O. Box 357, Bergholz, Ohio 43908. Applicant's representative: James R. Stiverson, 1396 West Fifth Avenue, Columbus, Ohio 43212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Jefferson County, Ohio, to points in the Lower Peninsula of Michigan, under a continuing contract or contracts with Dunes Mining Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus or Cleveland, Ohio.

No. MC 126960 (Sub-No. 7), filed January 22, 1975. Applicant: EASTMAN TRANSPORT, INC., P.O. Box 305, Fort Bragg, Calif. 95437. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Jackson and Josephine Counties, Oreg., to points in San Mateo, San Francisco, Alameda, Contra Costa, Marin, Solano and Sacramento Counties, Calif.

NOTE.—Applicant presently provides the above service by tacking two authorities held in MC 126960 (Sub-No. 2). The purpose of the instant application is to eliminate the gateway of Redding (Shasta County), Calif. If a hearing is deemed necessary, applicant does not state a location.

No. MC 129631 (Sub-No. 46), filed January 16, 1975. Applicant: PACK TRANSPORT, INC., 3975 South 300 West Street, Salt Lake City, Utah 84107. Applicant's representative: Gwyn D. Davidson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone, cast stone, rock, brick, clay products, and masonry products and materials*, between points in Utah, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Texas and Wyoming; and (2) between points in Arizona, on the one hand, and, on the other, points in Colorado, Nevada and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with Sub-No. 37 at (a) Utah to provide service between points in Idaho and Washington, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, and Wyoming; and (b) at Utah to provide service between Idaho and Montana, on the one hand, and, on the other, points in Arizona, Colorado, Nevada, New Mexico, Texas, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 133708 (Sub-No. 17), filed January 27, 1975. Applicant: FIKSE BROS., INC., 12647 East South St., Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from the mine and plant sites of J. Irving Crowell, Jr., & Sons, located at or near Beatty, Nev., and the plant and mine sites of Flouride Mines Co. (Monolith Fluorspar mine), approximately 12 miles south and east of Beatty, Nev., to the plant site of Monolith Portland Cement Company at Monolith, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134319 (Sub-No. 3), filed January 27, 1975. Applicant: BRAFLADT TRANSPORT COMPANY, 501 North Broadway, P.O. Box 1065, Dimmitt, Tex. 79027. Applicant's representative: John C. Sims, P.O. Box 2976, Lubbock, Tex. 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in tank type vehicles, from the plantsite and storage facilities of N-Ren Corporation located at or near Carlsbad, New Mex., to points in Texas, Arizona, and Louisiana, restricted to traffic originating at the plantsite of N-Ren Corporation at or near Carlsbad, New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Carlsbad, or Albuquerque, New Mexico.

No. MC 135811 (Sub-No. 3), filed January 27, 1975. Applicant: GARDNER TRUCKING CO., INC., 320 Woodlawn, Walterboro, S.C. 29488. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electric welders and electric welder parts and accessories*, from the facilities of Miller Electric Mfg. Co., located at or near Appleton, Wis., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract with Miller Electric Mfg. Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135813 (Sub-No. 5), filed January 24, 1975. Applicant: PARR TRUCKING SERVICE, INC., 829 Alsop Lane, P.O. Box 1308, Owensboro, Ky. 42301. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor graders, road making, construction and earth moving machinery and equipment and components and parts* for such commodities; (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1) above, between points in Daviess County, Ky., on the one hand, and, on the other, points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Owensboro, Ky., or Louisville, Ky.

No. MC 134755 (Sub-No. 49), filed January 17, 1975. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D.

Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Dubuque Packing Company, at Wichita, Kans., to points in Alabama, Arizona, California, Florida, Georgia, Louisiana, Iowa, Mississippi, New Mexico, Ohio, Texas, Utah, Nebraska, North Carolina, Oregon, South Carolina, and Washington, restricted to traffic originating at the named origin and destined to points in the named destination states.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 136211 (Sub-No. 29), filed January 20, 1975. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, Suite G, P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: Joseph E. Rebman, 1230 Boatmen's Bank Bldg., 314 North Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, new home furnishings, appliances and recreational equipment:* (1) from the facilities of the Levitz Corporation, located at or near Calumet City, Rolling Meadows, and Hillside, Ill., to points in Wisconsin on, south and east of a line beginning at Lake Michigan at Racine, Wis., and extending westerly along Wisconsin Highway 11 to intersection Wisconsin Highway 67, thence south along Wisconsin Highway 67 to intersection U.S. Highway 14, and thence south along U.S. Highway 14 to the Wisconsin-Illinois state boundary line; (2) from the facilities of the Levitz Corporation, located at or near Calumet City, Rolling Meadows, and Hillside, Ill., to points in Indiana on and east of a line beginning at Lake Michigan at Tremont, Ind. and extending south along Indiana Highway 49 to intersection Indiana Highway 14, thence along Indiana Highway 14 to the Illinois-Indiana state boundary line; and (3)) *return shipments* of new furniture, new home furnishings, appliances, and recreational equipment, from points in the destination territories described in (1) and (2) above, to the facilities of the Levitz Corporation, located at or near Calumet City, Rolling Meadows, and Hillside, Ill., under a continuing contract or contracts with the Levitz Furniture Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 136275 (Sub-No. 17), filed January 16, 1975. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 28 San Marcos Road, El Paso, Tex. 79922. Applicant's representative: H. B. Dudley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special cement* (except normal TY I or II portland cement), in bulk and in packages, in pneumatic and flatbed trailers, from Douro (Ector County), Tex., and El Paso, Tex., to points in Arizona.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

No. MC 136786 (Sub-No. 67), filed January 24, 1975. Applicant: ROBCO TRANSPORTATION, INC., 309 5th Ave., NW., P.O. Box 12729, New Brighton, Minn. 55112. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage products*, from Kingman, Kans., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 136786 (Sub-No. 68), filed January 16, 1975. Applicant: ROBCO TRANSPORTATION, a corporation, 3033 Excelsior Boulevard, Minneapolis, Minn. 55414. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehcile, over irregular routes, transporting: *Terrariums*, from West Palm Beach, Fla., to Chicago, Ill., Des Moines, Iowa, Minneapolis, Minn., Kansas City and St. Louis, Mo., and Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 138000 (Sub-No. 16), filed January 27, 1975. Applicant: ARTHUR H. FULTON, P.O. Box 86, Stephens City, Va. 22655. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., and points in Houston County, Ga., to Harrisonburg and Winchester, Va., and Martinsburg, W. Va.

NOTE.—Applicant holds contract carrier authority in MC 129613 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138274 (Sub-No. 15), filed January 21, 1975. Applicant: SHIPPERS BEST EXPRESS, INC., 2151 N. Redwood Road, Salt Lake City, Utah 84116. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rendering house products*, from the plantsite of C.U.I. International located at or near Boise, Idaho, to points in Washington, Oregon, California, Utah, Colorado, Arizona, Nebraska, Kansas, Iowa, Minnesota, Missouri, Wisconsin and Illinois.

NOTE.—Applicant holds contract carrier authority in MC 138056, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 138336 (Sub-No. 3), filed January 23, 1975. Applicant: CROSSLIN-GRADER CORPORATION, 1022 Sixth Avenue, North, Nashville, Tenn. 37208. Applicant's representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts, accessories, and supplies, and related catalogs and advertisement, promotional, and display materials and supplies*, (1) from Nashville, Tenn., and Bowling Green, Ky., to points in Arizona, California, Colorado, Nevada, New Mexico, Oklahoma, Texas, Utah, Washington, and Oregon, and (2) from Eugene, Oreg., and Los Angeles, Calif., to Nashville, Tenn., under contract with Holley Carburetor Division, Colt Industries Operating Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., Louisville, Ky., or Detroit, Mich.

No. MC 139289 (Sub-No. 1), filed July 25, 1974. Applicant: HOLLOWAY BROTHERS TRUCKING COMPANY, INC., Route 1, Box 105, Bessemer City, N.C. 28016. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground lithium ore waste*, in bulk, in dump vehicles, from Bessemer City, N.C., to Pacolet, S.C., under contract with Lithium Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Charlotte, or Bessemer City, N.C.

No. MC 139495 (Sub-No. 31), filed January 22, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aquariums and aquarium supplies*, from Canton, Ga., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico; and (2) *materials and supplies*, used in the manufacture of aquariums, from points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, to Canton, Ga., restricted to shipments originating at or destined to, the warehouse and plantsite facilities of Triton Industries, Inc., at Canton, Ga.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139754 (Sub-No. 1), filed January 22, 1975 Applicant: SOFT DRINK

CARRIERS, INC., 5820 Centre Avenue, Pittsburgh, Pa. 15206. Applicant's representative: Robert R. Wertz, 2310 Grant Building, Pittsburgh, Pa. 15219 Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages and soft drinks*, from Twinsburg, Cleveland, and Akron, Ohio, to points in and west of McKean, Cameron, Clearfield, Blair, Cambria and Somerset Counties, Pa.; and (2) *materials, equipment and supplies* used in the production, sale and distribution of carbonated beverages and soft drinks, from points in and west of McKean, Cameron, Clearfield, Blair, Cambria and Somerset Counties, Pa., to Twinsburg, Cleveland and Akron, Ohio, under a continuing contract or contracts with The Akron Coca-Cola Bottling Co.; Quaker State Coca-Cola Bottling Co.; The Cleveland Coca-Cola Bottling Co.; and the Great Lakes Canning Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 140329 (Sub-No. 1), filed January 23, 1975. Applicant: PYRAMID VAN & STORAGE OF SACRAMENTO, INC., 623 14th Street, Marysville, Calif. 95901. Applicant's representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Sacramento, Placer, Nevada, El Dorado, Yuba, Sutter, Butte, Colusa, Lake, and Mendocino Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sacramento, Calif.

No. MC 140379 (Sub-No. 2), filed January 15, 1975. Applicant: TRANSPORT SERVICE, INC., 999 Pontiac Avenue, Cranston, R.I. 02920. Applicant's representative: Russell R. Sage, Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, Va. 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Band steel, wire rods, wire, and steel ingots and billets*, from the plant of Washburn Wire Company located at or near Phillipsdale, R.I., to points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia; and (2) *materials, supplies and equipment* used in the manufacture of band steel, wire rods, wire, and steel ingots and billets, from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania and West Virginia, to the plant of Washburn Wire Company at Phillipsdale, R.I., under a continuing contract with Washburn Wire Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Providence, R.I. or Boston, Mass.

No. MC 140457 (Sub-No. 2), filed January 24, 1975. Applicant: W.H.P.T. CO. INC., Rt. 8, Box 644, Roanoke, Va. 24014. Applicant's representative: Michael S. Ferguson, 214 Shenandoah Bldg., Roanoke, Va. 24011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ammonium Sulfate*, in dump vehicles, from Hopewell and Chesapeake, Va., to Winston-Salem, N.C., and (2) *Limestone Rock*, in dump vehicles, from Roanoke, Va., to Winston-Salem, N.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Roanoke, Va.

No. MC 140512, filed December 23, 1974. Applicant: WALLACE E. WYMAN, doing business as F & W TRUCKING, 4738 N. Hwy. 99, P.O. Box 1128, Salida, Calif. 95368. Applicant's representative: Wallace E. Wyman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes*, from Amanda Park, Wash., to Empire, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 140563 (Sub-No. 1), filed January 20, 1975. Applicant: W. T. MYLES TRANSPORTATION COMPANY, a corporation, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St., NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspaper supplements, and advertising matter*, when moving in the same vehicle with newspaper supplements, from Sylacauga, Ala., to points in Florida, North Carolina, South Carolina, those points in Georgia on and east of Interstate Highway 75, and on and south of U.S. Highway 80, from Interstate Highway 75 east, excluding Macon, points in Virginia, West Virginia, those points in Tennessee west of Interstate Highway 65, and points in Maryland, Mississippi, Kentucky, Louisiana, Ohio, Indiana, Illinois, Texas, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 138869 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 140572 (Sub-No. 1), filed January 27, 1975. Applicant: R. C. MOORE, INC., P.O. Box 346, Waldoboro, Maine 04572. Applicant's representative: Frederick T. McGonagle, 36 Maine St., Gorham, Maine 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood products and plastic articles*, from Wilton, Maine to points in the United States (except Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Alaska and Hawaii), under continuing contract with Forster Mfg. Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland, or Augusta, Maine, or Boston, Mass.

No. MC 140580, filed January 23, 1975. Applicant: EARL HAINES, INC., P.O. Box 841, Winchester, Va. 22601. Applicant's representative: Bill R. Davis, 2814 New Spring Rd., Suite 101, Emerson Center, Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and rubber commodities, shoe components, tags, and adhesives*, from Winchester, Va., to points in Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia, under contract with O'Sullivan Corp., at Winchester, Va.

NOTE.—Applicant holds common carrier authority in MC 128290 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140582, filed January 23, 1975. Applicant: CFC TRUCKING, INC., Paradise Road, Oak Ridge, N.J. 07483. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Computer flooring and materials, equipment and supplies*, used in the installation thereof (except commodities in bulk), from Fairfield, N.J., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana; and (2) *materials, equipment and supplies*, used in the manufacture and sale of computer flooring (except commodities in bulk), and *computer flooring*, from points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana, to Fairfield, N.J., under continuing contract or contracts with Communication Flooring Corporation, at Fairfield, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 140595, filed January 24, 1975. Applicant: ATLAS TOWING CO., 1353 Pennsylvania, Pagedale, Mo. 63133. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Damaged, wrecked, disable or repossessed motor vehicles*, in a tow away service, between St. Louis, Mo., on the one hand, and, on the other, points in Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 140605, filed January 24, 1975. Applicant: OHIO OIL GATHERING CORPORATION, Chilton Building, Suite 400, 201 King of Prussia Road, Radnor, Pa. 19087. Applicant's representative: James W. Patterson, 2100 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, from points in Ashland, Athens, Carroll, Columbiana, Coshocton, Cuyahoga, Fairfield, Gallia, Guernsey, Hocking, Holmes, Knox, Licking, Loraine, Mahoning, Medina, Meigs, Morgan, Morrow, Muskingum, Noble, Perry, Portage, Richland, Stark, Tuscarawas, Vinton, Washington, and Wayne Counties, Ohio, to pipeline termini in Coshocton, Fairfield, Hocking, Holmes, Knox, Licking, Morgan, Muskingum, Perry, Washington, and Wayne Counties, Ohio, and points in Carroll and Stark Counties, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

PASSENGER APPLICATIONS

No. MC 125076 (Sub-No. 7), filed January 19, 1975. Applicant: SUPERIOR BUS SERVICE, INCORPORATED, doing business as TRAVELINES UNITED, 4540 Newbern Drive, Knotts Island, N.C. 27950. Applicant's representative: Michael A. Inman, 5 Stoney Point, 700 Newtown Road, Norfolk, Va. 23502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers: (1) Between the junction of South Head of River Road and Blackwater Road at Virginia Beach, Va., and the junction of Centerville Turnpike (Virginia Highway 604) and Mt. Pleasant Road (Virginia Highway 165) at Chesapeake, Va.: From the junction of South Head of River Road and Blackwater Road over Blackwater Road to junction Fentress Airfield Road, thence over Fentress Airfield Road to junction Mt. Pleasant Road, thence over Mt. Pleasant Road to junction Centerville Turnpike, and return over the same route, serving all intermediate points; (2) Between the junction of Butts Station Road and Centerville Turnpike (Virginia Highway 604) at Chesapeake, Va., and Norfolk, Va.: From the junction of Butts Station Road and Centerville Turnpike at Chesapeake, Va. over Centerville Turnpike to junction Interstate Highway 64, thence over Interstate Highway 64 to Norfolk, and return over the same route, serving all intermediate points; (3) Between the junction of Blackwater Road and Pungo Ferry Road at Virginia Beach, Va., and Currituck, N.C.: From the junction of Blackwater Road and Pungo Ferry Road at Virginia Beach, Va. over Pungo Ferry Road to junction Princess Anne Road (Virginia Highway 615).

Thence over Princess Anne Road to junction North Carolina Highway 615 at the Virginia-North Carolina State Boundary line, thence over North Carolina Highway 615 to the Knotts Island-Currituck Ferry, thence over the Knotts Island-Currituck Ferry to Currituck, N.C., and return over the same route, serving all intermediate points; (4) Between the junction of Blackwater Road and Indian Creek Road at Virginia Beach, Va. and Currituck, N.C.: From the junction of Blackwater Road and Indian Creek Road at Virginia Beach, Va. over Indian Creek Road to junction Gallbush Road, thence over Gallbush Road to junction Battlefield Boulevard, thence over Battlefield Boulevard to junction Ballahack Road, thence over Ballahack Road to junction Backwoods Road, thence over Backwoods Road to junction Currituck County Road 1218 at the Virginia-North Carolina State Boundary line, thence over Currituck County Road 1218 to junction Currituck County Road 1227, thence over Currituck County Road 1227 to Moyock, N.C., thence over Currituck County Road 1222 to junction North Carolina Highway 34, thence over North Carolina Highway 34 to junction Currituck County Road 1242, thence over Currituck County Road 1242 to Currituck, N.C., and return over the same route, serving all intermediate points, restricted against service for passengers from any point on Battlefield Boulevard destined to Moyock, N.C., or from Moyock, N.C. to any point on Battlefield Boulevard; (5) Between the junction of Currituck County Road 1222 and Currituck County Road 1231, and the Panther Landing Recreation Area in Currituck County, N.C.: From the junction of Currituck County Road 1222 and Currituck County Road 1231 over Currituck County Road 1231 to the Panther Landing Recreation Area, and return over the same route, serving all intermediate points; (6) Between the junction of Centerville Turnpike (Virginia Highway 604) and Mt. Pleasant Road (Virginia Highway 165) at Chesapeake, Va., and Suffolk, Va.:

From the junction of Centerville Turnpike (Virginia Highway 604) and Mt. Pleasant Road (Virginia Highway 165) over Mt. Pleasant Road (Virginia Highway 165) to junction Virginia Highway 104, thence over Virginia Highway 104 to junction Interstate Highway 464, thence over Interstate Highway 464 to junction Interstate Highway 64, thence over Interstate Highway 64 to junction U.S. Highway 13, thence over U.S. Highway 13 to Suffolk, Va., and return over the same route, serving all intermediate points, restricted to the transportation of passengers originating at or destined to points on applicant's authorized regular routes located in North Carolina; and (7) Between the junction of Ocean View Avenue and Interstate Highway 64 at Norfolk, Va., and Newport News, Va.: From the junction of Ocean View Avenue and Interstate Highway 64 at Norfolk, Va. over Interstate Highway 64 to junction County Street at Exit 5, thence over County Street to Exit 5 Access Ramp to Interstate Highway 64, thence over Interstate Highway 64 to junction Virginia Highway 134 at Exit 7 (Newport News Connector) thence over Virginia Highway 134 to Newport News, Va., and return over the same route, serving all intermediate points, restricted to the transportation of passengers originating at or destined to points on applicant's authorized regular routes located in North Carolina.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Norfolk, Va.

No. MC 140555, filed January 13, 1975. Applicant: J G EXEC, INC., 1651 South DuPont Highway, c/o Bailey & Son, Inc., Dover, Del. 19901. Applicant's representative: Harold Schmittinger, 414 South State Street, Dover, Del. 19901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in limousine service, between the Philadelphia International Airport at or near Philadelphia, Pa., on the one hand, and, on the other, points in Kent County, Del., restricted to the transportation of no more than 12 passengers in the same vehicle at any one time.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dover or Wilmington, Del.

FREIGHT FORWARDER APPLICATION

No. FF-467, filed January 17, 1975. Applicant: ARCTIC FORWARDING CO., INC., 646 South Holgate Street, Seattle, Wash. 98134. Applicant's representative: Stanley H. Barer, 1122 Denny Building, Seattle, Wash. 98121. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, water, air, express and motor vehicle, in the transportation of *General commodities*, from Seattle, Wash., to Anchorage and Fairbanks, Alaska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either (1) Anchorage, Alaska; (2) Fairbanks, Alaska; or (3) Seattle, Wash.

WATER CARRIER APPLICATION

No. W-471 (Sub-No. 6), filed January 17, 1975. Applicant: MERRY SHIPPING COMPANY, INC., 310 Bay Street, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation by general towage of *non-self-propelled lighter aboard ship (LASH) barges*, between the Port of Norfolk, Va., on the one hand, and, on the other, ports and points along the Atlantic coast and inland tributary waterways, between New Bern, N.C. and Miami, Fla., inclusive. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

By the Commission.

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

[FR Doc.75-4651 Filed 2-19-75;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 14, 1975.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by § 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Illinois Docket No. 3687 Sub 6, filed November 14, 1974. Applicant: McGARY TRANSFER, INC., 609 So. Fifth Street, Petersburg, Ill. 62675. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Certificate of public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General commodities*, over irregular routes, to, from or between Springfield, Petersburg, Salisbury, Bradfordton, Tallula, Pleasant Plains, Oakford, Athens, Cantrall, Fancy Prairie, Sherman, Peoria, Greenview, Mason City, Pekin, Easton, Havana, and New Holland, Ill. The regular route common carrier authority sought to be converted to irregular route authority is presently registered with the Interstate Commerce Commission under Certificate of Registration No. MC 58216 (Sub-No. 1), which registration of intrastate operations now authorize the following: Commodities general over the following described routes: Route 1: From Petersburg, Ill., to Springfield, Ill., and return via the following highways: Illinois Route 97 to Junction with Illinois Route 125; Illinois Route 125 to Springfield, Ill., serving Salisbury, Bradfordton, Tallula, Pleasant Plains, and Oakford as intermediate and off-route points. Route 2: From Petersburg, Ill., to Springfield, Ill., and return via the following highways: Route 123 from Petersburg to Route 29; Route 29 to Springfield, serving Athens, Cantrall, Fancy Prairie, and Sherman as intermediate and off route points. Route 3: From Petersburg, Ill., to Peoria, Ill., and return via the following highways: Illinois Route 123 to Junction with Illinois Route 29; Illinois Route 29 to Peoria serving Greenview, Mason City, Pekin, Easton, Havana, Lincoln, and New Holland as intermediate and off route points. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Hearing scheduled to be held at 1:30 P.M. on March 18, 1975 in the offices of the Illinois Commerce Commission at 527 East Capitol Avenue, Leland Building, Springfield, Ill. 62706. Requests for procedural information should be addressed to the Illinois Commerce Commission, 527 East Capitol Avenue, Leland Building, Springfield, Ill. 62706, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 32894, filed January 29, 1975. Applicant: PYLE LUMBER COMPANY, INC., Harleton Road, P.O. Box 457, Marshall, Tex. 75670. Applicant's representative: Paul D. Angenend, P.O. Box 2207, Austin, Tex. 78767. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of sideboards, hot top, and brick pouring molds, from Marshall, Tex., to Pampa and Longview, Tex., and vice versa, requiring specialized equipment for the loading, unloading and transportation thereof. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to the Texas Railroad Commission, Drawer 12967, Capitol Station, Austin, Tex. 78711 and should not be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.75-4658 Filed 2-19-75;8:45 am]

[Notice No. 18]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 12, 1975.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 476TA), filed February 6, 1975. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and those injurious or contaminating to other lading, (A) serving all intermediate points on the routes hereinafter described, and all points located in the Counties of Lee, Van Buren, Davis, Appanoose, Wayne Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Louisa, Wash., Keokuk, Mahaska, Marion, Jasper, Poweshiek, Iowa, Johnson, Muscatine, Scott, Cedar, Clinton, Jackson, Jones, Linn, Benton, Tama, Marshall, Grundy, Black Hawk, Buchanan, Del., and Dubuque as off route points as follows: (1) between Missouri-Iowa State line and Dubuque, Iowa, from the Missouri-Iowa State line over U.S. Highway 61 to Dubuque, and return over the same route, (2) Between Davenport, Iowa and Dubuque, Iowa, from Davenport over U.S. Highway 67 to the junction of U.S. Highway 52, thence over U.S. Highway 52 to Dubuque, and return over the same route, (3) between Missouri-Iowa State line and Iowa Highway 2 to the junction of U.S. Highway 61, from the Missouri-Iowa State line over Iowa Highway 40 to the junction of Iowa Highway 2, thence over Iowa Highway 2 to the junction of U.S. Highway 61, and return over the same route.

(4) Between Corydon, Iowa and Dubuque, Iowa, from Corydon over Iowa Highway 14 to the junction of U.S. Highway 20, thence over U.S. Highway 20 to Dubuque, and return over the same route, (5) between Missouri-Iowa State line and Waterloo, Iowa, from the Missouri-Iowa State line over U.S. Highway 63 to Waterloo, and return over the same route, (6) between Chariton, Iowa and Burlington, Iowa, from Chariton over U.S. Highway 34 to Burlington, and return over the same route, (7) between Knoxville, Iowa, and Highway 92 to the junction of U.S. Highway 61, from Knoxville over Iowa Highway 92 to the junction of U.S. Highway 61, and return over the same route, (8) between Monroe, Iowa and Oskaloosa, Iowa, from Monroe over Iowa Highway 163 to Oskaloosa, and return over the same route, (9) between Marshalltown, Iowa and Clinton, Iowa, from Marshalltown over U.S. Highway 30, to Clinton, and return over the same route, (10) between Newton, Iowa and Davenport, Iowa, from Newton over U.S. Highway 6 to Davenport, and return over the same route, (11) between Cedar Rapids, Iowa and Iowa Highway 149 to the junction of U.S. Highway 63, from Cedar Rapids over Iowa Highway 149 to the junction of U.S. Highway 63, and return over the same route, (12) between Newport, Iowa and Iowa Highway 78 to the junction of Iowa Highway 149, from Newport over Iowa Highway 78 to the junction of Iowa Highway 149, and re-

turn over the same route, (13) between the junction of Iowa Highways 1 and 2 and Fairview, Iowa, from the junction of Iowa Highways 1 and 2 over Iowa Highway 1 to Fairview, and return over the same route, (14) between Keokuk, Iowa to Waterloo, Iowa, from Keokuk over U.S. Highway 218 to Waterloo, and return over the same route, (15) between Cedar Rapids, Iowa and Independence, Iowa, from Cedar Rapids over Iowa Highway 150 to Independence, and return over the same route, (16) between Cedar Rapids, Iowa and U.S. Highway 151 to the junction of U.S. Highway 61, from Cedar Rapids over U.S. Highway 151 to the junction of U.S. Highway 61, and return over the same route.

(17) Between Anamosa, Iowa and Iowa Highway 64 to the junction of U.S. Highway 67, from Anamosa over Iowa Highway 64 to the juction of U.S. Highway 67, and return over the same route, (18) between the junction of U.S. Highway 151 and Iowa Highway 13 and Manchester, Iowa, from the junction of U.S. Highway 151 and Iowa Highway 13 over Iowa Highway 13 to Manchester, and return over the same route. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at or destined to points in Nebraska, Kansas, Missouri, Chicago, Ill., Minnesota and Wisconsin. (B) between Omaha and Lincoln, Nebr., serving no intermediate points; from Omaha over Interstate Highway 80 to Lincoln, and return over the same route. Restriction: The operations authorized immediately above are restricted against the transportation of traffic originating at or destined to points in Iowa, Kansas, Missouri, Chicago, Ill., Minnesota and Wisconsin. Supporting shippers: There are approximately 160 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copiers thereof which may be examined at the field office named below. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 13845 (Sub-No. 5TA), filed January 22, 1975. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, Ill. 62896. Applicant's representative: Donald Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from West Frankfort, Ill., to the plantsite and storage facilities of West Virginia Pulp and Paper Company at or near Wickliffe, Ky., for 180 days. Supporting shipper: Lawrence Finazzo, President, Twin Mills Lumber Corporation, Highway 37 North, West Frankfort, Ill. 62896. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 19550 (Sub-No. 3TA), filed February 5, 1975. Applicant: OBSERVER TRANSPORTATION COMPANY, INC., 1600 W. Independence Blvd., Charlotte, N.C. 28208. Applicant's representative: Joseph F. Radovanic (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), restricted to packages not to exceed 100 pounds in weight and restricted to traffic having prior or subsequent movement by air, motor or rail transportation, and fresh cut flowers, decorative greens, and live potted plants when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulations; between Charlotte, N.C. on the one hand, and, on the other, points in the Counties of Ashe, Alleghany, Stokes, Forsyth, Rockingham, Guilford, Randolph, Caswell, Alamance, Chatham, Lee, Hartnett, Person, Orange, Durham, Wake, Johnston, Granville, Vance, Franklin, Nash, and Wilson, N.C. and Union, Greenville, and Spartanburg, S.C., over irregular routes, for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: T. Price, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 20915 (Sub-No. 3TA), filed February 6, 1975. Applicant: SKYWAY, INC., 75–3rd Avenue, Kearny, N.J. 07032. Applicant's representative: G. A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and furniture parts*, in containers and empty containers, between the facilities of Universal Furniture Industries, Inc., North Brunswick, N.J., on the one hand, and, on the other, points in the New York, N.Y. Commercial Zone and points in New Jersey within five miles of New York, N.Y. Commercial Zone, restricted to traffic having prior or subsequent movements via other common carriers, for 180 days. Supporting shipper: Universal Furniture Industries, Inc., 1201 Jersey Avenue, North Brunswick, N.J. Send protests to Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07012.

No. MC 30844 (Sub-No. 527TA), filed February 7, 1975. Applicant: KROBLIN REFRIGERATED EXPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* (except commodities in bulk and those requiring special equipment), used in the manufacture or distribution of road building machinery contractors' equipment and supplies, self-propelled vehicles (except passenger vehicles or truck tractors), attachments and parts therefor, from points in Illinois except Chicago, and its commercial zone; Indiana except those Indiana points included in the Chicago commercial zone; Ohio; Michigan; Memphis, Tenn.; Pottstown, Pittsburgh, and New Castle, Penn.; and Syracuse and Jamestown, New York; to the plantsite and facilities of Bantam—Division Koehring at or near Waverly, Iowa, for 180 days. Supporting shipper: Bantam Division—Koehring, Waverly, Iowa 50677. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 48213 (Sub-No. 40TA), filed February 4, 1975. Applicant: C. E. LIZZA, INC., P.O. Box 447, Latrobe, Pa. 15601. Applicant's representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wall covering and equipment, and supplies used in the manufacture and distribution thereof* (except commodities in bulk), between Hazel Township and Pittston Township (Luzerne County), Pa., on the one hand, and, on the other, New York City, N.Y., under a continuing contract with American Cyanamid Company, for 180 days. Supporting shipper: American Cyanamid Company, Standard Coated Products Dept., Wayne, N.J. 07470. Send protests to: James C. Donaldson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 65849 Sub-No. 2TA), filed February 6, 1975. Applicant: MART MOTOR EXPRESS CO., 2117 S. Throop Street, Chicago, Ill. 60608. Applicant's representative: Thomas G. Woodall, Suite 304, 6400 Goldsboro Rd., Washington, D.C. 20034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, commodities in bulk, household goods, and motor vehicles, between Portage and Burns Harbor, Ind., on the one hand, and points in Cook, DuPage, Kane, Kankakee, Lake, and Will Counties, Ill., on the other, restricted to traffic having an immediately prior or subsequent movement by water, for 180 days. Supporting shippers: Tri-State Terminals, Inc., Port of Indiana, Burns Waterway Harbor, P.O. Box 398, Portage, Ind. 46368. Vinyl Weld, Inc., 1900 S. Western Ave., Chicago, Ill. Consolidated Distilled Products, Inc., 3247 S. Kedzie Ave., Chicago, Ill. Send protests to: Richard K. Shullaw, District Supervisor,

Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107002 (Sub-No. 459TA) (Amendment), filed October 8, 1974, published in the FEDERAL REGISTER issue of October 29, 1974, and republished as amended this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80W, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shippers: Ralston Purina Company, 1725 Airways Blvd., Memphis, Tenn. 38114. The Procter & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 110541 (Sub-No. 15TA), filed February 7, 1975. Applicant: MARK E. YODER, INC., P.O. Box 346, Schuylkill Haven, Pa. 17972. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal fines*, in bulk, from Solvay, N.Y., to Minersville, Pa., for 180 days. Supporting shipper(s): Allied Chemical, Industrial Chemicals Division, P.O. Box 1139R, Morristown, N.J. 07960. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 111729 (Sub-No. 514TA), filed February 6, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ophthalmic goods*, between Dallas, Tex., on the one hand, and, on the other, Enid, Muskogee, Oklahoma City, and Tulsa, Okla., *business papers, records, and audit and accounting media*, between Dallas, Tex., on the one hand, and, on the other, Enid, Muskogee, Oklahoma City, and Tulsa, Okla., for 180 days. Supporting shipper: American Optical Corporation, 711 South St. Paul, Dallas, Tex. 75201. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114273 (Sub-No. 227TA), filed February 5, 1975. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Knochar, P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pesticides, herbicides, and chemicals*, other than in bulk, from the plantsite of Monsanto Company at or near Muscatine, Iowa, to points in Alabama, Arkansas, Connecticut, Georgia, Kentucky, Maryland, Mississippi, New Jersey, New York, North Carolina, South Carolina, Tennessee, and Virginia, for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 115092 (Sub-No. 38TA), filed February 5, 1975. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: Walter Kobos, 1016 Koboe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from the plantsite of L. D. Schreiber Cheese Co., Inc., at Logan, Utah, to Atlanta, Ga., Baltimore, Md., Chicago, Ill., Cleveland, Dayton, and Toledo, Ohio, Dallas, Fort Worth, and Houston, Tex., Greenville, South Carolina, Memphis, Tenn., New Orleans, La., Oklahoma City, Okla., and Rocky Mount, N.C., for 180 days. Supporting shipper: L. D. Schreiber Co., Inc., 1607 Main St., Green Bay, Wis. 54305. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State Street, Salt Lake City, Utah 84138.

No. MC 118846 (Sub-No. 10TA), filed February 4, 1975. Applicant: DALE JESSUP, R.R. 1, Box 252, Camby, Ind. 47424. Applicant's representative: Mrs. Dale Jessup (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and plastic articles*, from Mooresville, Ind., to Garland, Tex.; Smyrna, Ga.; Denver, Colo.; Seattle, Wash.; Kansas City, Mo.; Northbrook, Ill.; Los Angeles and San Francisco, Calif.; Charlotte, N.C.; Doraville, Ga.; Orlando, Fla.; under a continuing contract or contracts with Nice Pak Products, Inc. of Mooresville, Ind., for 180 days. Supporting shipper(s): Nice-Pak Products, Inc., Nice Pak Road, Mooresville, Ind. 46158. Send protests to: Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 128007 (Sub-No. 75TA), filed February 6, 1975. Applicant: HEFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trace minerals and pigments*, from Sangamon County, Ill., to Alabama, Arkansas, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas, for 180 days. Supporting shipper: Westmin Corporation, P.O. Box 822, Quincy, Ill. 62301. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 128217 (Sub-No. 15TA), filed February 6, 1975. Applicant: REINHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, N. Dak. 58401. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building, roofing and insulation materials* (except iron and steel articles and commodities in bulk) from the facilities of Certainteed Products Corporation in Scott County, Minn., to points in North Dakota, for 180 days. Supporting shipper(s): LeFevre Sales, Inc., P.O. Box 1708, Jamestown, N. Dak. 58401. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128988 (Sub-No. 56TA), filed February 6, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper wire*, from the facilities of Westinghouse Electric Corporation, at or near Abingdon, Va., to points in California. Restrictions: restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and commodities in bulk, further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, RD #5, Leger Road, North Huntingdon, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 128988 (Sub-No. 57TA), filed February 6, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers*, from the facilities of Westinghouse Electric Corporation, at or near Jefferson City, Mo., to points in Arizona, California, Nevada, Oregon, and Washington. Restriction: restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, further restricted to a transportation service to be performed under

a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, RD #5 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 133419 (Sub-No. 8TA), filed February 6, 1975. Applicant: WILLIAM PFOHL TRUCKING CORP., 83 Pfohl Road, Cheektowaga, N.Y. 14225. Applicant's representative: Edward B. Murphy, 1103 Liberty Bank Bldg., Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quartzite, chrome and manganese ores*, in bulk, in dump vehicles, from Port of Buffalo, Erie County, N.Y. to City of Niagara Falls, N.Y., for 180 days. Supporting shippers(s): Airco Alloys Division of Airco, Inc., 3801 Highland Avenue, Niagara Falls, N.Y. 14305. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 134531 (Sub-No. 5TA), filed February 4, 1975. Applicant: AGGREGATE HAULERS, INC., P.O. Box 778, Cayce, S.C. 29033. Applicant's representative: Edward J. Morrison, P.O. Box 67, Lexington, S.C. 29072. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone*, in bulk in dump trucks, (1) from Austinville, Va., to points in North Carolina and South Carolina, (2) from Blount, Jefferson and Knox Counties, Tenn., to points in North Carolina and South Carolina (except those in Aiken, Calhoun, Edgefield, Fairfield, Greenwood, Lexington, Newberry, Orangeburg, Richland, and Saluda Counties, S.C.), for 180 days. Supporting shipper: FCX Inc., P.O. Box 2419. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Bldg., 1400 Pickens St., Columbia, S.C. 29201.

No. MC 135283 (Sub-No. 12TA), filed February 6, 1975. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., East Highway 30, Box 1665, Grand Island, Nebr. 68801. Applicant's representative: Gailyn L. Larsen, 521 S. 14th St., Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from Alda, Nebr., to Grand Rapids, Mich., Wichita, Kans., and Denver and Boulder, Colo., *plastic granules*, from Grand Rapids, Mich., Akron, Ohio, New Castle, Penn., Mt. Vernon and Hammond, Ind., Chicago, Ill., Delaware City, Del., West Haven, Conn., and Denver and Boulder Colo., to Alda, Nebr., equipment used in the manufacture of plastic articles, between Alda, Nebr., and Grand Rapids, Mich., for 180 days. Supporting shipper: Charles R. Beltinck, Leon Chemical & Plastics Division, United States Industries, Box 1728, Grand Island, Nebr. 68801. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68501.

No. MC 135606 (Sub-No. 3TA), filed February 7, 1975. Applicant: MARC A. ROBIN, 600 Delaware Avenue, Throop, Pa. 18512. Applicant's representative: Thomas J. Jones, 502–5 Brooks Building, Scranton, Pa. 18503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used batteries and lead, including scrap lead* (except commodities in bulk, in tank vehicles), between points in the Borough of Throop (Lackawanna County), Pa., on the one hand, and, on the other, points in the State of Indiana, for 180 days. Supporting shipper(s): Marjol Battery & Equipment Co., 600 Delaware Avenue, Throop, Pa. 18512. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135611 (Sub-No. 5TA), filed February 7, 1975. Applicant: WALKER & WHITTED TRANSPORTATION CO., INC., 320 North 8th Street, Brawley, Calif. 92227. Applicant's representative: Carl H. Fritze, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed supplements* (in bulk), from points in Imperial County, Calif. to points in Nevada on and south of U.S. Highway 6, for 180 days. Supporting shipper: Agriform of Imperial Valley, P.O. Box 278, Imperial, Calif. 92251. Brawley Chemical, 4720 Highway 111, Brawley, Calif. 92227. Seaco, Inc., 1772 Kent Place, Vista, Calif. 92083. 1001 Ranch, Caliente, Nev. 89008. Send protests to: Philip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 N. Los Angeles St., Room 7708, Los Angeles, Calif. 90012.

No. MC 135649 (Sub-No. 2TA), filed February 6, 1975. Applicant: FRIEDERICH TRUCK SERVICE, INC., 626 East State Street, P.O. Box 86, O'Fallon, Ill. 62269. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, such as dealt in by retail discount stores, for the account of Venture Stores, Inc., a division of May Department Stores Co., from St. Louis, Mo., to Mt. Prospect, Ill., for 180 days. Supporting shipper(s): Victor H. de Liniere, Director Transportation Venture Stores, Inc., a division of May Department Stores Co., 615 Northwest Plaza, St. Ann, Mo. 63074. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 136605 (Sub-No. 1TA), filed February 6, 1975. Applicant: DAVIS BROS. DIST., INC., P.O. Box 962, 2024 Trade Street, Missoula, Mont. 59801. Applicant's representative: W. E. Seliski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, Particle board, Fiberboard;* between points in Montana and points on the International Boundary between Canada and the United States of America at or near Roosville, Port of Piegan, Sweetgrass, Port of Morgan, Port of Scobey and Raymond, Mont., for 180 days. Supporting shipper(s): Prentice Lumber Co., P.O. Box 1208, Missoula, Mont. 59801; Minot Builders Supply Association, Branch Office-Builders Supply Company, 2300–9th Ave. North, P.O. Box 3047, Great Falls, Mont. 59403; Plum Creek Lumber Co., Box 160, Columbia Falls, Mont. 59912.

No. MC 138308 (Sub-No. 4TA), filed February 3, 1975. Applicant: K.L.M. DISTRIBUTING, INC., 2102 Old Brandon Road, P.O. Box 6066, Jackson, Miss. 39208. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances and parts accessories for electrical appliances* (except commodities in bulk and commodities which by reason of size or weight require the use of special equipment), from the facilities of Northern Electric Company at or near Hattiesburg, Miss., to points in Texas, New Mexico, Arizona, Nevada, California, Utah, Colorado, Kansas, Oklahoma, Nebraska, Iowa, Wyoming, Idaho, Oregon, South Dakota, North Dakota, Montana, and Washington. Supporting shipper: Northern Electric Company, Box 247, Laurel, Miss. 39440. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Bldg., Jackson, Miss. 39201.

No. MC 138732 (Sub-No. 3TA), filed February 5, 1975. Applicant: OSTERKAMP TRUCKING, INC., 1049 North Glassell St., Orange, Calif. 92667. Applicant's representative: Anthony H. Osterkamp, Jr., (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soil amendments, and bark in mixed truckloads with the above named commodity* from the plantsite of Kaibab Industries, Inc., at Fredonia, Ariz., to points in California, for 180 days. Supporting shipper(s): Kaibab Industries, Inc., 1300 South 27th Street, Phoenix, Ariz. 85036. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 N. Los Angeles, St., Rm. 7708, Los Angeles, Calif. 90012.

No. MC 140548 (Sub-No. 1TA), filed January 31, 1975. Applicant: FRANK PAGE, doing business as FRANK PAGE TRUCKING CO., P.O. Box 442, Buffalo, Okla. 73834. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Bldg., 3535 NW. 58th

Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granulated minerals* (except in bulk, in tank vehicles), from (1) the plantsite of the Soil and Earth Products Co., near Salida, Colo., and (2) *rail sidings* in Clark, Comanche, Edwards, Ford, and Kiowa Counties, Kansas, to points in that part of Oklahoma on and west of Interstate Highway 35, for 180 days. Supporting shipper: Midwest Soil & Supply Co., 406 S. Oklahoma, Laverne, Okla. 73848. Send protests to: Haskell E. Ballard, District Supervisor, Bureau Interstate Commerce Commission, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 140579 (Sub-No. 1TA), filed February 6, 1975. Applicant: JIM D. JIMISON, doing business as JIM JIMISON TRUCKING, P.O. Box 153C, Sidney, Mont. 59270. Applicant's representative: John R. Davidson, Davidson, Veeder, Roberts & Baugh, Room 805, Midland Bank Bldg., Billings, Mont. 59101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, except car bodies, from points in Valley, Daniels, Sheridan, Roosevelt, Richland, McCone, Garfield, Dawson, Prairie, Custer, and Fallon Counties, Mont., to the International Boundary line between the U.S. and Canada located at or near Raymond, Mont., on Montana Hwy. 265, for 180 days. Supporting shipper(s): Pacific Hide & Fur Depot, 211–9th Avenue NE, Sidney, Mont. 59270. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 140593 (Sub-No. 1TA), filed February 6, 1975. Applicant: DONALD L. ELLIS, doing business as PACIFIC OWL EXPRESS, 20022 S. Mountain Rd., Santa Paula, Calif. 93060. Applicant's representative: Donald Murchison, Esq., 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, including meat, restaurant supplies and equipment*, from Oxnard, Vernon, or Northridge, Calif., or Sioux City, Iowa, on the one hand, and, on the other, Fairbanks, Alaska, for 180 days. Supporting shipper: Oxnard Produce, 950 Mountain View Avenue, Oxnard, Calif. Send protests to: Walter W. Strakosch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 7708 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140617 (Sub-No. 1TA), filed February 4, 1975. Applicant: KERN COUNTY TRANSFER, INC., P.O. Box 1641, Bakersfield, Calif. 90609. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grape concentrate and wine* (except in bulk), moving in Sea-Land Service, Inc., containers, from the plantsite of California Wine Association at or near Delano, Calif., to the Sea-Land Service, Inc., facilities at the Port of Long Beach, Calif., limited to traffic destined beyond moving via Sea-Land Service, Inc., for 180 days. Supporting shipper: California Wine Association, P.O. Box 818, Delano, Calif. 93215. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operation, Room 7708, Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140621 TA, filed February 3, 1975. Applicant: KSI FARM LINES CO-OP, INC., 12400 Wilmot Road, Kenosha, Wis. 53140. Applicant's representative: Jerry Seidman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Resins, candle wax products, plastic molds, yarn, hobby craft kits, wood products and component parts, thereof*, from the plantsite of Lee Wards, Inc., 1200 St. Charles Road, Elgin, Ill., to points in Santa Clara, Covina, San Diego, Los Angeles, and Huntington Beach, Calif. (2) *Buffing or polishing compounds, cleaning or washing compounds, chemicals, coatings, deodorants or disinfectants, shoe cleaners, softeners and varnish*, from the plantsite of S. C. Johnson, Waxdale, Wis., to Burlingame, Los Angeles, San Francisco, Mercer, Santa Ana, Gardena, San Diego and San Bernadino, California, Mesa, Tucson and Phoenix, Ariz., and Milwaukee, Oreg. (3) *Yeast, yeast products, cheese, pretzels, chili peppers and powders*, from the plantsites of Universal Foods, Inc., in Milwaukee, Wis., the International Division, Franklin Park, Ill., Red Star Yeast Division, Milwaukee, Wis., and Philip Orth Co., Oak Creek, Wis., to Oakland, Cerritos, Los Angeles, and San Francisco, Calif., Phoenix, Ariz., Salt Lake City, Utah, Portland, Oreg., and Seattle, Wash. (4) *Baked goods*, from the plantsite of Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill., to Fullerton, Calif. (5) *records, tapes, tape decks and wine making products*, from the plantsites of K-Tel International, Inc., in Minneapolis and Minnetonka, Minn., to Anaheim and Delano, Calif.

(6) *Catalogues, magazines, newspaper supplements, dated publications and printed matter*, from the plantsite of Quad/Graphics, Inc., at W224, N3322 Du-Plainville Road, Pewukee, Wis., to Seattle, Wash., Portland, Oreg., Los Angeles and San Francisco, Calif., and Jacksonville, Fla. (7) *chemicals, drugs and medicine, bottles and plastic articles*, from the plantsite of Hyland Division, Travenol Laboratories, Inc., at Route 120 and Wilson Road, Round Lake, Ill., to Buena Park, Calif. (8) *table slides*, from the plantsite of Watertown Table Slid Corp., at 321 Hart Street, Watertown, Wis., to Westminster, Lynwood, Stanton, Los Angeles, Gardena, Paramount, and City of Industry, Calif. (9) *animal hides*, from the plantsite of Paul Flagg, Inc., at Badger Tanning Co., in Milwaukee, Wis., L & W Leathers, in Milwaukee, Wis., to National City, Calif. (10) *boxed meat*, for Kelco Foods, Inc., at 625 Deerfield Road, Deerfield, Ill., from plantsites in Holland, Mich., Chicago, Ill., Dubuque, Iowa, Green Bay, Madison, and Milwaukee, Wis., to points in Los Angeles and San Francisco, Calif., and Jacksonville, Fla. (11) *binders, paper clips, staples, and other office supplies*, from the plantsites of Acco International, Inc., at Riverside Drive, Ogdensburg, N.Y., and at 95th Street, Chicago, Ill., to Los Angeles, Calif. (12) *finished and semi-finished plastic products*, from the plantsite of Illinois Moulding Company at 2330 South Western Avenue, Chicago, Ill., to Los Angeles and Pico Rivera, Calif. (13) *various cleaning items and fuel treatment*, from the plantsites of Perolin Company, in Chicago, and Des Plaines, Ill., to points in Wilmington and Los Angeles, Calif. for 180 days. Supporting shippers: There are approximately 13 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copiers thereof which may be examined at the field office named below. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 140622 TA, filed February 4, 1975. Applicant: JESSE J. NICHOLSON & SONS, INC., 2714 North Compton Ave., Compton, Calif. 90220. Applicant's representative: (same as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper bags and Kraft paper in rolls*, from the plantsite of Western Kraft in Beaverton, Oreg., to the plantsite of Kraft in Buena Park, Calif., *paper bags*, from the plantsite of Western Kraft in Buena Park, Calif., to Albuquerque, New Mexico, Beaverton, Oreg., Denver, Colo., Ogden, Utah, and Phoenix, Ariz., both the above are under a continuing contract with Western Kraft, Buena Park, Calif., (2) *paper bags, styrene, polystyrene, wood and wood products, spoons, knives and forks; plastic products* between Los Angeles, Calif., on the one hand, and, on the other, St. Louis, Mo., Albuquerque, N. Mex., Portland, Oreg., Ogden, Utah, Denver, Colo., Seattle, Wash., Houston and Dallas, Tex., under a continuing contract with Matsukas Bros., Paper Company, (3) *used tire casings*, from Azusa, Calif., to Spokane and Seattle, Wash., under a continuing contract with Perfection Tire Company of Azusa, Calif., and (4) uncooked macaroni and macaroni products, from Los Angeles, Calif., to Phoenix and Tucson, Ariz., under a continuing contract with Anthony Macaroni Company, Inc., of Los Angeles, Calif., for 180 days. Supporting shipper: Western Kraft, Bag Division, 6485 Descanso Avenue, Buena Park, Calif. 90620. Matsukas Bros., Paper Co., 2930 East Pico Blvd., Los Angeles, Calif. 90023. Perfection Tire Company, S. 204

Conklin Road, Box 97, Veradale, Wash. 99037. Anthony Macaroni Gold Medal Division, 4722 Everett Ave., Vernon, Calif. Send protests to: Philip Yall Witz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 380 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 140629 TA, filed February 6, 1975. Applicant: REYNOLDS COAL CO., INC., 1541 North 1st, Box 4335, Pocatello, Idaho 83201. Applicant's representative: Garth S. Pincock, P.O. Box 4986, Pocatello, Idaho 83201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Emory and Carbon Counties, Utah and LDS Deseret Coal Terminal, Orangeville, Utah, to Pocatello, Idaho, for 180 days. Supporting shipper: Cooperative Security Corporation, 50 East North Temple, Salt Lake City, Utah 84104. Send protests to: C. W. Campbell, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

By the Commission.

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

[FR Doc.75-4661 Filed 2-19-75;8:45 am]

[AB-10 (Sub-No. 2)]

NORFOLK AND WESTERN RAILWAY CO.

Abandonment of Lines

FEBRUARY 14, 1975.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Lucas, Wood, Henry, and Putnam Counties, Ohio, on or before February 26, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 30th day of January, 1975.

By the Commission, Commissioner Tuggle.

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

[AB-10]

NORFOLK AND WESTERN RAILWAY COMPANY ABANDONMENT BETWEEN WATERVILLE AND DELPHOS IN LUCAS, WOOD, HENRY AND PUTNAM COUNTIES, OHIO

The Interstate Commerce Commission hereby gives notice that by order dated January 30, 1975 it has been determined that the proposed abandonment of the Norfolk and Western Railway Company's line between Waterville and Delphos, Ohio, a distance of 55.8 miles, which has been amended to exclude the southern 6.0 mile segment between Delphos and Douglas, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because increases in air pollution and fuel consumption which may result from the subsequent increase in highway traffic would be minimal due to the small amount of involved traffic. There are no major development plans in the area that are dependent on this line for direct rail service. The ecological and historic impacts associated with the proposed action have been determined to be minor or absent. Furthermore the Ohio Department of Natural Resources and the Toledo, Lake Erie, and Western Railway, Inc. have expressed desires to purchase certain segments of the line for use as a linear trail consistent with the existing Buckeye Trail and excursion train operation respectively.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before March 12, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-4657 Filed 2-19-75;8:45 am]

[MC-16073]

WILLETT MOTOR COACH CO.

Self-Insurance Authority

FEBRUARY 14, 1975.

At a Session of the INTERSTATE COMMERCE COMMISSION, the Insurance Board, held at its office in Washington, D.C., on the 11th day of February, 1975.

In the matter of Willett Motor Coach Co., acting as a self-insurer with Willett Motor Coach Company, its parent, assuming the obligation of surety, in respect to liability for payment of final judgment recovered against it for bodily injury to, or the death of, persons, and loss of, or damage to, property of others resulting from negligence in the operation, maintenance, or use of motor vehicles in transportation, subject to Part II of the Interstate Commerce Act.

It appearing, that on November 4, 1955, the Willett Motor Coach Company was granted authority to be a self-insurer with respect to automobile bodily injury and property damage liability;

It further appearing, that the Willett Motor Coach Company has transferred its I.C.C. authority under MC-16073 to the Willett Motor Coach Co., under MC-FC-75527, consummated February 10, 1975;

It further appearing, that Willett Motor Coach Co., has requested self-insurer status in substitution for its parent and that the parent, Willett Motor Coach Company, is willing to act as a surety in this respect;

And it further appearing, that this request has been given consideration and is found to be reasonable;

It is ordered, That Willett Motor Coach Co., be authorized to act as a self-insurer of the automobile bodily injury and property damage liability incurred by Willett Motor Coach Company and subsequently incurred by itself after February 10, 1975, the date of consummation of MC-FC-75527;

And it is further ordered, That this grant of self-insurance authority is conditioned upon the parent company, Willett Motor Coach Company, acting as a surety of Willett Motor Coach Co., for such liability.

By the Commission, Insurance Board.

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

[FR Doc.75-4654 Filed 2-19-75;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

SOAP AND DETERGENT MANUFACTURING CATEGORY

Application of Standards of Performance for New Sources to Pretreatment Standards for Incompatible Pollutants

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 417]

[FRL 334-4]

SOAP AND DETERGENT MANUFACTURING CATEGORY

Application of Standards of Performance for New Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to section 307(c) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the revision of pretreatment standards for new sources. The proposal will supplant portions of 40 CFR 417—Soap and Detergent Manufacturing Point Source Category, establishing for the manufacture of spray dried detergents subcategory (Subpart O), the manufacture of liquid detergents subcategory (Subpart P), the manufacture of detergents by dry blending subcategory (Subpart Q), and the manufacture of drum dried detergents subcategory (Subpart R), therein the standards of pretreatment for new sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards for existing sources set forth at 40 CFR 128. This general regulation was proposed July 19, 1973 (39 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The general pretreatment standard considers pollutants discharged by users of publicly owned treatment works in the two broad categories compatible and incompatible. Compatible pollutants generally are not subject to Federal pretreatment standards; however 40 CFR 128.131 (Prohibited Wastes) may be applicable to compatible pollutants. Additionally, local pretreatment requirements may apply (See 40 CFR 128.110). Incompatible pollutants generally are subject to pretreatment standards as provided in 40 CFR 128.133.

In compliance with section 307(c), pretreatment standards for new sources were incorporated in the regulations promulgated under 40 CFR 417—Soap and Detergent Manufacturing Point Source Category on April 12, 1974 (39 FR 13370) as §§ 417.16, 417.26, 417.36, 417.46, 417.56, 417.66, 417.76, 417.86, 417.96, 417.106, 417.116, 417.126, 417.136, 417.146, 417.156, 417.166, 417.176, 417.186, and 417.196. The potential presence of incompatible pollutants (i.e., refractory organic materials) in waste waters associated with the production of industrial and institutional detergents was recognized for Subparts O, P, Q, and R. New source pretreatment standards in the form of limitations on the discharge of COD, and based on the best information and data available at the time, were included in §§ 417.156, 417.166, 417,176, and 417.186 to control discharge of refractory organic materials to publicly owned treatment works.

Subsequent to the promulgation of regulations under 40 CFR 417, an appreciable body of information and data has been received indicating that a technically sounder basis for pretreatment standards for this industry can be developed utilizing parameters and limitations other than those specified in the promulgated regulations. This new basis will neither unduly penalize the discharge of degradable organic materials nor permit discharge of excessive amounts of refractory organic materials to publicly owned treatment works. A brief summary of the points raised in the comments received and the supporting body of information and data is as follows:

(1) The intent of the pretreatment standard is to control the discharge of pollutants to publicly owned treatment works, which pollutant may interfere with, pass through or otherwise be incompatible with such works. Hence, the parameters to be considered and the limitations to be applied should be addressed to the discharge stream, not to the finished products. Moreover, the COD to BOD ratio of the discharge stream may differ radically from that of the finished products, since, due to the nature of the operations in the affected subcategories, the amounts of various materials in the wastewater discharge may not be proportional to their content in finished products.

(2) The five-day biochemical oxygen demand and a COD to BOD5 ratio of 4.0 to 1.0 are not reliable parameters for indicating the susceptibility of many organic materials employed in the affected subcategories to degradation and removal in biological treatment plants and thus are not appropriate for defining pollutants in pretreatment standards for discharge to publicly owned treatment works. This position is supported by an extensive body of data submitted on groups of compounds employed as industrial surfactants that were suspect in regard to biodegradability (e.g., ethoxylated phenols and ethoxylated modified alcohols).

The data indicate that for certain organic materials employed in the soap and detergent industry, there may be a lag in the exertion of oxygen demand in the BOD test. The now available data indicate that applicability of biochemical oxygen demand determinations can be improved substantially and the effects of lag largely eliminated by using acclimated seed and extending the incubation period to 7 days.

Based on the COD/BOD7 ratios of a number of ethoxylated phenols and alcohols for which both bench scale and actual plant treatment data show reductions ranging from 90.5 to 97.0 percent (standard errors of 1.4-3.4 percent), and on statistical analysis of the variability of COD and BOD determinations, a COD/BOD7 ratio of 10 to 1, or less, would indicate materials which would be expected to undergo satisfactory reduction in well designed and operated publicly owned treatment works. The mean COD/BOD7 ratios of the individual ethoxylated phenols and alcohols referred to range from 2.5 to 7.5. Statistical analysis of the variability of COD and BOD5 determinations results in a coefficient of variability of approximately plus or minus 22 percent for the COD/BOD5 ratio. Thus, the 95 percent upper confidence limit is obtained by multiplying the mean COD/BOD5 by a factor of approximately 1.4. While sufficient data are not available for a corresponding statistical analysis of BOD7 determinations employing acclimated seed, with the greater consistency expected for this procedure a COD/BOD7 ratio of 10 to 1 should exceed the 95 percent upper confidence limit associated with a mean COD/BOD7 ratio of 7.5.

In marked contrast to the foregoing, information submitted in regard to ethoxylated materials conceded to be virtually nondegradable in conventional biological treatment works shows COD/BOD7 ratios in the range of 75 to 150 to 1. Even if the incubation period is extended to 18 days the COD/BOD ratios remain substantially in excess of 10 to 1.

In the design and construction of new sources there are many possibilities for incorporation of measures to eliminate waste discharges that may not be available to existing sources. Typical of such measures would be the installation of a sufficient number of holding tanks to receive the wastes associated with all major products for recycle into process. Reasonable use of in-plant controls, especially where formulations containing larger amounts of refractory organic materials are involved, will significantly reduce raw waste loads; thus, the discharge of raw wastes with a COD to BOD7 ratio greater than 10 and COD loads in excess of those contained in the regulation proposed herewith, which represent approximately 30 percent reduction of typical raw waste loads, is representative of inadequate in-plant control and pretreatment should be employed to prevent excessive pass-through of refractory organic materials discharged to publicly owned treatment works.

After careful review and evaluation of all available information and data relevant to the discharge of waste waters of the soap and detergent manufacturing industry to publicly owned treatment works, the Environmental Protection Agency (EPA or Agency) proposes to modify the pretreatment standards for new sources in the industry along the following lines:

(1) The parameters and limitations will be referenced to the discharge stream from the affected source within a subcategory, not to the finished products.

(2) The requirements for pretreatment will be defined in terms of COD/BOD7 of the discharge streams; those with COD/BOD7 ratios greater than 10 and COD content above specified levels requiring pretreatment prior to discharge to publicly owned treatment works.

It is not anticipated that these modifications will alter either the technology required for compliance or the economic

impact set forth in the EPA reports entitled "Economic Analysis of Proposed Guidelines, Soap and Detergent Manufacturing" (December 1973) and "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Soap and Detergent Manufacturing Point Source Category" (April 1974).

All comments and documentation basic to the proposed modification of the pretreatment standards for new sources subject to 40 CFR 417 will be maintained for inspection and copying during the comment period at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies of the Development Document and the economic report will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report are available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Attention: Ms. Ruth Brown, A-107. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for new sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of section 307(c) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Freedom of Information Center, Room 204, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. The EPA information regulation, 40 CFR Part 2, provides that reasonable fee may be charged for copying. All comments received on or before March 24, 1975 will be considered.

In consideration of the foregoing, it is hereby proposed that 40 CFR 417 be amended by adding a definition for BOD7 to §§ 417.151, 417.161, 417.171 and 417.181, and by deleting the existing §§ 417.156, 417.166, 417.176, and 417.186 and substituting new §§ 417.156, 417.166, 417.176, and 417.186.

Dated: February 10, 1975.

RUSSELL E. TRAIN,
Administrator.

Part 417 is proposed to be modified as follows:

Subpart O—Manufacture of Spray Dried Detergents Subcategory

1. Section 417.151 is amended by adding a new paragraph (g) to read as follows:

§ 417.151 Specialized definitions.

* * * * *

(g) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

2. The existing § 417.156 is replaced to read as follows:

§ 417.156 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of spray dried detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) For waste streams having a ratio of COD to BOD7 of 10.0 or less or for waste streams having a COD content of 2.40 kg/kkg of anhydrous product or less the pretreatment standard shall be:

(1) For normal operation of spray drying towers above, the following values pertain:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(2) For air quality restricted operation of a spray drying tower, but only when a high rate of wet scrubbing is in operation which produces more waste water than can be recycled to process, the following values pertain:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(3) For fast turnaround operation of a spray tower, the following values pertain: The maximum for any one day when the number of turnarounds exceeds six in any particular thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (1) or (2) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of six and prorated to thirty days plus the appropriate value from paragraph (1) or (2) of this section.

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(b) For waste streams having a ratio of COD to BOD7 greater than 10.0 and a COD content of more than 2.40 kg/kkg of anhydrous product the pretreatment standard shall be:

(1) For normal operation of spray drying towers as defined above, the following values pertain:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.08	0.04
Surfactants	No limitation	
Oil and grease	No limitation	
BOD5	No limitation	
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of anhydrous product		
COD	0.08	0.04
Surfactants	No limitation	
Oil and grease	No limitation	
BOD5	No limitation	
TSS	No limitation	
pH	No limitation	

(2) For air quality restricted operation of a spray drying tower, but only when a high rate of wet scrubbing is in operation which produces more waste water than can be recycled to process, the following values pertain:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.50	0.25
Surfactants	No limitation	
Oil and grease	No limitation	
BOD5	No limitation	
TSS	No limitation	
pH	No limitation	
(English units) lb/1000 lb of anhydrous product		
COD	0.50	0.25
Surfactants	No limitation	
Oil and grease	No limitation	
BOD5	No limitation	
TSS	No limitation	
pH	No limitation	

(3) For fast turnaround operation of a spray tower, the following values pertain: the maximum for any one day when the number of turnarounds exceeds six in any particular thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (a) or (b) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of six and prorated to thirty days plus the appropriate value from paragraph (1) or (2) of this section.

Pollutant or pollutant property:	*Pretreatment standards*
(Metric units) kg/kkg of anhydrous product	
COD	0.07.
Surfactants	No limitation.
Oil and grease	Do.
BOD5	Do.
TSS	Do.
pH	Do.
(English units) lb/1000 lb of anhydrous product	
COD	0.07.
Surfactants	No limitation.
Oil and grease	Do.
BOD5	Do.
TSS	Do.
pH	Do.

Subpart P—Manufacture of Liquid Detergents Subcategory

3. Section 417.161 is amended by adding a new paragraph (f) to read as follows:

§ 417.161 Specialized definitions.

* * * * *

(f) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

4. The existing § 417.166 is replaced to read as follows:

§ 417.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of liquid detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 182, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) For waste streams having a ratio of COD to BOD7 of 10.0 or less or for waste streams having a COD content of 1.10 kg/kkg of anhydrous product or less the pretreatment standard shall be:

(1) For normal liquid detergent operations the following values pertain:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(2) For fast turnaround operation of automated fill lines, the following values pertain; the maximum for any one day when the number of turnarounds exceeds eight in any thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (1) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of eight and prorated to thirty days plus the appropriate value from paragraph (1) of this section:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(b) For waste streams having a rate of COD to BOD7 greater than 10.0 and a COD content of more than 1.10 kg/kkg of anhydrous product the pretreatment standard shall be:

(1) For normal liquid detergent operations the following values pertain:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.44	0.22
Surfactants	No limitation	
Oil and grease	do	
BOD5	do	
TSS	do	
pH	do	
(English units) lb/1000 lb of anhydrous product		
COD	0.44	0.22
Surfactants	No limitation	
Oil and grease	do	
BOD5	do	
TSS	do	
pH	do	

(2) For fast turnaround operation of automated fill lines, the following values pertain: the maximum for any one day when the number of turnarounds exceeds eight in any thirty consecutive day period shall be the sum of the appropriate value below and that from paragraph (a) of this section; and the average of daily values for thirty consecutive days shall be the value shown below multiplied by the number of turnarounds in excess of eight and prorated to thirty days plus the appropriate value from paragraph (a) of this section:

Pollutant or pollutant property:	*Pretreatment standards*
(Metric units) kg/kkg of anhydrous product	
COD	0.07.
Surfactants	No limitation
Oil and grease	Do.
BOD5	Do.
TSS	Do.
pH	Do.
(English units) lb/1000 lb of anhydrous product	
COD	0.07.
Surfactants	No limitation
Oil and grease	Do.
BOD5	Do.
TSS	Do.
pH	Do.

Subpart Q—Manufacture of Detergents by Dry Blending Subcategory

5. Section 417.171 is amended by adding a new paragraph (d) to read as follows:

§ 417.171 Specialized definitions.

* * * * *

(d) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitation employing a magnetic stirrer set at 200 to 500 rpm may be used.

6. The existing § 417.176 is replaced to read as follows:

§ 417.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of detergents by dry blending subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) For waste streams having a ratio of COD to BOD7 of 10.0 or less or for waste streams having a COD content of 0.26 kg/kkg of anhydrous product or less the pretreatment standard shall be:

Pollutant or pollutant, property:	*Pretreatment standard*
BOD5	No limitation.
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(b) For waste streams having a ratio of COD to BOD7 greater than 10.0 and a COD content of more than 0.26 kg/kkg of anhydrous product the pretreatment standard shall be:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.14	0.07
Surfactants	No limitation	
Oil and grease	do.	
BOD5	do.	
TSS	do.	
pH	do.	
(English units) lb/1000 lb of anhydrous product		
COD	0.14	0.07
Surfactants	No limitation	
Oil and grease	do.	
BOD5	do.	
TSS	do.	
pH	do.	

Subpart R—Manufacture of Drum Dried Detergents Subcategory

7. Section 417.181 is amended by adding a new paragraph (d) to read as follows:

§ 417.181 Specialized definitions.

* * * * *

(d) The term BOD7 shall mean the biochemical oxygen demand as determined by incubation at 20 degrees C for a period of 7 days using an acclimated seed. Agitiation employing a magnetic stirrer set at 200 to 500 r.p.m. may be used.

8. The existing § 417.186 is replaced to read as follows:

§ 417.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a new source within the manufacture of drum dried detergents subcategory which is a user of a publicly owned treatment works and a major contributing industry as defined in 40 CFR 128 (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the same standard as set forth in 40 CFR 128, for existing sources, except that, for the purpose of this section, 40 CFR 128.121, 128.122, 128.132, and 128.133 shall not apply. The following pretreatment standard establishes the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged to a publicly owned treatment works by a new source subject to the provisions of this subpart.

(a) For waste streams having a ratio of COD to BOD7 of 10.0 or less or for waste streams having a COD content of 0.20 kg/kkg of anhydrous product or less the pretreatment standard shall be:

Pollutant or pollutant property:	*Pretreatment standard*
BOD5	No limitation
COD	Do.
TSS	Do.
Surfactants	Do.
Oil and grease	Do.
pH	Do.

(b) For waste streams having a ratio of COD to BOD7 greater than 10.0 and a COD content of more than 0.20 kg/kkg of anhydrous product the pretreatment standard shall be:

Pollutant or pollutant property	Pretreatment standards: Maximum for any one day	Pretreatment standards: Average of daily values for thirty consecutive days shall not exceed—
(Metric units) kg/kkg of anhydrous product		
COD	0.10	0.05
Surfactants	No limitation	
Oil and grease	do.	
BOD5	do.	
TSS	do.	
pH	do.	
(English units) lb/1000 lb of anhydrous product		
COD	0.10	0.05
Surfactants	No limitation	
Oil and grease	do.	
BOD5	do.	
TSS	do.	
pH	do.	

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER LEARNING

Guaranteed Loan Program

Title 45—Public Welfare

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

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS

Guaranteed Loan Program

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 17, 1974 (39 FR 37154–37161), setting forth proposed regulations governing the operation of the Guaranteed Student Loan Program (20 U.S.C. 1071 through 1087–1). Interested persons were invited to submit to the Office of Education written data, views or arguments concerning the proposed rule. In addition, hearings were held in Washington, D.C., Chicago and San Francisco during the 45 day comment period which ended December 2, 1974.

A. *Summary of comments: Changes in the regulations.* Numerous comments were received, both in writing and at the public hearings. Major areas of concern were: the definition of "student" which most commenters saw as a threat to the eligibility status of community colleges and public vocational schools which have open admission requirements; the multiple disbursements required of educational institutions; the proposed ref ind policy which many colleges feel is an unwarranted intrusion in their internal affairs; the proposed standards for evaluating educational institutions about which many commenters expressed concern over their possible impact on school eligibility and future admissions policies; the several proposals affecting correspondence schools, which many commenters felt would inhibit the flexibility of home study programs; and the additional administrative burden that the proposed regulations would impose on educational institutions.

A summary of the comments follows, arranged in the order of the sections of the final regulation. After each comment, a response is set forth stating changes which have been made in the regulation, or the reason why no change is deemed necessary.

1. *Changes to current regulations.* Section 177.1(e) *Eligible institution. Comment.* A commenter requested that the final regulations make clear that when a student transfers from an eligible to an ineligible program in the same school that this has the same consequences as transferring to an ineligible school, graduation or withdrawal from school.

Response. We see no need to modify the regulations in this respect. However, it should be fully understood that transferring to an ineligible portion of an eligible institution and transferring to an ineligible institution both result in the commencement of the student's grace period.

Vocational School. Comment. One commenter felt that OE should obtain firm evidence as to the legality of a particular school to operate within a given State.

Response. In rendering eligibility determinations, the Office of Education will continue to require each applicant institution to comply with all statutory eligibility qualifications including proof that it is "legally authorized to provide * * * postsecondary vocational or technical education * * *"

Comment. Several comments were addressed to the requirement "to prepare individuals for gainful employment." One commenter noted that this language is a change from the wording of the statute and previous regulations.

Response. This definition has been modified to be consistent with both the statute and previous regulations as no change in meaning was intended.

Comment. Several commenters felt that the 300 clock hour minimum requirement for an eligible vocational school course is excessive and will eliminate many valuable courses from being eligible for the Guaranteed Student Loan Program.

Response. It should be noted that the 300 clock hour minimum requirement is not a new proposal and has been in program regulations since the inception of the Guaranteed Student Loan Program. The original regulation was promulgated in order to establish a floor for eligible courses of study as it did not seem reasonable for students to borrow for very short courses. Insufficient evidence has been submitted to warrant any further consideration of this regulation at this time.

Comment. A number of commenters stated that, in the case of a correspondence student, the requirement of an average of 12 hours of preparation per week for any 4 week period is unreasonable and would present many problems. They cited examples of students (such as farmers during harvest season, military personnel, and people with family responsibilities) who would not be able to maintain such a schedule. One commenter noted that other types of students are entitled to vacation periods during the year.

Response. The proposed definition has been amended to read "not less than an average of 12 hours of preparation per week over a 12 week period * * *" This will still require steady progress but will allow for various contingencies that might interrupt the student's progress, such as job or family responsibilities. The student will be able to plan for time away from his studies by completing lessons in advance or increasing the amount of course work at other times during the 12 week period. This change is made also in paragraph (i) of this section. Related changes were made in § 177.46(d).

Comment. With regard to the requirements for approval of a flight school program, a commenter pointed out that the Veterans Administration itself does not approve schools, but that approval of schools for veterans benefits is performed by special State agencies established for this purpose.

Response. The definition of "Vocational School" has been changed to indicate that a flight school program must be "approved for veterans training according to procedures established by the Veterans Administration".

Comment. One commenter stated that the Commissioner should establish criteria to evaluate a State approval agency's standards for vocational schools.

Response. This issue is properly one to be treated under regulations governing the Commissioner's authority to publish a list of the accrediting agencies which he has approved (45 CFR Part 149). It should be noted that criteria have been published in the FEDERAL REGISTER on August 20, 1974, setting forth criteria for approval of State agencies in order to comply with the provisions of section 438(b) of the Higher Education Act of 1965, as amended. However, such criteria relate only to the approval of public postsecondary vocational educational institutions.

Comment. One commenter felt that if a school is licensed by the State and has a bond to protect students financially, approval by another accrediting agency should not be necessary.

Response. The requirement for accreditation by a nationally recognized agency is a statutory one and cannot be removed by administrative regulation. If a nonpublic vocational school belongs to a category of schools for which there is a national accrediting agency which has been recognized by the Commissioner, the only way such a school can be eligible for the Guaranteed Student Loan Program is through accreditation by this accrediting agency. State approval may not be substituted for national accreditation for such nonpublic schools.

Student.—Comment. One commenter asked that we clarify the phrase "good standing".

Response. The requirement of "good standing" is a statutory provision and this regulation merely reiterates the statute, which further states "as determined by the institution".

Comment. A number of commenters took issue with the provision that an eligible student includes a person who does not have a high school diploma or its equivalent provided the institution does not admit more than a small proportion of such students. There was considerable concern that this provision would eliminate a number of community colleges and public vocational schools that operate under an open admissions provision mandated under State law.

Response. The definition in question deals only with the eligibility of a student, not with the eligibility of an institution of higher education, and is intended to make it clear that if the institution is otherwise eligible, a student who is admitted under unusual circumstances which accelerate his academic progress will be eligible for a loan under this program. The concern being voiced

by the commenters is more properly directed to the statutory definition of "eligible institution". 20 U.S.C. 1085(b) provides that, in order to be eligible for this program, an institution of higher education shall admit as regular students only persons having a high school diploma or its equivalent. This definition is repeated in the current regulations at 45 CFR, 177.1(f). This issue can best be resolved through legislative amendments and appropriate measures are being prepared at this time by interested parties. Meanwhile, it should be noted that the same definitional issue pertains to other student financial assistance programs administered by the Office of Education and such programs will be administered consistently with this one.

Matriculate.—Comment. Several commenters felt that the proposed definition was vague, and did not indicate that the student actually has commenced classes. It was also pointed out that this definition should be clarified to relate specifically to correspondence students.

Response. The regulation has been amended to specify that a student, in order to matriculate, must have commenced the attendance period. A new provision has been added to this definition specifying that a home study student shall be deemed to have commenced attendance by the submission of one lesson.

Section 177.46 *Disbursement and repayment of loans.—Comment.* A number of commenters expressed concern over the requirement that a loan not be disbursed earlier than 30 days prior to the date on which the institution requires the student to pay tuition or required fees. Some suggested that it would be more appropriate to relate disbursement to the date on which classes begin, since early registration at some institutions could require payment of tuition and fees several months before classes begin. Other persons felt that relating disbursement to the date that tuition and fees were due implied that loans could be used only for that purpose. Some commenters felt that different disbursement requirements should be specified depending upon whether the loan would be used for amounts due the school or for other educationally related expenses.

Response. § 177.46(c) has been modified so that the 30 day provision relates to the date of matriculation. However, it was not believed practical to require different disbursement requirements depending upon uses to which the loan would be applied. This is generally not possible for either lenders or schools to determine, and the actual use of the funds may change depending upon the financial circumstances of the student at the time bills are to be paid. It should be noted that Federal law, regulations and operating procedures clearly provide that student loans may be used for any educational expense including room and board, books and supplies, transportation and personal expenses in addition to tuition and fees.

Comment. A great many commenters urged that schools be required to provide lenders with the date on which tuition and fees are to be paid in order that lenders will know when the 30 day period begins.

Response. The changes to § 177.46(c) relating the 30 day provision to the date the student matriculates should resolve this problem. Loan applications currently indicate the period to which the loan applies. The begining of that period provides lenders with a basis for determining the beginning of the 30 day period as in all cases the date of matriculation should not be earlier than the beginning of the period of the loan. If the loan applies to a period of time commencing after matriculation occurs (e.g. second semester) the loan still should not be disbursed earlier than 30 days prior to the beginning of that period.

Comment. A number of comments were received relating to the provision authorizing lenders to disburse the proceeds of the loan to an educational institution after obtaining prior written permission of the borrower. Some indicated that it was not clear if this meant that the check would be made payable to the school. The question was raised if written authorization would be required when the check was made payable only to the student, but mailed to the school to give to the student. Others urged that the checks be made payable to both the student and the school.

Response. The regulation has been clarified to indicate that the borrower's written authorization is required only when the check is made payable either to the institution or payable jointly to both the student and the institution. The lender may, of course, without obtaining the student's authorization, mail a check which is made payable only to the student, directly to the school for delivery to the student. It is not desirable or practical to mandate that in each case the check must be made payable to both student and school. There may be cases at publicly supported institutions where State fiscal procedures could result in delaying the student from receiving his loan if such a requirement were imposed. In addition, such a requirement could further hamper students who needed the loan primarily or solely for expenses that are not paid directly to the educational institution. Every effort has been made to provide maximum flexibility in order not to hinder the loan process. In cases where students attending a particular school receive loans from a single lender or from a relatively small number of lenders, schools and lenders are urged to cooperatively work out those procedures which are most suitable to their particular situation.

Comment. A number of schools and colleges have expressed concern over their ability to handle the paperwork and other administrative functions required where the lender makes the check payable to the school. Many expressed the need for an administrative allowance paid by the Federal Government in order for them to comply with this provision.

Response. Section 177.46(c)(2) has been amended to allow an institution, if it determines that it does not have the ability to administer such disbursements properly, to return the loan proceeds to the lender for disbursement directly to the student. In order to reduce the number of checks that have to be returned and to minimize delays to students, schools are urged to communicate their policy, insofar as possible, to lenders making loans to their students. Statutory changes would be required in order for the Office of Education to provide schools with an administrative allowance.

Comment. Several persons noted an apparent conflict between § 177.46(c)(2) requiring the school to refund to the lender with § 177.63(c) requiring the school to refund to the student. Clarification was also requested of the phrase "after giving consideration to other forms of Federal student financial assistance".

Response. The provision requiring schools to return the proceeds of the loan to the lender was retained in cases where the student does not matriculate. However, the provision requiring the school to return the remaining portion of the loan to the lender in cases where the student has matriculated but does not complete the academic period for which the loan was made has been deleted. This question is covered in § 177.63 dealing with refunds and with giving proper consideration for other forms of student financial assistance.

Comment. One commenter felt that, when schools receive the loan proceeds from the lender (when the check is made payable to the school), the schools should be required to place the funds in an escrow account in order to assure that funds would be available to pay refunds that may be due or to assure that funds would be available to students under the multiple disbursement provisions.

Response. We did not concur with this suggestion as it was felt that this would place an unnecessary and unwarranted restriction on schools as to how they utilize such funds. Schools will be permitted to invest funds not currently needed. The return on such investments should partially cover their administrative expenses. In addition, where it is determined pursuant to § 177.66(d) that a school is not in a sound financial position and is unable to meet its financial requirements (such as payment of refunds due), corrective action can be taken under that provision of the regulations or under the procedures established in Subpart G.

Comment. One commenter felt that the regulations should be clarified to make it clear that commercial lenders were not required to make mutliple disbursements.

Response. No change has been made to the regulations in this respect as the

proposed rules did not require commercial lenders to make multiple disbursements. Commercial lenders have always been encouraged to make multiple disbursements, and the regulations provide that if they do, the amount disbursed during a particular school period should not be greater than required by the student for that period.

2. Subpart F—*Requirements and Standards for Participating Institutions*—Section 177.61 *Agreements between eligible institution and the Commissioner. Comment.* A commenter felt that the requirements for agreements between institutions participating in the Guaranteed Student Loan Program and the Commissioner should be standardized with those of other student aid programs.

Response. Such standardization would be neither feasible nor practical. Other student aid programs are based on different statutes and regulations, thus making uniform agreements impossible.

Comment. One commenter felt that these agreements should not require concurrence with future regulations.

Response. Rather than require new agreements each time the regulations may be modified, the agreement will signify concurrence by educational institutions with the law and regulations as may be amended from time to time. If future statutory or regulatory amendments are deemed objectionable by a particular institution, it may notify the Commissioner that it can no longer comply with the agreement and thus terminate its eligibility as a participating educational institution for purposes of the Guaranteed Student Loan Program.

Section 177.62 *Procedures, records, and reports. Comment.* Numerous comments were received on the requirement for record keeping. Commenters were concerned as to the type of record keeping required and whether they were to keep separate or additional records for GSLP students. Others commented that many colleges do not maintain attendance records.

Response. This section does not require duplication of records. Existing records and procedures will no doubt, in many cases, meet the requirements of this section. All participating institutions must maintain records sufficient to comply with the requirements of § 177.62(c). Daily attendance records are not required in the case of institutions of higher education. Such institutions must be able to determine that a student has commenced attendance for a particular academic term. For purposes of refund calculations, they must maintain a record of the date of withdrawal for purposes of the Guaranteed Student Loan Program as defined in § 177.63(c)(4)(i).

Vocational schools will be required to maintain daily attendance records in order to determine date of withdrawal for purposes of the Guaranteed Student Loan Program as defined in § 177.63(c)(4)(ii).

Correspondence schools will be required to maintain records showing the date of the student's submission of each lesson and the required date for its submission.

Comment. One commenter asked what records are required in the determination of need for subsidized loans, and whether OE Form 1260 is sufficient.

Response. The original source forms such as ACT and CSS together with the institution's copy of Form OE 1260 must be maintained to fulfill this requirement.

Comment. The question was raised whether microfilm records would be acceptable to meet the requirements of this section.

Response. The regulation has been clarified to specifically include both microfilm and computer records.

Comment. Several commenters interpreted the regulation to mean that they would have to establish additional placement services for GSLP students.

Response. Placement service is and has been optional at most schools. This section has been changed to clarify that the record keeping requirement applies only to GSLP students who choose to utilize the institution's placement service.

Comment. Several commenters suggested that the 5 year records retention should be reduced to 3 years to be consistent with other USOE regulations. Others felt that there was no reason for a long period of records retention.

Response. Changing the GSLP records retention requirement to correspond with those of other OE programs is not appropriate. Considering the relatively lengthy repayment period for guaranteed loans, it is deemed necessary to retain student records for at least 5 years following a student's graduation or withdrawal from school.

Comment. Numerous commenters were concerned with the requirement that schools notify OE or lenders of changes in enrollment status of students. Some commenters stated that schools are not always aware of which students have loans.

Response. The key phrase in this regulation is "* * * at such times and in such manner as the Commissioner may prescribe * * *" To date, only the semi-annual Student Status Confirmation Report has been required. The Commissioner does not intend to require schools to notify lenders until such time as procedures have been implemented to assure that schools are aware of lender identity.

Comment. Clarification was requested by several commenters as to whether the audit requirement in § 177.62(d) applies to all records or only to those related to GSLP.

Response. This provision applies to all records to the extent that they pertain to the institution's participation in the GSLP. Because circumstances surrounding an audit or examination may vary and because institutional record keeping procedures are not uniform, it is not possible to be more specific than is cited in the regulation.

Section 177.63 *Refunds—Comment.* There were a number of commenters who objected to the requirement that an educational institution must have a refund policy or one that is dictated by the Office of Education. Some felt that such a policy would subsidize those who drop out of school at the expense of those students who persevere since institutions must pay salaries and overhead, regardless of how many students leave school. A number of persons suggested that only vocational schools should be required to have refund policies since this appears to be where the problems exist. Other commenters pointed out that other federally administered student aid programs accept schools' refund policies and urged that the Office of Education do the same for the Guaranteed Student Loan Program. It was also pointed out that refund policies of public institutions are often set at the State level and are not subject to change if the Office of Education finds them objectionable. Numerous other comments were made along related lines.

Response. The Commissioner believes that students borrowing to finance their education under the Guaranteed Student Loan Program should be entitled to fair and equitable institutional refund policies regardless of the type of school attended. As there currently are a wide variety of refund policies, it is deemed appropriate to establish certain regulatory criteria upon which an institution's policy can be evaluated. In this regard, where student borrowers under the GSLP are assured of fair and equitable treatment with regard to refunds, the goal of effective administration of the GSLP is advanced. In addition, consideration will be given to determine the feasibility of making similar modifications to the regulations of other student assistance programs. Institutions whose refund policies do not comply with the requirements of these regulations will be subject to having their eligibility under the Guaranteed Student Loan Program limited, suspended or terminated pursuant to the provisions of Subpart G of these regulations.

Comment. Some commenters felt it was not clear whether a refund policy had to apply only to loan recipients or to all students. It was also pointed out that not all loans are used for tuition purposes nor was it easy to determine whether loans were used for payment of tuition and fees.

Response. The regulation does not require a refund policy for students who do not obtain loans under this part. However, if under the institution's refund policy a refund is due a loan recipient, it must be paid, whether or not he used the proceeds of the loan for tuition and fees or for other educational expenses.

Comment. Several persons recommended that, in order to assure that funds exist to pay refunds at such time as they may become due, institutions be required to place loan proceeds in an escrow account.

Response. This suggestion was not adopted as it was felt that this would be

an unwarranted intrusion in the manner in which an institution managed its funds. In addition, § 177.66(d) provides that the institution's financial condition is subject to review and where it is deemed that the institution does not have the financial capability of meeting its obligations, including the payment of refunds, there are several remedies authorized under § 177.66 and Subpart G which the Commissioner has available to correct the situation.

Comment. A number of persons requested clarification of what constitutes "fair and equitable", and suggested that the criteria should also recognize the appropriateness of a penalty for withdrawal.

Response. There are more than 8,600 educational institutions currently eligible under the Guaranteed Student Loan Program, ranging from vocational schools to universities and including both resident and correspondence schools. The problems and circumstances associated with these schools vary considerably and it was not deemed appropriate to be more specific in the regulations than is presently set forth in the six factors by which the Commissioner will determine whether a refund policy is fair and equitable. The Office of Education will evaluate the advisability of providing institutions with examples of refund policies that will meet the standards established by these regulations. It was felt that a penalty for withdrawal was not appropriate. There is no requirement that a refund policy necessarily result in a strict pro-rata refund to a student based on the precise period that a student attends an institution. Furthermore, the permissible administrative fee of up to $100 need not be included in the amount of money subject to refund calculations. Therefore, it is not to the student's financial advantage to take lightly the decision to enroll in or withdraw from an educational institution.

Comment. Many institutions pointed out that they have certain fixed costs that must be paid whether or not the students complete the academic term. They recommended that the refund policy be modified to take these fixed costs into consideration.

Response. It is recognized that all educational institutions have certain fixed costs although these will vary considerably, depending upon the nature and financial strength of the institution. However, it is not deemed feasible to consider an institution's fixed costs in determining whether the refund policy is fair and equitable. It is felt that students should be entitled to a reasonable refund. If an institution's withdrawal rate is low enough, an institution's fixed costs should have little or no effect on its ability to pay refunds, especially in view of the fact that the regulation does not necessarily require a strict pro-rata refund policy.

Comment. One commenter suggested that the regulations should require that the student and/or his parents should be required to certify that they have read and understand the institution's refund policy.

Response. Section 177.63(a) requires the institution to make its refund policy known to the student in writing prior to his initial acceptance for enrollment at the institution and prior to each academic year in which he enrolls thereafter. In addition, § 177.64 requires the institution to make a good faith effort to provide each prospective student with a complete and accurate statement about the institution. It is felt that these two provisions provide adequate protection for the student and that to require written certification would impose an additional workload on the institution which is not warranted. However, the regulation has been modified to require that the school must also make students aware of the procedures to be followed in obtaining a refund.

Comment. Several comments recommended that the refund policy be modified to include room and board and other institutional charges.

Response. The regulation has been modified to include room and board, where paid to the institution. Other institutional charges are already included to the extent that they are included in "required fees".

Comment. A number of schools indicated that the provision authorizing institutions to retain an enrollment or registration fee not to exceed $50 was not sufficient to cover overhead costs.

Response. The regulation has been modified to increase the maximum fee which may be retained in calculating a student's refund to $100. However, the regulation has been further revised to include application fees and other similar charges within the $100 figure.

Comment. One commenter asked if Office of Education recognition of an accrediting agency creates a presumption that its refund policy is fair and equitable.

Response. Listing by the Commissioner of Education of an accrediting body as a "nationally recognized accrediting agency or association" does not imply automatic approval of specific refund policies or formulas promulgated by such agencies. What is required, in accordance with the published Criteria for Recognition (45 CFR 149.6) is that an accrediting agency demonstrate its capability and willingness to foster ethical practices among accredited institutions or programs, including "equitable student tuition refunds * * *" Where an accrediting agency has adopted a specific refund policy, it has generally addressed itself to establishing minimum requirements consistent with its intent to foster equitable refund policies. Accrediting agencies are not regulatory bodies and the minimum refund policy requirements established by such agencies would not necessarily reflect the requirements of these regulations. The requirements of such agencies therefore, cannot be presumed to be fair and equitable within the meaning of § 177.63.

Comment. Many commenters expressed concern and made suggestions regarding the manner in which refunds were to be paid to the student or the lender in § 177.63(c) as well as in § 177.46(c)(2). A number of persons pointed out the inconsistency between the two different sections of the regulations. Some suggested that all refunds be required to be repaid to the lender. Others suggested that there was need for a "leave of absence" policy to take into consideration illness or other acts of God. There were also concerns that the 30 day period in which refunds were due to be paid would not provide the schools with sufficient time to determine that the student actually has withdrawn and to pay the refund. Concern was expressed over the distinction between types of schools in determining the date of withdrawal and a number of correspondence schools expressed concern that the required schedule of lessons was inconsistent with the basic flexibility that is inherent in home study. Finally, clarification was requested about the manner in which schools should consider other forms of student financial aid in determining the amount of refund that would be paid to the student or the lender.

Response. As a result of the many helpful comments received, § 177.63(c) has been rewritten and reorganized for purposes of clarity. In order to assure an equitable distribution of any refund among various financial assistance programs, the regulation requires that the amount of refund attributable to the Guaranteed Student Loan Program be determined by a ratio that relates the loan amount to the student's cost of education. The refund is to be paid to the student unless the student has previously authorized the refund to be paid to the lender. Increasingly, lenders are expected to request such authorizations and the practice will be encouraged. As many commenters urged that all refunds be made payable to the lender and to assure loan proceeds are not used for noneducational expenses, the Commissioner is currently giving consideration to issuing a proposed amendment to this provision that would require any portion of the refund attributable to the student's loan to be paid to the lender.

The proposed regulation required that refunds would be payable within 30 days of the date the student ceased to be enrolled at the institution. As a number of commenters indicated that this was too short a period of time, the final regulation has been modified to permit a 40 day period after the student is considered to be withdrawn from the institution for purposes of the GSLP.

A number of commenters from vocational schools urged that the regulations be modified to permit leaves of absence in order to take into consideration illness and other acts of God that might preclude a student from attending classes. The regulations have been modified to permit a single leave of absence for a period of not to exceed 60 days for students attending such schools provided the student requests the absence in writing. More than one leave of absence can be granted in exceptional circumstances,

where authorized by the Commissioner. As the date of withdrawal for college students is dependent primarily upon the date the student notifies the institution of withdrawal, as opposed to the last date of attendance, an express leave of absence policy is not necessary for college students. Due to the provisions of this section and of § 177.46(d), such a policy is also not necessary for correspondence students.

The provisions that determine when a student is withdrawn have been modified to provide further clarity and, in the case of correspondence students, the period during which a student has to notify the school that he is not withdrawing has been increased from 30 to 60 days in order to be consistent with the changes in § 177.46(d).

A number of correspondence schools indicated that the requirement to provide students with a schedule of lesson submission requirements was contrary to the basic flexibility inherent in home study courses. However, this requirement has been retained as the statute requires students to maintain at least half-time status in order to continue their enrollment status for purposes of this program. Schools are provided flexibility in establishing the schedule of lesson submissions within the limitations of the 12 hours requirement set forth in § 177.1 (g) and (i). Another modification to the regulation requires schools to indicate (as part of the schedule) the date on which the correspondence course must be completed for purposes of the Guaranteed Student Loan Program. There is no requirement that students be terminated for failure to maintain the schedule, although, when the provisions of § 177.46(d) are met, students may be required to begin repayment of their loans even though they may still be enrolled, similar to the resident student who drops below half-time enrollment status.

Comment. Some commenters indicated that the provisions regarding change of ownership in § 177.62(e) and § 177.63(d) will result in major problems for persons who may wish to purchase schools, and may deter purchases that have often resolved major problems in the past.

Response. In order to assure that records will be available for inspection and that students will receive refunds due, the Commissioner believes that these provisions are essential to protect student interests. Therefore, these provisions have been retained.

Section 177.64 *Provision of information to prospective student.—Comment.* One commenter felt that schools should be required to maintain a central location where catalogs and other information would be available to any member of the public.

Response. This section provides that certain types of information be disclosed to prospective students prior to the time they commit themselves to payment of tuition and fees. Because prospective students are assured of receiving this information, it does not seem appropriate that these regulations be the vehicle to require that information about an institution be made available to the general public.

Comment. Several schools and student organizations commented that the disclosure requirements should be made more specific and stringent. Some suggested that the required disclosures should include withdrawal rates and instructions as to how to file complaints.

Response. For the most part, these disclosure requirements are general in order to allow flexibility and to take into consideration the many types of schools involved in the program. Published withdrawal rates could be subject to much misinterpretation and misunderstanding, due to the wide variation in school programs, some with open admissions policies. Section 177.66(b) provides a means of dealing with schools having excessive withdrawal rates. In terms of complaints, GSLP is not the appropriate vehicle for handling all problems dealing with schools. Of course, students or other interested parties having complaints related to the GSLP are encouraged to communicate such complaints to the appropriate regional offices of the USOE.

Comment. Some commenters felt that "an institution holding itself out as preparing students for a particular vocation or trade" should not include colleges or graduate and professional schools. One commenter stated that the misrepresentations which this section intends to correct have not occurred among post-baccalaureate institutions.

Response. This provision has not been modified to exempt colleges that prepare students for a particular vocation or profession. The Commissioner believes that all students should be made aware of what employment opportunities in a particular field may or may not exist prior to their enrollment. The current adverse employment market for teachers is a good case in point that should be brought to the attention of prospective students.

Comment. Several commenters stated a requirement for information regarding employment of graduates is impractical and can lead to misrepresentation. They also stated that this would be a nearly impossible requirement as very few schools can follow the progress of graduates after they leave school. Placement services are voluntary; the schools cannot guarantee jobs and are not employment agencies.

Response. The regulation has been modified to specify certain types of employment information required. Prospective students must be informed of average starting salaries and the percentage of students obtaining employment in the field for which the course of study provided preparation. Educational institutions must use the most recently available data, but where statistically meaningful data about its own students is not available, the institution may use comparable regional or national data. In addition to the required disclosures, other information may be provided as well. The regulation has also been broadened to include "career field" as well as "vocation or trade". In addition, instead of limiting data only to graduates of an institution, the regulation has been modified to specify other appropriate categories of students.

Comment. Several commenters requested clarification of "good faith effort" and "complete and accurate statement".

Response. Because of the wide variety of schools eligible to participate under the Guaranteed Student Loan Program, it was deemed impractical to try to specify in detail the type of information that should be disclosed to prospective students. For this reason, schools are required to make a reasonable effort to disclose that information which will enable students to make the best possible choice as to which school to attend and as to what program of studies to take within a particular insitution. Many school and college catalogs currently provide prospective students with such information. However, where such catalogs do not, they will be required to do so in the future.

Section 177.65 *Admissions criteria for a vocational or trade program.—Comment.* Many commenters stated that there is no test that can accurately determine a student's ability to benefit from the training to be provided by the institution. One commenter recommended that the regulation be modified to state: "* * * there is a reasonable basis to believe that [the student] has the ability to benefit * * *".

Response. This provision has been modified to recognize that no test is infallible and now reads: "* * * there is a substantial and reasonable basis to conclude that [the student] has the ability to benefit * * *".

Comment. Some commenters recommended that, in the case of publicly supported vocational institutions with mandated open admissions policies, students should only be required to meet such school's admissions policies. One commenter stated that there was no way to test such students.

Response. The regulation does not limit institutions to making the required determination solely on the basis of an appropriate examination. Other appropriate criteria may be utilized, provided that such criteria can provide a substantial and reasonable basis to conclude that the student has the ability to benefit from the instruction or training to be provided. Institutions governed by mandated open admissions policies usually have certain criteria which are used to determine a student's eligibility for admission and often provide remedial instruction intended to enable the student to benefit from the instruction or training to be provided. If such criteria and practices do, in fact, meet the regulatory objective they may be deemed acceptable. On the other hand, where an institution is not making an adequate determination of the student's ability to benefit from the instruction or training to be

provided, it would have to commence making such an adequate determination or be subject to the provisions of Subpart G.

Comment. One commenter requested that the phrase, "vocation or trade" be broadened to include "career field" as was proposed (and accepted) in § 177.64. Several commenters requested clarification as to whether this provision applied to colleges and universities.

Response. As was done in § 177.64, the regulation has been modified to include "career field". As was indicated in the response to comments on § 177.64, the terms "vocation, trade or career field" can also apply to college and university courses of study.

Comment. One commenter stated that some states allow schools to make use of "certified State counselors" to determine that students have the ability to benefit from the instruction or training to be offered by certain institutions and asked if such a procedure would meet the requirements of this section.

Response. There is nothing in the regulation that would preclude such practices. However, it should be made clear that under this regulation, the responsibility for making the determination rests with the institution. Therefore, it would be up to the institution to determine that the examination or other criteria used by such counselors was appropriate.

Comment. Some commenters requested clarification of the meaning of "benefit from the instruction or training to be provided" and further specifications for "appropriate criteria". Others suggested that the examinations used should be reviewed and approved by the Office of Education or asked what kind of test would be appropriate.

Response. It is not deemed practical or feasible for prior review or approval of specific tests or other criteria utilized by various institutions due to the wide variety of programs offered and types of institutions eligible for the Guaranteed Student Loan Program. A major criterion which will be employed in evaluating compliance with this requirement will be the performance of the students admitted. This would include withdrawal rates (including consideration of the extent of course completion prior to withdrawal), failure rates, employer acceptance of the institution's students and other indicators of performance of students admitted.

§ 177.66 *Additional standards for evaluating an educational institution.—Comment.* Many commenters expressed major concerns over the possible effect of this section. These comments were made by representatives of colleges, vocational schools and student organizations. Some felt that institutions, in order to avoid any possible actions or sanctions by the Office of Education, might raise their admissions standards in order to reduce the default rate, the rate of withdrawal from school and the degree of dependence on the program. Such institutional actions might well result in discrimination against low income and minority students. Recognizing the permissive nature of this provision, some commenters asked if the Commissioner would take into consideration the nature of a school's student body (race and income), the geographic location (inner city, suburban or small town), the availability of other forms of student aid or lack thereof, the efforts of the institution to resolve its problems and the type of institution (higher education, vocational or correspondence). Some commenters also suggested that the specific percentages mentioned in the regulation are too restrictive and do not relate to reality. They may hurt many schools that are doing a good job.

Response. The Commissioner does not intend, by adopting these standards, to encourage or condone discrimination in admissions based on the student's socioeconomic status. To the contrary, the Office of Education has consistently supported efforts to assure that all students should have free and equal access to postsecondary educational opportunities. However, the Commissioner does have the responsibility for administering the Guaranteed Student Loan Program in a sound and prudent manner. When an institution comes within the standards set forth in this section, it is often the result of problems in the administration of the program by the institution.

When the Commissioner determines that an institution has come within one or more standards set forth in this section, upon notification to the institution of this determination, he will provide it with the opportunity to response to these findings. In submitting its response, an institution is encouraged to provide evidence showing that the conditions which the Commissioner has found to exist are not a result of problems at the institution which adversely affect the Guaranteed Student Loan Program. Where the institution recognizes that the Commissioner's findings are, in whole or in part, a result of the institution's administration of the program, the institution is encouraged to submit a plan as to how it would propose to correct or improve on the conditions set forth in the findings. Where the Commissioner has reason to believe that the institution is meeting its commitments to its community and students and that it is properly carrying out its responsibilities under the Guaranteed Student Loan Program, he will not initiate any further action under the provisions of Subpart G of these regulations even though the conditions at the institution may exceed the limits set forth in paragraphs (a) through (d) of this section. Where the Commissioner finds that there is need for improvement, he may accept the institution's plan for correcting or improving the conditions set forth in the Commissioner's findings. The Commissioner may also, pursuant to the provisions of Subpart G, impose limitations reasonably intended to correct such conditions.

Comment. Several commenters pointed out that it would not be appropriate to consider some of these criteria for "initial participation", as a new educational institution would not have a default rate, a withdrawal rate for loan recipients or a degree of dependency on the program.

Response. The regulation has been modified so that the withdrawal rate relates to all students enrolled at the institution without regard to those who have obtained student loans. While it is true that the default rate and the rate of dependency on the program would not be appropriate measures for a new educational institution, the withdrawal rate (as modified) and the institution's financial stability are still considered relevant.

Comment. One commenter pointed out that the 30 day period to respond to the Commissioner's findings is not sufficient and recommended that the regulation be modified to provide for a period not less than 90 days.

Response. No change has been made to the regulation in this regard. The amount of time specified by the regulation for an institution to make a response is a reasonable time but in any event not sioner finds that the use of a 30 day period would impose unusual hardships on an institution, he may provide for a longer time period.

Comment. A number of institutions commented that they should not be held accountable for the default rate of their students in cases where the institution is not the lender. The lenders should be held accountable and be required to exercise more diligence in the collection of loans.

Response. Regulations governing lending institutions participating in the Guaranteed Student Loan Program are currently being revised and will be issued as proposed regulations later this spring. However, there is a good deal of evidence which reveals a high correlation between default rates and the educational institution attended. The existence of a high default rate for students attending a particular institution may well be symptomatic that there are problems at the institution which adversely affect the Guaranteed Student Loan Program.

Comment. A few commenters urged that the default rate of an institution be limited only to those defaults on which claims have been filed with the guarantor. Other commenters suggested that the default rate be defined in terms of dollars of defaults rather than the number of students or loans in default. It was also clear from comments received that many institutions did not have an adequate understanding of the definition of the term "default rate".

Response. Section 177.66(a) has been modified to relate to the dollar amount of loans which are in default rather than the number of loans as was stated in the proposed rule. However, the regulation was not modified to reflect calculating the default rate only on loans for which claims have been filed with the guarantor. It is recognized that, in most cases, the default rate can be calculated only on claims filed. However, where the Commissioner has knowledge of defaults that

have not been filed, it is deemed appropriate to consider such information. This is especially true with educational institutions that are lenders or with commerical lenders who make loans primarily to students attending a particular institution. The term "default rate" is defined as the dollar amount of loans which are in default divided by the dollar amount of all loans which have reached the repayment period. Included in the denominator of this fraction are all loans which have been paid in full and those which have entered the repayment period including loans which are in default, whether or not the default claim has been paid. The only loans excluded from the denominator are those loans for students who are still in school or in the 9 to 12 month grace period.

Comment. There were a number of comments made with regard to the institution's withdrawal rate. A number of schools suggested that the withdrawal rate should apply to the total student body, not just those who borrow. To do otherwise, would discriminate against schools that enroll high percentages of low income and minority students as well as against publicly supported schools which, by law, have open admission policies. It was also pointed out that many college students withdraw at the end of the semester rather than during a given academic period. However, vocational schools, who do not have such academic periods, would be judged on withdrawals during any 4 month period. It was recommended that colleges be judged on the basis of those students who do not return for the next semester.

Response. The regulation has been modified to relate the withdrawal rate to the total student body rather than apply only to student borrowers. In addition, the withdrawal rate will now apply to an academic year. For those institutions not having a common academic term for the majority of its students, the prior 4 month period has been raised to a period of 8 months. In calculating the withdrawal rate only matriculated students will be included. Students who do not matriculate at the institution will not be counted in computing the withdrawal rate.

Comment. One commenter felt that, in order to avoid the 20 percent withdrawal rate, some schools may retain students who they know are not qualified. The commenter recommended that this provision be stricken.

Response. As is the case with the default rate, it is felt that a high withdrawal rate may be symptomatic of other problems in the administration of the Guaranteed Student Loan Program by the institution. Retaining non-qualified students may well affect an institution's continued accreditation status, its efforts to place students in positions of employment, and employer attitudes towards the institution.

Comment. There were a number of comments relating to § 177.66(c), which relates to the degree the institution is dependent upon the Guaranteed Student Loan Program. A number of schools felt that it would be difficult to relate loans to tuition and fees, as many schools are not sure which dollars came from loans and that at some low tuition schools, students' loans far exceed the cost of tuition and fees. It was also pointed out that institutions located in poverty areas may often need to have more than 60 percent of their students receiving loans.

Response. As a result of the comments received, this provision has been rewritten to relate to the percentage of students receiving loans during any academic year or, where an institution does not have a common academic year for the majority of its students, during any 8 month period.

The response made at the beginning of this section relating to the manner in which the Commissioner will interpret § 177.66 addresses the issue of how this provision will be enforced.

Comment. There are a number of comments relating to § 177.66(d), which concerns the financial stability of an educational institution. Some commenters felt that the requirement for a CPA prepared statement was too costly. One commenter asked that, in California, we accept "Public Accountants". Some commenters asked for clarification as to which fund in fund accounting was to be utilized, as there are often several funds. Others pointed out that an institution can operate at a deficit for one year and still be sound financially.

Response. Although there were a number of suggested technical modifications to this provision, only one change has been made in the case of fund accounting, to specify that the "current or operating fund" is the one of interest to the Commissioner. It was felt that most other suggestions could be interpreted within the language of the existing regulation. For example, "Public Accountants" in California can fall within the phrase "* * * certified public accountant or the most reasonable equivalent thereof." The Commissioner believes that it is essential to require, upon reasonable request, a certified financial statement in order to have confidence in the reliability and accuracy of the financial statements of the institution. For further clarification as to how this provision will be interpreted, please review the first response under this section.

3. Subpart G—*Procedures for the Limitation, Suspension or Termination of Eligibility for Programs under this Part.* The only comments received relating to Subpart G were in connection with § 177.73 *Possible sanctions.* However, one change has been made to § 177.71, *Purpose and scope,* by amending § 177.71(c) to emphasize that the provisions of Subpart G also apply, for purposes of imposing limitations on an educational institution, as a result of an institution coming within the terms of § 177.66 of Subpart F. A similar conforming change has been made to § 177.73 (a)(6).

Section 177.73 *Possible sanctions.*—*Comment.* A few commenters expressed concern that a sanction could be imposed limiting the number of students at an institution that could receive loans under the Guaranteed Student Loan Program. It was felt that this could hurt poor schools that are more dependent on student loans than some of the wealthier schools and that safeguards are needed to protect students against the power the regulations give to the OE designated official.

Response. The response indicating the intent of the Commissioner in implementing § 177.66 is also applicable in this case. Sanctions will be imposed only after the institution is provided an opportunity to present its case and the evidence indicates that the institution is not properly carrying out its responsibilities under the Guaranteed Student Loan Program. Institutions may appeal any limitation pursuant to the provisions of § 177.77 and § 177.78. The Commissioner believes that these provisions provide institutions with the necessary assurances that they will receive fair and equitable decisions in the event that procedures are applied pursuant to Subpart G.

Comment. A few commenters stated that the sanction requiring an institution to obtain a bond to assure that it will meet its financial obligations could result in a prohibitive cost to the institution.

Response. The basic method of assuring fairness in the process of imposing sanctions is in the system itself. The Commissioner has no desire, nor intent, to impose unreasonable administrative or financial burdens on institutions. The due process procedures set forth in Subpart G are designed to assure that fairness is inherent in the system.

Comment. Several commenters expressed concern that the provision of § 177.73(a)(6) was too much of a "catchall provision" and provided too much freedom to the Office of Education which could adversely affect educational institutions.

Response. Other requirements or conditions may be imposed only if they meet the tests specified: e.g. they are reasonable and appropriate, there is a high probability they will accomplish what is intended and they will be consistent with program purposes. If an institution feels that the sanction does not meet these criteria, it may appeal pursuant to § 177.77 and § 177.78.

Comment. One commenter requested clarification as to the conditions under which payments may be required of schools under § 177.73(b).

Response. Both § 177.46 and § 177.63 set forth certain conditions regarding the disbursement and refund of monies to students borrowing under the Guaranteed Student Loan Program. When the procedures are not correctly followed, it is possible that the Office of Education may make payments of interest benefits and special allowances to lenders in amounts greater than would otherwise be warranted if correct procedures had been followed by the institution. Therefore, in order to recover

these excess payments, the Office of Education may direct a school to restore amounts equal to the excess payments either to the lender or the Office of Education.

Comments not related to specific regulatory provisions.—Comment. A number of commenters recommended modifications such as:

1. Provide an administrative allowance for schools.
2. Permit deferment for half-time study.
3. Increase academic workload required for student to enter grace period from present half-time status.
4. Authorize hardship deferments.
5. Eliminate or reduce the grace period for dropouts.
6. Permit student option to begin repayment prior to end of grace period.
7. Shorten maximum 10 year repayment period.
8. Establish advisory board of borrowers, student leaders and lenders who could forgive loans granted under false and misleading circumstances.
9. Loans should be made and collected by schools with funds provided by banks.
10. Students should not be permitted loans until their period of actual enrollment has carried them beyond that period of time when refunds would be due if they withdrew from school.

Response. Each of these recommendations would require statutory changes to the program's enabling legislation and may not be implemented by administrative regulations.

Comment. The following comments were submitted as suggestions for modification to the regulations.

1. Establish standards for pre-loan counselling by both schools and lenders.
2. Require a 10 day "cooling-off" period from the time the student is accepted for enrollment before he is obligated to make payments to the school. This would be consistent with similar requirements of the FTC and the Veterans Administration.
3. Exit interviews should be required of all students.
4. Forgive loans for insolvency or fraud by school.

Response. These provisions were not included in the proposed regulations and therefore could not be included in final regulations. Consideration will, of course, be given to these and other changes for future regulatory proposals.

B. *Effect of proposed Trade Regulation Rule of the Federal Trade Commission.* The Federal Trade Commission (FTC) has proposed regulations covering proprietary schools and other organizations marketing educational programs. Their regulations cover a number of subjects including refund policies and disclosure of information which are also the subject of these regulations. These regulations do not refer to the FTC regulations because it will be several months before they are in final form and the exact provisions will be known. The U.S. Office of Education expects to work closely to cooperate with the FTC, both in the drafting and enforcement of applicable regulations.

C. *Effect of the Buckley Amendment.* Section 177.71 has been amended to indicate, along with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, that the provisions of Subpart G of these regulations do not apply to administrative action by the Department of Health, Education, and Welfare based on any alleged violation of the Family Educational Rights and Privacy Act of 1974 (often referred to as the Buckley Amendment). Because of numerous inquiries and complaints regarding the Buckley Amendment as it relates to the Guaranteed Student Loan Program, it seems pertinent to note that there is no provision of that legislation that should be construed to prohibit an educational institution from providing lenders, guarantee agencies or the Office of Education with information concerning the enrollment status or address of any student who has obtained a loan under the Guaranteed Student Loan Program. Such information is vital to the effective administration of this program and educational institutions are encouraged to cooperate with lenders and guarantors in every reasonable way possible.

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

It is also recognized that a number of the provisions of these regulations may require a substantial new commitment or effort on the part of an educational institution and that it may take a period of time in order for the institution to bring itself into full compliance with the requirements set forth herein. Institutions should make a good faith effort to comply with the provisions of these regulations as soon as possible. The Commissioner will take into consideration those circumstances that may prevent the institution from implementing these provisions on the effective date of these regulations. However, it is expected that most requirements should be operational for any academic year or school term beginning after August 1, 1975.

(Catalog of Federal Domestic Assistance No. 13.460, Guaranteed Student Loan Program)

Dated: February 1, 1975.

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

Approved: February 12, 1975.

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

1. Section 177.1 is amended by revising paragraphs (e) and (g) thereof and adding paragraphs (i) and (r) thereto, to read as follows:

§ 177.1 Definitions.

* * * * *

(e) "Eligible institution" or "institution" means (1) an institution of higher education, (2) a vocational school, or (3) with respect to students who are nationals of the United States, an institution outside the States which is comparable to an institution of higher education or to a vocational school and which has been approved by the Commissioner for purposes of this part. In cases where the Commissioner does not determine the entire institution to be eligible, this term includes only those individual units or programs within an institution which have been determined by the Commissioner to meet all requirements for institutional eligibility pursuant to paragraphs (f) or (g) of this section.

* * * * *

(g) "Vocational school" means a business or trade school, technical institution or other technical or vocational school in any State which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have demonstrated the ability to benefit from the training offered by such institution pursuant to the provisions of § 177.65; (2) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education which (i) is designed to provide occupational skills more advanced than those generally provided at the high school level and to fit individuals for useful employment in recognized occupations, (ii) provides no less than 300 clock hours of classroom instruction or its equivalent or, in the case of a program offered by correspondence, requires not less than an average of 12 hours of preparation per week over any 12 week period and completion in not less than 6 months, and (iii) in the case of a flight school program, maintains current valid certification by the Federal Aviation Administration and is approved for veterans training according to procedures established by the Veterans Administration; (3) has been in existence for 2 years or has been specially determined by the Commissioner pursuant to regulation to be an institution meeting the other requirements of this paragraph and to be eligible to participate in programs under this part; and (4) (i) is accredited by a nationally recognized accrediting agency or association recognized by the Commissioner for this purpose, or (ii) in the case of a public institution offering postsecondary vocational education, is approved by a State approval agency recognized by the Commissioner for this purpose, or (iii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit institutions of the particular category encompassing such institution, is approved by a State approval agency recognized by the Commissioner for this

purpose, or (iv) if the Commissioner determines that there is no nationally recognized accrediting agency or association or State approval agency qualified to accredit or approve institutions of the patricular category encompassing such institution, is approved by the Commissioner's Advisory Committee on Accreditation and Institutional Eligibility, pursuant to standards of content, scope, and quality prescribed by that committee for this purpose. An institution which has been approved pursuant to clause (iv) above must, in order to remain an eligible institution, become accredited within three years after the Commissioner has designated a nationally recognized accrediting or State approval agency for the particular category of institutions which encompasses such institution. For the purpose of this paragraph, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State approval agencies which he has determined to be reliable authority as to the quality of education or training afforded.

* * * * *

(i) "Student" means a person who (1) is a national of the United States, is in the United States for other than a temporary purpose and intends to become a permanent resident thereof, or is a permanent resident of the Trust Territory of the Pacific Islands (except that a student attending an institution outside the States must be a national of the United States); (2) has a certificate of graduation from a school providing secondary education or the recognized equivalent of such certificate or, in the case of a vocational school student, attends neither elementary nor secondary school, is beyond the age of compulsory school attendance in the jurisdiction where he lives, and has demonstrated the ability to benefit from the training offered by such vocational school pursuant to the provisions of § 177.65; (3) is enrolled at an eligible institution and in good standing (as determined by the institution) or has been accepted for enrollment at an eligible institution; (4) plans to carry or is carrying, during the period for which the loan is intended, at least one-half the normal full-time workload as determined by the institution; (5) if enrolled in a program of study by correspondence, plans to engage or is engaging in an average of at least 12 hours of preparation per week over any 12 week period during which he is so enrolled; and (6) if enrolled in a flight school program at a vocational school or institution of higher education, plans to pursue or is pursuing a full-time program leading to commercial flight ratings, has completed ground school training or is taking it concurrently with flight training, holds a private pilot's certificate (or has sufficient flight hours to qualify for such certificate), and holds at least a Class-II medical certificate. This term also includes a person who does not have a certificate required by paragraph (i)(2) of this section, but otherwise meets the requirements of this paragraph and has been admitted by an institution of higher education which admits a small proportion of such persons.

* * * * *

(r) "Matriculate" means that a student has completed all the requisite steps in the enrollment and registration process and has commenced the attendance period. In the case of a program of study by correspondence, the student shall be deemed to have commenced attendance by submission of one lesson.

(20 U.S.C. 1077(a)(1), 1078(b)(1)(I), 1082(a)(1), 1085(a), (c), and 1087-1(b))

2. Section 177.46 is amended by revising paragraphs (c) and (d) and by adding paragraph (c-1) to read as follows:

§ 177.46 Disbursement and repayment of loans.

* * * * *

(c) *Disbursement by a lender which is not an educational institution.* (1) A lender which is not an educational institution may not make a disbursement of any loan proceeds earlier than is reasonably necessary to meet the purposes for which the loan is being made and in no case, except as approved by the Commissioner, earlier than 30 days prior to the date on which the student is scheduled to matriculate. If a loan is disbursed in installments, the proceeds disbursed for use during a given semester, quarter or term should not be greater than the amount required by the student for that academic period.

(2) If the borrower authorizes the lender, in writing, to disburse the proceeds of the loan to an educational institution (by an instrument either made payable only to the institution or made payable jointly to the institution and the student), the lender may do so, but must notify the borrower in writing, when any part of the loan has been disbursed. In such cases, the institution shall disburse the proceeds of the loan to the student as set forth in paragraph (c-1)(2) of this section. However, if the institution determines that it does not have the ability to administer such disbursements properly, it may return the loan proceeds to the lender for disbursement to the student. In cases where the student does not matriculate in the institution for an academic period for which he has received a loan under this part, the institution must promptly notify the lender and return the proceeds of the loan to the lender.

(c-1) *Disbursement by a lender which is an educational institution.* (1) An eligible institution acting as a lender or making disbursements pursuant to paragraph (c)(2) of this section may not make a disbursement of any loan proceeds to a student earlier than is reasonably necessary to meet the purposes for which the loan is being made. The Commissioner will not honor a default claim based upon a disbursement, for an amount greater than that reasonably necessary to enable the student to travel from his residence to the institution, to a student who failed to matriculate at that institution during the academic period for which the loan was made. A disbursement for the purpose of a required resident training portion of a correspondence course shall not be made until such time as the student commences resident training.

(2) Unless otherwise approved or required by the Commissioner, an eligible institution shall (except for loans of less than $400) make disbursements in multiple installments, as set forth in subdivisions (i), (ii) and (iii) of this subparagraph. Moreover, the proceeds disbursed for use during a given semester, quarter or term shall not be greater than the amount required by the student for that academic period and the amount of the initial disbursement (except for amounts advanced for travel expenses) shall not be greater than one half of the total loan amount.

(i) With regard to a loan disbursed by an educational institution (other than for a program of study by correspondence) to a student for a full academic year, and such academic year consists of 2 or more academic sessions (e.g. semester, quarter, or trimester), the frequency of installments shall coincide with the frequency of sessions which form an academic year (e.g., two installment disbursements for those institutions utilizing a two semester system). Disbursement of a loan made to a student for a portion of the academic year need not be made for less than a single session.

(ii) With regard to a loan disbursed by an educational institution (other than for a program of study by correspondence) which does not have an academic year consisting of 2 or more sessions, installments shall be made in intervals not greater than four months. With regard to a loan made to a student for a period of 4 months or less, disbursement may be made in a single payment.

(iii) With regard to a loan disbursed for correspondence study, installments shall be made in intervals not greater than six months.

(3) The Commissioner may, pursuant to Subpart G of this part, require an institution that is a lender to utilize a special promissory note which provides that the student's obligation with regard to the loan amount is dependent upon the student's continued enrollment during the academic period for which the loan was made and is proportionate to the percentage of such period which he has completed.

(d) *Commencement of repayment.* The note evidencing a loan shall provide for repayment of the principal amount together with interest thereon, in periodic installments beginning not earlier than 9 months nor later that 1 year after the date on which the student ceases to carry at an eligible institution at least one-half the normal full-time academic workload as determined by that institution: *Provided, however,* That in the case of a correspondence student, the repayment period shall begin

not earlier than 9 months nor later than 1 year after (1) the student's completion of his program, or (2) the expiration of a 60 day period during which the student submits no assignments (unless the student, by submitting assignments in advance of the schedule required by § 177.63(c), has not fallen more than 60 days behind such schedule), or (3) the expiration of a 60 day period following the normal time established by the school for the completion of the program and communicated to the student pursuant to § 177.63(c), whichever comes first. The submission of one or more assignments more than 60 days after the previous submission (or, if applicable, more than 60 days after the due date for a scheduled assignment) shall not restore the in-school status of a correspondence student with respect to his loan: *Provided, however,* That the institution may permit one such restoration if the student acknowledges in writing, within such 60 day period, that he wishes to continue his course of study and that he fully understands his responsibilities to submit lessons on a timely basis.

(20 U.S.C. 1077(a), 1079(a), 1082(a)(1) and 1087-1(a)(2))

* * * * *

§ 177.50 [Reserved]

3. § 177.50 is deleted and reserved.

4. Part 177 is amended by adding new Subparts F and G thereto, to read as follows:

Subpart F—Requirements and Standards for Participating Educational Institutions

Sec.

AUTHORITY: 20 U.S.C. 1082(a)(1), 1085 (b), (c), 1087-1(a).

Subpart F—Requirements and Standards for Participating Educational Institutions

§ 177.61 Agreements between eligible institutions and the Commissioner.

(a)(1) Any eligible institution seeking to participate, in any manner, in any program covered under this part shall submit to the Commissioner for his approval, on a form provided by him, an agreement signed by an appropriate official acknowledging the institution's obligation to comply with all applicable laws and all applicable regulations set forth in this part.

(2) The agreement provided for in paragraph (1) of this paragraph shall be for a term of 2 years and be renewable for additional terms of 2 years. A shorter term may, however, be provided if the Commissioner has knowledge that the institution's accreditation or its satisfaction of other eligibility requirements, as set forth in § 177.1, will be effective for less than 2 years.

(3) If a participating institution undergoes a change of controlling ownership or form of control, its agreement shall automatically expire at the time of such change. In such instance, continued participation by the institution in loan programs under this part shall require a new agreement with the Commissioner and continuation of the institution's status as an eligible institution under this part.

(4) Institutions outside the States shall be required to comply with the provisions of this part only to the extent determined by the Commissioner on a case by case basis.

(b) An institution designated as an "eligible institution" on the effective date of this regulation shall have a period of 90 days to submit the agreement described in paragraph (a) of this section in order to assure continuous participation in programs covered under this part. An institution which has not submitted such agreement by the end of this 90 day period will be subject to having its eligibility suspended or terminated pursuant to Subpart G of this part.

(20 U.S.C. 1082(a)(1), 1087-1(a))

§ 177.62 Procedures, records and reports.

(a) Each participating institution shall establish and maintain such administrative and fiscal procedures and records as may be necessary to ensure proper and efficient administration of any funds received from students who have obtained loans under this part, to assure that the rights of students established under this part are protected, to protect the United States from unreasonable risk of loss due to defaults, and to comply specifically with all applicable requirements set forth in this part.

(b) Each participating institution shall maintain records, with respect to each student who receives a loan under this part, regarding the student's admission (to the extent required for purposes of § 177.65), academic standing, periods of attendance (to the extent required for purposes of paragraph (c) of this section and § 177.63), courses taken and placement (if the institution provides a placement service and the student uses such service). Such records will also be maintained with regard to the determination of need for interest subsidies on the student's loan, receipt and disbursement of loan proceeds, receipt of tuition and fees, and refunds. The institution shall retain such records (which may be stored in microfilm or computer format) for not less than 5 years (unless otherwise directed by the Commissioner) following the date the student graduates, withdraws, or fails to matriculate for an academic period for which he has received a loan under this part. Copies of reports submitted by the institution pursuant to this section and other forms utilized by the institution relating to loans made under this part shall also be retained for not less than 5 years following their completion, unless otherwise directed by the Commissioner.

(c) Each participating institution shall submit such reports to the Commissioner or to lenders at such times and in such manner as the Commissioner may prescribe concerning the changes in enrollment status of its students who are borrowers. Such reports shall include timely completion of the Student Status Confirmation Report (OE Form 1072) and the notification to lenders, on forms provided by the Commissioner for that purpose, of any change in the status of a student borrower to less than half-time enrollment.

(d) The Commissioner or his designee may audit or examine the institution with respect to such matters pertaining to the institution's participation in programs covered under this part as he deems appropriate. Each participating institution shall afford access to records required by paragraphs (a) and (b) of this section and by § 177.66(d) at any reasonable time to the Commissioner or his designee as needed in order to verify compliance with the regulations in this part.

(e) In the event of the closure, termination, suspension or change of ownership of a participating institution, the institution or its successors must make provision for the retention of the records provided for in paragraph (b) of this section and for the access to such records by the Commissioner as provided for in paragraph (d) of this section.

(20 U.S.C. 1082(a)(1), 1087-1(a))

§ 177.63 Refunds.

(a) Each participating institution shall establish a fair and equitable refund policy, under which it shall make a refund of unearned tuition, required fees and, where paid to the institution, room and board charges to a student who receives a loan under this part and who does not matriculate or who otherwise does not complete the period of study for which the loan was advanced. The institution shall make such policy (including the procedure for obtaining a refund) known in writing to the student prior to his initial acceptance for entrollment at the institution and prior to each academic year in which he enrolls thereafter.

(b) In determining whether a refund policy is fair and equitable, the Commissioner will consider the following factors:

(1) Whether the refund policy takes into consideration the period for which tuition, and other required fees and room and board charges were paid;

(2) Whether the refund policy takes into consideration the length of time the student was enrolled at the institution;

(3) Whether the refund policy takes into consideration the kind and amount of instruction, equipment and other services provided over the periods described in Paragraphs (b) (1) and (2) of this section;

(4) Whether the refund policy produces refunds in reasonable and equitable amounts when the considerations described in Paragraphs (b) (2) and (3) of this section are compared with that described in Paragraph (b)(1) of this

section: *Provided, however,* That an institution may retain reasonable fees not to exceed $100, for the period for which tuition and other fees were required, in order to cover application, enrollment, registration, and other similar charges;

(5) Whether the refund policy of the institution is mandated by State law; and

(6) Whether, in the case of an accredited institution, the Commissioner has approved the refund policy requirements of the pertinent accrediting body.

(c) For purposes of this section, the date on which a student's period of enrollment shall be deemed to have ended will be:

(1) In the case of an institution of higher education, the date on which the student notifies the institution of his withdrawal or the date on which the institution determines that the student has withdrawn, whichever is earlier;

(2) In the case of a vocational school (other than a program of study by correspondence), the date on which the student notifies the institution of his withdrawal or the date of the expiration of a thirty day period during which the student does not attend any classes or submit any assignments, whichever occurs first. An institution in this category may, however, upon a student's written request, grant a leave of absence not to exceed 60 days; if the student does not return to his classes or scheduled assignments at the expiration of such leave of absence, the date of withdrawal shall be deemed to be the first day of the approved leave of absence: *Provided,* however, that in determining the amount of a refund due such a student, the institution may consider the costs of any services actually provided to the student during the leave of absence. Except as approved by the Commissioner, only one such leave of absence shall be granted to a student;

(3) In the case of a program of study by correspondence, sixty days after the due date of a required lesson which the student has failed to submit, unless the student, within such sixty day period, notifies the institution in writing that he is not withdrawing. For purposes of this section and § 177.46(d), each institution having a course of study by correspondence must establish a schedule of the number of lessons in the course, the intervals at which lessons are to be submitted, the date by which the course is to be completed for purposes of this part, and the period of time within which any resident training must be completed. Such a schedule must conform to the requirements set forth in § 177.1(g)(2) and must be furnished to the student prior to his enrollment.

(d) Each participating institution shall make each refund which is due under this part within 40 days after the date on which the student's period of enrollment has ended: *Provided* That, in the case of a student whose enrollment has ended on the first day of a leave of absence, pursuant to subparagraph (c)(2) of this section, the refund shall be made within 40 days of the last day of such leave of absence.

(e) In determining what portion of a refund which is due under this part shall be payable to the student, the institution shall make provision for the refund requirements of other forms of financial assistance which the student has received. In order to assure that an equitable portion of the refund is allocated to the loan made under this part, the amount of the refund attributable to such loan shall not be less than an amount which bears the same ratio to the total amount of the refund as the amount of such loan bears to the amount determined by the institution to be the cost of education for such student at such institution for the period of enrollment for which the loan was made. The net amount of the refund which is payable to the student shall be paid directly to the student after making such disbursements as may be authorized to the lender or holder of the loan by the student. The student must be given written notice of such disbursements or payments made on his behalf out of the proceeds of a refund.

(f) In the event of the closure, termination, suspension or change of ownership of a participating institution, the institution or its successors must make provision for compliance with the requirements of this section with regard to refunds which are due or may become due for students who obtained loans under this part for periods of attendance at the institution prior to such change in status.

(20 U.S.C. 1082(a)(1), 1087-1(a))

§ 177.64 Provision of information to a prospective student.

Each participating institution shall make a good faith effort to present each prospective student, prior to the time the prospective student obligates himself to pay tuition or fees to the institution, with a complete and accurate statement (including printed materials) about the institution, its current academic or training programs, and its faculties and facilities, with particular emphasis on those programs in which the prospective student has expressed interest. In the case of an institution having a course or courses of study, the purpose of which is to prepare students for a particular vocation, trade or career field, such statement shall include information regarding the employment of students enrolled in such courses, in such vocation, trade or career field. Such information shall include data regarding the average starting salary for previously enrolled students entering positions of employment for which the courses of study offered by the institution are intended as preparation and the percentage of such students who obtained employment in such positions. This information shall be based on the most recently available data. If the institution, after reasonable effort, cannot obtain statistically meaningful data regarding its own students, it may use the most recent comparable regional or national data. Where the data the institution possesses, regarding its own students, is more than 3 years old and cannot be updated after reasonable effort by the institution and where there is available comparable regional or national data at least 3 years more recent than the institution's data, the institution shall use such regional or national data.

(20 U.S.C. 1082(a)(1), 1085(b), (c) 1087-1(a))

§ 177.65 Admissions criteria for a vocational, trade or career program.

Each participating institution holding itself out as preparing students for a particular vocation or career field trade, shall, prior to the time the prospective student obligates himself to pay tuition or fees to the institution, make a determination, based on an appropriate examination or other appropriate criteria, that there is a substantial and reasonable basis to conclude that such person has the ability to benefit from the instruction or training to be provided.

(20 U.S.C. 1082(a)(1), 1085(b), (c) 1087-1(a))

§ 177.66 Additional standards for evaluating an eligible institution.

If the Commissioner determines that any of the following conditions exist, he may, pursuant to the provisions of Subpart G of this part, require reasonable and appropriate measures to alleviate such conditions as a requirement for an institution's initial or continued participation in programs under this part: *Provided, however,* That prior to initiating such action, the Commissioner shall inform the institution of his findings and provide it a reasonable period, not less than 30 days, to respond to such findings, to show that such conditions do not have an adverse effect on the program, or to submit a plan as to those measures it will voluntarily initiate to alleviate such conditions:

(a) The dollar amount of loans made under this part to students at the institution which are in default represents more than 10 percent of the dollar amount of all such loans which have reached the repayment period;

(b) More than 20 percent of the students at the institution withdrew from enrollment at such institution (1) during any academic year or (2) where an institution does not have a common academic year for the majority of its students, during any 8 month period: *Provided,* That only those students enrolled at the beginning of such academic year or 8 month period shall be counted for purposes of this provision;

(c) More than 60 percent of the students at the institution received loans under this part (1) for any academic year, or (2) where an institution does not have a common academic year for the majority of its students, for any 8 month period; or

(d) The institution's financial condition is such that it is unable (1) to provide the educational services for which

its students who have obtained loans under this part have enrolled; (2) to meet its obligations to refund unearned tuition and fees; or (3) to provide the administrative resources to comply with the requirements of this part. An institution's financial condition will be deemed not to satisfy these requirements (i) in the case of an institution utilizing accrual accounting, if the ratio of its current assets to current liabilities falls below 1:1 at the conclusion of its most recent fiscal year, or (ii) in the case of an institution utilizing fund accounting, if the current or operating fund reflects a deficit at the conclusion of its most recent fiscal year. For purposes of making this determination, the institution will make available to the Commissioner, upon reasonable request, its latest financial statement prepared by a certified public accountant or the most reasonable equivalent thereof.

(20 U.S.C. 1082(a)(1), 1087-1(a))

Subpart G—Procedures for the Limitation, Suspension or Termination of Eligibility for Programs Under This Part

Sec.
177.71 Purpose and scope.
177.72 Definitions.
177.73 Possible sanctions.
177.74 Effect on prior participation.
177.75 Informal compliance procedure.
177.76 Suspension.
177.77 Limitation and termination.
177.78 Denial or limitation of initial application or reinstatement.

AUTHORITY: 20 U.S.C. 1080(d), 1082(a), 1087-1(a).

Subpart G—Procedures for the Limitation, Suspension or Termination of Eligibility for Programs under this Part

§ 177.71 Purpose and scope.

(a) This subpart establishes rules and procedures for the limitation, suspension or termination of the eligibility of an institution participating in programs under this part and of a lender participating in the Federal Insured Student Loan Program under this part for failure to comply with applicable laws, regulations, agreements or limitations and, for purposes of imposing limitations on an institution, as a result of an institution coming within the terms of § 177.66 of Subpart F.

(b) This subpart does not apply to administrative action by the Department of Health, Education, and Welfare based on any alleged violation of Title VI of the Civil Rights Act of 1964, which is governed by Parts 80 and 81 of this Title, or Title IX of the Education Amendments of 1972, or the Family Educational Rights and Privacy Act of 1974 (section 431 of the General Education Provisions Act, as amended).

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.72 Definitions.

As used in this subpart:

(a) "Limitation" means the continuation of an institution's or a lender's eligibility, subject to compliance with special conditions or restrictions which have been set as a result of a failure to comply with applicable law, regulations or agreements or as a result of an institution coming within the terms of § 177.66 of Subpart F.

(b) "Suspension" means the removal of an institution's or a lender's eligibility (or portions thereof) for a specified period of time or until the occurrence of one or more specified conditions.

(c) "Termination" means the unqualified removal of an institution's or lender's eligibility (or portions thereof) for an indefinite period of time.

(d) "Designated OE Official" means an official of the Office of Education, other than the Commissioner, to whom the Commissioner has delegated the responsibilities indicated in this subpart.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.73 Possible sanctions.

(a) *Limitations.* A limitation on an institution's or a lender's participation established under this part may include any of the following:

(1) A limit on the number or total amount of loans which a lender may make under the Federal Insured Student Loan Program;

(2) A limit on the number or percentage of students enrolled in an institution who may receive loans under this part;

(3) A limit on the percentage of an institution's total receipts for tuition and fees which may be derived from loans under this part for a stated period of time;

(4) A requirement that an institution obtain a bond, in an appropriate amount, to provide assurance that it will be able to meet its financial obligations to students enrolled in such institution who have received loans under this part;

(5) A requirement that an institution, acting as a lender, utilize a special promissory note form as provided in § 177.46 (c-1)(3); and

(6) Such other requirements or conditions as a designated OE official, an Administrative Law Judge or the Commissioner may determine: (i) Are reasonable and appropriate as a direct means of correcting a violation of applicable laws, regulations or agreements or of correcting a condition coming within the terms of § 177.66 of Subpart F; (ii) have a high probability for successfully correcting such violation or condition; and (iii) will promote the purposes of the programs provided for in this part.

(b) *Reimbursements and refunds.* As part of any decision resulting in a limitation, suspension, or termination under this subpart, a designated OE official, an Administrative Law Judge or the Commissioner may also require an institution or lender to take such other corrective action as is reasonable and appropriate to remedy a violation of applicable laws, regulations, agreements or limitations. Such corrective action may include payment, to the Office of Education or to recipients designated by the designated OE official, the Administrative Law Judge or the Commissioner, for:

(1) Ineligible interest benefits, special allowances, or other claims paid by the Commissioner;

(2) Discounts, premiums or excess interest paid in violation of § 177.6(e); or

(3) Refunds due to students under the regulations of this part.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.74 Effect on prior participation.

An action under this subpart resulting in the limitation, suspension or termination of an institution or lender shall not affect any of its responsibilities arising from participation in programs under this part prior to the date of such action. Nor shall such action impair any benefits or claims to which an institution or lender may be entitled based on its participation prior to such action, except that if such action results in a requirement that such institutions or lenders make payments to the Office of Education, then such payments may be used as offsets against such benefits or claims.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.75 Informal compliance procedure.

If a designated OE official receives a complaint, or has other information which he believes to be reliable, indicating that a violation of applicable laws, regulations, agreements or limitations has occurred or is occurring, the designated OE official shall call such matter to the attention of the institution or lender involved and shall give such institution or lender a reasonable opportunity to respond to the allegation and, if the alleged violation occurred, to show that it has been corrected or to submit an acceptable plan as to those measures which will be undertaken to correct the violation and to prevent its recurrence. The procedures provided in §§ 177.76 and 177.77 for limitation, suspension or termination need not be delayed during such informal compliance procedure if the designated OE official believes that such delay would have an adverse effect on programs covered under this part or believes that such informal compliance procedure will not result in a successful resolution of the alleged violation.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.76 Suspension.

(a) *Scope and duration.* A suspension may affect all aspects of an institution's or lender's participation in programs under this part or only a portion thereof. The duration of a suspension may be set to extend until the designated OE official has determined that the basis for the suspension has been removed and that a repetition of such violation appears unlikely: *Provided, however,* That the period of suspension shall not exceed 60 days, unless the institution or lender and the designated OE official agree to an extension or unless limitation or termination proceedings are initiated pursuant to § 177.77 within this period of

time, in which case the period of suspension may be extended until the completion of such proceedings, including any appeal which may be made to the Commissioner.

(b) *Procedures.* (1) Except as provided in paragraph (c) of this section, suspensions shall only be made pursuant to notice and opportunity to show cause as provided in this paragraph.

(2) Suspension proceedings shall be initiated by a designated OE official mailing to the institution or lender in question a notice, by certified mail with return receipt requested:

(i) Informing the institution of the Office of Education's intent to suspend the institution's or lender's eligibility and of the basis for such action;

(ii) Specifying the proposed effective date of the suspension and the consequences of such action; and

(iii) Informing the institution or lender of its rights, if exercised within a stated period of time, to submit written material and to request an informal meeting to show cause why such action should not be taken, prior to the time the suspension becomes effective. The notice shall also provide information about the nature of the meeting and such other information about the matter as the designated OE official may determine appropriate. The notice shall also invite voluntary efforts to correct the violation which led to the initiation of these proceedings.

(3) The proposed effective date for suspension provided for in paragraph (b)(2) of this section shall not be less than 15 days after the notice of intent has been sent. The period of time within which the institution or lender may submit written material or request a meeting to show cause shall not be less than 10 days after such notice has been sent. If such a meeting is requested, the designated OE official shall set a time and place for it, which time shall not be less than 5 days nor more than 30 days after the request is received by him. If a meeting is requested, but it cannot be held prior to the proposed effective date of suspension, the date shall be postponed until the completion of such meeting.

(4) The designated OE official shall consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting provided for in paragraph (b)(3) of this section and any showing that the institution or lender has adequately corrected the violation which led to the initiation of suspension proceedings. If, after considering such material, the designated OE official concludes that the institution or lender has failed to show cause why its eligibility should not be suspended, he may suspend eligibility in whole or part and subject to such terms and conditions as he shall specify. Notice of such suspension shall be promptly transmitted to the institution or lender and shall become effective upon the date of transmittal.

(c) *Emergency action.* The Commissioner may withhold the issuance of further commitments of insurance to a participating lender or with respect to loans for students attending a participating institution, without prior notice and opportunity to show cause as provided for in paragraph (b) of this section, if he determines that such immediate action is necessary in order to prevent an unreasonable risk of a substantial loss of funds either to the Federal Government or the students involved if further disbursements under this part were permitted and that such risk is sufficiently serious to outweigh the importance of following the procedures set forth in paragraph (b) of this section. Such emergency action shall be initiated by sending the institution or lender a notice, by certified mail and return receipt requested, informing the institution or lender of the suspension and the grounds therefor. Such emergency action shall not exceed 7 days in length unless suspension proceedings are initiated pursuant to paragraph (b) of this section or limitation or termination proceedings are initiated pursuant to § 177.77 within such seven day period, in which case the Commissioner may continue to withhold commitments of insurance until the conclusion of such proceedings, including any appeal which may be made to the Commissioner. If limitation or termination proceedings are initiated, the Commissioner shall provide the institution or lender, if it so requests, an opportunity to show cause why the action should be rescinded pending the outcome of such proceedings.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.77 Limitation and termination.

(a) *Scope and duration.* A limitation or termination may extend to all aspects of an institution's or lender's participation in programs under this part or may be limited to portions thereof. The duration of a limitation may be set to extend for a definite period of time or until the designated OE official has determined that the basis for the limitation has been removed and that a repetition of such violation appears unlikely. An institution or lender which has been limited or terminated may subsequently seek reinstatement of its full eligibility to participate in programs under this part, pursuant to § 177.78(b).

(b) *Procedures.* (1) A limitation or termination may be initiated whether or not suspension proceedings have been initiated under § 177.76. Limitation or termination procedures shall be initiated by a designated OE official mailing to the institution or lender in question a notice, by certified mail with return receipt requested:

(i) Informing the institution or lender of the Office of Education's intent to limit or terminate the institution's or lender's eligibility, the nature of any proposed limitation and the basis of such action;

(ii) Specifying the proposed effective date for the limitation or termination and the consequences of such action; and

(iii) Informing the institution or lender of its rights, if exercised within a stated period of time, to submit written material and to request a hearing before the limitation or termination takes effect. The notice shall also provide information pertaining to this proceeding as the designated OE official may determine to be appropriate. The notice shall also invite voluntary efforts to correct the violation which led to the initiation of this action.

(2) Except as provided in paragraph (c) of this section, the proposed effective date of limitation or termination shall not be less than 21 days after the notice of intent has been sent. The period of time within which the institution or lender may submit written material or request a hearing shall not be less than 15 days after such notice has been sent. If a hearing requested by the institution or lender cannot be held prior to the proposed effective date of the limitation or termination, the date shall be extended until the completion of such proceedings.

(3) If the institution or lender does not request a hearing, the designated OE official may, after considering any written material submitted on a timely basis by the institution or lender, dismiss the matter or notify the institution or lender that it has been limited or terminated.

(4) If the institution or lender requests a hearing within the time permitted, such hearing shall be conducted as promptly as possible by an Administrative Law Judge pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. sections 554–557). Proposed findings of fact, conclusions of law, and briefs shall be submitted to the presiding officer within 15 days of the conclusion of the hearing.

(5) The Administrative Law Judge shall issue an initial decision consisting of findings of fact and conclusions of law. The initial decision of the Administrative Law Judge shall become final 10 days after being issued, unless within such 10 days the institution or lender or the designated OE official who initiated these proceedings notifies the Commissioner that it or he wishes to appeal the decision, in whole or in part. If any such party makes such an appeal, it must submit, within 20 days of the initial decision of the Administrative Law Judge, any further written material it wishes to be considered by the Commissioner, including exceptions to the decision of the Administrative Law Judge, proposed findings and conclusions, and supporting reasons. The opposing party will have 15 days to submit a response. Parties making any submission to the Commissioner must simultaneously transmit copies of such submission to all other parties which participated in the hearing. Any decision by the Administrative Law Judge limiting or terminating the institution or lender shall be stayed pending the appeal, unless the Commissioner determines that such stay would produce a serious and adverse effect on the program involved. The Commissioner may, in his discretion, provide an opportunity for an oral presentation by the institution or lender and by members of the

Office of Education staff. The Commissioner shall issue a decision on the appeal, including a statement of reasons for his decision, no later than 20 days following receipt of all written materials from the parties involved. Such decision may affirm, reverse or modify the initial decision of the Administrative Law Judge: *Provided, however,* That findings of fact made by the Administrative Law Judge shall not be set aside unless found to be clearly unsupported by the evidence. The decision of the Commissioner shall be final.

(c) *Effect of prior proceedings.* If any proceedings have been previously initiated under this subpart against an institution or lender at the time limitation or termination proceedings are initiated, such proceedings need not duplicate the previous proceedings. Any matters resolved under the previous proceedings shall be considered final and any hearings undertaken in the subsequent limitation or termination proceedings shall be limited to new evidence or new issues: *Provided, however,* That the Administrative Law Judge, or the Commissioner in the case of an appeal, may, in his discretion, agree to reconsider matters previously resolved. Moreover, the time schedules set forth in subparagraphs (2), (4) and (5) of paragraph (b) of this section may be shortened to reflect the previous proceedings in such manner as the Administrative Law Judge or the Commissioner may deem appropriate.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

§ 177.78 Denial or limitation of initial application or reinstatement.

(a) *Initial application.* If an institution requests an agreement under § 177.-61(a) of this part or a lender requests an agreement under § 177.42(a) of this part, the Commissioner shall respond to such submission within 30 days and, if he has decided not to approve such request, shall state reasons for his decision. An institution or lender which has been denied an agreement shall be given an opportunity to meet with a designated OE official to show cause why such agreement should not be denied. However, the Commissioner need not give reasons for a denial or grant an opportunity to show cause if such a request is submitted within 6 months of a previous denial. If a request is submitted by an institution at which the conditions set forth in § 177.66(b) or (d) exist, the Commissioner may add to such agreement such terms as are necessary to alleviate those conditions: *Provided, however,* That such institution may request that the procedures set forth in § 177.77(b) (4) and (5) be exhausted before such agreement becomes effective. Such institution may, without waiving its rights under the preceding sentence, participate in programs under this part subject to such terms pending the outcome of such procedure.

(b) *Reinstatement.* An institution or lender against which a final adverse decision has been issued under this subpart, may at any time request reinstatement of its eligibility (or portion thereof) and may submit to the designated OE official such material as it wishes, or as the designated OE official requests, to demonstrate that the basis for such decision has been remedied and is unlikely to recur. The designated OE official shall respond to such request within 30 days and, if he denies the request, shall provide reasons for such denial. An institution or lender whose request has been denied shall be given an opportunity to show cause why such request should not be denied. However, the designated OE official need not consider a request to remove a limitation or termination or grant an opportunity to show cause if such a request is submitted within 6 months of a previous denial. The reinstatement of an institution or lender which has been terminated may be subject to reasonable and appropriate conditions or limitations relating to the grounds for such termination. *Provided, however,* That such institution or lender may request that the procedures set forth in § 177.77(b) (4) and (5) be exhausted before such reinstatement becomes effective. Such institution or lender may, without waiving its rights under the preceding sentence, participate in programs under this part subject to such conditions or limitations pending the outcome of such procedures.

(20 U.S.C. 1080(d), 1082(a), 1087-1(a))

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PART IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Revised Guidelines

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-241]

PART 42—RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Revised Guidelines

Pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601) the Department is amending Title 24, Part 42 of the Code of Federal Regulations to incorporate revisions in the guidelines for Agency Implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (General Services Administration Federal Management Circular 74-8) published on October 4, 1974. In addition, amendments have been made to simplify and consolidate certain provisions and to provide new rules governing eligibility for certain aspects of relocation payments in connection with Code Enforcement, Interim Assistance, voluntary rehabilitation activities, and business moving expenses.

On September 27, 1973, (38 FR 26923) the Department first published these amendments for public comment as notice of proposed rule making. The Department has now considered the comments received and promulgates these amendments to be effective forty-five days after publication.

Principal changes and the Department's response to significant comments are set forth below.

The rules governing eligibility for relocation payments in connection with the low-rent public housing programs, code enforcement, voluntary rehabilitation activities and the interim assistance program have been revised and simplified for greater ease in administration of these requirements.

The regulations have been revised to set forth the rules governing eligibility in connection with the community development block grant program.

In response to comments received several changes have been made regarding eligible business moving expenses. The suggestion regarding a liberalization of the rule governing allowable expenses for alteration or improvement and physical changes to structures or premises has been accepted. The provision as now constituted permits these expenses to be payable in an amount not to exceed $100,000 for each displacement. The rules governing business self-moves have been simplified and clarified to indicate that no documentation will be required when a business self-moves and submits a claim not exceeding the amount of the low bid obtained from a mover in accordance with these regulations. The suggestion that the provision governing actual direct loss of property be greatly simplified and abbreviated has been accepted.

In response to comments received, business expenses in connection with searching for replacement property have been limited to a maximum of $500 per claim.

The requirements governing nonprofit organizations have been clarified. Comments received regarding the status of mobile homes have led to the adoption of § 42.90(f) dealing with this subject in relation to the Replacement Housing Payment authorized by that section and to the payments authorized by § 42.95.

The comment that the Department should reinstitute the provision governing advance payments in hardship cases has been accepted and is reflected in § 42.175.

The suggestion that all references to set-offs against relocation payment claims be eliminated has been accepted.

The requirements governing temporary moves of individuals, families and business concerns previously appearing in §§ 42.65 and 42.120 have been deleted. The Department remains concerned that these requirements should be applied where appropriate, but has become persuaded by the suggestion that they do not properly belong in regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which imposes no obligations with respect to temporary displacements. The Department will undertake to promulgate these administrative requirements elsewhere.

Accordingly, Part 42 is amended as follows:

Subpart A—General

Subpart B—Relocation Payments

Subpart C—Relocation Assistance Advisory Program and Assurance of Adequate Replacement Housing

Subpart D—Real Property Acquisition

Subpart E—Administration

AUTHORITY: 84 Stat. 1894; 42 U.S.C. 4601.

Subpart A—General

§ 42.1 Purpose.

The purpose of this subpart is to set forth provisions of general applicability with respect to the regulations in this Part. Such provisions relate to (a) the effect of the regulations in this Part on previously issued regulations pertaining to relocation payments, (b) statements of applicable policy and law, (c) definitions of pertinent terms, (d) a description of the dates, and the entities or persons, on or to which the regulations in this part are applicable, and the assurances required in connection with such applicability, (e) the extent of Federal participation in the costs of relocation payments and assistance, and (f) the effect on payments provided under the regulations in this Part of duplicate payments made in condemnation proceedings and negotiated purchases.

§ 42.5 Supersedure.

The regulations in this Part supersede those appearing at Part 41 of this subtitle (35 FR 14307-14, effective September 10, 1970) to the extent that the regulations issued hereunder are, under § 42.25, applicable. The regulations in this Part also supersede those appearing at Part 42 of this subtitle (36 FR 8795-98) effective May 13, 1971, as amended (37 FR 16603 effective August 17, 1972 and 38 FR 25172 effective September 12, 1973). The regulations so superseded shall not apply to any acquisition and/or displacement occurring on and after the effective date of the regulations in this Part, which shall be governed solely by these regulations.

§ 42.10 Statement of policy.

The purpose of the regulations in this Part is to carry out the following poli-

cies of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ((42 U.S.C. 4601); 84 Stat. 1899; Pub. L. 91-646) (hereinafter referred to as the "Act"):

(a) To insure that uniform, fair and equitable treatment be afforded persons displaced as a result of federally-assisted projects in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole, and

(b) In the acquisition of real property for a federally-assisted project, to encourage and expedite acquisition by agreements with owners of such property to avoid litigation and relieve congestion in courts, to assure consistent treatment for owners of real property to be so acquired, and to promote public confidence in Federal land acquisition.

§ 42.15 Statement of applicable law.

(a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1899; Pub. L. 91-646) requires satisfactory assurances from a State agency that specified relocation payments and relocation assistance will be provided, and replacement dwellings will be available to displaced persons as a condition to Federal approval of any grant or loan to, or contract or agreement with, such State agency under which Federal financial assistance will be made available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of the Act.

(b) Section 305 of the Act requires satisfactory assurances from a State agency that in acquiring real property it will be guided, to the greatest extent practicable under State law, by specified land acquisition policies, and that specified payments will be made to property owners, as a condition to Federal approval of any grant or loan to, or contract or agreement with, any State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective the date Act.

(c) Section 211(c) of the Act provides that any grant to, or contract or agreement with, a State agency executed before the effective date of the Act under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after such date, shall be amended to include the cost of providing payments and services under the Act.

(d) Section 211(a) of the Act provides that the cost to a State agency of providing such payments and assistance shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency. Section 211(a) also provides that where such Federal financial assistance is by loan, the Federal agency shall loan the State agency the first $25,000 of such costs.

(e) Subject to section 211(c) of the Act, section 220(a) repealed the following provisions of law: Section 114 of the Housing Act of 1949 (42 U.S.C. 1465); paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8); section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074); section 107(b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307). Subject to section 221(c) of the Act, section 306 repealed sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071-3073). Sections 220(b) and 306 of the Act provide that any rights or liabilities existing under prior Acts shall not be affected by such repeals.

(f) Section 221 of the Act provides that the Act shall take effect on the date of its enactment (January 2, 1971) except that with regard to acquisitions or displacements occurring prior to July 1, 1972, sections 210 and 305 of said Act with respect to assurances required of State agencies shall be held applicable to a State only to the extent that such State was able under its laws to comply with these sections, and that certain repeals (specified in paragraph (e) of this section) made by sections 220(a) and 306 of the Act do not apply to any State so long as sections 210 and 305 were not applicable in such State prior to July 1, 1972.

§ 42.20 Definitions.

For the purpose of the regulations in this part, the following terms shall mean:

(a) *Business.* Any lawful activity, excepting a farm operation, conducted primarily: (1) For the purchase, sale, lease, and rental of personal and real property, and the manufacture, processing, or marketing of products, commodities or any other personal property; (2) for the sale of services to the public; (3) by a nonprofit organization; or (4) solely for the purposes of payments under §§ 42.65, 42.70 and 42.75, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(b) *Comparable replacement dwelling.* A dwelling which is (1) decent, safe and sanitary, and comparable to the acquired dwelling with respect to number of rooms or habitable living space, but in any event adequate to accommodate the displaced person; (2) in an area not subjected to unreasonable adverse environmental conditions from either natural or man-made sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and reasonably accessible to the displaced person's present or potential place of employment; (3) available on the private market to the displaced person and available to all persons regardless of race, color, religion, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968; and which is available to all persons regardless of sex; (4) to the extent practicable and where consistent with paragraph (b)(1) of this section, functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing; and (5) within the financial means of the displaced person, provided that this subparagraph (5) shall be construed only in accordance with the intent to put such person in an equal or better position: *Provided*, That if housing meeting the requirements of this subparagraph (b) is not available, the State agency may, upon proper finding of the need therefor, consider available housing exceeding these basic criteria.

(c) *Decent, safe and sanitary housing.* Housing in sound, clean and weathertight condition, in conformance with local housing codes (or in the absence of local housing codes, or where the standards contained in any such code are determined by HUD to be inadequate, in conformance with standards established by HUD) and which meets the following minimum standards:

(1) Each housekeeping unit shall include a kitchen with a fully usable sink, a stove or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, an adequate and safe wiring system for lighting and other electrical services, and heating as required by climatic conditions and local codes.

(2) Each nonhousekeeping unit shall be in conformance with local code standards for boarding houses, hotels and other dwellings for congregate living. If such local codes do not include requirements relating to space and sanitary facilities in this connection, standards shall be subject to the approval of HUD.

(3) Occupancy standards shall be in conformance with local codes or HUD-approved requirements, whichever of these is higher.

(d) *Displaced person.* A person as defined in § 42.20(1) who meets the basic eligibility requirements specified in § 42.55, and (except for the low-rent public housing program) as set out in general terms below:

(1) Such person moves from real property within the project area or moves his personel property from such real property on or after the applicable date specified in § 42.55 and either:

(2) Such person is displaced as a result of acquisition of such real property in whole or in part for a project, as provided in § 42.55(e); or

(3) Such person is displaced as a result of code enforcement, voluntary rehabilitation, improvement of private property, or demolition, as provided in paragraphs (f), (g), and (h) of § 42.55.

(e) *Dwelling.* The place of permanent or customary and usual abode of a person, including a single-family dwelling, a single-family unit in a two-family, multifamily or multipurpose dwelling, a

unit of a condominium or cooperative housing project, a nonhousekeeping unit, or any other residential unit, including a mobile home which is either considered to be real property under State law or which cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe and sanitary dwelling.

(f) *Family.* Two or more individuals who by blood, marriage, adoption, or mutual consent live together as a family unit.

(g) *Farm operation.* Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities.

(h) *Federal financial assistance.* A grant, loan, or contribution (except any Federal guarantee or insurance) made by HUD, including a grant, loan or contribution specified below:

(1) A community development block grant under title I of the Housing and Community Development Act of 1974 (88 Stat. 633 (42 U.S.C. 5301));

(2) A loan, a grant, or a loan and grant, for an urban renewal project under title I of the Housing Act of 1949 (63 Stat. 413, 414 (42 U.S.C. 1450));

(3) A grant for concentrated code enforcement and public improvements under section 117 of the Housing Act of 1949 (79 Stat. 478 (42 U.S.C. 1468));

(4) A grant for the demolition of unsafe structures under section 116 of the Housing Act of 1949 (79 Stat. 477 (42 U.S.C. 1467));

(5) A grant for interim assistance to slums or blighted areas under section 118 of the Housing and Urban Development Act of 1949 (82 Stat. 525 (42 U.S.C. 1468a));

(6) A loan or annual contribution, made in connection with low-rent public housing projects under the U.S. Housing Act of 1937 (50 Stat. 888 (42 U.S.C. 1401 et seq.));

(7) A grant for open-space use or for a historic preservation or urban beautification project under title VII of the Housing Act of 1961 (75 Stat. 183 (42 U.S.C. 1500) as amended);

(8) A grant for a neighborhood facilities program under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489 (42 U.S.C. 3101));

(9) A public facility loan under title II of the Housing Amendments of 1955 (69 Stat. 642 (42 U.S.C. 1491));

(10) A water and sewer facilities grant under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489 (42 U.S.C. 3101));

(11) A grant for advance acquisition of land under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489 (42 U.S.C. 3101));

(12) A grant for the purpose of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255 (42 U.S.C. 3301));

(13) Loans or grants to assist educational institutions in construction of housing and other educational facilities under title I of the Housing Act of 1950 (64 Stat. 48, 77 (12 U.S.C. 1749)) where such payments are made to a State agency;

(14) Loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 (73 Stat. 654, 667 (12 U.S.C. 1701q)) where such loans are made to a State agency;

(15) Where contributions are made to a State agency and the performance by such State agency, or by a private body acting on behalf of such State agency of undertakings necessary to enable it to receive such contributions will be the direct cause of displacement, the payment of contributions specified below.

(i) Assistance payments under section 235 and interest reduction payments under section 236 of the National Housing Act (48 Stat. 1246 (12 U.S.C. 1715z and 1715z–1)),

(ii) Below market interest rates provided under section 221(d)(3) of the National Housing Act (12 U.S.C. 1715–1),

(iii) Rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (79 Stat. 451 (12 U.S.C. 1701s)),

(iv) Grants under section 713(a) and loans under section 714(a) of title VII of the Housing and Urban Development Act of 1970 (Pub. L. 91–609, 84 Stat. 1791) to assist in financing new community development programs.

(i) *HUD.* The Secretary of Housing and Urban Development or an officer or employee duly authorized to perform the functions of the Secretary.

(j) *Initiation of negotiations.* Except as provided in §§ 42.90(b)(3) and 42.95(b)(5), the initial written offer made by the acquiring agency to the owner of real property to be acquired for a project of the amount established as just compensation for such property in accordance with § 42.135.

(k) *Mortgage.* Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(l) *Person.* Any individual, family, partnership, corporation, or association. For purposes of an alternate payment under § 42.80 and a replacement housing payment under §§ 42.90 and 42.95, two or more individuals (regardless of whether they are family members or not) living together in, and displaced from, a single dwelling, shall be regarded as one person.

(m) *Personal property (tangible personal property).* (1) Tangible property which is situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is noncompensable (other than for moving expenses) under the State law of eminent domain, and (2) in the case of a tenant, fixtures and equipment which the tenant may lawfully, and at his election determines to, move and for which the tenant is not compensated in the real property acquisition. In the case of an owner of real property, the determination as to whether an item of property is personal or real shall take due consideration of how it is identified in the acquisition appraisals and the closing or settlement statement with respect to the real property acquisitions.

(n) *Plan.* (1) A duly approved formal plan, as exists from time to time, for any project as defined in this Part and any action program implementing such plan, or (2) in the case of a project for which no formal plan is required the application by the State agency as approved by HUD and modified from time to time.

(o) *Project.* Any undertaking which receives Federal financial assistance and to which the Act is applicable pursuant to § 42.25.

(p) *Project area.* An area which HUD has approved for the carrying out of project activities.

(q) *Relocation payment.* A payment specified under §§ 42.65 through 42.95.

(r) *State.* Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(s) *State agency.* The National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or two or more States or two or more political subdivisions of a State or States. Unless otherwise indicated in the context of a specific provision of these regulations, the term "State agency" as used in these regulations shall mean the particular State agency to which Federal financial assistance is made available for a specific project.

(t) *Voluntary rehabilitation.* Structural or other substantial repairs to, or alterations to, or demolition of, any building or other improvement on land within a project area, undertaken by an owner in order to conform to the property rehabilitation standards or other applicable provisions set forth in the applicable plan.

§ 42.25 Applicability of regulations.

(a) *Applicability of the regulations in this part.* (1) Except as provided in paragraph (a)(2) of this section, these regulations are applicable to all acquisition and displacements occurring on or after their effective date.

(2) For the low-rent public housing program under the U.S. Housing Act of 1937, Subpart D of these Regulations (implementing Title III of the Act) is applicable to all acquisitions of real property by the State agency except: (i) Acquisitions by the turnkey method; (ii) acquisitions in connection with construction for leasing projects (i.e., leases or agreements to lease) where such acquisitions result from proposals submitted in response to public invitation; and (iii)

leasing or acquisition of existing structures after rehabilitation where such leasing or acquisition results from proposals submitted in response to public invitation. For the purposes of this paragraph (a)(2), a lease is considered to be an "acquisition of real property" where the term, including options for extension, is for more than ten years.

(3) Subpart D of the regulations in this Part shall not apply in the case of any acquisition of property from any public body.

(b) *Applicability of previously published regulations.* The regulations covering Relocation Payments appearing at Part 41 of this subtitle and at 35 FR 14307–14 (effective Sept. 10, 1970) shall apply to (1) displacements occurring on or after September 10, 1970, and prior to January 2, 1971, and (2) displacements occurring on or after January 2, 1971, and prior to July 1, 1972, to the extent that the regulations appearing at Part 42, as issued at 36 FR 8785 (effective May 13, 1971) do not apply. The regulations appearing at Part 42 of this subtitle as issued at 36 FR 8785 (effective May 13, 1971) shall apply to all acquisition or displacement occurring on or after January 2, 1971, and prior to July 1, 1972, to the extent that a State agency has furnished HUD with satisfactory assurances under § 42.30 with respect to the federally assisted activity under which such acquisition or displacement takes place. Where, as of January 2, 1971, a State agency was not legally empowered under State law to make such assurances, to the extent that the State agency subsequently became so empowered and furnished such assurances prior to July 1, 1972, the regulations appearing at 36 FR 8785 shall apply to acquisitions and displacements occurring on or after the date on which the State agency became legally empowered to furnish such assurances. On and after July 1, 1972, the regulations appearing at 36 FR 8785 apply to all acquisition or displacement occurring prior to the effective date of the amended regulations in this Part.

(c) *Continuation of rights and liabilities.* Nothing in paragraph (a) or (b) of this section shall be deemed to affect any rights or liabilities in existence as of January 2, 1971, under any laws repealed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

§ 42.30 Assurances.

(a) *Displacement.* As a condition to any grant, contract, or agreement approved by HUD on or after January 2, 1971, under which Federal financial assistance will be available to pay all or part of the cost of any undertaking which will result in the displacement of any person on or after such date, a State agency shall submit assurances (either separately or by contract) satisfactory to HUD that with respect to such displacement—

(1) Relocation payments shall be provided to displaced persons in accordance with §§ 42.65 through 42.95;

(2) Relocation assistance programs offering the services described in Subpart C shall be provided to such displaced persons;

(3) Within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to displaced persons in accordance with § 42.120;

(4) Affected persons will be adequately informed of the benefits, policies and procedures provided in these regulations; and

(5) The relocation process will be carried out in such a manner as to provide displaced persons with uniform and consistent services, and replacement housing under § 42.120 will be available and the same range of choices with respect to such housing will be offered to all displaced persons regardless of race, color, religion or national origin pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3501 et seq.) and Executive Order 11063 (27 FR 11527) and which is available to all persons regardless of sex.

(b) *Acquisition.* As a condition to any grant, contract, or agreement approved by HUD on or after January 2, 1971, under which Federal financial assistance will be available to pay all or a part of the cost of an undertaking which will result in the acquisition of real property on or after such date the State agency shall, to the extent it is authorized under State law, submit assurances (either separately or by contract) satisfactory to HUD that with respect to such acquisition:

(1) It will, to the greatest extent practicable under State law, be guided by the land acquisition policies and provisions in § 42.135;

(2) Property owners will be paid or reimbursed for necessary expenses specified in § § 42.140 and 42.145; and

(3) Affected persons will be adequately informed of the benefits, policies and procedures provided in the regulations in this Part: *Provided*, That in the case of the community development block grant program any acquisition of real property (whether such acquisition is federally-assisted or not) shall be subject to this paragraph and to the regulations in Subpart D if such acquisition occurs on or after the date of submission of an application requesting Federal financial assistance which is funded for a proposed activity in connection with which the acquisition has been or will be undertaken.

§ 42.35 Federal share of costs of relocation payments and assistance.

Payments made and assistance provided in acordance with Subpart B and C of this part and §§ 42.140 and 42.145, and pursuant to a grant, loan, contract, or agreement for Federal financial assistance for a project, shall be included as a part of the cost of such project and shared in the same manner and to the same extent as other program or project costs: *Provided*, That where such Federal financial assistance is by loan, HUD shall loan the full amount of the first $25,000 of the cost to the State agency for providing such payments and assistance to an eligible displaced person or a person from whom property is acquired.

§ 42.40 Payments in condemnation proceedings and negotiated purchases.

No payment shall be made under the regulations in this Part which would duplicate a payment received by a displaced person or owner under the State law of eminent domain, and which is included in an award in eminent domain or in the purchase price for any property acquired by negotiation, if such payment so received is determined by HUD to have the same purpose or effect as a payment under this Part, and to be part of the cost of the program or project for which Federal financial assistance is available.

Subpart B—Relocation Payments

§ 42.45 Purpose.

The purpose of this Subpart is to set forth the types of, and specific eligibility criteria for, relocation payments to displaced persons.

§ 42.50 Relocation payments by State agency.

The State agency shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the full extent permitted by §§ 42.65 through 42.95.

§ 42.55 Basic eligibility conditions.

(a) *General.* The rules set forth in this paragraph shall apply to all displaced persons except those who move from real property or move personal property from real property as the result of activities undertaken pursuant to the community development block grant, low-rent public housing or model cities programs. A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment if:

(1) Such person moves from real property within the project area or moves his personal property from such real property (i) on or after the date of the pertinent contract for Federal financial assistance for a project, or (ii) on or after the date of HUD approval of a budget for project execution activities resulting in displacement, provided that the contract for Federal financial assistance for the contemplated project is thereafter executed, and

(2) Such person is displaced as a result of (i) the acquisition of such real property, in whole or in part, for a project as further provided in paragraph (e) of this section, (ii) code enforcement, voluntary rehabilitation, improvement of private property, or demolition as provided in paragraphs (f), (g), and (h) of this section.

(b) *Community development block grant program.* A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment under the community development block grant program if such person moves from real property or moves his

personal property from real property as a result of the acquisition of such real property for an activity assisted under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301) and the regulations appearing at 42 CFR Part 570. Any displacement resulting from the acquisition of real property (whether such acquisition is itself federally-assisted or not) shall be subject to the regulations in this Part if such displacement occurs on or after the date of submission of an application requesting Federal financial assistance which is funded for a proposed activity in connection with which the acquisition has been or will be undertaken.

(c) *Model cities program.* A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment under the model cities program if:

(1) Such person moves from real property within the project area or moves his personal property from such real property (i) on or after the date of the pertinent contract for Federal financial assistance for a project or (ii) if the displacement occurs prior to the approval of the contract for Federal financial assistance, on or after the date approved by HUD for a specific undertaking upon the request of the State agency: *Provided,* That a contract of Federal financial assistance is thereafter executed: *And provided further,* That the comprehensive city demonstration program thereafter identifies the undertaking as one being carried out in connection with such program, and

(2) Such person is displaced as a result of (i) the acquisition of such real property, in whole or in part, for a project as further provided in paragraph (e) of this section, or (ii)) code enforcement, voluntary rehabilitation, or demolition as provided in paragraphs (f), and (h) of this section.

(3) In all cases in which a comprehensive city demonstration program is amended to incorporate any of the activities specified in this section which were carried out prior to the date of such amendment, and to recognize the eligibility of persons displaced by reason of any of such activities, a person so displaced shall qualify as a displaced person for purposes of establishing basic eligibility for a relocation payment: *Provided,* That the date of displacement for such person shall be deemed to be the date on which the comprehensive city demonstration program was amended to include the activity bringing about displacement: *And provided further,* That the regulations in effect at the time of such amendment shall be fully applicable to each such displacement.

(d) *Low-rent public housing program.* A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment if such person moves, including a move of personal property, under the following circumstances:

(1) Conventional bid, or acquisition of existing housing other than under paragraph (2) below: If (i) such person moves from the project site on or after the date of the annual contributions contract, or the date of tentative site approval by HUD, if it is later, and (ii) the move is a displacement by acquisition as provided in paragraph (e) of this section: *Provided,* That an option agreement shall not be considered as a notice of intent to acquire or a firm offer to acquire as provided in paragraph (e)(3).

(2) Turnkey new construction or rehabilitation: If such person (i) moves from the project site, other than for cause, on or after the date of the Contract of Sale, or (ii) moves from the project site on or after the date of the annual contributions contract and prior to the date of the Contract of Sale.

(3) Housing assistance payments program: If such person moves from a dwelling on and after the date of execution of the annual contributions contract: *Provided,* That eligibility under the regulations in this Part shall be limited to cases in which a public housing agency itself acquires real property from which such person is displaced.

(e) *Displacement by acquisition.* Displacement as a result of the acquisition of real property includes displacement which is a result of:

(1) The obtaining by the acquiring agency of title to or the right to possession of such real property for a project;

(2) The written order of the acquiring agency to vacate such property for a project; or

(3) The issuance by the acquiring agency of a written notice to the owner of its intent to acquire the real property for such project, in accordance with § 42.136: *Provided,* That a person (other than the former owner or tenant of any real property acquired by a State agency) who enters into rental occupancy of real property after its acquisition by a State agency and thereafter moves from such real property shall not be considered displaced by acquisition for the purposes of the regulations in this Part. If no written notice of intent to acquire the real property is issued, the issuance by the acquiring agency to the owner of a firm offer to acquire shall constitute a notice of intent to acquire: *Provided,* That no person moving from real property after the State agency has served upon him the notice described in § 42.137 shall be deemed eligible for any of the relocation assistance or relocation payments described in this Part. Displacement as a result of acquisition of real property in the urban renewal, neighborhood development, and model cities programs shall include displacement which is a result of the acquisition of real property by a State agency other than the State agency receiving Federal financial assistance as defined in § 42.20(h), to the extent that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is not applicable to such other State agency in connection with such displacement, and if the acquisition is undertaken in accordance with the plan for the project, or, in the case of the model cities program, if the comprehensive city demonstration program identifies the acquisition as being carried out in connection with such program.

(f) *Displacement by code enforcement and voluntary rehabilitation.*—(1) *Urban renewal, neighborhood development, and code enforcement programs.* A person shall be deemed displaced by code enforcement or voluntary rehabilitation under the urban renewal, neighborhood development, and code enforcement programs if the vacation of the real property is the result of code enforcement, as further specified in paragraph (f)(3) of this section, or of voluntary rehabilitation, as further specified in paragraph (f)(4) of this section with respect to the property occupied and if such activities are undertaken in accordance with the plan: *Provided,* That no person displaced by the activities described in such paragraphs (f)(3) and (f)(4) in connection with the community development block grant program shall be deemed eligible under the regulations in this Part.

(2) *Model cities program.* A person shall be deemed displaced by code enforcement or voluntary rehabilitation under the model cities program if the vacation of the real property is the result of code enforcement, as specified in paragraph (f)(3) of this section, or of voluntary rehabilitation activities, as specified in paragraph (f)(4) of this section, with respect to the property occupied and if such activities are undertaken in accordance with the comprehensive city demonstration program which identifies the undertaking as being carried out in connection with such program.

(3) *Code enforcement.* A person shall be deemed to be displaced as a result of code enforcement if the vacating of real property occurs after: The State agency has (a) determined that code enforcement cannot reasonably be undertaken without the vacation of the real property, and (b) has notified the owner and occupant of the real property in writing, return receipt requested, of its intention to undertake such code enforcement within not less than 90 nor more than 180 days from the date of the receipt of such notice: *Provided,* That such notice shall confer no eligibility under this Part upon any person who moves from the real property more than 180 days from the date of his receipt of the notice unless code enforcement activities have commenced, and the notice shall so state.

(4) *Voluntary rehabilitation.* A person shall be deemed to be displaced as a result of voluntary rehabilitation if the vacating of real property occurs after: The State agency has (i) agreed with the owner of the real property that rehabilitation activities will be undertaken in accordance with HUD policies and requirements; and (ii) the State agency has determined that such activities cannot reasonably be undertaken without the vacating of the real property; and (iii) the State agency has notified the owner and occupant of the real property in writing, return receipt requested, of

the owner's agreement to undertake voluntary rehabilitation within not less than 90 nor more than 180 days from the date of the receipt of such notice: *Provided*, That such notice shall confer no eligibility under this part upon any person who moves from the real property more than 180 days from the date of his receipt of the notice unless voluntary rehabilitation has commenced; and the notice shall so state;

(g) *Displacement by improvement of private properties in the interim assistance program.* A person shall be deemed displaced by the improvement of private property under the interim assistance program if the vacating of the real property is the result of:

(1) Improvement with respect to the property occupied and undertaken in accordance with the plan; and

(2) The State agency has determined that such improvement cannot reasonably be undertaken without the vacation of the real property and has notified the owner and occupant of the real property in writing, return receipt requested, of its intention to undertake such improvement within not less than 90 nor more than 180 days from the date of the receipt of such notice: *Provided*, That such notice shall confer no eligibility under this Part upon any person who moves from the real property more than 180 days from the date of his receipt of the notice, unless improvement has commenced, and the notice shall so state.

(h) *Displacement by Demolition Grant Program.* A person shall be deemed displaced as a result of demolition if the vacating of real property is the result of demolition undertaken in accordance with the plan for a project, and occurs on or after the date on which the State agency has ordered the real property to be vacated and demolished under State and local law on the ground that it is structurally unsound or unfit for human habitation.

(i) *Moves from dwellings as a result of displacement from a business or farm operation.* Notwithstanding any other provision of this Subpart, any person who moves from real property or moves his personal property from real property on or after the applicable date specified in paragraphs (a), (b), (c) or (d) of this section as a result of displacement (as specified in paragraphs (a), (b, (c) or (d) of this section) from other real property on which such person conducts a business or farm operation shall qualify as a displaced person for the purposes of establishing basic eligibility for the following payments and assistance: (1) Actual reasonable moving expenses under § 42.65, (2) actual direct losses of personal property under § 42.70, (3) actual reasonable expenses in searching for a replacement business or farm under § 42.75, (4) an alternate payment for individuals and families under § 42.80, and (5) relocation advisory assistance under Subpart C of this part.

§ 42.60 Filing of claims.

(a) *General.* All claims shall be submitted to the State agency on the appropriate HUD form, supported by such documentation as may be required by the specific provisions of the regulations in this Part applicable to the payment claimed, and by such other documentation as may be required by the State agency.

(b) *Time for filing claims.* Any claim for a payment shall be submitted to the State agency within a period of 18 months after displacement of a claimant.

§ 42.65 Actual reasonable moving expenses.

(a) *General.* A State agency shall make a payment to a displaced person who satisfies the pertinent eligibility requirements of § 42.55 and the requirements of this section, for actual reasonable expenses specified below and subject to the limitations set forth in paragraph (d) of this section for moving himself, his family, business, farm operation or other personal property. In all cases the amount of a payment shall not exceed the cost of the least expensive feasible method of accomplishing the activity in connection with which a claim has been filed, as determined by the State agency. The moving and related expenses for which claims may be filed shall include:

(1) Transportation not to exceed a distance of 50 miles from the site from which displaced, except where the State agency determines that relocation beyond such distance of 50 miles is justified;

(2) Packing, crating, unpacking and uncrating personal property;

(3) Such storage of personal property, for a period generally not to exceed 12 months, as the State agency determines to be necessary in connection with relocation;

(4) Insurance of personal property while in storage or transit; and

(5) The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent, or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available.

(b) *Actual reasonable moving expenses—displaced business concerns and farm operations.* In addition to those compensable expenses set forth in paragraph (a) of this section, a displaced business concern or farm operation may file a claim for the following moving and related expenses:

(1) Disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the State agency;

(2) The cost, directly related to displacement and subject to the limitations imposed by this subparagraph of:

(i) Any addition, improvement, alteration or other physical change in or to any structure or its premises in connection with the reassembling, reconnection or reinstallation of machinery, equipment or other personal property, or otherwise required to render such structure, premises, or equipment suitable for a displaced business; or

(ii) Expenditures made by a business concern to adapt or convert relocated equipment to the use of a different type of power supply.

Claims for payment under this subparagraph shall be subject to the following limitations:

(iii) Reimbursable costs shall be limited to $100,000;

(iv) The cost shall be found by the State agency to be required by law or ordinance or to be otherwise necessary to the reestablishment of the displaced business;

(v) The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred.

(vi) The State agency shall deduct the amount, if any, realized by the displaced business concern as compensation for comparable additions, improvements, alterations or other physical changes to the structure and premises acquired, as part of the payment made for the acquisition of such structure and premises; and

(vii) In any case in which the claim for payment exceeds $25,000 the State agency shall obtain HUD concurrence before making payment.

(3) The cost of any license, permit or certification required by a displaced business concern to the extent such cost is necessary to the reestablishment of its operation at a new location;

(4) The cost of any professional services necessary to the planning, preparation for or accomplishment of a move by a displaced business concern, or its reestablishment at a new location, including, but not limited to, architects', attorneys' or engineers' fees, or consultants' charges; and

(5) Where an item of personal property which is used in connection with any business or farm operation is not moved but is replaced with a comparable item, reimbursement in an amount not to exceed (i) the replacement cost, minus any proceeds received from its sale, or (ii) the estimated cost of moving, whichever is less.

(c) *Requirements—Moving a business or farm operation.* Except as provided in this paragraph, no payment for actual reasonable moving expenses shall be made to a displaced person for moving his business or farm operation unless:

(1) The State agency has received, at least 30 days (or such earlier date as the State agency may determine necessary, but not earlier than 90 days) prior to the moving date, written notice from such displaced person of his intention to move or dispose of personal property used in connection with such business or farm operation (which property shall be described generally in the notice), and the date of such intended move or disposition; and

(2) The displaced person has permitted, at all reasonable times, the inspection by or on behalf of the State agency of such property at the site from

which the business or farm operation is displaced. For the purpose of this subsection, "moving date" shall mean the date on which the first item of such property is intended to be moved or disposed of. The State agency may make a relocation payment notwithstanding nonreceipt of such timely notice only if the agency has determined that there was reasonable cause for the failure of the displaced person to give such notice, and the agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

(d) *Special requirements and limitations.*—(1) *Businesses and farm operations—general limitation on moving expenses.* Payment to a displaced person for moving expenses in connection with moving a business or farm operation shall not exceed the amount of the low bid submitted in accordance with paragraph (e)(2) of this section.

(2) *Business and farm operations—self-moves.* A displaced person electing to self-move a business or farm operation may submit a claim for his moving expenses to the State agency in an amount not to exceed an acceptable low bid obtained by the State agency, without documentation of moving expenses actually incurred.

(3) *Personal property of low value and high bulk—Business or farm operation.* Where, in the judgment of the State agency, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business or farm operation would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This subparagraph may in appropriate situations be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, and metals.

(e) *Documentation in support of a claim.*—(1) *General.* Except in the case of a displaced person conducting a self-move of a business or farm operation as provided in paragraph (d)(2) of this section, a claim for a payment under paragraph (a) of this section shall be supported by a bill or other evidence of expenses incurred. By prearrangement between the State agency, the site occupant, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the State agency, and the agency may pay the mover directly.

(2) *Businesses and farm operations.* Each claim in excess of $1,000 for the costs incurred by a displaced person for moving his business or farm operation shall be supported by bids obtained by the displaced person at least 15 days prior to the commencement of the move from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a written justification shall be submitted by the displaced person; and no relocation payment shall be allowed in such cases unless the State agency has approved the justification. Where such bid requirement cannot be complied with under State law, or where estimates in an amount of less than $1,000 were obtained in good faith by the displaced person, such claim shall be supported by estimates in lieu of bids.

§ 42.70 Actual direct losses of tangible personal property.

(a) *General.* A State agency shall make a payment to a displaced person who satisfies the eligibility requirements of § 42.65, and this section, for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, in an amount determined by the State agency in accordance with the provisions of this section.

(b) *Determining actual direct loss of property.* Actual direct loss of property shall be determined on the basis of the lesser of:

(1) Fair market value of the property for continued use at its location prior to displacement plus the costs of a bona fide effort to sell such property; or

(2) Estimated reasonable costs of moving such property, plus the costs of a bona fide effort to sell such property.

In every case a bona fide effort to sell such property shall first be made. The proceeds realized from any sale of all or part of such property shall be deducted from this determination. Fair market value for continued use shall be calculated and bona fide efforts to sell undertaken in accordance with HUD policies and procedures.

(c) *Documentation to support claim.* A claim for payment hereunder shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, cancelled checks, copies of advertisements, offers to sell, auction records, and other records appropriate to support the claim.

§ 42.75 Actual reasonable expenses in searching for a replacement business or farm.

A displaced person who satisfies the pertinent eligibility requirements of § 42.65 with respect to actual reasonable moving expenses, shall be eligible for a payment in an amount not to exceed $500, in searching for a replacement business or farm, including expenses incurred for: (a) Transportation; (b) meals and lodging away from home; (c) time spent in searching, based on the hourly wage rate of the salary or earnings of the displaced person or his representative, but not to exceed $10 per hour; and (d) fees paid to a real estate agent or broker to locate a replacement business or farm.

§ 42.80 Alternate payments—individuals and families.

(a) *General.* A person or family, who is displaced from a dwelling and is eligible for a payment for actual reasonable moving expenses under § 42.65 may elect to receive and shall be paid, in lieu of such payment: (1) A moving expense allowance not to exceed $300 and determined in accordance with approved Federal Highway Administration schedules established by the State in which the displacement occurred, and (2) a dislocation allowance of $200.

(b) *Limitations—joint occupants of single-family dwellings.* If individuals (regardless of whether they are family members, or not) who are joint occupants of a single-family dwelling submit more than one claim, an eligible claimant for a payment under paragraph (a) of this section may be paid only his reasonable prorated share (as determined by the State agency) of the total payment applicable to a single individual, and the total of alternate payments made to all such claimants moving from such dwelling shall not exceed the total fixed payment applicable to a single individual, in accordance with HUD policies and procedures.

§ 42.85 Alternate payments—businesses and farm operations.

(a) *General.* A displaced person who is displaced from his place of business or farm operation and is eligible for payments under § 42.65, § 42.70, or § 42.75 and complies with the requirements set out in paragraphs (b), (d), and (e) of this section may elect to receive and shall be paid, in lieu of such payments, a payment equal to the average annual net earnings of the business or farm operation (but not including a business as defined in § 42.20(a)(4) of this part) as determined in accordance with paragraph (b) of this section, except that such payment shall be not less than $2,500 nor more than $10,000. For purposes of this section, the dollar limitation specified in the preceding sentence shall apply to a single business, regardless of whether it is carried on under one or more legal entities.

(b) *Requirements—businesses.* No payment shall be made under this section unless the State agency determines that:

(1) the business cannot be relocated without a substantial loss of its existing patronage, based on a consideration of all pertinent circumstances including such factors as the type of business conducted, the nature of the clientele, and the relative importance to the displaced business of its present and proposed location;

(2) the business is not part of a commercial enterprise having another establishment which is not being acquired for a project and which is engaged in the same or similar business: *Provided*, That in any case in which the sole remaining facility of a business which has been displaced from its principal location (i) had average annual gross receipts of less than $2,000 during the two taxable years prior to displacement of the major component of the business, or (ii) average annual net earnings of less than $1,000 during the two taxable years prior to the displacement of the major component of

the business, the remaining facility will not be considered another "establishment," for purposes of this paragraph; and

(3) the displaced business (i) had average annual gross receipts of at least $2,000 during the two taxable years prior to displacement; or (ii) the displaced business had average annual net earnings of at least $1,000 during the two taxable years prior to displacement; or (iii) the displaced business contributed at least 33⅓ percent of the total gross income of the owner(s) during each of the two taxable years prior to displacement: *Provided*, That if in any case the State agency determines that the two year period prior to displacement is not representative of average receipts, earnings or income, it may make use of a more representative period.

(c) *Determination of number of "businesses."* In determining whether one or more legal entities, all of which have been acquired constitute a single business, the following factors, among others, shall be considered:

(1) The extent to which the same premises and equipment are shared;

(2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled;

(3) The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business; and

(4) The extent to which the same person or closely related persons own, control or manage the affairs of the entities.

(d) *Requirements—farms.* (1) In the case of a farm operation, no payment shall be made under this section unless the State agency determines that the farm met the definition of a farm operation prior to its acquisition; (2) if the displacement is limited to only part of the farm operation, the operator will be considered to have been displaced from a farm operation if: (i) The part taken met the definition of a farm operation prior to the taking; *or*, (ii) the taking caused the operator to be displaced from the farm operation on the remaining land; or (iii) the taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement; (3) Each farm operation shall be subject to the requirements of paragraph (b)(3) of this section, regarding income.

(e) *Requirements—nonprofit organizations.* In the case of a nonprofit organization, no payment shall be made under this section unless the State agency determines that (1) the nonprofit organization cannot be relocated without a substantial loss of its existing patronage (the term "existing patronage" as used in connection with a nonprofit organization includes the membership, persons, community, or clientele served or affected by the activities of the nonprofit organization); and (2) the nonprofit organiaztion is nat a part of an enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity. A payment to a nonprofit organization shall be limited to $2,500.

(f) *Net earnings.* The term "average annual net earnings" as used in this section means one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during such other period as the head of the State agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period. The term "owner" as used in this paragraph includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the State agency. For purposes of determining a principal stockholder, stock held by a husband, his wife and their dependent children shall be treated as one unit.

(g) *Documentation in support of a claim.* A claim for payment under paragraph (a) of this section shall be supported by such reasonable evidence of earnings as may be approved by HUD.

§ 42.90 Replacement housing payments for homeowners.

(a) *General.* A State agency shall make to a displaced person who is displaced from a dwelling and who satisfies the pertinent eligibility requirements of § 42.55 and the conditions of paragraph (b) of this section, a payment not to exceed a combined total of $15,000 for:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost (as determined in accordance with paragraph (c)(1) of this section) of a comparable replacement dwelling: *Provided*, That such amount shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling. *And provided further*, That in the case of any person displaced as the result of demolition of a dwelling pursuant to code enforcement or voluntary rehabilitation in accordance with § 42.55(f) of the regulations in this Part, the amount of residual value of the real property following such demolition and prior to redevelopment shall be deemed its 'acquisition cost' for purposes of this subparagraph. In all cases of displacement by code enforcement or voluntary rehabilitation not involving demolition of a dwelling, the fair market value of the real property at the time of displacement shall be deemed its 'acquisition cost' for purposes of this subparagraph.

(2) The amount, if any, to compensate the displaced person for any increased interest costs, as determined in accordance with paragraph (c)(2) of this section, which such displaced person is required to pay for financing the acquisition of a replacement dwelling: *Provided*, That no such payment shall be made unless the dwelling acquired by the State agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for acquisition of such dwelling.

(3) Reasonable expenses, determined in accordance with paragraph (c)(3) of this section, incurred by the displaced person incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) *Eligibility conditions.* (1) A displaced person is eligible for the payments specified in paragraph (a) of this section if such displaced person (i) is displaced from a dwelling that (A) is acquired for a project, or (B) in connection with a project and in accordance with local code, is demolished, is declared unfit for human habitation, or requires vacation for any other reason, such as overcrowding, and is deemed acquired under the regulations in this Part, (ii) has actually owned and occupied such dwelling for not less than 180 days prior to the initiation of negotiations for its acquisition; (iii) purchases and occupies a replacement dwelling which is decent, safe, and sanitary, within 1 year subsequent to the date on which he received final payment from the State agency of all costs of the acquired dwelling or the date on which he moves from the acquired dwelling, whichever is later.

(2) For the purpose of this paragraph (b), a person has "owned" a dwelling if he (i) held fee title, a life estate, a 99-year lease, or a lease with not less than 50 years to run from date of acquisition of the property for the project; (ii) held an interest in a cooperative housing project which includes the rights of occupancy of a dwelling unit therein, (iii) was the contract purchaser of any of the foregoing estates or interest, or (iv) had a leasehold interest with an option to purchase.

(3) The term "initiation of negotiations" shall mean, for the purposes of this paragraph (b), the following:

(i) In the case of code enforcement, voluntary rehabilitation, improvement of private property, or demolition in connection with a project, the date such person vacates the dwelling.

(ii) In the case of a low-rent public housing project carried out by means of the turnkey method (new construction or rehabilitation), the date of the letter from the State agency notifying a developer of his tentative selection in connection with such project, except: (A) For turnkey new construction cases where the State agency obtains control of the site prior to tentative selection of the developer, the date of the initial written offer to the owner by or on behalf of the State agency of the amount established as just compensation in accordance with § 42.135; (B) for turnkey rehabilitation cases where the State agency enters into an agreement with a developer for unidentified properties, the date of the initial written offer for each property by the developer to the owner or the date of the

contract between the developer and the State agency, whichever is later;

(iii) In the case of displacement arising pursuant to the housing assistance payments program, the date specified in § 42.55(d)(3).

(4) The term "Purchases," for the purpose of this paragraph (b), includes the acquisition, construction or rehabilitation of a dwelling, the purchase and rehabilitation of a substandard dwelling, the relocation or relocation and rehabilitation of an existing dwelling, or the entering into a contract to purchase, or for the construction of, a dwelling to be constructed on a site to be provided by a builder or developer or on a site which the displaced person owns or acquires for such purpose. Where completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed, for reasons beyond control of the displaced person, beyond the date by which occupancy is required under this paragraph (b), the State agency may determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

(5) Where, for reasons of hardship and beyond the control of the displaced person, such person is unable to occupy the replacement dwelling by the date by which occupancy is required under this paragraph (b), the State agency may determine the date of occupancy to be the date on which the displaced person became entitled to possession of such dwelling: *Provided*, That the displaced person occupies the replacement dwelling within such reasonable period of time as shall be determined by HUD.

(c) *Computation of replacement housing payment.*—(1) *Cost of comparable replacement dwelling.* The cost of a comparable replacement dwelling for purposes of paragraph (a)(1) of this section, shall be determined by the method specified in paragraph (c)(1)(i) except as provided in paragraph (c)(1)(ii) or (iii);

(i) Comparative method: On a case-by-case basis by determining the sales price of one or more dwellings which have been selected by the State agency and which are most representative of the acquired dwelling unit and meet the definition of "comparable replacement housing" set out in § 42.20(b);

(ii) Schedule method: By the use of a schedule as described in § 42.160, in cases in which a State agency determines that the use of a schedule is desirable.

(iii) Alternative method: Where the State agency determines that neither the schedule nor comparative method is feasible in a given situation, by the use of such other method as may be approved by HUD.

(2) *Interest payments.* Interest payments shall be equal to the difference between (i) the aggregate interest applicable to the amount of the principal of the mortgage on the acquired dwelling over its remaining term at the time of acquisition, and other debt service costs, and (ii) the aggregate interest paid on the mortgage on the replacement dwelling, and other debt service costs: *Provided*, That the term and amount of the mortgage on the replacement dwelling for purposes of this paragraph shall be the lesser of (iii) the remaining term and amount of the mortgage on the acquired dwelling, or (iv) the actual term and amount of the mortgage on the replacement dwelling: *And provided further*, That such differential shall be reduced to discounted present value. In making such computation, the aggregate interest and other debt service costs with respect to the replacement dwelling shall not exceed the prevailing interest rate currently charged by the mortgage lending institutions in the general area in which the replacement dwelling is located. The discount rate for computing the present worth of future payments of increased interest shall be computed at the prevailing interest rate paid on savings deposited by commercial banks in the general area in which the replacement dwelling is located: *And provided further*, That the amount of the debt service cost with respect to the replacement dwelling shall be the lesser of (v) the debt service cost based on the cost required for a comparable dwelling, or (vi) the debt service cost based on the actual cost of the replacement dwelling.

(3) *Expenses incident to the purchase of the replacement dwelling.* Such payments shall be the amount necessary to reimburse the displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling, including (i) legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation. (ii) Lender, FRA or VA appraisal. (iii) FHA or VA application fee. (iv) Certification of structural soundness. (v) Credit report. (vi) Owner's and mortgagee's evidence or assurance of title. (vii) Escrow agent's fee. (viii) Sales or transfer taxes: *Provided*, That no payment for any such expenses shall exceed the amount attributable to the purchase of a comparable dwelling, as defined by § 42.20(b) and selected in accordance with this section. No reimbursement shall be made for any fee, cost, charge, or expense which is determined to be a part of the debt service or finance charge under Title I of the Truth in Lending Act (Pub. L. 90-321), and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

(d) *Limitation-joint owner-occupants of single-family dwellings.* The total amount of payment under this section to individuals (regardless of whether they are family members or not) who were joint owner-occupants of a single-family dwelling acquired as a result of the project shall be subject to the limitation of § 42.80(b).

(e) *Descent and distribution of replacement housing payments.* A replacement housing payment computed in accordance with this section or with § 42.95 shall be personal to the displaced person claiming such payment, and shall not be paid to his heirs or assigns to the extent to which such payment, or any portion thereof, has not been disbursed prior to the death of such displaced person (except as to the amount attributable to such displaced person's actual period of occupancy of comparable replacement housing): *Provided*, That such payment shall be fully disbursed in any case in which the displaced person was a member of a family living with him in the dwelling or dwelling unit from which he was displaced, which continues to occupy together the comparable dwelling selected in accordance with the regulations in this Part; *And provided further*, That so much of a replacement housing payment as will satisfy the legal obligation of an estate in connection with the selection of a comparable dwelling by or on behalf of a deceased displaced person shall be disbursed to the estate.

(f) *Mobile Homes.*—(1) *Acquisition of mobile homes.* Any person displaced as the result of the acquisition of a mobile home (actually owned and occupied by such person in accordance with paragraph (b) of this section or actually occupied in accordance with § 42.95(b)) who otherwise meets the eligibility requirements of the regulations in this Part shall be eligible for a payment under this section or under the provisions of § 42.95: *Provided*, That payments shall be computed in accordance with paragraph (c)(1) of this section or § 42.95(c) based upon the reasonable cost of a comparable mobile home.

(2) *Displacement from mobile homes not caused by acquisition.* For purposes of this section and § 42.95, any person required to move a mobile home (actually owned and occupied by such person in accordance with the provisions of paragraph (b) of this section or actually occupied in accordance with § 42.95(b)) from real property acquired for a project as defined by the regulations in this Part shall be deemed displaced by reason of acquisition, notwithstanding the fact that the mobile home cannot be acquired as real property pursuant to State law, if:

(i) The mobile home cannot be moved without substantial damage or unreasonable cost as determined by the State agency; or

(ii) The mobile home is not a decent, safe and sanitary dwelling, as determined by the State agency.

The State agency shall determine the salvage value of the mobile home and shall deem such value the "acquisition cost" in computing a payment under paragraph (c) of this section.

(3) The displaced person must be determined to have moved to a comparable dwelling as defined by § 42.20(b) of the regulations in this Part.

(4) Payments shall be computed in accordance with paragraph (c)(1) of this section or § 42.95(c) based upon the reasonable cost of a comparable mobile home.

(g) *Presidentially-declared Disasters.* Notwithstanding any other provision of the regulations in this Part, no person otherwise eligible for a payment under this section or under § 42.95 shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the President, to meet the occupancy requirements set forth in the regulations in this Part.

§ 42.95 Replacement housing payments for tenants and certain others.

(a) *General.* A State agency shall make to a displaced person who satisfies the eligibility requirements of § 42.55 and the conditions of paragraph (b) of this section, a payment not to exceed $4,000 for either:

(1) An amount, computed in accordance with paragraph (c)(1) of this section, necessary to enable such displaced person to lease or rent a comparable replacement dwelling for a period not to exceed 4 years; or

(2) An amount, computed in accordance with paragraph (c)(2) of this section, necessary to enable such displaced person to make a downpayment (including incidental expenses described in § 42.90(a)(3), on the purchase of a comparable dwelling: *Provided*, That if such amount exceeds $2,000, such displaced person shall equally match any such amount in excess of $2,000 in making the downpayment.

(b) *Eligibility conditions.* A displaced person is eligible for the payments specified in paragraph (a) of this section if such displaced person:

(1) Has actually and lawfully occupied the dwelling from which he is displaced for a period of not less than 90 days prior to the initiation of negotiation for acquisition of such dwelling; and

(2) Is not eligible to receive a replacement housing payment for homeowners under § 42.90; and

(3) Where such displaced person was the owner of the dwelling, such dwelling is (i) acquired for a project or (ii) in connection with a project and in accordance with local code, is demolished, is declared unfit for human habitation, or requires vacation for any other reason, such as overcrowding and is deemed acquired under the regulations in this Part; and

(4) In cases in which a payment specified in paragraph (a)(2) of this section is sought such displaced person shall within one year from the date of displacement purchase and occupy a replacement dwelling. For purposes of this paragraph, the term "purchase" shall be defined in accordance with § 42.90(b)(4).

(5) The term "initiation of negotiations" shall mean, for the purposes of this paragraph (b), the following:

(i) In the case of code enforcement, voluntary rehabilitation, improvement of private property, or demolition in connection with a project, the date such person vacates the dwelling.

(ii) In the case of a low-rent public housing project carried out by means of the turnkey method (new construction or rehabilitation), the date of the letter from the State agency notifying a developer of his tentative selection in connection with such project, except: (A) For turnkey new construction cases where the State agency obtains control of the site prior to tentative selection of the developer, the date of the initial written offer to the owner by or on behalf of the State agency of the amount established as just compensation in accordance with § 42.135, and (B) for turnkey rehabilitation cases where the State agency enters into an agreement with a developer for unidentified properties, the date of the initial written offer for each property by the developer to the owner or the date of the contract between the developer and the State agency, whichever is later.

(iii) In the case of displacement arising pursuant to the housing assistance payments program, the date specified in § 42.55(d)(3).

(c) *Computation of payment.*—(1) *Rentals.* The amount of payment necessary to lease or rent a comparable replacement dwelling, as specified under paragraph (a)(1) of this section, shall be computed by subtracting 48 times the base monthly rental of the displaced person (as determined in accordance with paragraph (c)(1)(i) of this section), from 48 times the comparable monthly rental for a replacement dwelling (as determined in accordance with paragraph (c)(1)(ii) of this section): *Provided*, That in no case may such amount exceed the difference between 48 times the base monthly rental as determined in accordance with this paragraph and 48 times the monthly rental actually required for the comparable dwelling occupied by the displaced person.

(i) *Base monthly rental.* The base monthly rental shall be the average monthly rental paid by the displaced person for the 3-month period prior to initiation of negotiations: *Provided*, That where the displaced person was the owner of the dwelling from which he was displaced, the base monthly rental shall be the average monthly rental during such three month period for similar dwellings in an area not generally less desirable than that of the dwelling from which the person was displaced. (Hereinafter referred to as the economic rent.) *And provided further*, That where necessary to satisfy the definition under § 42.20(b)(5) of comparable replacement housing as being within the financial means of the displaced person, the amount of such base monthly rental shall not exceed 25 percent of such person's monthly income.

(ii) *Comparable monthly rental.* The comparable monthly rental shall be the amount of rental determined by the State agency by the method specified in paragraph (a), except as provided in paragraph (b) or (c):

(A) *Comparative method.* On a case-by-case basis by determining the average month's rent for one or more dwellings which have been selected by the State agency and which are most representative of the acquired dwelling and meet the definition of "comparable replacement dwelling" set out in § 42.20(b);

(B) *Schedule method.* By the use of a schedule as described in § 42.160, in cases in which a State agency determines that the use of a schedule is desirable.

(C) *Alternative method.* Where the State agency determines that neither the schedule nor comparative method is feasible in a given situation, by the use of such other method as may be approved by HUD.

(2) *Downpayment.* The downpayment for which a payment specified under paragraph (a)(2) of this section may be made, together with any matching share which may be required, shall not exceed (i) the amount ordinarily required for a downpayment for the purchase of a comparable dwelling where such purchase is financed by a conventional loan, and (ii) expenses incident to the purchase of a replacement dwelling computed in accordance with § 42.90(c)(3) (including purchaser's points and loan origination charges, where customary): *Provided*, That if the amount actually required of the displaced person as a downpayment for the purchase of a comparable dwelling is more than the amount specified in paragraph (c)(2)(i) of this section, such amount shall be the amount which the State agency determines to be necessary for such downpayment. The full amount of a downpayment under this section shall be applied to the purchase price of the replacement dwelling and shall be shown on the closing statement.

(d) *Limitation on payments and disbursement of payments.*—(1) *Joint occupants of single-family dwellings.* The total amount of payment under this section to individuals (regardless of whether they are family members or not) who were joint occupants of a single-family dwelling acquired for the project shall be subject to the limitation of § 42.80(b).

(2) *Rental replacement housing for displaced owner-occupant.* A displaced person who is not eligible for a replacement housing payment under § 42.90 because he elects to rent rather than purchase a replacement dwelling, and who meets the eligibility conditions specified in paragraph (b) of this section, is eligible for the payment specified in paragraph (a)(1) of this section.

(3) *Rental replacement housing payments for dependents.* Notwithstanding the provisions of paragraph (c) of this section, the amount of payments necessary to lease or rent a comparable replacement dwelling, as specified under paragraph (a)(1) of this section, shall, in the case of displaced persons designated dependents in accordance with this subparagraph, be limited to the difference between 48 times the rental actually paid for the unit previously occupied by the displaced person and 48 times the monthly rental actually required for the

comparable dwelling occupied by the displaced person. For purposes of this subparagraph, a "dependent" shall be any person who derives fifty-one percent or more of his income in the form of gifts from any private person or any academic scholarship or stipend. Full-time students and persons residing in hospitals, sanitariums and similar institutions shall be presumed to be dependents: *Provided*, That any displaced person presumed to be a dependent may rebut this presumption by demonstrating that fifty percent or more of his income is derived from sources other than gifts from another private person or academic scholarships or stipends.

(e) *Disbursement.* The Secretary shall have the authority to prescribe the manner for the disbursement of payments under this section and may from time to time establish procedures governing such disbursements.

Subpart C—Relocation Assistance Advisory Program and Assurance of Adequate Replacement Housing

§ 42.100 Purpose.

The purpose of this Subpart is to set forth requirements with respect to the development and implementation of a relocation assistance advisory program for the provision of specified services and to prescribe the obligation of the State agency not to displace or cause the displacement of any person from his dwelling without adequate notice and unless adequate replacement housing is available.

§ 42.105 Relocation assistance advisory program.

State agencies shall develop and implement a relocation assistance advisory program which satisfies the requirements of § 42.115 and of Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to assure that (a) all persons displaced from their dwellings are relocated into housing meeting the criteria described in § 42.120, and (b) all persons displaced from their places of business or farm operations are assisted in reestablishing with a minimum of delay and loss of earnings.

§ 42.110 Eligibility for services.

Relocation assistance advisory services shall be available to:

(a) Any person who occupies property from which he will be displaced for a project or whose personal property will be so displaced: *Provided*, That whenever the State agency determines that the project will result in substantial economic injury to any person, the State agency may offer such person relocation advisory services; and

(b) Any person who moves from real property or moves his personal property from real property, because he is displaced from other real property on which he conducts a business or farm operation.

§ 42.115 Minimum requirements of relocation assistance advisory program.

Each relocation assistance advisory program undertaken pursuant to § 42.105 shall include, at a minimum, such measures, facilities or services as may be necessary or appropriate in order to:

(a) Fully inform eligible persons under this Subpart at the earliest possible date as to the availability of relocation payments and assistance and the eligibility requirements therefor, as well as the procedures for obtaining such payments and assistance;

(b) Through direct personal interview, determine the extent of the need of each such eligible person for relocation assistance;

(c) Provide current and continuing information on the availability, prices, and rentals of comparable sales and rental housing, and of comparable commercial properties and locations;

(d) Assure that, within a reasonable period of time prior to displacement, there will be available adequate replacement housing meeting the criteria described in § 42.120 equal in number to the number of, and available to, such eligible persons who will be displaced;

(e) Assist any such eligible person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(f) Supply to such eligible persons information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal or State programs, offering assistance to displaced persons;

(g) Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, or source of income.

§ 42.120 Requirement of adequate replacement housing prior to displacement; notices to displaced persons.

(a) *Availability.* No person shall be required to move from his dwelling on account of a project unless within a reasonable period of time prior to displacement there are available to such person replacement dwellings which are:

(1) Decent, safe, and sanitary;

(2) Demonstrated to be open to all persons regardless of race, color, religion, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968, and available without discrimination based on sex or source of income;

(3) In an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and in an area not generally less desirable nor less accessible with regard to public utilities and services, schools, churches, recreation, transportation, and other public and commercial facilities;

(4) Reasonably accessible to the displaced person's place of employment or potential employment;

(5) Adequate in size, facilities and amenities to accommodate the needs of the displaced person and his family; and

(6) Available on the market at a rental or price within the financial means of the displaced person;

(b) *Reasonable offer of replacement housing.* The requirements of this paragraph shall be deemed to have been satisfied if a person is offered and refuses without justification reasonable choices of specifically identified replacement dwellings which fully meet the criteria set forth in this paragraph.

(c) *Notice.* No person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation, without at least 90 days' written notice from the State agency acquiring the real property or ordering its demolition: *Provided*, That a shorter period of notice may be given when the State agency determines, with HUD concurrence, that a 90-day period is impracticable. In addition, State agencies shall simultaneously notify each individual tenant to be displaced as well as each owner. Where persons are expected to be displaced by code enforcement, voluntary rehabilitation or the improvement of private properties as defined in § 42.55 (f) and (g), the State agency shall take all reasonable steps to urge and assure that owners of real property give tenants to be displaced at least 90 days' written notice that the activities will take place or that the premises must be vacated (except where the continued occupancy of the dwelling constitutes a substantial danger to the health or safety of the occupants). This policy shall be included by the State agency in all notices served on property owners requiring that code enforcement work be done.

(d) *Waiver.* The requirement in paragraph (a) of this section may be waived only by the Secretary of Housing and Urban Development under the following circumstances:

(1) When displacement is necessitated by a major disaster as defined in section 102(2) of the "Disaster Relief Act of 1974" (88 Stat. 143, 42 U.S.C. 5121); or

(2) During periods of Presidentially declared national emergencies; or

(3) Such other extraordinary or emergency situations where immediate possession of real property is of crucial importance.

§ 42.125 Coordination of relocation activities.

State agencies shall contact other Federal, State, and local governmental agencies to determine the extent of present and proposed governmental actions in or affecting the locality (or localities) which may affect the carrying out of their relocation assistance program and the availability of housing resources. State agencies shall be required to stage the project activities in a manner which assures the availability of a sufficient supply of adequate replacement housing

meeting requirements of § 42.120(a), giving consideration to the relocation needs of other programs being carried out in a locality and the progress of construction or rehabilitation of replacement dwellings or other relocation accommodations. In addition, State agencies should cooperate with other displacing agencies to insure that relocation assistance and relocation payments will be administered in a manner consistent with the promotion of uniform treatment of displacees from all such programs.

Subpart D—Real Property Acquisition

§ 42.130 Purpose.

The purpose of this Subpart is to set forth the practices to be followed with respect to acquisition of real property for a project, and to provide for payments to property owners for expenses incidental to transfer of title and, in limited situations, payments for litigation expenses (see § 42.25(a)(2) for applicability of this Subpart to the low-rent public housing program).

§ 42.135 Real property acquisition practices.

In order to carry out the purpose of the regulations in this Part, as set out in § 42.10(b) with respect to the acquisition of real property, the State agency shall, to the greatest extent practicable under State law, be guided by the following policies in acquiring real property for any project:

(a) The State agency shall make every reasonable effort to acquire such real property expeditiously by negotiation.

(b) Real property shall be appraised before the initiation of negotiations, and the owner or his representative designated in writing shall be given an opportunity, by reasonable advance written notice or otherwise, to accompany the appraiser during his inspection of the property. HUD shall designate the minimum required number of appraisals to be so obtained.

(c) Before the initiation of negotiations for the acquisition of such real property, the State agency shall establish an amount it believes to be just compensation therefor. Such amount shall be (1) the State agency's review appraiser's determination of the fair market value of the property, or (2) if HUD concurrence is required, the fair market value as concurred in by HUD, or (3) if required by specific HUD program regulations, the amount determined by HUD to be just compensation. The date of valuation ordinarily will be the date of the appraisal review.

(d) Promptly after the amount of just compensation is established in accordance with this section, the State agency shall offer to acquire the property for the full amount so established, and shall provide the owner with a written Statement of the Basis for Determination of Just Compensation (the Statement). The Statement shall include, as a minimum, the following:

(1) An accurate legal description and location identification of the real property and the interest therein to be acquired.

(2) An inventory identifying the buildings, structures, fixtures, and other improvements, including appurtenant removable building equipment, which are considered to be part of the real property for which the offer of just compensation is made, and an identification of the owner of each item of the inventory not owned by the owner of the land.

(3) A recital of the amount of the offer and a statement that such amount:

(i) Is the full amount believed by the State agency to be just compensation for the property;

(ii) Is not less than the approved appraisal of the fair market value of the property;

(iii) Disregards any decrease or increase in the fair market value caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the reasonable control of the owner;

(iv) Does not reflect any consideration of or allowance for any relocation assistance and payments which the owner is entitled to receive under the regulations in this Part or of the State agency's agreement to pay certain settlement costs.

(4) The recognized definition of the term "fair market value" shall be set forth by the State agency in the Statement.

(5) If only a portion of the property is to be acquired, the Statement shall include an apportionment of the total estimated just compensation for the partial acquisition between: (i) An amount representing estimated just compensation for the real property to be acquired, which compensation shall be the amount considered to be the fair market value of the part or interest to be acquired as part of the whole property, and (ii) an amount representing any net damages or benefits to the remaining property.

(6) If any building, structure, fixture, or other improvement, comprising part of the real property, has been identified as being the property of a tenant who has the right or obligation to remove it at the expiration of his term, the total just compensation for the real property, including the property of such tenant, shall be apportioned to the land owner and to the tenant so that the amount apportioned to each of the tenant's improvements to the real property will be the greater of:

(i) The amount which the tenant's improvement contributes to the fair market value of the real property to be acquired; or

(ii) The fair market value of the tenant's improvement for removal from the real property.

The basis of such apportionment shall be included in the statement.

(e) If the State agency acquires any interest in real property, it shall offer to acquire at least an equal interest in all buildings, structures, fixtures, or other improvements located thereon and which it requires to be removed from the real property or which it determines will be adversely affected by the use to which the real property will be put.

(f) Payment under this section shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the real property involved disclaims all interest in the improvements of the tenant and the tenant assigns, transfers, and releases to the State agency all his right, title, and interest in and to such improvements. Nothing in this section shall deprive the tenant of the right to reject payment thereunder and to obtain payment of just compensation for his property interest as otherwise provided for by applicable law.

(g) If the acquisition of a portion of a property would leave the owner with an uneconomic remnant, the State agency shall offer to acquire such uneconomic remnant. For purposes of the regulations in this subpart an "uneconomic remnant" shall be a parcel of real property in which the owner retains an interest after partial acquisition of his property and which has little or no utility or value to such owner.

(h) If arrangements are made to rent the property to the owner, or his tenant, for a short term, or for a period subject to termination by the State agency or short notice, the rental shall not exceed the lesser of:

(1) The fair rental value of the property to a short-term occupier;

(2) The pro rata portion of the fair rental value for a typical rental period.

If the owner or his tenant is an occupant of a dwelling, the rental for such dwelling shall not exceed twenty-five (25) percent of his income.

(i) The State agency shall make reasonable efforts to discuss with the owner its offer to purchase his real property. The owner shall be given reasonable opportunity to present material which he believes to be relevant as to the question of value and to suggest modification in the proposed terms and conditions of the purchase, and the State agency shall carefully consider the owner's presentation.

(j) If the evidence presented by an owner or a material change in the character or condition of the property indicates the need for new appraisal evidence, or if a significant delay has occurred since the time of an appraisal the State agency shall have the appraisal updated or obtain a new appraisal. If a modification in the State agency's determination of just compensation is warranted, an appropriate price adjustment shall be made and the new amount determined to be just compensation shall be promptly offered in writing to the owner.

(k) No owner shall be required to surrender possession of real property before the State agency pays the agreed purchase price, or deposits with the court in which the State agency has instituted a condemnation proceeding for such property, for the benefit of the owner, an amount not less than the fair market

value of such property, determined in accordance with paragraph (c) of this section, or the amount of the award of compensation in the condemnation proceeding for such property.

(l) In no event shall the State agency advance the time of condemnation or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action which is coercive or misleading in nature in order to compel or induce an agreement on the price to be paid for the property.

(m) If any interest in real property is to be acquired by exercise of the power of eminent domain, the State agency shall institute formal condemnation proceedings to prove the fact of the taking of real property.

(n) In any case in which a notice is served by the State agency of its intention to acquire real property, initiation of negotiations shall occur within 90 days of the service of such notice of intention.

§ 42.136 Notice of intent to acquire real property.

The State agency shall provide the owner and each tenant in occupancy as of the date its determination to acquire an official written notice of its intent to acquire the real property. Such notice shall be given as soon as feasible after the effective date of approval of the determination to acquire the real property. The notice shall specify, as a minimum, that: (a) A specific area has been designated for inclusion within a HUD-assisted project; (b) The owner's property has been determined to be included in such area; and (c) It has been determined that the owner's property, which shall be generally described, is to be acquired in connection with such program or project. In any case in which a notice of intent to acquire is served, initiation of negotiations for the acquisition of real property which is the subject of such notice, shall commence within 90 days of the service of such notice as set forth in § 42.135(n) of the regulations in this Part.

§ 42.137 Notice of land acquisition procedures.

(a) At the time the State agency notifies an owner of its intention to acquire real property, it shall furnish him a written Notice of Land Acquisition Procedures, describing, in nontechnical terms, the State agency's acquisition procedures and the principal rights and options available to such owner.

(b) Such Notice shall include the following: (1) A description of the basic objectives of the State agency's land acquisition program and a reference to the availability of the State agency's statement covering relocation benefits for which an owner-occupant may be eligible;

(2) A statement that the owner or his representative designated in writing shall be given the opportunity to accompany each appraiser during his inspection of the property;

(3) A statement that if the acquisition of any part of real property would leave the owner with an uneconomic remnant as defined in § 42.135(g) the State agency will offer to acquire the uneconomic remnant;

(4) A statement that if the owner is not satisfied with the State agency's offer of just compensation, he may refuse to accept it and that if he can provide evidence concerning value or damage that warrants a change in the State agency's determination of just compensation, the price will be adjusted accordingly, and that if a voluntary agreement cannot be reached, the State agency will institute a formal condemnation proceeding against the property, depositing in the court the full amount of the State agency's estimate of just compensation;

(5) A statement identifying settlement and related costs that will be paid by the State agency;

(6) A statement that construction or development of a project shall be so scheduled that no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by § 42.120(a) will be available) or to move his business or farm operation, without at least 90 days' written notice from the State agency of the date by which such move is required: *Provided*, That shorter notice may be given where HUD determines that such 90-day notice is impracticable.

(7) A statement that if arrangements are made to rent the property to an owner or his tenant for a short term or for a period subject to termination by the Agency on short notice, the rental will not exceed the lesser of:

(i) The fair rental value of the property to a short-term occupier;

(ii) The pro rata portion of the fair rental value for a typical rental period; or

If the owner or his tenant is an occupant of a dwelling, the rental for such dwelling shall not exceed twenty-five (25) percent of his income.

§ 42.138 Notice of State agency's determination not to acquire.

Whenever a State agency which has issued a written notice of its intent to acquire, or a firm offer to acquire, subsequently determines not to acquire said property, the State agency shall serve a notice in writing, return receipt requested, on the owner, all persons occupying the property and any other person potentially eligible for relocation payments and assistance. This notice shall state that the State agency has determined not to acquire the property and that any person moving from the premises thereafter will not be eligible for relocation payments and assistance. This notice shall be served no later than 10 days from the date of the State agency's determination not to acquire.

§ 42.140 Payments—expenses incidental to transfer of title.

(a) *General.* The State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is earlier, shall reimburse the owner, to the extent the State agency deems fair and reasonable, for expenses such owner necessarily incurred for:

(1) Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the State agency;

(2) Penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) The pro rata portion of real property taxes paid and other charges for public services such as water, sewerage and trash collection, which are allocable to a period subsequent to the date of vesting of title in the State agency, or the effective date of possession of such real property by the State agency, whichever is earlier.

(b) *Documentation in support of a claim.* If real property is acquired by condemnation, a claim for payment under paragraph (a) of this section shall be submitted to the State agency and supported by such documentation as may be required by the State agency. If the real property is acquired by purchase, payment shall be made at settlement of the acquisition and accounted for in the settlement statement, on the basis of such documentation as may be required by the State agency.

(c) *Time for filing claims.* Each such claim shall be submitted to the State agency within a period of six months after the acquisition of the property.

§ 42.141 Statement of settlement cost.

A Statement of Settlement Cost shall be prepared and furnished to the owner at the settlement of the acquisition, or as soon as feasible after the award of the judgment in a condemnation proceeding. The Statement shall itemize all settlement costs regardless of whether they are actually paid at, before, or after the closing, and shall clearly separate charges paid by the owner. The Statement shall be dated and certified as true and correct by the closing attorney or other person handling the transaction.

§ 42.145 Payments—litigation expenses.

(a) *General.* The State agency shall reimburse the owner of any real property for the owner's reasonable costs, disbursements, and expenses of litigation, including attorney, appraisal, and engineering fees, actually incurred because of condemnation proceedings, if:

(1) In a condemnation proceeding instituted by the State agency to acquire such real property for a project, the final judgment of the court having jurisdiction over such proceeding is that the State agency cannot acquire the real property by condemnation; or

(2) Such proceeding is abandoned by the State agency other than pursuant to an agreed-upon settlement of the proposed acquisition of the property by direct purchase; or

(3) A court of competent jurisdiction renders a judgment in favor of the owner

as plaintiff in an inverse condemnation proceeding or the State agency effects a settlement of such proceeding.

(b) *Limitations.* No payment under paragraph (a) of this section shall be made unless the State agency is satisfied that the costs involved are reasonable and directly and necessarily related to such condemnation proceedings.

(c) *Documentation in support of a claim.* A claim for a payment under paragraph (a) of this section shall be submitted to the State agency and supported by such documentation as may be required by the State agency.

(d) *Time for filing claims.* Each claim shall be submitted to the State agency within a period of six months after final judgment in accordance with paragraph (a)(1) or (3) of this section, or the abandonment of a condemnation proceeding by a State agency, whichever is applicable.

§ 42.150 Effect upon property acquisition.

(a) The provisions of this Subpart D create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(b) Nothing in these regulations shall be construed as creating in any condemnation proceedings brought under the power of eminent domain any element of value or of damage not in existence immediately prior to January 2, 1971, the date of enactment of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Subpart E—Administration

§ 42.155 Purpose.

The purpose of this Subpart is to set forth the provisions relating to the overall administration of the regulations in this Part.

§ 42.160 Schedules of prices of comparable replacement dwellings.

In cases in which a State agency determines that the use of a schedule is desirable, it may make use of schedules of representative price ranges of comparable replacement dwellings in the locality. Such schedules shall be used for determining the amount of replacement housing payments under §§ 42.90(a)(1) and 42.95(a)(2) and a separate schedule shall be used for determining the amount of payments under § 42.95(a)(1) of this Part. The schedules shall be consistent with the regulations in § 42.120 of this Part; shall be kept current; shall, to the maximum extent possible, reflect the costs set forth in schedules used by other State agencies in the locality; and shall be available in written form to all persons in the office of the State agency. If there is an insufficient supply of comparable replacement housing meeting the definition of § 42.20(b), new, rehabilitated or more recently constructed housing, including publicly assisted housing, shall be used in developing the schedules.

§ 42.165 Notice to persons in project area.

The State agency shall furnish, at the earliest possible date, to all persons who own or occupy property within a project area (or the area of the federally-assisted activities) and who are anticipated to be displaced, a notice or information statement (not a notice of intent to acquire as described in § 42.136 of the regulations in this Part) advising them of (a) the availability of payments under these regulations to eligible persons, (b) the office where the conditions under which such payments will be made are available for inspection, (c) the earliest date on which such person may move and still qualify as a displaced person, (d) the availability of the grievance procedures appearing at Subparts F and G of this Part, and (e) such other information as may be required by HUD. The State agency shall take reasonable steps to publicize this information in language(s) and in a fashion most likely to be understood by the persons to be affected, such as by using the local media, posters in public places and other forms of public communication.

§ 42.166 Manner of notice.

Any notice required by this Part shall be personally serviced or sent by certified or registered first-class mail (return receipt requested).

§ 42.170 Review of claims.

The State agency is initially responsible for determining the eligibility of a claim for, and the amount of, any payment under the regulations in this Part and shall maintain in its files complete and proper documentation including HUD concurrences where required supporting the determination. The determination on each claim shall be made or approved either by the governing body of the agency or by the principal executive officer of the agency or his duly authorized designee.

§ 42.175 Prompt payment.

A payment shall be made by the State agency as promptly as possible after a person's eligibility has been determined in accordance with the regulations in this Part. Advance payments may be made in hardship cases where the State agency determines such advances are appropriate under the regulations in this Part.

§ 42.180 Accounts and records.

Accounts and records shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility for payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim, shall be retained by the State agency for not less than 3 years after the completion of the project; or, in the case of the community development block grant program, not less than 3 years after the receipt by a displaced person of final payment pursuant to the regulations in this Part. Timely and complete reports shall be submitted in accordance with HUD requirements.

§ 42.185 Payments not to be considered as income.

No payment received under Subpart B of these regulations by a displaced person shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

§ 42.190 Displacement in connection with more than one project.

No person shall be entitled to more than one payment under each of §§ 42.65–42.95 and §§ 42.140 and 42.145 on account of a single displacement or a single acquisition, notwithstanding that the displacement or acquisition is in connection with more than one Federal or federally-assisted project.

§ 42.195 Policies and requirements of HUD.

All determinations or other actions by the State agency provided for under the regulations in this part shall be undertaken in accordance with the policies and requirements of HUD as issued from time to time.

§ 42.200 Waivers.

A waiver of any section of these regulations not required by law may be authorized only with respect to a particular claim and by the Secretary of Housing and Urban Development or his authorized designee after such claim has been reviewed by HUD: *Provided*, That the limitations provided in §§ 42.60, 42.140 and 42.145 with respect to the time of filing of claims may be waived by the State agency for good cause.

Effective date. These regulations shall be effective on March 31, 1975.

JAMES L. MITCHELL,
Under Secretary of Housing and Urban Development.

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