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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.

ENERGY RESOURCES COUNCIL—Executive order modifying membership 19423

OIL IMPORTS—Presidential proclamation deferring scheduled increases in license fees 19421

OLDER AMERICANS MONTH—Presidential proclamation 19419

MOTOR VEHICLE SAFETY—DOT/NHTSA proposal concerning use of new and old components in manufacture of trucks; comments by 6–2–75 19485

UNEMPLOYMENT BENEFITS—Labor/Manpower proposes standard for appeal promptness; comments by 6–5–75 19481

ACCOUNTING STANDARDS—CASB proposes composition and measurement of pension cost standards; comments by 7–7–75 19486

CASB sets account for acquisition costs of material standards 19425

PESTICIDE CONTROL—EPA institutes a series of enforcement policy statements 19529

TRUTH IN LENDING—FRS proposes regulating certain billing, credit card practices, and strengthening consumer's legal rights; comments by 5–30–75 19489

(Continued inside)

PART II:

HOUSING ASSISTANCE PAYMENT PROGRAM—HUD sets forth requirements for existing housing, and defines roles of concerned parties; effective 5–6–75 19611

May 5, 1975—Pages 19419–19631

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/Coast Guard—Drawbridge operations: San Joaquin River; Sacramento River, Calif..... 14594; 4–1–75

FCC—Land mobile service; operations between 806–960 MHz.... 14452; 3–31–75

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statute citation. The list is kept current in each issue of the Federal Register and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 2808..... Pub. Law 94–19
Franklin D. Roosevelt National Historic Site, additional lands
(April 30, 1975; 89 Stat. 81)

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MEETINGS—

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES: Committee on Informal Action, 5–15–75.. 19521

COMMERCE/NBS: Federal Information Processing Standards Task Group 15, 6–17 and 6–18–75..... 19513

DOD: Defense Science Board Task Force on Naval Surface Warfare, 5–20 and 5–21–75..... 19501

Defense Science Board Task Force on Strategic Submarines, 5–27 and 5–28–75..... 19501

ARMY: Army Scientific Advisory Panel, 5–20 and 5–21–75..... 19501

DOT/NHTSA: National Highway Safety Advisory Committee, 5–20 and 5–21–75..... 19520

GSA: Regional Public Advisory Panel on Architectural and Engineering Services, 5–20 and 5–21–75..... 19544

HEW: President's Biomedical Research Panel, 5–26 and 5–27–75..... 19515

FDA: Biometric and Epidemiological Methodology Advisory Committee, 5–21–75..... 19513

NIE: National Council on Educational Research, 5–28–75..... 19514

Labor/OSHA: Standards Advisory Committee on Agriculture, 5–15 and 5–16–75..... 19549

NASA: Life Science Committee, 6–10 and 6–11–75..... 19544

NSF: Advisory Panel for Social Psychology, 5–22 and 5–23–75..... 19546

OMB: American Statistical Association Advisory Committee on Statistical Policy, 5–16–75..... 19546

USDA: Cooperative Forestry Research Advisory Board and Advisory Committee, 6–2 through 6–4–75..... 19509

FS: Manti Division Grazing Advisory Board, 5–20–75.. 19511

CANCELLED MEETINGS—

HEW/FDA: Panel on Review of Viral Vaccines and Rickettsial Vaccines, 5–12 and 5–13–75..... 19514

POSTPONED MEETINGS—

COMMERCE/NOAA: Marine Petroleum and Minerals Advisory Committee Working Group on International Ocean Investment Conditions, 6–26–75..... 19513

contents

THE PRESIDENT

Executive Order

Energy Resources Council; modification of membership..... 19423

Proclamations

Oil imports; deferral of scheduled increases in license fees..... 19421

Older Americans Month..... 19419

EXECUTIVE AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notices

Meetings:
Informal Action Committee... 19521

AGRICULTURAL MARKETING SERVICE

Rules

Grade standards:
Broccoli (frozen)..... 19429

Limitation of handling and shipments:
Oranges (Valencia) grown in Ariz. and Calif..... 19438

Proposed Rules

Expenses and rate of assessment:
Potatoes (Irish) grown in Southeastern states..... 19479

Limitation of handling:
Limes grown in Fla..... 19479
Potatoes (Irish) grown in Southeastern states..... 19479

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Cooperative State Research Service; Farmers Home Administration; Forest Service; Rural Electrification Administration; Soil Conservation Service.

Notices

Committees; establishments, renewals, etc.:
National Plant Genetics Resources Board..... 19511

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Quarantine areas:
Witchweed..... 19430

Proposed Rules

Exportation and importation of animals; deletion of certain Canadian border ports..... 19480

ARMY DEPARTMENT

Notices

Meetings:
Scientific Advisory Panel..... 19501

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
Greater Peoria Airport Authority et al..... 19522
Hinckley, G. F. Steedman..... 19521
International Air Transport Association (3 documents)..... 19523

CIVIL SERVICE COMMISSION

Rules

Excepted service:
Small Business Administration.. 19429
State Department..... 19429

Notices

Meetings:
Federal Employees Pay Council.. 19524

COAST GUARD

Rules

Drawbridge operations:
Delaware..... 19470
Florida..... 19470

Great Lakes vessels; bridge-to-bridge radiotelephone regulations..... 19470

Proposed Rules

Drawbridge operations:
South Carolina..... 19484

Notices

Environmental statement; bridge repair and conversion, Ohio, hearing..... 19519

COMMERCE DEPARTMENT

See Economic Development Administration; Maritime Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices

Cotton textiles:
Mexico..... 19524

COMMODITY CREDIT CORPORATION

Rules

Export breeding sales programs; swine, correction..... 19439

COOPERATIVE STATE RESEARCH SERVICE

Notices

Meetings:
Cooperative Forestry Research Advisory Board and Advisory Committee..... 19509

COST ACCOUNTING STANDARDS BOARD

Rules

Cost accounting standards:
Acquisition costs of material, accounting for, definitions, etc. (2 documents)..... 19425

Proposed Rules

Cost accounting standard; composition and measurement of pension cost..... 19486

DEFENSE DEPARTMENT

See Army Department.

Notices

Meetings:
Science Board Task Force on Naval Surface Warfare..... 19501
Science Board Task Forces on Strategic Submarines..... 19501

ECONOMIC DEVELOPMENT ADMINISTRATION
Rules
Business Development Programs; grant and loan regulations, correction ... 19443

EMPLOYEE BENEFITS SECURITY OFFICE
Rules
Employee Retirement Income Security Act; deferral of initial reporting and disclosure requirements ... 19469

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION
Notices
Uranium hexafluoride; charges, enriching services, specifications, and packaging ... 19525

ENVIRONMENTAL PROTECTION AGENCY
Rules
Pesticide chemicals; tolerances, etc.:
Daminozide ... 19476
Ethylene ... 19476
Notices
Pesticide enforcement policy statement procedures ... 19526
Pesticide enforcement policy statements:
Pesticides, registered, at less than label dosage rate ... 19529
Pesticide registration; applications ... 19530
Water pollution; discharge of pollutants in navigable waters:
New York ... 19525

FARMERS HOME ADMINISTRATION
Notices
Disaster areas:
Indiana ... 19509
Iowa ... 19509
Mississippi (2 documents) ... 19510
North Dakota ... 19510
Texas ... 19510

FEDERAL AVIATION ADMINISTRATION
Rules
Airworthiness directives:
Handley Page ... 19443
VOR Federal airways ... 19444
Proposed Rules
Transition areas (2 documents) ... 19484, 19485

FEDERAL DISASTER ASSISTANCE ADMINISTRATION
Notices
Disaster areas:
Kentucky ... 19519
Michigan ... 19519

FEDERAL MARITIME COMMISSION
Notices
Agreements filed:
International Passenger Ship Association ... 19531
New York Freight Bureau (Hong Kong) ... 19532
Sacramento-Yolo Port District et al ... 19532

FEDERAL POWER COMMISSION
Notices
Natural gas exploration, development and production, advance payments program ... 19532
Hearings, etc.:
Algonquin Gas Transmission Co ... 19534
Arkansas Louisiana Gas Co ... 19534
Arkansas Missouri Power Co ... 19535
Cities Service Gas Co. (2 documents) ... 19535
Consolidated Edison Co. et al ... 19536
Detroit Edison Co ... 19537
Eastern Shore Natural Gas Co ... 19537
Iowa-Illinois Gas & Electric Co ... 19538
Northwest Pipeline Corp ... 19538
Oklahoma Natural Gas Gathering Corp ... 19538
Panhandle Eastern Pipe Line Co ... 19538
Pelto Oil Co ... 19538
Philadelphia Electric Co ... 19539
Sun Oil Co ... 19540
Texaco, Inc ... 19540
Transcontinental Gas Pipe Line Corp ... 19540

FEDERAL RESERVE SYSTEM
Proposed Rules
Truth in lending:
Fair credit billing ... 19489
Unfair or deceptive acts or practices ... 19495
Notices
Applications, etc.:
Citicorp (2 documents) ... 19540
Commerce Financial Corp ... 19541
Country Agencies & Investments, Inc. (2 documents) ... 19541
Farmers State Corp ... 19542
First City Bancorporation of Texas, Inc. (2 documents) ... 19542
First Financial Group of New Hampshire, Inc ... 19542
First National Corp. of Oak Brook ... 19543
United Jersey Banks ... 19543

FEDERAL TRADE COMMISSION
Rules
Prohibited trade practices:
Albertson's Inc ... 19445
Barnes, Robert N. and National Credit Exchange, et al ... 19459
Bestline Corp., et al ... 19447
C.E.B. Products, Inc., et al ... 19449
Cambridge Camera Exchange, Inc., et al ... 19452
Deltown Foods, Inc., et al ... 19453
Eicoff, A. & Co ... 19444
Great Atlantic & Pacific Tea Co., Inc ... 19454
Hallberg Homes, Inc., et al ... 19455
Maschek, Miriam, Inc., et al ... 19456
Mooney, Hugh and Organic Masque Co ... 19456
National Dynamics Corp. et al ... 19459
Silani, Andrew A ... 19446
Skyline Corp ... 19460
Tax Corporation of America (Maryland), et al ... 19464
Uni-Service Credit Corp., et al ... 19465
Universal Credit Acceptance Corp. et al ... 19466

FOOD AND DRUG ADMINISTRATION
Notices
ARTX telecommunication equipment; memorandum of understanding:
Louisiana Health and Human Resources Administration; correction ... 19513
Food additives:
Polychlorinated biphenyls; hearing (2 documents) ... 19514
Food additives; petitions filed or withdrawn:
Cincinnati Milacron Chemicals, Inc ... 19513
Meetings:
Advisory committees, panels, etc. (2 documents) ... 19513, 19514
Pasteurized milk ordinance and interstate milk shippers program; availability of codification ... 19513

FOREST SERVICE
Notices
Environmental statements:
Apache-Sitgreaves National Forests ... 19511
Southern Chilkat Study Area ... 19511
Meeting:
Grazing Advisory Board ... 19511

GENERAL SERVICES ADMINISTRATION
Notices
Meetings:
Architectural and Engineering Services Regional Public Advisory Panel ... 19544

GEOLOGICAL SURVEY
Notices
Geothermal resources areas, operations, etc.:
California ... 19502

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See Food and Drug Administration; National Institute of Education; Public Health Service.
Notices
Meeting:
President's Biomedical Research Panel ... 19515
Organization and functions:
Education Office, Bilingual Education Office ... 19515
Public Health Service; Health Services Research Bureau, et al ... 19515

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Federal Disaster Assistance Administration.
Rules
Low-income housing:
Housing assistance payments program; existing housing ... 19611
Housing assistance payments program; new construction, correction ... 19469
Notices
Committee establishment:
Mobile Home Advisory Council, National ... 19518

INTERIOR DEPARTMENT

See Geological Survey; Land Management Bureau; Mining Enforcement and Safety Administration; National Park Service.

Rules

Procurement sources and programs:
Purchase of new motor vehicles.. 19477

Notices

Authority delegations:
Director, Bureau of Land Management 19509
Environmental statements, availability, etc.:
Tamarac Wilderness Area..... 19509

INTERSTATE COMMERCE COMMISSION

Rules

Car service orders:
Hopper cars, return of..... 19477
Providence & Worcester Co..... 19478

Notices

Chicago, Rock Island & Pacific Rail Co.; reorganization..... 19549
Hearing assignments..... 19549
Motor carriers:
Irregular route property carriers; gateway elimination.... 19550
Transfer proceedings (2 documents) 19550

LABOR DEPARTMENT

See also Employee Benefits Security Office; Labor Statistics Bureau; Manpower Administration; Occupational Safety and Health Administration.

LABOR STATISTICS BUREAU

Notices

Meetings:
Labor Research Advisory Council Committees; correction.... 19549

LAND MANAGEMENT BUREAU

Notices

Withdrawal and reservation of lands, proposed, etc.:
Oregon 19501

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 19547
Meetings:
American Statistical Association Advisory Committee on Statistical Policy..... 19546

MANPOWER ADMINISTRATION

Proposed Rules

Unemployment compensation and assistance:
Appeals promptness standard... 19481

MARITIME ADMINISTRATION

Notices

Environmental statement:
Vessels engaged in offshore oil and gas drilling operations.... 19512

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Rules

Respiratory protective devices:
Fees for permissibility test, correction 19470

Proposed Rules

Roll-over protective structures; hearing 19498

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Notices

Meetings:
Life Science Committee..... 19544

NATIONAL BUREAU OF STANDARDS

Notices

Meetings:
Federal Information Processing Standards 19513

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Proposed Rules

Motor vehicle safety standards:
Used components in manufacture of motor vehicle..... 19485

Notices

Meetings:
National Highway Safety Advisory Committee..... 19520
Motor vehicle safety standard:
1971–1973 Mercury Capri windshield wiper arm shaft, and motor failures; rescheduling of public proceeding..... 19520

NATIONAL INSTITUTE OF EDUCATION

Notices

Meeting:
Educational Research National Council 19514

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Meeting:
Marine Petroleum and Minerals Advisory Committee..... 19513

NATIONAL PARK SERVICE

Notices

Authority delegations:
Superintendents, et al., Western Region 19508
Committees; establishment, etc.:
Boston National Historical Park Advisory Commission..... 19502
Canaveral National Seashore Advisory Commission..... 19503
Cuyahoga Valley National Recreation Area Advisory Commission 19503
Environmental statements:
Cape Hatteras National Seashore, N.C..... 19508
National Registry of National Landmarks; revision of list.... 19503

NATIONAL SCIENCE FOUNDATION

Notices

Meetings:
Social Psychology Advisory Panel 19546

NUCLEAR REGULATORY COMMISSION

Rules

Radioactive material in light-water-cooled reactor effluents:
Design objectives and operation conditions limitations, numerical guides..... 19439

Notices

Applications, etc.:
Cleveland Electric Illuminating Co. et al..... 19544
Commonwealth Edison Co..... 19545
Kansas Gas and Electric Co. et al..... 19545
Metropolitan Edison Co..... 19546
Nebraska Public Power District.. 19545

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Notices

Meeting:
Agriculture Standards Advisory Committee 19549

POSTAL SERVICE

Rules

Relocation assistance:
Adoption of procedures..... 19471

PUBLIC HEALTH SERVICE

Proposed Rules

Grants:
Medical and Dental Schools in District of Columbia..... 19482

RURAL ELECTRIFICATION ADMINISTRATION

Notices

Loan guarantees proposed:
North Florida Telephone Co., Live Oak, Fla..... 19512

SECURITIES AND EXCHANGE COMMISSION

Rules

Investment advisers; temporary exemption 19468

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc:
Tower Ventures, Inc..... 19547
Disaster areas:
Alabama 19547
License applications:
Housing Capital Corp..... 19548

SOIL CONSERVATION SERVICE

Notices

Environmental statements on watershed projects, etc.:
Crooked Creek, Ala..... 19512
Tuscumbia River, Miss. and Tenn 19512

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; National Highway Traffic Safety Administration.

Notices

Federally-assisted construction contracts or subcontracts, sanction action, proposed; Wilson, John J..... 19521

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 ORDERS:

11814 (Amended by EO 11855) 19423
11855 19423

PROCLAMATIONS:

3279 (Amended by Proc. 4370) 19421
4370 19421
4371 19419

4 CFR

400 19429
411 19425

PROPOSED RULES:

412 19486

5 CFR

213 (2 documents) 19429

7 CFR

52 19429
301 19430
908 19438
1488 19439

PROPOSED RULES:

911 19479
953 (2 documents) 19479

9 CFR

PROPOSED RULES:

92 19480

10 CFR

50 19439

12 CFR

PROPOSED RULES:

226 19489
228 19495

13 CFR

306 19443

14 CFR

39 19443
71 19444

PROPOSED RULES:

71 (2 documents) 19484, 19485

16 CFR

13 (17 documents) 19444–19466

17 CFR

275 19468

20 CFR

PROPOSED RULES:

650 19481

24 CFR

880 19469
882 19612

29 CFR

2520 19469

30 CFR

11 19470

PROPOSED RULES:

55 19498
56 19498
57 19498

33 CFR

26 19470
117 (2 documents) 19470

PROPOSED RULES:

117 19484

39 CFR

777 19471

40 CFR

180 (2 documents) 19476

41 CFR

114–26 19477

42 CFR

PROPOSED RULES:

57 19482

49 CFR

1033 (2 documents) 19477, 19478

PROPOSED RULES:

571 19485

CUMULATIVE LIST OF PARTS AFFECTED—MAY

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 May.

3 CFR

PROCLAMATIONS:

3279 (amended by Proc. 4370) 19421
4370 19421
4371 19419

EXECUTIVE ORDERS:

2951 (See PLO 5498) 18996
7522 (See PLO 5497) 18997
11814 (amended by EO 11855) 19423
11855 19423

4 CFR

400 19429
411 19425

PROPOSED RULES:

412 19486

5 CFR

213 (2 documents) 19429

7 CFR

52 19429
102 19011
301 19430
907 19009
908 ..... 19010, 19438
910 19200
1488 19439

PROPOSED RULES:

911 19479
953 19479

9 CFR

PROPOSED RULES:

92 19480

10 CFR

50 19439

PROPOSED RULES:

212 19219

12 CFR

523 19193

PROPOSED RULES:

226 19489
228 19495

13 CFR

306 19443

PROPOSED RULES:

122 19021
123 19022

14 CFR

39 ..... 19193, 19194, 19443
71 ..... 18977, 18978, 19444
73 18978
97 18978
223 18979

PROPOSED RULES:

71 ..... 19019–19020, 19484, 19485

15 CFR

925 19194

16 CFR

13 ..... 18979–18989, 19444–19466

17 CFR

275 19468

PROPOSED RULES:

1 19020

19 CFR

1 19194

20 CFR

PROPOSED RULES:

650 19481

21 CFR

312 18993
448 19194
510 18993
520 18994
522 ..... 18993, 18994

24 CFR

880 19469
882 19612
1914 18994

25 CFR

42k 19011
300 19194

27 CFR

178 19201

28 CFR

PROPOSED RULES:

2 19204

29 CFR

1952 18995
2520 19469

30 CFR

11 19470

PROPOSED RULES:

55 19498
56 19498
57 19498

33 CFR

26 19470
117 19470

PROPOSED RULES:

117 19484

31 CFR

500 19202

36 CFR

7 19197

39 CFR

777 19471

PROPOSED RULES:

111 19221

40 CFR

180 19476

PROPOSED RULES:

52 ..... 19210, 19211

41 CFR

1–7 18996
1–15 18996
9–54 19197
114–26 19477

42 CFR

66 19314

PROPOSED RULES:

52e 19014
57 ..... 19017, 19482

43 CFR

PUBLIC LAND ORDERS:

5498 18996
5497 18997

45 CFR

5 18997
121 18998
121a 18998

PROPOSED RULES:

100b 19204
102 19204
115 19114
117 19204
121 19204
130 19204
141 19204
166 19204
173 19204
205 19207
232 19207
234 19207
235 19207

47 CFR

1 19198
73 19199

PROPOSED RULES:

73 19218

49 CFR

1033 ..... 19200, 19477, 19478

PROPOSED RULES:

Ch. II 19209
571 ..... 19210, 19485
1307 19020

50 CFR

33 19009

PROPOSED RULES:

91 19013

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*
18977–19192	May 1
19193–19417	2
19419–19631	5

presidential documents

Title 3—The President

PROCLAMATION 4371

Older Americans Month, 1975

By the President of the United States of America

A Proclamation

There is increasing awareness throughout America of the growing national resource represented by our older citizens. Their collective knowledge, experience, and energy can contribute significantly to raising the quality of life for all Americans.

As we approach our national Bicentennial, it is important to take special notice of older Americans. They have made and are making significant contributions to our Nation. It is fitting that we not lose sight of the continuing contributions this generation can make nor of our commitment as a society to meet their needs.

The first White House Conference on Aging in 1961 produced a Senior Citizens Charter of Rights and Obligations. The second White House Conference on Aging, held in 1971, broadened that recognition and deepened our commitment to providing opportunities to our older citizens for maintenance of income and health and for self-realization and continuing usefulness. It is appropriate to update the Charter in the light of growing knowledge and recognition of the needs and abilities of our older citizens. People of all ages should join in the development of a Declaration of Rights and Obligations of Older Persons so that it can be proclaimed as part of our Bicentennial celebration.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the month of May 1975 as Older Americans Month. I urge everyone to participate in the efforts to achieve the goal of proclaiming a new Declaration of Rights and Obligations for Older Persons, which can become a rallying point for our Nation during the Bicentennial year of 1976 and a guide to action during the years ahead.

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

Gerald R. Ford

[FR Doc.75-11797 Filed 5-1-75;12:45 pm]

Proclamation 4370 • April 30, 1975

Modifying Proclamation No. 3279,[1] As Amended, Relating To Imports of Petroleum and Petroleum Products, and Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees

By the President of the United States of America

A Proclamation

WHEREAS, I judge it necessary and consistent with the national security that the Mandatory Oil Import Program maintain flexibility to accommodate evolving programs for discouraging importation into the United States of petroleum and petroleum products in such quantities or under such circumstances as threaten to impair the national security; and

WHEREAS, a temporary deferral of the scheduled increases in oil import license fees is appropriate in order to maintain such flexibility; and

WHEREAS, I intend to act within thirty days to increase the oil import license fees to their originally scheduled levels of $2 and $3 should alternative programs for discouraging imports not be formulated in a timely fashion or should such programs fail to protect adequately United States national security interests;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of May 1, 1975, Proclamation No. 3279, as amended, is hereby further amended as follows:

SECTION 1. Clause (iii) of subparagraph (1) of paragraph (a) of Section 3 is amended to read as follows:

"(iii) with respect to imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into the customs territory of the United States on or after February 1, 1975, there shall be a supplemental fee per barrel of $1.00."

SEC. 2. Clause (viii) of subparagraph (1) of paragraph (a) of Section 3 is amended to read as follows:

"(viii) with respect to licenses issued pursuant to paragraph 3(a)(1)(iii) for imports other than (A) any material imported for refining that qualifies for inclusion in a refiner's crude oil runs to stills under the Old

[1] 24 FR 1781; 3 CFR, 1959–1963 Comp., p. 11.

Oil Allocation Program or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, the Administrator may by regulation reduce the fee payable for imports entered on or after February 1, 1975, by $1.00 per barrel, except that the Administrator may reduce such fee by such other amounts as he may determine to be necessary to achieve the objectives of this Proclamation and the Emergency Petroleum Allocation Act of 1973."

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

Gerald R. Ford

[FR Doc.75-11796 Filed 5-1-75;12:44 pm]

EDITORIAL NOTE: For the text of the President's letter to the Speaker of the House and the President of the Senate concerning administrative actions deferring oil import license fees and phasing out price controls on old oil, see the Weekly Compilation of Presidential Documents (vol. 11, no. 18).

Executive Order 11855 May 1, 1975

Membership of the Energy Resources Council

By virtue of the authority vested in me as President of the United States of America, by the Constitution and laws of the United States, particularly Section 108 of the Energy Reorganization Act of 1974, Section 2 of Executive Order No. 11814 of October 11, 1974, as amended, is hereby amended to read as follows:

SEC. 2. The Council shall consist of the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration, the Chairman of the Nuclear Regulatory Commission, the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, the Director of the National Science Foundation, the Administrator of General Services, the Chairman of the Federal Power Commission, the Assistant to the President for National security affairs, the Assistant to the President for Economic Affairs, the Assistant to the President for Domestic Affairs, the Special Assistant to the President for Consumer Affairs, and such other members as the President may, from time to time, designate. The Chairman shall be designated by the President.

Gerald R. Ford

THE WHITE HOUSE,
May 1, 1975.

[FR Doc. 75-11798 Filed 5-1-75;12:45 pm]

rules and regulations

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

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

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

SUBCHAPTER G—COST ACCOUNTING STANDARDS BOARD

PART 411—COST ACCOUNTING STANDARD ACCOUNTING FOR ACQUISITION COSTS OF MATERIAL

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

Preliminary work on the development of this Standard resulted from the absence of a requirement in agency regulations that the same costing method be used for similar categories of material within the same business unit and that the method be consistently applied. The Board undertook research with a view that a Cost Accounting Standard on this subject might improve cost assignment and cost measurement in accounting for acquisition costs of material.

Early research included an extensive review of available literature and a review of decisions of boards of contract appeals and courts.

A preliminary analysis of material accounting concepts was made and a number of issues were identified; comments on this analysis were obtained from interested persons. After evaluation of all of the issues, the Board developed and circulated preliminary research drafts of Standards which were widely distributed for informal comment and to ascertain the cost impact of adoption of the Standard as proposed. Suggestions and comments were received from 70 respondents; these comments were considered in developing a revised Standard which was published in the FEDERAL REGISTER of November 26, 1974, with an invitation for interested parties to submit written views and comments to the Board. The Board supplemented that FEDERAL REGISTER publication by sending copies of the FEDERAL REGISTER material directly to organizations and individuals who had provided the Board with comments on the earlier proposal or had otherwise expressed an interest in the proposal.

Responses were received from 86 sources including individual companies, Government agencies, professional associations, industry associations, public accounting firms, universities, and others. All of these comments have been considered by the Board and those addressing areas of particular significance are discussed below, together with explanations of the changes made in the Cost Accounting Standard being promulgated from the proposal published in the FEDERAL REGISTER on November 26, 1974.

The Board takes this opportunity to express its appreciation for the helpful suggestions and criticisms which have been received, and for the time devoted to assisting the Board in this endeavor by the many companies and individuals involved.

1. *Need for a standard.* Many comments were received questioning the need for a Standard in this area. Suggestions were received that because Disclosure Statements at present deal with this subject matter, the Board should accept them in place of a Standard. Other commentators contended that Standard 402, Consistency in Allocating Costs Incurred for the Same Purpose, (4 CFR Part 402), dealt with any problems encompassed by this Standard. Some commentators argued that current practices concerning material costs used on Government contracts are well defined, of long duration, and are continually monitored by the Government. Others contended that inventory costing methods are covered by generally accepted accounting principles (GAAP) and, for this reason the Board should not issue a Standard on this subject.

With respect to the makeup of the draft Standard itself, some commentators said it was too broad, while others said it was too detailed and procedural. Some commentators stated that any Standard in this area should deal with direct materials only and should not contain any reference to indirect materials.

The Board has considered the arguments raised above as well as other facets of this particular subject matter. After studying this matter further, the Board has concluded that a Standard dealing specifically with accounting for the acquisition costs of material is needed to complement the Disclosure Statement and Cost Accounting Standard Contract Clause requirements, and to provide consistency in the application of material costing methods. Further, the Board believes that issuance of a Standard may be entirely appropriate even if the Standard does no more than establish as a Cost Accounting Standard the currently prevailing procurement regulations dealing with the allocation of costs to cost objectives. Accordingly, the Board is promulgating today a Standard, appropriately revised in light of the comments received, dealing with Accounting for Acquisition Costs of Material.

2. *Inventory costing methods.* The draft Standard published in the FEDERAL REGISTER on November 26, 1974, provided for the use of three inventory costing methods and asked commentators to identify any other methods they believed should be acceptable, for contract costing purposes, along with a justification and criteria for the use of such methods. Many commentators expressed the view that the last-in, first-out (LIFO) inventory costing method, under which the recent costs of material are allocated to cost objectives and the older costs are allocated to material remaining in inventory, should be permitted. Some commentators noted that LIFO should be allowed because it is acceptable to the Internal Revenue Service and the Securities and Exchange Commission, and because it is a recognized method for valuing inventory under generally accepted accounting principles and it is acceptable for other purposes. Other commentators expressed the view that the LIFO method results in a better matching of current costs with current revenues thereby reducing the "inventory profits" that develop during inflationary periods.

The purpose of this Standard is to provide for better allocation and measurement of material costs as they relate to specific contracts. The accounting practices used to achieve this purpose should be justified on the basis of their effectiveness for such allocation and measurement. They should not be justified solely on the basis that they are practices acceptable for tax and financial reporting purposes. Further, generally accepted accounting principles do not specify the details of cost allocations to particular contracts but are concerned with reporting the financial results of operations of the company as a whole.

The Board realizes LIFO is considered by some as a partial answer to accounting for the impact of inflation. The Board has noted, however, that most of the companies that recommended that the LIFO method be permitted for contract costing purposes charge almost all of their material to contracts at the time the material is acquired or produced. The direct allocation of the costs of materials to contracts tends to counter the effects of inflation since the current cost of the material is charged against the contract. Moreover, few of these companies use LIFO for material that is issued to contracts from inventory.

The Board believes that accounting for the impact of inflation should be the subject of a separate Standard. The Cost Accounting Standards Board is currently conducting research into this subject.

The Board did not include LIFO as a permitted inventory costing method in the draft Standard because contractors which currently follow LIFO for Government contracts use it in a manner which does not permit systematic and rational identification of the cost of material issues to specific cost objectives. The Board believes such identification is essential in cost accounting for Government contracts. Accordingly, while the Board has included the LIFO inventory costing method as a permitted method in the Standard being promulgated today, it has also included a requirement that the costing method used be applied in a manner which results in systematic and rational costing of issues of material to specific cost objectives. The costing of such issues to cost objectives must be reasonably current; it would not appear rational to hold in abeyance for months, pending a LIFO determination, the cost of materials issued to a Government contract.

3. *Direct charging of material.* The proposed Standard included a provision whereby the cost of a category of material could be allocated directly to a cost objective provided the cost objective is specifically identified on the purchase order at the time of purchase or on the work order at the time of production of material and provided there is no established material inventory account for that category of material. Some commentators felt that contractors should be permitted to allocate the cost of material directly to a contract without the identification requirement. A greater number of contractors supported the identification requirement provided by the Board. These commentators felt that if identification with the end use was feasible, direct allocation should be permitted.

Most commentators objected to the prohibition of direct allocation if a material inventory account existed. They complained that this requirement forced the contractors to stock material at their own expense. They said this requirement would discourage purchase of material in economical lots. Commentators also pointed out that this requirement would make off-site shipments uneconomical, and would adversely affect contractors' compliance with requirements in other Standards concerning their price proposals.

The Cost Accounting Standards Board favors the direct identification of costs where possible. The Board stated in its "Statement of Operating Policies, Procedures and Objectives" (March 1973):

> As an ideal, each item of cost should be assigned to the cost objective which was intended to benefit from the resource represented by the cost or, alternatively, which caused the incurrence of the cost. To approach this goal, the Board believes in the desirability of direct identification of costs with final cost objectives to the extent practical. The Board recognizes the need for care in application of the concept of direct identification of costs with final cost objectives * * *.

In furtherance of this objective, the Board has concluded that the specific identification of the end use of a category of material at the time of purchase or production should remain a requirement for the direct allocation of the cost of material. The Board is persuaded, however, that the existence of a material inventory account should not prohibit the direct allocation of the cost of material, and the Standard being promulgated has been revised to delete that prohibition. If contractors have previously established material inventory records for categories of material, however, the Standard does not require any change in this practice.

4. *Cost of material.* The draft Standard provided that material costs should be the acquisition costs of material adjusted to the extent practical by extra charges paid or discounts and credits received. Many commentators objected to this provision since they said that it is not in accordance with the practices currently followed by most companies. They argued that they charge many of the types of adjustment items referred to above to an indirect cost account and distribute those costs to all material on a base that they say is now acceptable to the Government. They also allege that there would be considerable work involved in identifying these kinds of additional charges with the individual purchases of material and to then spread the charges against the categories of material being purchased.

The Board intended this requirement to define broadly the net acquisition cost of material. This provision has been retained in the Standard being promulgated. A section has been added to the Standard stating that where it is not practical for a contractor to handle charges and credits as set out above, the contractor may provide for the consistent inclusion of such charges or credits in an appropriate indirect cost pool.

5. *Definitions.* Many comments were received on several of the definitions included in the draft Standard. Most commentators raised questions about the definitions of "Category of Material" and "Material Inventory Account."

Some commentators concluded that "Category of Material" would include items such as lubricants, paper, ink, towels, and items of that type. The Board intended that material such as this could be handled as provided under § 411.40(c) of the promulgated Standard which permits the cost of material to be allocated, under certain conditions, to an indirect cost pool for distribution to cost objectives.

Other commentators felt that the requirement that a category of material be comprised of identical or interchangeable units would be unduly restrictive. Their contention was that different, individual items of material would have to be considered as separate categories of material. The Board intended its definition to be read in this way. It was not meant that all sheet steel, for example, should be considered as a single category of material. Most contractors would maintain separate inventory records of different sizes and thicknesses of sheet steel. Each of these would be a category of material.

Many of the comments concerning the definition of "Material Inventory Account" indicated that commentators assumed the Board was talking only about general ledger or subsidiary ledger accounts. Such is not the case. The Board was referring to any record used for accumulating the cost and quantity of material for subsequent issue to one or more cost objectives. The records the Board had in mind could include card files, computer data, bin tags, or other forms of detailed information used in the company's system of accounting for receipt and issue of material recorded as an asset.

Many commentators objected to the inclusion of the word "quantity" and the word "cost" in the definition of material inventory account. Some said they maintained records of either cost or quantity only. It was not the Board's intention that each record must show both cost and quantity. The word "quantity" has been deleted from the definition. The records referred to are those used to accumulate the cost of materials for allocation to specific cost objectives.

The Board has concluded that the definition of "Category of Material" as presented in the draft Standard published on November 26, 1974, should be retained. The reference to "Material Inventory Account" has been deleted and the term "Material Inventory Record" substituted. Several words in this definition have been changed to make it more clear that the Board is referring to any records maintained in support of general ledger or subsidiary ledger financial accounts.

6. *Need for written policies.* Many commentators said that a requirement for written policies should be deleted from this Standard. They contended that such a requirement was not in accordance with their understanding of what Cost Accounting Standards should cover. They felt the Board was becoming too deeply involved in procedural details with such a requirement.

Contractors who have submitted Disclosure Statements felt that such submission should exempt them from a requirement for written policies. They contended that in responding to the Disclosure Statement, they were, in effect, setting forth their written policies and practices.

During the Board's development of the Disclosure Statement, many contractors suggested that a Disclosure Statement such as the Board had designed was not justified because they said they had accounting manuals and similar written documents which set forth their accounting practices. They contended further that these manuals and similar written documents were available to Government auditors and provided sufficient information concerning the contractor's accounting practices. Although these manuals could not be used to fulfill the disclosure requirement, the Board recognizes that these are the kinds of documents that should contain written policies that are

needed to permit effective implementation of this Standard. The Board also notes that many companies which are subject to Cost Accounting Standards are not required to file Disclosure Statements.

Some commentators questioned whether there would be a need for written policies for each category of material. Certainly the Board does not intend that this be the case. It is expected that contractors will have written policies establishing criteria which would apply to all of their material transactions.

Other commentators concluded that the written policies were listed as a requirement by the Board solely for the Government's use in determining compliance with the Standard. The Board feels that written policies and practices are beneficial as evidenced by the many companies which have them.

7. *Applicability of standard to indirect material.* The draft Standard provided a means by which a category of material used solely in performing indirect functions or which is not a significant element of production costs could be handled through an indirect cost pool rather than accumulated in a material inventory record. There was a further requirement that when quantities of such material were not consumed in a cost accounting period and were estimated to be significant in total costs, the cost of such material was to be established as an asset at the end of the period.

Many commentators stated that the Standard should not deal with indirect materials, while a few questioned the use of an indirect cost pool for allocating the cost of such material. Other commentators stated that many contractors generally do not maintain inventory records of such material and that the provision set forth in the first sentence of the preceding paragraph was necessary, otherwise the Standard might present major problems for contractors. Most of those commenting on this point recommended the retention of this provision.

Many commentators disagreed with the requirement to establish remaining material of this type as an asset at the end of the period. Some commentators felt that this requirement contradicted the first part of the provision. They argued that if the material was not a significant element of production cost and thereby was permitted to be allocated to an indirect cost pool, it did not seem logical to require that any amounts of such material should be established as an asset at the end of the period. They stated that if this situation occurred, then presumably the material should not have been charged to cost objectives through an indirect cost pool.

These commentators apparently misinterpreted the Board's intention. The draft Standard referred to the value of unconsumed material to be set up as an asset, not the amount charged to an indirect cost pool during the cost accounting period. The provision deals with significant amounts of unconsumed material of this type remaining at the end of the period.

Another commentator stated that the expensing of indirect supplies has long been a generally accepted practice and, if consistently applied, would not result in inequities in contract costing as long as unconsumed amounts do not fluctuate significantly from year to year. Other commentators were concerned that the use of the word "significant" would generate endless disputes with Government auditors since such a determination is subjective and no definition of that word was included in the Standard.

After considering all the comments the Board has received on this point, it has decided to retain the provision allowing the use of an indirect cost pool for allocation of the cost of material of the type described in this provision of the Standard. The Board is also persuaded that when quantities of such indirect material are not consumed in a cost accounting period and the excess of the ending inventory over the beginning inventory is estimated to be significant in relation to the total cost included in the indirect cost pool, the cost of such unconsumed material is to be established as an asset at the end of the period. The setting up of this material as an asset is to be accomplished by reducing the indirect cost pool by a corresponding amount.

On numerous occasions the Board has stated that it agrees that the administration of its rules, regulations, and Standards should be reasonable and not seek to deal with insignificant amounts of cost. Because of this, the Board does not believe it essential to define the term "significant" as used in this provision of the Standard. Generally accepted accounting principles, as stated in the American Institute of Certified Public Accountant's Accounting Research Bulletin No. 43, recognize that the term "inventory" includes goods to be consumed directly or indirectly in operations, such as supplies. The aforementioned requirement has therefore been retained in the Standard being promulgated.

8. *Transfers of material.* The draft Standard contained a requirement that a transfer of the cost of material from one cost objective to another was to be made at the same cost that was allocated to the initial cost objective or at the current market value. Many commentators objected to this provision on the grounds that it would be extremely difficult to identify the cost that was allocated to the initial cost objective. They contended that this requirement would also generate disagreements with Government auditors as to whether or not initial cost information was, in fact, available. Also, some commentators felt that determination of current market value would be a difficult and time consuming chore.

While not agreeing or disagreeing with the commentators' statements, the Board has concluded that the transfer of material is of sufficient significance to warrant consideration as a subject for a separate Standard. The Board has initiated a research project to consider what factors affect the cost of transfers between cost objectives and between organizations. For this reason, the provision concerning cost of transfers of material between cost objectives has been deleted from this Standard.

9. *Periodic vs. perpetual inventory accounting.* The published draft Standard contained a provision permitting either periodic or perpetual inventory accounting procedures. This was coupled with a requirement that the period for periodic inventory accounting should not be longer than one quarter of a year. It was further stated that these provisions were not intended to establish a requirement regarding the taking of physical inventories.

Many commentators stated that this provision appeared to contain contradictory statements since the periodic inventory accounting method normally requires a physical inventory when the inventory value is established. They further said that as they understand that provision, they would be required to take physical inventories quarterly, which they felt was unnecessarily frequent.

The Board was referring to the period involved for the establishment of costs of material issues, not to the taking of physical inventories. It is the Board's intention that costing of material issues should be on a current basis. To achieve this goal, the Board has inserted a requirement in the Standard that the inventory costing method used is to be applied in a manner which results in systematic and rational costing of issues of material to specific cost objectives.

10. *Costs and benefits.* Few comments were received on the subject of implementation costs of the Standard. This Standard has, for most contractors, almost no cost. It does require written policies; most contractors already have such policies. A few contractors, however, may have to establish or modify inventory policies; for these contractors there may be minimal costs.

The Board believes that this Standard will result in improved understanding of the requirements involved in accounting for acquisition costs of material during the negotiation and audit of contracts and these potential benefits will outweigh any costs of implementation.

11. *Other comments.* The published draft Standard contained a provision excepting small quantities of material used for purposes such as prototype and developmental work from the definition of an established material inventory account. While only a few commentators offered comments on this provision, in view of the revisions being made to the Standard as set out above, this provision has been deleted from the Standard.

A number of commentators raised questions concerning the potential conflict between requirements of this Standard and those set out in Standard 407, Use of Standard Costs for Direct Material and Direct Labor (4 CFR Part 407). The Board recognizes the nature of the potential conflict described by the commentators, but feels that an inventory

costing method using standard costs in accordance with the requirements of Standard 407 would meet the inventory costing requirements of this Standard.

Section 411.10, *General applicability*, has been shortened and simplified from the material under this section appearing in earlier promulgated Cost Accounting Standards. The earlier material was a restatement of the statutory requirements of Pub. L. 91-379. The Board believed it was helpful to repeat this material to assist users of the Standards. However, the Board has from time to time provided for certain exemptions from the requirements to follow Cost Accounting Standards, and these exemptions were not recognized in the "applicability" sections of earlier Standards. The Board believes that the shortened material in § 411.10, referring users to the Board's detailed regulations, will provide users with helpful information on general applicability.

There is also being published today an amendment to Part 400, Definitions, to incorporate in that part terms defined in § 411.30(a) of this Cost Accounting Standard.

Sec.
411.10 General applicability.
411.20 Purpose.
411.30 Definitions.
411.40 Fundamental requirement.
411.50 Techniques for application.
411.60 Illustrations.
411.70 Exemptions.
411.80 Effective date.

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

§ 411.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 411.20 Purpose.

(a) The purpose of this Cost Accounting Standard is to provide criteria for the accounting for acquisition costs of material. The Standard includes provisions on the use of inventory costing methods. Consistent application of this Standard will improve the measurement and assignment of costs to cost objectives.

(b) This Cost Accounting Standard does not cover accounting for the acquisition costs of tangible capital assets nor accountability for Government-furnished materials.

§ 411.30 Definitions.

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

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business Unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(3) *Category of Material.* A particular kind of goods, comprised of identical or interchangeable units, acquired or produced by a contractor, which are intended to be sold, or consumed or used in the performance of either direct or indirect functions.

(4) *Cost Objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(5) *Material Inventory Record.* Any record used for the accumulation of actual or standard costs of a category of material recorded as an asset for subsequent cost allocation to one or more cost objectives.

(6) *Moving Average Cost.* An inventory costing method under which an average unit cost is computed after each acquisition by adding the cost of the newly acquired units to the cost of the units of inventory on hand and dividing this figure by the new total number of units.

(7) *Weighted Average Cost.* An inventory costing method under which an average unit cost is computed periodically by dividing the sum of the cost of beginning inventory plus the cost of acquisitions, by the total number of units included in these two categories.

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

§ 411.40 Fundamental requirement.

(a) The contractor shall have, and consistently apply, written statements of accounting policies and practices for accumulating the costs of material and for allocating costs of material to cost objectives.

(b) The cost of units of a category of material may be allocated directly to a cost objective provided the cost objective was specifically identified at the time of purchase or production of the units.

(c) The cost of material which (1) is used solely in performing indirect functions, or (2) is not a significant element of production cost, whether or not incorporated in an end product, may be allocated to an indirect cost pool. When significant, the cost of such indirect material not consumed in a cost accounting period shall be established as an asset at the end of the period.

(d) Except as provided in paragraphs (b) and (c) of this section, the cost of a category of material shall be accounted for in material inventory records.

(e) In allocating to cost objectives the costs of a category of material issued from company-owned material inventory, the costing method used shall be selected in accordance with the provisions of § 411.50, and shall be used in a manner which results in systematic and rational costing of issues of material to cost objectives. The same costing method shall, within the same business unit, be used for similar categories of materials.

§ 411.50 Techniques for application.

(a) Material cost shall be the acquisition cost of a category of material, whether or not a material inventory record is used. The purchase price of material shall be adjusted by extra charges incurred or discounts and credits earned. Such adjustments shall be charged or credited to the same cost objective as the purchase price of the material, except that where it is not practical to do so, the contractor's policy may provide for the consistent inclusion of such charges or credits in an appropriate indirect cost pool.

(b) One of the following inventory costing methods shall be used when issuing material from a company-owned inventory:

(1) The first-in, first-out (FIFO) method,
(2) The moving average cost method,
(3) The weighted average cost method,
(4) The standard cost method, or
(5) The last-in, first-out (LIFO) method.

(c) The method of computation used for any inventory costing method selected pursuant to the provisions of this Standard shall be consistently followed.

(d) Where the excess of the ending inventory over the beginning inventory of material of the type described in § 411.40 (c) is estimated to be significant in relation to the total cost included in the indirect cost pool, the cost of such unconsumed material shall be established as an asset at the end of the period by reducing the indirect cost pool by a corresponding amount.

§ 411.60 Illustrations

(a) Contractor "A" has one contract which requires two custom-ordered, high-value, airborne cameras. The contractor's established policy is to order such special items specifically identified to a contract as the need arises and to charge them directly to the contract. Another contract is received which requires three more of these cameras, which the contractor purchases at a unit cost which differs from the unit cost of the first two cameras ordered. When the purchase orders were placed, the contractor identified the specific contracts on which the cameras being purchased were to be used. Although these cameras are identical, the actual cost of each camera is charged to the contract for

which it was acquired without establishing a material inventory record. This practice would not be a violation of this Standard.

(b)(1) A Government contract requires use of electronic tubes identified as "W." The contractor expects to receive other contracts requiring the use of tubes of the same type. In accordance with its written policy, the contractor establishes a material inventory record for electronic tube "W," and allocates the cost of units issued to the existing Government contract by the FIFO method. Such a practice would conform to the requirements of this Standard.

(2) The contractor is awarded several additional contracts which require an electronic tube which the contractor concludes is similar to the one described in paragraph (b)(1) of this section and which is identified as "Y." At the time a purchase order for these tubes is written, the contractor cannot identify the specific number of tubes to be used on each contract. Consequently, the contractor establishes an inventory record for these tubes and allocates their cost to the contracts on an average cost method. Because a FIFO method is used for a similar category of material within the same business unit, the use of an average cost method for "Y" would be a violation of this Standard.

(c) A contractor complies with the Cost Accounting Standard on standard costs (Part 407 of this chapter), and he uses a standard cost method for allocating the costs of essentially all categories of material. Also, it is the contractor's established practice to charge the cost of purchased parts which are incorporated in his end products, and which are not a significant element of production cost to an indirect cost pool. Such practices conform to this Standard.

(d) A contractor has one established inventory for type "R" transformers. The contractor allocates by the LIFO method the current costs of the individual units issued to Government contracts. Such a practice would conform to the requirements of this Standard.

(e) A contractor has established inventories for various categories of material which are used on Government contracts. During the year the contractor allocates the costs of the units of the various categories of material issued to contracts by the moving average cost method. The contractor uses the LIFO method for tax and financial reporting purposes and, at year end, applies a pooled LIFO inventory adjustment for all categories of material to Government contracts. This application of pooled costs to Government contracts would be a violation of this Standard because the lump sum adjustment to all of the various categories of material is, in effect, a noncurrent repricing of the material issues.

§ 411.70 Exemptions.

None for this Standard.

§ 411.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Standard shall be applied to materials purchased or produced after the start of the contractor's next fiscal year beginning after receipt of a contract to which this Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-11702 Filed 5-2-75;8:45 am]

PART 400—DEFINITIONS

Miscellaneous Amendments

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

§ 400.1 Definitions.

(a) * * *

Business Unit. Any segment of an organization, or an entire business organization which is not divided into segments.

* * * * *

Category of Material. A particular kind of goods, comprised of identical or interchangeable units, acquired or produced by a contractor, which are intended to be sold, or consumed or used in the performance of either direct or indirect functions.

* * * * *

Material Inventory Record. Any record used for the accumulation of actual or standard costs of a category of material recorded as an asset for subsequent cost allocation to one or more cost objectives.

* * * * *

Moving Average Cost. An inventory costing method under which an average unit cost is computed after each acquisition by adding the cost of the newly acquired units to the cost of the units of inventory on hand and dividing this figure by the new total number of units.

* * * * *

Weighted Average Cost. An inventory costing method under which an average unit cost is computed periodically by dividing the sum of the cost of beginning inventory plus the cost of acquisitions, by the total number of units included in these two categories.

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

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-11675 Filed 5-2-75;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of State

Section 213.3304 is amended to show that one position of Personal Assistant to the Director, Planning and Coordination is no longer excepted under Schedule C.

Effective May 5, 1975, § 213.3304(w) is revoked as set out below:

§ 213.3304 Department of State.

* * * * *

(w) [Revoked]

* * * * *

(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.75-11635 Filed 5-2-75;8:45 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Confidential Assistant (Secretary) to the Associate Administrator for Operations is excepted under Schedule C.

Effective May 5, 1975, § 213.3332(1) is added as set out below:

§ 213.3332 Small Business Administration.

* * * * *

(1) One Confidential Assistant (Secretary) to the Associate Administrator for Operations.

(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.75-11634 Filed 5-2-75;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES)

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Frozen Broccoli

GRADES; CORRECTION

In FR Doc. 75-8824 appearing at page 15890 in the issue of Tuesday, April 8, 1975 in § 52.636(a)(2) third line the Table numbers now reading VII, VIII should read VI, VII respectively. In Table IV opposite Uniformity of Size—Spears—Length variation now reading "greater than ¾ inch (1.9 cm)" should read "greater than 2 inches (5.09 cm)." In Table V (Alternate) appearing at page 15894 the Absolute limit (AL) value directly under the AQL of 25.0 now reading 1 should read 10 and in the column headed "Number of spears or short spears" the seventeenth value now reading 206 should read 306.

Dated: April 30, 1975.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.75-11683 Filed 5-2-75;8:45 am]

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

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

MISCELLANEOUS AMENDMENTS TO REGULATED AREAS

This document amends the supplemental regulation which lists regulated areas for purposes of the Federal Witchweed Quarantine by removing from the suppressive regulated areas all or parts of the following counties: Brunswick, Duplin, Harnett, Johnston, Jones, Lee, Lenoir, Moore, Onslow, Pender, Richmond, and Wayne in North Carolina; and Chesterfield, Darlington, and Florence in South Carolina; by changing from generally infested to suppressive a part of the previously regulated area in Sampson County, North Carolina; by extending the generally infested regulated area in Horry County, South Carolina; and by extending the suppressive regulated areas in the following previously regulated counties: Duplin, Johnston, Pender, Richmond, and Wayne in North Carolina, and Florence in South Carolina. Other changes were also made to reflect changes in ownership of certain properties and to make corrections in certain descriptions to more accurately describe the area regulated. Lee County, North Carolina, is now completely eradicated.

In regard to areas removed from regulations, the provisions of the regulations with respect to the interstate movement of regulated articles from regulated areas in quarantined States will not apply to the interstate movement of such articles from the specified areas, but the provisions with respect to the interstate movement of regulated articles from nonregulated areas in the quarantined States will be applicable.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and § 301.80–2 of the Witchweed Quarantine regulations, 7 CFR 301.80–2a is hereby amended to read as follows:

§ 301.80–2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as witchweed regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

NORTH CAROLINA

(1) *Generally infested area.*

Bladen County. The entire county.

Columbus County. That part of the county lying north and west of a line beginning at a point where Livingston Creek junctions with the Cape Fear River and extending south along said creek to its intersection with the Seaboard Air Line Railroad, thence west along said railroad to its intersection with State Secondary Road 1740, thence west and south along said road to its junction with U.S. Highways 74 and 76, thence west along said highways to their intersection with Bogue Swamp, thence south along said swamp to its junction with the Waccamaw River and continuing south along said river to its junction with White Marsh Swamp, thence north and northwest along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville, and the unincorporated communities of East Fayetteville and Bonnie Doone.

Hoke County. All of Hoke County lying south of Buffalo Creek, Roads 1203, 211, and 401.

Robeson County. The entire county.

Sampson County. That area bounded by a line beginning at a point where U.S. Highway 13 intersects the Sampson-Cumberland County line, thence extending east along said highway to its intersection with U.S. Highway 701, thence south along said highway to its intersection with State Highway 24, thence east along said highway to its intersection with Sampson-Duplin County line, thence south and east along said county line to its junction with Sampson-Pender County line, thence south and southwest along said county line to its junction with Sampson-Bladen County line, thence northwest along said county line to its junction with Sampson-Cumberland County line, thence northwest and north along said county line to the point of beginning.

(2) *Suppressive area.*

Brunswick County. The Babson, N. L., farm located on the west side of State Secondary Road 1321 and 0.4 mile south of its junction with State Highway 130.

The Register, W. C., farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.

The Smith, B. Coda, farm located on the west side of a dirt road and 0.6 mile north of its junction with State Secondary Road 1322, said junction being 0.1 mile west of the junction of State Secondary Road 1322 and State Secondary Road 1321.

Columbus County. The Hickman Brothers, farm located on the south side of State Highway 904 at the junction of said road with State Secondary Road 1129.

The Long, Ernest H., farm located on the northeast side of State Secondary Road 1934, and 0.1 mile north of its junction with State Secondary Road 1935.

The Long, J. M., farm located on the southwest side of State Secondary Road 1113 and 0.4 mile northwest of its junction with State Secondary Road 1108.

The McLamb, H. M., farm located on the southwest side of State Secondary Road 1113 and 0.5 mile northwest of its junction with State Secondary Road 1108.

The Prince, J. Carl, farm located on both sides of State Secondary Road 1119 and 2.2 miles west of its junction with State Secondary Road 1103.

The Prince, Jennings L., farm located at the junction of State Secondary Road 1108 and State Secondary Road 1109.

The Spivey, O. M., farm located in the northeast corner of the intersection of U.S. Highway 701 and Gum Swamp.

The Squires, Alva O., farm located on the east side of State Highway 211 and 0.3 mile south of the intersection of said highway with State Secondary Road 1740.

The Suggs, Lacy, farm located at the end of a dirt road 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1108 and State Secondary Road 1118.

The Watts, Gaddie, farm located on the southwest side of State Highway 904 at a point 136 yards southeast of the junction of said road with State Secondary Road 1127.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Duplin-Sampson County line, thence extending north along said county line to its intersection with State Secondary Road 1337, thence northeast along said road to its junction with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence north along said road to its junction with State Highway 403, thence northeast along said highway to its junction with State Secondary Road 1368, thence south along said road to its junction with State Secondary Road 1367, thence southeast along said road to its junction with State Secondary Road 1365, thence northeast along said road to its junction with State Secondary Road 1004, thence southeast along said road to its junction with State Secondary Road 1503, thence northeast along said road to its intersection with State Secondary Road 1500, thence southeast along said road to its intersection with State Secondary Road 1507, thence north along said road to its junction with State Secondary Road 1526, thence northeast along said road to its junction with State Secondary Road 1519, thence southeast along said road to its intersection with State Secondary Road 1502, thence north long said road to its intersection with the Duplin and Wayne County line, thence northeast along said county line to its junction with the Duplin and Lenoir County line, thence southeast along said county line to its intersection with State Secondary Road 1005, thence south along said road to its junction with State Secondary Road 1733, thence west along said road to its junction with State Secondary Road 1732, thence south along said road to its junction with State Secondary Road 1735, thence south along said road to its junction with State Secondary Road 1700, thence west along said road to its intersection with Cabin Creek, thence south along said creek to its junction with Limestone Creek, thence south along said creek to its intersection with State Highway 24, thence east along said highway to its junction with State Secondary Road 1962, said junction being 0.7 mile west of Beulaville, thence south along State Secondary Road 1962 to its junction with State Secondary Road 1724, thence southwest along said road to its junction with State Secondary Road 1800, thence northwest along said road to its junction with State Secondary Road 1961, thence west along said road to its intersection with the Northeast Cape Fear River, thence northwest along said river to its junction with Grove Creek, thence west along said creek to its junction with the Kenansville city limits, thence southwest

along said city limits to its intersection with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west, and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road 1101, thence southeast along said road to its intersection with State Secondary Road 1102, thence southwest along said road to its junction with State Secondary Road 1126, thence west along said road to its intersection with State Secondary Road 1100, thence southeast along said road to its junction with State Highway 41, thence southwest along said highway to its intersection with the Duplin and Sampson County line, thence northwest and northeast along said county line to the point of beginning.

The Beard, Mary Lou, farm located on both sides of State Secondary Road 1961 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Bostic, Jake, farm located on both sides of State Secondary Road 1961 and 0.5 mile west of the intersection of said road and the Northeast Cape Fear River.

The Crow, T. C., farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The Green, Willie, farm located on both sides of State Secondary Road 1971, and 0.6 mile southwest of the junction of said road and State Highway 50.

The Johnson, C. M., farm located on the southwest side of State Secondary Road 1139 and 0.6 mile northwest of the junction of said road with State Secondary Road 1133.

The Kalmar, J. N., farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Kennedy, Sidney J., farm located on the east side of State Secondary Road 1718 and 0.2 mile south of the junction of said road and State Highway 41.

The King, W. R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Secondary Road 1308.

The Precythe, Harold, farm located on the east side of U.S. Highway 117 and 0.1 mile south of the junction of said road and State Secondary Road 1354.

The Summerlin, Oliver, farm located on the south side of State Highway 403 and 0.1 mile east of the corporate limits of the town of Faison.

The Summers, India, farm located on the southwest side o fState Highway III and 1.2 miles south of the intersection of said highway and State Secondary Road 1700.

The Wilson, Mammie, farm located on the east side of State Highway 111 and 1.0 mile south of the intersection of said highway and State Secondary Road 1700.

Harnett County. That area bounded by a line beginning at a point where the Harnett-Lee County line and State Secondary Road 1209 intersect and extending southeast along said road to its junction with State Highway 27, thence east along said highway to its junction with State Secondary Road 1117, thence south along said road to its junction with State Secondary Road 1128, thence east along said road to its junction with State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence south along said road to its intersection with the Harnett-Cumberland County line, thence west along said county line to its junction with the Harnett-Moore County line, thence northwest and northeast along the Moore-Harnett County line to its junction with the Moore-Harnett-Lee County line, thence northeast along the Harnett-Lee County line to the point of beginning.

The Edwards, Charles, farm located on the north side of State Secondary Road 1128, and 0.9 mile southwest of the junction of said road with State Secondary Road 1130.

The Johnson, Sr., Jonah C., farm located at the junction of State Secondary Roads 1553 and 1555. The farm lies in the northeast portion of this junction.

The McLeod, Carl, farm located on both sides of State Highway 27 and 0.8 mile west of the junction of said highway and State Secondary Road 1242.

The Morgan, Robert, farm located on the south side of State Secondary Road 1291 and 0.4 mile east of the junction of said road with State Secondary Road 1251.

Hoke County. That area bounded on the south by Buffalo Creek, Roads 1203, 211, and 401, and on the north by the Fort Bragg Military Reservation.

Johnston County. That area bounded by a line beginning at a point where State Secondary Road 1116 and State Highway 50 intersect and extending southeast along said highway to its intersection with the Johnston-Sampson County line, thence west along said county line to its intersection with State Highway 242, thence north along said highway to its intersection with State Secondary Road 1116, thence east along said road to the point of beginning.

The Barefoot, Wade H., farm located on a farm road and 0.4 mile south of its junction with State Secondary Road 1144 and 0.4 mile west of the intersection of said road with State Secondary Road 1145.

The Beasley, Rufus P., farm located on the west side of State Secondary Road 1138, and 0.4 mile south of its junction with Secondary Road 1144.

The Blackman, Dewey, farm located on the south side of State Secondary Road 1146, and 0.4 mile east of the junction of said road with State Secondary Road 1145.

The Braswell, J. G., farm located on the east side of State Secondary Road 2519 and 0.4 mile north of the junction of State Secondary Roads 2519 and 2520.

The Davis, I. H., farm located on the southwest side of State Secondary Road 1197 and 0.1 mile southeast of the junction of said road with State Secondary Road 1198.

The Edwards, Archie, farm located on south side of State Secondary Road 2542 and 0.6 mile south of the junction of said road with State Secondary Road 1007.

The Everett, Betty, farm located on the west side of State Secondary Road 2541 and 0.5 mile south of the junction of said road with State Secondary Road 1007.

The Everett, Betty, farm located on a farm road and 0.6 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Everett, Jasper, farm located on a farm road and 0.5 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Hudson, Price, Estate farm located on a farm road and 0.4 mile north of its junction with State Secondary Road 1008, said junction being 0.8 mile northeast of the intersection of State Secondary Road 1008 with U.S. Highway 701.

The Johnson, Annie, farm located on the west side of State Secondary Road 1138 and 0.5 mile south of its junction with State Secondary Road 1144.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 miles west of the junction of said road with State Secondary Road 1138.

The Martin, Emitt, farm located on the east side of State Secondary Road 2519 and 0.3 mile north of the junction of State Secondary Roads 2519 and 2520.

The Martin, John L., farm located on the west side of State Secondary Road 1201, and 0.3 mile north of the junction of said road with State Secondary Road 1200.

The McArthur, Margaret, farm located on a farm road and 1.4 miles north of its junction with State Secondary Road 1199 and 0.9 mile west of the junction of said road with State Secondary Road 1008.

The Oliver, Mrs. Beulah, farm located on the southeast side of the junction of State Secondary Road 2540 with State Secondary Road 2372.

Jones County. The Greene, Earl F., farm located on both sides of State Secondary Road 1127 and 0.9 mile northwest of the junction of said road and State Highway 41.

The Greene Estate, L. T., farm located on the east side of State Secondary Road 1123 and 0.5 mile south of the junction of said road and State Secondary Road 1124.

The Haddock, A. J., farm located at the end of State Secondary Road 1126 and 0.8 mile south of the junction of said road with State Secondary Road 1124.

The McDaniel, W. F., farm located on the south side of State Secondary Road 1122 at a point 0.8 mile southwest of the junction of said road and State Highway 58, said junction being 1.2 miles northwest of Olive Cross Roads.

The Simpson, Eugene T., farm located on the south side of State Secondary Road 1116 and 2.5 miles west of the junction of said road and State Secondary Road 1115.

The Simpson, W. W., farm located on the south side of State Secondary Road 1116 and 2.5 miles west of the junction of said road and State Secondary Road 1115.

The Wiley, Mrs. Bettie, farm located on the east side of State Secondary Road 1146 and 0.5 mile south of the Jones-Lenoir County line.

Lenoir County. The Barber, Clarence, farm located on both sides of State Secondary Road 1301 with 0.2 mile northeast of its junction with State Secondary Road 1302.

The Barwick, Charles H. & Evelyn Sutton, farm located on the north side of State Secondary Road 1324 and 0.1 mile east of its junction with State Secondary Road 1308.

The Barwick, Wilson, farm located on the northwest junction of State Secondary Roads 1333 and 1332.

The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Brown, Nannie H., farm located in the southwest junction of State Secondary Roads 1152 and 1309.

The Carter, Ephrom, farm located on the south side of State Secondary Road 1116 and 1.5 miles east of its junction with State Highway 11.

The Chambers, Eugene, farm located on the northeast side of the junction of State Secondary Road 1167 and State Secondary Road 1143.

The Davis, Earl R., farm located on the south side of State Secondary Road 1143 and 0.8 mile west of the town of Deep Run.

The Edwards, Kate, farm located on the southeast side of the junction of State Secondary Roads 1143 and 1145.

The Elmore, Lucy H., No. 1, farm located on the south side of State Secondary Road 1324 and 0.2 mile west of its junction with State Secondary Road 1333.

The Elmore, Lucy H., No. 2, farm located on the west side of State Secondary Road 1310 and 0.5 mile south of its junction with State Secondary Road 1311.

The Foss, Reginal D., farm located on the north side of State Secondary Road 1316 and 0.6 mile northwest of its junction with State Secondary Road 1318.

The Hamilton, C. W., farm located on the southeast side of State Secondary Road 1802 and 1.2 miles northeast of its junction with State Highway 11.

The Herring, Ben D., No. 1, farm located on both sides of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Herring, Ben D., No. 2, farm located on the west side of State Secondary Road 1310 and 0.3 mile south of its junction with State Secondary Road 1311.

The Herring, Frances F., farm located on the west side of State Secondary Road 1310 and 0.6 mile south of its junction with State Secondary Road 1311.

The Herring, Jack A., farm located on the east side of State Secondary Road 1310 and 0.4 mile south of its junction with State Secondary Road 1311.

The Herring, Lewis R., No. 1, farm located on the south side of State Secondary Road 1324, and 0.3 mile west of its junction with State Secondary Road 1333.

The Herring, Lewis R., No. 2, farm located on the north side of State Secondary Road 1324, and 0.3 mile west of its junction with mile east of junction of State Secondary Road 1333.

The Herring, M. J. farm located on the southwest side of State Secondary Road 1309 and 0.2 mile west of its junction with State Secondary Road 1152.

The Hill, Morris, farm located on the north side of State Secondary Road 1300 and 0.4 mile east of its intersection with State Secondary Road 1002.

The Hill, Nannie T., farm located on the southeast side of State Highway 55 at its junction with State Secondary Road 1161.

The Howard, Clarence, farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The Jarman, F. R., farm located on the southeast side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

The Jones, Edward S., farm located on the west side of U.S. Highway 258 and 0.3 mile north of its junction with State Secondary Road 1116.

The Joyner Farms, Inc., farm located on both sides of State Secondary Road 1324 and 0.5 mile east of its junction with State Secondary Road 1335.

The Mewborn, R. A., farm located on both sides of State Secondary Road 1300 and 0.1 mile east of its intersection with State Secondary Road 1002.

The Moody, Alton, farm located on the south side of State Highway 55 and 0.6 mile northeast of its junction with State Secondary Road 1161.

The Moye, Lenton G., farm located on the west side of State Secondary Road 1335 and 0.3 mile north of its junction with State Secondary Road 1324.

The Parrott Farms, Inc., farm located on the northwest side of State Secondary Road 1157 and 0.7 mile northwest of its intersection with State Highway 55.

The Rouse, Forrest, farm located on the northeast side of State Secondary Road 1143 and 2.9 miles northwest of its intersection with State Secondary Road 1154.

The Rouse, George R., farm located on the southwest intersection of State Secondary Roads 1143 and 1167.

The Rouse, Jim W., farm located on the northeast side of the State Secondary Road 1143 and 2.8 miles northwest of its intersection with State Secondary Road 1154.

The Rouse, Leon, farm located on both sides of State Secondary Road 1307 and 0.4 mile southwest of its junction with State Secondary Road 1324.

The Singleton, Ruby S., farm located on east side of State Secondary Road 1802 and 0.6 mile south of its junction with State Secondary Road 1801.

The Sutton, Albert F., farm located on the southwest side of State Secondary Road 1324 and 0.1 mile southeast of its junction with State Secondary Road 1327.

The Sutton, C. R., farm located on the east side of State Secondary Road 1152 and 0.2 mile north of its junction with State Secondary Road 1308.

The Sutton, George Hodges, No. 1, farm located in the southwest junction of State Secondary Roads 1324 and 1307.

The Sutton, George Hodges, No. 2, farm located on the southeast side of State Secondary Road 1308 and 0.2 mile northeast of its junction with State Secondary Road 1152.

The Sutton, Iris, farm located on the east side of State Secondary Road 1152 and 0.6 mile south of its junction with State Secondary Road 1324.

The Sutton, John W., farm located in the southeast junction of State Secondary Roads 1330 and 1333.

The Sutton, Kirby E., farm located on the south side of State Secondary Road 1308 at the end of farm road located 0.1 mile southwest of junction of State Secondary Roads 1308 and 1307.

The Sutton, M. L., farm located on the southeast side of State Secondary Road 1311 and 0.8 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Mary E., farm located on the east side of State Secondary Road 1152 and 0.7 mile south of its junction with State Secondary Road 1324.

The Sutton, Nathan, farm located on the southeast side of State Secondary Road 1311 and 0.6 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Norman, farm located on the northwest side of State Secondary Road 1308 at the end of farm road located 0.3 mile southwest of junction of State Secondary Roads 1308 and 1324.

The Sutton, Prentice, farm located on the south side of State Secondary Road 1503 and 0.3 mile southeast of its intersection with State Secondary Road 1327.

The Sutton, W. E., farm located on the east side of State Secondary Road 1333 at its junction with State Secondary Road 1331.

The Sutton, Woodrow W., farm located on the north side of State Secondary Road 1331 and 0.5 mile west of its junction with State Secondary Road 1333.

The Taylor, Heber, farm located on the north side of State Secondary Road 1161 and 0.3 mile east of its junction with State Highway 55.

The Walters, H. F., farm located on both sides of State Secondary Road 1335 and 0.4 mile north of its junction with State Secondary Road 1324.

The Waters, Thomas, estate located on both sides of State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1317.

The Whitfield, Hubert, No. 1, farm located on the northwest side of State Highway 55 and 0.1 mile northeast of its junction with State Secondary Road 1161.

The Whitfield, Hubert, No. 2, farm located on the north side of State Secondary Road 1157 and 0.9 mile west of its junction with State Highway 55.

The Whitfield, Marietta, farm located on the northwest side of State Secondary Road 1154, at its junction with State Secondary Road 1155.

The Whitfield, Melvin, No. 1, farm located on the northeast side of State Secondary Road 1300 and 0.2 mile northwest of its junction with State Secondary Road 1301.

The Whitfield, Melvin, No. 2, farm located on the south side of State Secondary Road 1300 and 0.1 mile east of the junction of State Secondary Roads 1300 and 1153.

The Whitfield, William R., farm located on the north side of State Highway 55 and 0.2 mile west of the junction of State Secondary Road 1300 and State Highway 55.

The Wood, C. W., farm located on the northwest side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

Montgomery County. The Hoover, Colon, farm located at the end of a dirt road and 0.2 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 0.9 mile northwest of the intersection of said road with the Montgomery-Moore County line.

The Lane, Walter, farm located at the end of a dirt road and 0.3 mile southwest of the junction of said road with State Secondary Road 1524, said junction being 1 mile northwest of the intersection of the said secondary road with the Montgomery-Moore County line.

Moore County. The Bryant, R. E., farm located on both sides of State Secondary Road 1815 and 0.5 mile southwest of the junction of said road with U.S. Highway 15–501.

The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road with State Secondary Road 1853.

The Causey Construction Company, located on both sides of State Secondary Road 2026 and 0.7 mile east of the junction of said road with U.S. Highway 1.

The Green, David, Estate farm located on the southwest side of State Secondary Road 2074 and 0.8 mile west of the junction of said road and State Secondary Road 2075.

The Hardister, George K., farm located on the north side of Highway 211 and 1.0 mile west of the junction of said highway and State Secondary Road 2075.

The Hardy, N. W., farm located on both sides of State Secondary Road 2007 and 0.2 mile southeast of the junction of said road with State Secondary Road 2005.

The Laton, William A., farm located on the east side of State Secondary Road 1004 and 0.3 mile north of the intersection of said road with State Secondary Road 1113.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

The McLaurin, Hattie J., farm located on the north side of N.C. Highway 211 and 0.5 mile west of the junction of said highway with State Secondary Road 2075.

The Page, Jack, farm located on the south side of State Secondary Road 2026 and 0.9 mile east of the junction of said road with U.S. Highway 1.

The Thomas, Claude and Ted, farm located on the west side of State Secondary Road 1128 and 0.5 mile northwest of the junction of said road with State Secondary Road 1122.

Onslow County. The Bryant, Ira, farm located on the north side of State Secondary Road 1425, 0.8 mile west of its junction with State Secondary Road 1434.

The Henderson, Bill, farm located on the east side of State Secondary Road 1528 and on the north side of State Secondary Road 1518 at the junction of said roads.

The McAllister, Henry, farm located on both sides of State Secondary Road 1316 and 1.0 mile southwest of said road and its junction with State Secondary Road 1308.

The Melville, John, Sr., farm located on the east side of State Secondary Road 1434 and 0.4 mile south of its junction with State Secondary Road 1428.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence east along said river to its junction with Colvines Creek, thence north and northwest along said creek to its intersection with State Secondary Road 1201, thence east along said road to its intersection with the Atlantic Coast Line Railroad, thence southeast along said railroad to its intersection with State Secondary Road 1125, thence northeast along said road to its intersection with Moores Creek, thence northeast and northwest along said creek to its intersection with State Secondary Road 1128, thence northeast along said road to its junction with State Secondary Road 1216, thence east along said road to its intersection with U.S. Highway 421, thence southeast along said highway to its intersection with State Secondary Road 1113, thence southwest along said road to its intersection with the Atlantic Coast Line Railroad, thence northwest along said railroad to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104, thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with State Secondary Road 1412, thence east along said road to its junction with State Secondary Road 1411, thence southwest along said road to its intersection with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence west along said road to the point of beginning.

The Armstrong, Willie, farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Kea, Leo, farm located 0.5 mile east of State Secondary Road 1105 and 1.0 mile southwest of the junction of said road and State Secondary Road 1104.

The Kea, Nora, farm located 0.1 mile west of the end of State Secondary Road 1108.

The Shaw, Katy, farm located on the east side of State Secondary Road 1520 and 8.6 miles north of the junction of said road and State Highway 210.

The Stringfield Estate, John, located on the southwest side of State Secondary Road 1517 and 1.4 miles east of the junction of said road and U.S. Highway 117.

The Williams, John H., and Heirs, farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Richmond County. The Autry, J. H., farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Beck, Lacy A., farm located on both sides of State Secondary Road 1607 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Chappell, Fred, Jr., located on the northwest side of N.C. Highway 177 and 0.5 mile northeast of the junction of said road and State Secondary Road 1607.

The David, Ethel, farm located on both sides of State Secondary Road 1803, on the west side of the intersection of said road with State Secondary Road 1825.

The Davis, Climon, farm located on the northwest side of N.C. Highway 38 and 0.5 mile northeast of the intersection of said road and State Secondary Road 1803.

The Dial, Dormie, farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Dumas, Elnora, farm located on the northeast side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The Elizhbugar, Charity, farm located on the northeast side of State Secondary Road 1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Hailey, Annie, farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Hailey, Maria, farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin & Supply Co., farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Harrington, Will, farm located on the south side of State Secondary Road 1803 and 0.8 mile east of Osborne.

The Ingram, Rome, farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The Jenkins, Dewey, farm located on a dirt road 0.2 mile southwest of its junction with State Secondary Road 1803, said junction being 0.8 mile east of Osborne.

The Jones, W. R., farm located on the south side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Little, John, farm located on the southeast side of State Secondary Road 1442 and at the junction of said road with State Secondary Road 1476.

The Love, John T., farm located in the northeast corner of the junction of State Secondary Road 1442 with State Secondary Road 1477.

The McDonald, Leonard, farm located on the north side of State Secondary Road 1607 and 0.9 mile west of the intersection of said road and State Secondary Road 1608.

The McLaurin, Etta, farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The McNeill, Dalton, farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Mathews, Lizzie, farm located in the southwest quadrant of the intersection of State Secondary Road 1108 and 1971.

The Paul, E. T., farm located on the northeast side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and North Carolina Highway 38.

The Porter, Mrs. A. W., farm located on the northeast side of State Secondary Road 1999 and 1 mile east of the intersection of said road with U.S. Highway 1.

The Quick, Douglas, farm located in the northwest quadrant of the intersection of State Secondary Roads 1802 and 1800.

The Rush, Eli, farm located on the northwest side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Rush, James, farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Scholl, H. H., farm located on the southwest side of State Secondary Road 1805 and 0.3 mile southeast of its junction with State Secondary Road 1804.

The Smith, J. A., farm located on the southwest side of State Secondary Road 1805 and 0.5 mile northwest of its junction with N.C. Highway 381.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and N.C. Highway 38.

The Standback, Tommy, farm located on the east side of U.S. Highway 220 and 0.6 mile northeast of its junction with State Secondary Road 1433.

The Steen, Willard, farm located on the southwest side of State Secondary Road 1803 and 0.2 mile southeast of the intersection of said road and State Secondary Road 1825.

The Strong, Marvin, farm located on the north side of State Secondary Road 1803 and 1.3 miles southwest of the intersection of said road and State Secondary Road 1825.

The Teal, Robert, farm located on the northwest side of State Secondary Road 1802 and 0.3 mile southwest of the intersection of said road and State Secondary Road 1800.

The Terry, Ruth, farm located on both sides of State Secondary Road 1442 and 0.2 mile northeast of its junction with State Secondary Road 1477.

The Terry, Tom, farm located on both sides of State Secondary Road 1442 and 0.3 mile northeast of its junction with State Secondary Road 1477.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Upchurch, T. B., farm located on the southwest side of State Secondary Road 1486 and 1.3 miles northwest of its junction with U.S. Highway 1.

The Waddell, A. M., farm located on both sides of U.S. Highway 1 and on both sides of State Secondary Road 1103 and on both sides of State Secondary Road 1971 at the intersection of said highway and said roads at Diggs.

The Wallace, Talley, farm located on both sides of State Secondary Road 1800 and 1.2 miles northwest of the intersection of said road and State Secondary Road 1802.

The Waters, Will, farm located on both sides of State Secondary Road 1623 and 0.4 mile southwest of its junction with State Secondary Road 1607.

The Waters, Will, farm located on both southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

The York, Will, farm located on the northeast side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and N.C. Highway 38.

Sampson County. That area bounded by a line beginning at a point where U.S. Highway 13 intersects the Sampson-Cumberland County line, thence extending north along said county line to its junction with Sampson-Harnett County line, thence northeast along said county line to its junction with Sampson-Johnston County line, thence south and east along said county line to its junction with Sampson-Wayne County line, thence southeast and south along said

county line to its junction with Sampson-Duplin County line, thence south along said county line to its intersection with State Highway 24, thence west along said highway to its intersection with U.S. Highway 701, thence north along said highway to its intersection with U.S. Highway 13, thence west along said highway to the point of beginning.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15-401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highways 15A-401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15-401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1341, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15-501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Bunch, Archie W., farm located at the intersection of State Secondary Roads 1323 and 1001.

The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Calhoun, L. E., farm located on the south side of State Highway 79 and 0.3 mile west of its junction with State Secondary Road 1118.

That area on the Camp Mackall Military Reservation (Fort Bragg Military Reservation) known as the Game Reserve Plot located on the west side of the Rhine-Luzon jump zone.

The King, J. Lloyd, farm located on the northwest side of State Secondary Road 1128 and 0.3 mile southwest of its junction with State Secondary Road 1101.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Newton, Peter F., farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Odoms, Hobson, farm located on both sides of State Secondary Road 1108 and 0.4 mile west of its junction with State Secondary Road 1100.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wayne County. That area bounded by a line beginning at a point where U.S. Highway 70 and State Secondary Road 1719 intersect and extending south along said road to its junction with State Secondary Road 1731, thence south along said road to its intersection with the Neuse River, thence east along the Neuse River to its intersection with Wayne-Lenoir County line, thence extending south along said county line to its junction with the Wayne-Duplin County line, thence southwest and west along said county line to its intersection with State Secondary Road 1937, thence north on said road to its intersection with Buck Swamp Creek, thence westward along said creek to its intersection with Seaboard Coast Line Railroad, thence northwest along said railroad to its junction with State Secondary Road 1939, thence east along State Secondary Road 1929 to its intersection with State Secondary Road 1926, thence north along said road to its junction with State Secondary Road 1918, thence northeastward along said road to its junction with State Secondary Road 1915, thence southeast and south along said road to its junction with State Secondary Road 1120, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along the Neuse River to its intersection with State Highway 111, thence north along said highway to its junction with State Secondary Road 1726, thence northeast along said road to its intersection with State Secondary Road 1727, thence southeast along said road to its junction with State Secondary Road 1728, thence northeast along said road to its junction with U.S. Highway 70, thence southeast along said highway to the point of beginning.

The Brock, Odell, farm located on the north side of State Secondary Road 1210 and 0.3 mile east of its junction with State Secondary Road 1209.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Casey, Emma E., farm located 7 miles east of Goldsboro on the north side of U.S. Highway 70 and 0.4 mile east of the junction of State Secondary Road 1721 and said highway.

The Daly, J. B., farm located on the west side of State Highway 111 and 0.6 mile south of the junction of said highway with State Secondary Road 1730.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Grant, Maggie, Estate located on the west side of N.C. Highway 111 and 1.1 miles south of the junction of State Secondary Road 1730 with said highway.

The Griffin, McKinley, farm located on the north side of State Secondary Road 1737 and 0.2 mile east of its junction with State Secondary Road 1731.

The Griffin, Oliver H., farm located 0.6 mile north of Dudley and 0.2 mile west of U.S. Highway 117.

The Griffin, W. A., farm located on the northeast side of State Secondary Road 1731 and 0.3 mile north of its junction with State Secondary Road 1737.

The Gurley, Clara Lee, farm located on the south side of State Secondary Road 1330 and 0.1 mile west of the junction of said road and State Secondary Road 1332.

The Ham, George E., farm located southeast of Seymour Johnson Air Base on the south side of State Secondary Road 1909 and 0.7 mile west of the junction of said road with State Secondary Road 1910.

The Herring, Harmon, farm located on the south side of State Secondary Road 1734 and 0.4 mile east of its junction with State Secondary Road 1731.

The Herring, Thel, farm located on the west side of State Secondary Road 1711, and 0.4 mile north of its junction with U.S. Highway 70A.

The Hines, J. D., farm located on both sides of State Secondary Road 1236, and 0.8 mile east of the intersection of said road with State Highway 581.

The Hinson, Frances, farm located on the east side of State Secondary Road 1731 and 0.5 mile north of the Neuse River.

The Hollaman, R. J., farm located on the northwest corner of State Secondary Road 1125 and 0.7 mile north of the junction of said road and State Secondary Road 1122.

The Hollowell, D. Virgil, farm located on the southeast side of State Secondary Road 1008 and 0.2 mile northeast of the junction of said road with State Secondary Road 1214.

The Hollowell, H. M. and J. C., farm located at the northwest end of State Secondary Road 1240.

The Hollowell, Mrs. Mattie, farm located on the east side of State Secondary Road 1214 and 0.4 mile south of its junction with State Secondary Road 1008.

The Ivey, W. H., farm located on the south side of State Secondary Road 1734 and 0.3 mile east of its junction with State Secondary Road 1731.

The Johnson, J. R., farm located on the south side of State Secondary Road 1330 and 0.1 mile west of the junction of said road and State Secondary Road 1332.

The Kornegay, Sally H., farm located on the west side of State Secondary Road 1938 and 0.6 mile south of its junction with State Secondary Road 1120.

The Lofton, C. L., Estate located on the southwest side of State Secondary Road 1003 and 0.4 mile southeast of the junction of said road and State Secondary Road 1720.

The McClenny, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The McClenny, G. A., No. 2, farm located on both sides of State Secondary Road 1332 and 0.1 mile north of junction of said road and State Secondary Road 1330.

The Murray, D. J., farm located north of and at the junction of State Secondary Roads 1120 and 1122.

The Oliver, Estella J., farm located on the west side of U.S. Highway 117 and 0.8 mile north of Brogden School.

The Oliver, H. H., farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The Parker, Worth W., farm located on the west side of State Secondary Road 1130 and 1 mile south of the intersection of said road with U.S. Highway 13.

The Perkins, Joe D., farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road with U.S. Highway 70 Bypass.

The Platts, Ida, farm located on the north side of State Secondary Road 1734 and 0.3 mile east of its junction with State Secondary Road 1731.

The Raynor, A. B., farm located on the south side of U.S. Highway 13 and 0.1 mile east of its junction with State Secondary Road 1207.

The Raynor, Early, No. 1, farm located on the south side of U.S. Highway 13 and 0.3 mile east of its junction with State Secondary Road 1207.

The Raynor, Early, No. 2, farm located on the north side of State Secondary Road 1101 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Raynor, Elester, farm located on the east side of State Secondary Road 1105 and 0.8 mile south of its intersection with U.S. Highway 13.

The Rogers, Charlie, farm located on both sides of State Secondary Road 1710 and 0.9 mile southwest of the junction of said road with U.S. Highway 70A.

The Smith, Alfred, farm located on the north side of State Secondary Road 1330 and 0.9 mile west of junction of said road and North Carolina Highway 581.

The Smith, J. B., farm located in south junction of State Secondary Roads 1731 and 1734.

The Smith, Olivia, farm located on the southeast side of State Secondary Road 1122 and both sides of State Secondary Road 1124.

The Stevens, J. M., farm located on the east side of State Secondary Road 1105 and 0.9 mile south of its intersection with U.S. Highway 13.

The Sutton, D. M., farm located on east side of State Secondary Road 1731 and 0.6 mile north of the Neuse River.

The Tart, John, No. 1, farm located on the south side of U.S. Highway 13 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Tart, John, No. 2, farm located on the north side of U.S. Highway 13 and 0.1 mile east of its junction with State Secondary Road 1207.

The Thornton, S. E., farm located on the southeast junction of State Secondary Roads 1210 and 1209.

The Uzzell, Brantley, farm located on the north side of U.S. Highway 70 and 0.8 mile east of the intersection of said highway and State Secondary Road 1719.

The Weaver, Luby W., farm located on both sides of the State Secondary Road 1106 and 0.2 mile east of its junction with State Secondary Road 1101.

The Whitfield, James Weston, farm located on the north side of U.S. Highway 70 and 0.7 mile east of the intersection of said highway and State Secondary Road 1719.

The Whitley, Maude and Sarah, farm located on State Hospital farm road 1.2 miles west and north of its junction with State Secondary Road 1008, said junction being 1.3 miles southwest of the junction of State Highway 581 and State Secondary Road 1008.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

The Wise, Ella, farm located on the south side of State Secondary Road 1208 and 1.0 mile west of its junction with State Secondary Road 1209.

Wilson County. The Francis, Marie G., farm located on both sides of State Secondary Road 1302 and 0.7 mile east of its intersection with State Secondary Road 1301.

The Harrison, J. W. Heirs, farm located 1.5 miles north of Sims on the south side of State Secondary Road 1302, 0.8 mile east of the intersection of State Secondary Roads 1302 and 1301.

The Williams, Dafney, farm located on the north side of State Secondary Road 1302 and 0.7 mile east of its intersection with State Secondary Road 1301.

SOUTH CAROLINA

(1) *Generally infested area.*

Dillon County. The entire county.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, thence west along said highway to its intersection with State Secondary Highway 142, thence south along said highway to its junction with State Primary Highway 9, thence northwest along said highway to its intersection with State Secondary Highway 59, thence southwest and south along said highway to its junction with State Primary Highway 917, thence southwest along said highway to its intersection with State Secondary Highway 19, thence south and southeast along said Highway 19 to its intersection with U.S. Highway 701 at Allsbrook, thence northeast along said highway to its intersection with State Primary Highway 9, thence southeast and south along said highway to its intersection with the Waccamaw River, thence northeast along said river to its intersection with South Carolina-North Carolina State line, thence southeast along said State line to its intersection with U.S. Highway 17, thence southwest along said highway to its junction with State Primary Highway 90, thence west along said highway to its intersection with a dirt road known as Telephone Road, said intersection being 1.3 miles west of Wampee, thence southwest and south along Telephone Road to its end, thence northwest along a projected line for 1.9 miles to its junction with Jones Big Swamp, thence northwest along said swamp to its junction with the Waccamaw River, thence west along said river to its intersection with Stanley Creek, thence north along said creek 1.6 miles, thence northwest along said creek 2.8 miles, thence north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, thence southwest along said highway to its junction with State Secondary Highway 19, thence north along said highway 2.4 miles to its junction with a dirt road, thence southwest along said road to its intersection with Maple Swamp, thence north along said swamp to its intersection with State Secondary Highway 65, thence southwest along said highway to its junction with U.S. Highway 701, thence south along said highway to its intersection with U.S. Highway 501, thence northwest along said highway to its intersection with State Secondary Highway 548, thence west along said highway to its junction with a dirt road, thence west along said dirt road to its junction with State Secondary Highway 78, thence north along said highway to its junction with State Secondary Highway 391, thence northeast along said highway to its junction with U.S. Highway 501, thence southeast along said highway to its junction with State Secondary Highway 591, thence north along said highway to its intersection with State Secondary Highway 97, thence east 0.2 mile to its intersection with a dirt road, thence north along said dirt road to its junction with State Primary Highway 319, thence northwest along said highway to its junction with State Secondary Highway 131, thence east and north along said highway to its intersection with Loosing Swamp, thence west and northwest along said swamp to its intersection with State Secondary Highway 45, thence southwest along said highway to its junction with State Secondary Highway 129, thence northwest along said highway to its junction with U.S. Highway 501, thence northwest along the latter highway to its intersection with Little Pee Dee River, thence northwest along said river to its junction with the Lumber River, thence northeast along said river to its intersection with the South Carolina-North Carolina State line, thence southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Arnett, Henry and D. C., farm located on both sides of a dirt road and 2.5 miles east of its junction with State Secondary Highway 33, and said junction being 2.5 miles north of the junction of said highway and State Primary Highway 410.

The Barnhill, Edgar, farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Bowens, Willie, farm located at the end of a field road and 0.6 mile south of its junction with State Secondary Highway 319, said junction being 0.4 mile east of Aynor Post Office.

The Edge, Nina L., farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The Fowler, Jennie Bell, farm located at the end of a farm road which junctions with a county road, said junction being 0.5 mile east of the Oakdale Baptist Church.

The Fowler, O. R., farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Gore, Sumpter, farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Holliday Brothers farm located on the south side of a dirt road and 0.8 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Johnson, Mayberry, farm located on the south side of State Primary Highway 917 at its junction with State Secondary Highway 59.

The Lewis, J. T., farm located on the south side of State Secondary Highway 100, and 1.9 miles west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Martin, Daniele E., farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The Milligan, O. L., farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Page, Cordie, farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Page, Mattie C., farm located on the north side of a dirt road and 0.2 mile east of the junction of said dirt road and state Secondary Highway 129, said junction being 0.3 mile southeast of the intersection of said highway and State Secondary Highway 130.

The Reynolds, Dick, farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Shelley, O. R., farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being 1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

The Williamson, Vide, farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary

Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Marion County. The entire county.

(2) *Suppressive area.*

Chesterfield County. The Campbell, Coyt J., farm located on the south side of a dirt road and 0.6 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Chapman, C. S., farm located on the west side of U.S. Highway 52 and 0.4 mile north of its junction with State Secondary Highway 335.

The Curry, Henry, Estate farm located on the south side of State Secondary Highway 337 and 1 mile southeast of its junction with State Secondary Highway 144.

The Evans, Jule, farm located on the south side of a dirt road and 0.4 mile east of its intersection with State Secondary Highway 144, said intersection being 0.4 mile south of the intersection of State Secondary Highway 22 and State Secondary Highway 144.

The Funderburk, Abraham, farm located on the east side of a dirt road and 0.2 mile south of its junction with State Secondary Highway 115, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 114.

The Griggs, Fuller, farm located on the west side of a dirt road and 0.4 mile north of its intersection with a second dirt road, said intersection being 0.6 mile north of the intersection of said dirt road and State Secondary Highway 149, said intersection being 1.6 miles northwest of the intersection of said highway and State Primary Highway 102.

The Howie, James Earle, farm located on the north side of a dirt road and 1 mile east of the intersection of said dirt road and State Secondary Highway 81, said intersection being 1 mile south of the intersection of State Secondary Highway 149 and State Secondary Highway 81.

The Keith, Jessie, farm located at the end of a dirt road and 0.7 mile north of its junction with a second dirt road, said junction being 0.1 mile northwest of the junction of State Secondary Highways 114 and 115.

The Keith, Julius, farm located on the east side of a dirt road and 0.5 mile north of its junction with a second dirt road, said junction being 0.1 mile northwest of the junction of State Secondary Highways 114 and 115.

The Parker, Elsie J., farm located on the south side of State Secondary Highway 61 and 0.1 mile east of its intersection with State Secondary Highway 348.

The Rainwater, R. D., farm located on the east side of State Secondary Highway 113 and 0.5 mile northeast of its intersection with State Secondary Highway 20.

The Streater, Lonnie, farm located on both sides of State Secondary Highway 337 and 0.5 mile southeast of its junction with State Secondary Highway 144, said junction being 0.5 mile southeast of the intersection of State Secondary Highway 22 with State Secondary Highway 144.

Darlington County. That area bounded by a line beginning at a point where State Secondary Highway 29 and State Secondary Highway 133 junction, thence extending north along State Secondary Highway 133 to its junction with State Secondary Highway 524, thence east along said highway to its intersection with the Seaboard Coast Line Railroad, thence south along said railroad to its intersection with State Secondary Highway 29, thence east along said highway to its intersection with Hurricane Branch, thence northeast along said branch to its junction with Byrds Island, thence south along a line project due south from said junction to the intersection of the projected line and State Primary Highway 34, thence west along said highway to its intersection with a dirt road, said intersection being 0.9 mile east of Mechanicsville, thence south along said dirt road to its intersection with the Darlington-Florence County line, thence west and south along said county line to its intersection with State Secondary Highway 173, thence northwest along said highway to its junction with State Secondary Highway 228, thence northwest along said highway to its intersection with the Seaboard Coast Line Railroad, thence north along said railroad to its intersection with State Secondary Highway 29, thence west along said highway to the point of beginning.

The Barr, Minnie C., farm located on the north side of State Secondary Highway 179 and 1.7 miles east of its intersection with State Secondary Highway 35.

The Carrigan, L. F., Estate farm located on the east side of U.S. Highway 52 and 0.2 mile southwest of its junction with State Secondary Highway 133.

The Cooper, Robert, farm located 0.1 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Cooper, William, farm located 0.25 mile west of a dirt road and 1.1 miles north of its junction with State Secondary Highway 179, said junction being 1.9 miles southeast of the junction of said highway and State Secondary Highway 35.

The Daly, Sarah, farm located on the south side of a dirt road and 0.8 mile northwest of its junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Dawson, L. W., farm located on the west side of U.S. Highway 52 and 0.2 mile south of its junction with State Secondary Highway 397.

The Flowers, William M., farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Gandy, B. L., farm located on the south side of a dirt road and 0.9 mile northwest of the junction with State Secondary Highway 133, said junction being 0.8 mile northeast of the junction of said highway and State Secondary Highway 29.

The Griggs, Bobby, farm located on the northwest side of State Secondary Highway 23 and 1 mile northeast of its intersection with State Primary Highway 102.

The Johnson, William, farm located on the north side of a dirt road and 0.6 mile northwest of its junction with State Secondary Highway 133, said junction being 2 miles south of the intersection of said highway and State Secondary Highway 41.

The Robinson, Charlie, farm located on the east side of a dirt road and 0.6 mile southeast of its intersection with State Primary Highway 34, said intersection being 0.9 mile northeast of State Secondary Highway 35 and State Primary Highway 34.

The Sanderson, Rebecca F., farm located on the north side of State Secondary Highway 14 and 1.2 miles east of its intersection with State Secondary Highway 13.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, thence along a line projected due east from said junction to its intersection with the Great Pee Dee River, thence south along said river to its junction with Barfield's Old Mill Creek, thence northwest and west along said creek to its intersection with State Secondary Highway 57, thence north along said highway to its junction with State Secondary Highway 893, thence west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, thence northwest along said highway to its junction with State Secondary Highway 897, thence southwest and south along said highway to its junction with State Primary Highway 51, thence west and northwest along said highway to its intersection with State Primary Highway 327, thence northwest and west along said highway to its junction with State Secondary Highway 552, thence north along said highway to its junction with State Secondary Highway 551, thence northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, thence northeast along said second dirt road to its junction with State Secondary Highway 57, thence southeast along said highway to its intersection with the Seaboard Coast Line Railroad, thence northwest along said railroad to its intersection with State Secondary Highway 13, thence east along said highway to its junction with State Secondary Highway 918, thence north and northeast along said highway to its junction with State Primary Highway 327, thence north along said highway to its intersection with U.S. Highway 76, thence west along said highway to its junction with State Secondary Highway 925, thence north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, thence northeast along said highway to its intersection with State Secondary Highway 34, thence southeast along said highway to its junction with State Secondary Highway 360, thence northeast along said highway to its junction with a dirt road, said junction begin 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, thence southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, thence southwest along said dirt road to its junction with State Secondary Highway 34, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its junction with State Secondary Highway 47, thence northwest and west along said highway to the corporate limits of the town of Scranton, thence north and west along the east and north perimeter of said corporate limits to its intersection with the Seaboard Coast Line Railroad, thence north along said railroad to the corporate limits of the town of Coward, thence north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, thence northeast along said highway to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Coast Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, thence south along said highway to its junction with U.S. Highway 378, thence west along said highway to its intersection with Deep Creek, thence southwest along said creek to its juntions with Lynches River, thence west along said river to its junction with Little Swamp, thence north along said swamp to its intersection with State Secondary Highway 66, thence east along said highway to the point of beginning.

The Alford, A. A., farm located on both sides of State Secondary Highway 164 and 0.1 mile south of its intersection with Cypress Branch.

The Benjamin, Willie, farm located on the south side of a dirt road and 0.6 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Braddy, Elnoreah, farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Burch, Corine Cherry, farm located on the north side of a dirt road and 0.9 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Carroway, Hayward, farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Carroway, Luther, farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The Drayfus Development Corp., farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Edwards, R. L., farm located on the east side of State Primary Highway 51 and 1.1 miles northwest of its junction with State Secondary Highway 86.

The Floyd, Edward, farm located on the south side of State Secondary Highway 57 and 1.5 miles southeast of the intersection of said highway and State Primary Highway 51.

The Gause, L. J., Estate farm located on the south side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Gause, Luther, Estate farm located on the north side of State Secondary Highway 72 and 1.1 miles southwest of its intersection with U.S. Highway 52.

The Hall, James, farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 501, said junction being 1.5 miles southeast of the junction of said highway and U.S. Highway 301.

The Ham, Ralph, farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Hannah, Bert, farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The Kelly, Boyd, Estate farm located on the west side of State Secondary Highway 136 and 1.2 miles northwest of its intersection with State Secondary Highway 35.

The Langston, Jimmy, farm located on the west side of a dirt road and 0.7 mile west of its junction with State Secondary Highway 136, said junction being 1.4 miles north of the intersection of State Secondary Highways 136 and 35.

The Lyde, Mamie, farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The McAllister, Armstrong, farm located at the end of a dirt road and 0.4 mile northwest of its junction with another dirt road, thence south along said dirt road to its junction with another dirt road, thence westerly along said dirt road to its junction with State Secondary Highway 34, said junction being 1.1 miles southeast of the junction of State Secondary Highway 149 with State Secondary Highway 34.

The Melton, Jeanette P., farm located on both sides of State Secondary Highway 150, and 1.3 miles southeast of its junction with State Secondary Highway 460.

The Nowlin, Ed, farm located on the north side of a dirt road and 0.8 mile west of its junction with State Secondary Highway 136, said junction being 0.9 mile north of the intersection of State Secondary Highways 136 and 35.

The Poston, Mrs. J. J., farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

The Rogers, F. B., farm located on the east side of State Secondary Highway 26 and 2.1 miles northeast of its intersection with Black Creek.

The Turner, V. A., farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

The Yarborough, S. L., farm located on both sides of State Secondary Highway 95 and 1.7 miles southeast of Sardis.

Horry County. The Alford, Alex, farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Atkinson, John A., farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Cooper, James E., farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Frye, L. C., farm located on the south side of a dirt road and 1 mile west of the junction of State Secondary Highways 24 and 62, said junction being in the Dog Bluff community.

The Graham, Bud Neals, farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction being 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Johnson, Sam, farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Jordan, Blease, farm located on the north side of a dirt road and 0.6 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Lewis, Boyd, farm located on the north side of a dirt road and 0.75 mile west of the intersection of said dirt road and State Secondary Highway 24, said intersection being in the Dog Bluff community.

The Richardson, Talmage, farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Sarvis, Ida B., farm located on the northwest side of State Secondary Highway 109 and 1.5 miles northeast of its junction with State Secondary Highway 79.

The Sarvis, Ida B., farm located on the outhwest side of a dirt road and 0.1 mile southwest side of a dirt road and 0.1 mile ondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville McColl, and Tatum.

The Bass, Phillip, farm located on the west side of State Secondary Highway 257 and 0.5 mile northeast of its intersection with State Secondary Highway 165.

The Bell, Nettie, farm located on the south side of the South Carolina-North Carolina State line and 0.4 mile east of its intersection with State Primary Highway 177.

The Bowen, Gus, farm located on the south side of the junction of State Secondary Highways 22 and 48, said junction being 2.9 miles northwest of Tatum.

The Caulk, C. C. farm located on the north side of State Secondary Highway 283 and 0.3 mile east of the junction of said highway and State Primary Highway 38.

The Chavis, Dewey, farm located on the northwest side of State Secondary Highway 209 and 0.1 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Graham Lee, farm located on the northwest side of State Secondary Highway 209 and 0.2 mile northeast of its intersection with State Primary Highway 9.

The Chavis, Homer, Estate farm located in the north corner of the intersection of State Secondary Highway 209 with State Primary Highway 9.

The Conwell, Hossie, Estate farm located on both sides of a dirt road and 1.3 miles northeast from the junction of said dirt road and State Secondary Highway 30, said junction being 0.5 mile northwest from the intersection of said State Secondary Highway 30 and State Secondary Highway 165.

The Fletcher, Oscar J., farm located on the southwest side of State Secondary Highway 28 and 0.6 mile northwest of the junction of said highway and U.S. Highway 15.

The Hamer, Lois P., farm located on both sides of a dirt road and 0.1 mile north of the junction of said dirt road and U.S. Highway 15, said junction being 0.1 mile northwest of the intersection of U.S. Highway 15 and State Secondary Highway 22 at Tatum.

The Holmes, T. H., farm located on the south side of the South Carolina-North Carolina State line and 0.5 mile east of its intersection with State Primary Highway 177.

The Joseph, James, farm located on the southeast side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The McCall, Jim, Estate farm located on the south side of a dirt road and 0.4 mile west of its junction with State Secondary Highway 257, said junction being 0.4 mile northeast of the intersection of said highway and State Secondary Highway 165.

The McColl, D. D., Estate farm located on the northeast side of State Primary Highway 9 and 0.6 mile southeast of its junction with State Secondary Highway 283.

The McEachern, Lula, farm located on the north side of U.S. Highway 15 at the intersection of said highway and the South Carolina-North Carolina State line.

The McKay, Cleveland, farm located on the north side of State Secondary Highway 54 and the west side of State Secondary Highway 30 at the intersection of said highways.

The McKay, Cleveland, farm located on the east side of a dirt road and 0.6 mile northeast of the junction of said dirt road and State Secondary Highway 30, said junction being 0.3 mile north of the junction of said highway and State Secondary Highway 54.

The McQueen, Mable N., farm located on the northwest side of State Secondary Highway 17 and 0.6 mile northeast of its junction with State Secondary Highway 22.

The Newton, Gordon W., farm located on the northeast side of State Secondary Highway 28 and 0.2 mile northwest of its junction with U.S. Highway 15.

The Odom, Ina, farm located on the northwest side of a dirt road and 0.4 mile northeast of its junction with State Secondary Highway 30, said junction being 0.3 mile northeast of the intersection of said highway and State Secondary Highway 54.

The Oxendine, Kay Frances, farm located on the east side of State Primary Highway 79, 0.3 mile south of the junction of said highway and State Secondary Highway 345.

The Pearson, Archie, farm located on the east side of a dirt road and 0.5 mile southwest of the junction of said dirt road and State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Daniel J., farm located on the west side of State Primary Highway 79, 1 mile south of the intersection of said highway and State Secondary Highway 71.

The Pearson, Queen, farm located on the east side of a dirt road and 0.7 mile southwest of its junction with State Primary Highway 79, said junction being 0.3 mile south of the intersection of said highway and State Secondary Highway 71.

The Rainwater, D. C., farm located on the west side of State Primary Highway 79 at the junction of said highway and State Secondary Highway 345.

The Rogers, John B., farm located on both sides of State Secondary Highway 48 and 1.4 miles northeast of its intersection with State Secondary Highway 47.

The Rogers, T. R., farm located on the east side of State Secondary Highway 257 and 0.5 mile northeast of its intersection with State Secondary Highway 165.

The Smith, James Tyson, farm located on the northwest side of State Secondary Highway 165 and 1.2 miles southwest of its intersection with State Secondary Highway 257.

The Spears, James, farm located on the east side of State Primary Highway 79 and 0.3 mile south of its junction with State Secondary Highway 345.

The Strickland, Hawkins, farm located on the north side of State Secondary Highway 63 and the east side of Crooked Creek at the intersection of said highway and creek.

The Strong, Marvin, farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

The Talbert, B. F., farm located on the northside of the intersection of State Primary Highway 9 and State Secondary Highway 165.

The Walker, R. W., farm located on the southeast side of State Secondary Highway 17 and 0.7 mile northeast of its intersection with State Primary Highway 79.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477; 38 FR 19141; 7 CFR 301.80–2)

The Deputy Administrator of the Plant Protection and Quarantine Programs has determined that the witchweed has been found or there is reason to believe it is present in the civil divisions and parts of civil divisions listed above as regulated areas or that it is necessary to regulate such areas because of their proximity to witchweed infested localities. Further, the Deputy Administrator has found that facts exist as to the pest risk involved in the areas removed from the list of regulated areas which make it safe to relieve the requirements of the quarantine as provided herein. He has also determined that the areas designated as suppressive and generally infested areas are eligible for such designation under § 301.80–1, as amended.

The Deputy Administrator has also determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, has adopted and is enforcing a quarantine or regulation which imposes restrictions on intrastate movement of the regulated articles which are substantially the same as the restrictions on interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of witchweed. Therefore, such civil divisions and parts of civil divisions listed above are designated as witchweed regulated areas.

To the extent that this revision relieves certain restrictions presently imposed, it should be made effective promptly in order to be of maximum benefit to persons subject to the restrictions which are being relieved. To the extent that this revision imposes restrictions, they are necessary in order to prevent the spread of witchweed, and should be made effective promptly to accomplish their purpose in the public interest. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on this amendment.

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

Effective date. This amendment shall become effective on May 5, 1975.

Done at Washington, D.C., this 29 day of April 1975.

JAMES O. LEE, Jr.,
Acting Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.75–11610 Filed 5–2–75;8:45 am]

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

[Valencia Orange Reg. 495, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period April 25–May 1, 1975. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia 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 recommendation and information submitted by the Valencia 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 Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 495 (40 FR 17993). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(iii) of § 908.795 (Valencia Orange Regulation 495 (40 FR 17993) are hereby amended to read as follows:

§ 908.795 Valencia Orange Regulation 495.

* * * * *

(b) * * *

(1) * * *

(iii) District 3: 300,000 cartons.

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

Dated: April 30, 1975.

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

[FR Doc.75-11686 Filed 5-2-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

BREEDING SWINE

Correction

In FR Doc. 75–9390, appearing at page 16332, of the issue of Friday, April 11, 1975, a line reading "Budget in accordance with the Federal Reports Act of 1942.", should be inserted after the last line of the NOTE in the middle column on page 16333.

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

[Docket No. RM–50–2]

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Radioactive Material in Light-Water-Cooled Nuclear Power Reactor Effluents

In the matter of Rulemaking Hearing Numerical Guides for design objectives and limiting conditions for operation to meet the criterion "as low as practicable" for radioactive material in light-water-cooled nuclear power reactor effluents; Opinion of the commission, Chapter I, Summary and Statement of considerations.

Background. The Nuclear Regulatory Commission [1] herewith announces its decision in the rulemaking proceeding concerning numerical guides for design objectives and limiting conditions for operation to meet the criterion "as low as practicable" for radioactive material in light-water-cooled nuclear power reactor effluents.

On December 3, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 FR 18385), new §§ 50.34a and 50.36a in Part 50 of its regulations, specifying design and operating requirements for nuclear power reactors to keep levels of radioactivity in effluents "as low as practicable." The amendments provided qualitative guidance, but not numerical criteria, for determining when design objectives and operations meet the specified requirements. The Commission noted in the Statement of Considerations accompanying the amendments the desirability of developing more definitive guidance. The rule we announce today does that, setting forth criteria which, if met, provide one acceptable method of establishing compliance with the "as low as practicable" requirement of §§ 50.34a and 50.36a.

On June 9, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 F.R. 11113) for public comment proposed amendments to 10 CFR Part 50 which would supplement §§ 50.34a and 50.36a with a new Appendix I. The Proposed Appendix provided numerical guides for design objectives and technical specification requirements for limiting conditions for operation for light-water-cooled nuclear power reactors.

A subsequent notice, published on November 30, 1971 (36 FR 2275), announced a public rulemaking hearing on the proposed amendments. The hearing began on January 20, 1972, before a Hearing Board consisting of Algie A. Wells, Esq., Chairman, Dr. John C. Geyer, and Dr. Walter H. Jordan. The primary participants in the rulemaking hearing included the Commission's Regulatory Staff, a consolidated utility group, the Consolidated National Intervenors, General Electric Company, and the State of Minnesota. In addition, 18 persons or organizations, including the Environmental Protection Agency, made limited appearances.

The hearing was suspended in May of 1972 pending preparation of an Environmental Impact Statement concerning the proposed rulemaking in implementation of the National Environmental Policy Act of 1969. A Draft Environmental Statement was forwarded to the Council on Environmental Quality on January 15, 1973, and circulated for comment to interested Federal agencies and members of the public, including the hearing participants. Notice of public availability of the Statement and an invitation for comment were published in the FEDERAL REGISTER. Comments on the Draft Environmental Statement were received, and a Final Environmental Statement was issued on July 26, 1973. In November 1973, the public hearing was resumed for consideration of the Environmental Statement. The evidentiary hearing was concluded on December 6, 1973, concluding statements of position were filed, and the entire record was forwarded to the Commission for decision. The proceeding covered some 25 days of hearings, 4172 pages of hearing transcript, and thousands of pages of prepared written direct testimony and exhibits. Oral arguments were heard by the Atomic Energy Commission on June 6, 1974.

As the record developed during this rulemaking shows, there is a general consensus concerning the need to define "as low as practicable" with numerical criteria. The major issues of controversy involved the feasibility of achieving the proposed numerical criteria and the cost of compliance with and the perceived benefits of the criteria. The Nuclear Regulatory Commission has carefully considered the entire record and the views of those who participated in the rulemaking hearing in reaching the decision announced herein.[2]

It should be emphasized that the Appendix I guides as here adopted by the Commission are not radiation protection standards. The numerical guides of Appendix I which we announce today are a quantitative expression of the meaning of the requirement that radioactive material in effluents released to unrestricted areas from light-water-cooled nuclear power reactors be kept "as low as practicable." [3]

The Commission's radiation protection standards, which are based on recommendations of the Federal Radiation Council (FRC) as approved by the President, are contained in 10 CFR Part 20, "Standards for Protection Against Radiation," and remain unchanged by this Commission decision.[4] As in the case of parallel recommendations of the National Council on Radiation Protection and Measurements (NCRP) and the International Commission on Radiological Protection (ICRP), these FRC standards which have been previously adopted give appropriate consideration to the overall requirements of health protection and

[1] The licensing and related regulatory functions of the Atomic Energy Commission have been transferred to this Commission. Energy Reorganization Act of 1974, section 201(f), 88 Stat. 1243.

[2] Some of the parties to this proceeding sent unsolicited letters to individual members of the Commission, expressing views on the subject matter of this rulemaking. These communications, not a part of the hearing record, have been placed in the public document room and served upon all parties in the manner described in 10 CFR 2.780(b), and have not been considered in reaching the decision announced today.

[3] Under the President's Reorganization Plan No. 3 of 1970, the Environmental Protection Agency (EPA) is responsible for establishing generally applicable environmental radiation standards for the protection of the general environment from radioactive materials. The Nuclear Regulatory Commission is responsible for implementation and enforcement of EPA's generally applicable environmental standards. If the design objectives and operating limits established in this decision should prove to be incompatible with any generally applicable standard hereafter established by EPA, these objectives and limits will be modified as necessary.

[4] The radiation protection guides established by the FRC for individual members of the public are 500 millirems per year to the total body and bone marrow and 1500 millirems per year to the thyroid and bone. The guide for average dose to the population is 5 rems in 30 years to the gonads (an annual average dose of 170 millirems per person averaged over the population). These guides and recommendations apply to exposures from all sources other than medical procedures and natural background.

The FRC provides no specific radiation protection guides with respect to other organs of the body. The ICRP recommends annual dose limits of 500 millirems to the total body, gonads, and red bone marrow; 3000 millirems to the skin, bone, and thyroid, except 1500 millirems to the thyroid of children up to 16 years of age; and 1500 millirems to other single organs.

the beneficial use of radiation and atomic energy. The Commission believes that the record clearly indicates that any biological effects that might occur at the low levels of these standards have such low probability of occurrence that they would escape detection by present-day methods of observation and measurement.

The Commission fully subscribes to the general principle that, within established radiation protection guides, radiation exposures to the public should be kept "as low as practicable." This precept has been a central one in the field of radiation protection for many years. The term "as low as practicable" is defined in the Commission's regulations (10 CFR 50.34a(a)) to mean "as low as is practicably achievable taking into account the state of technology, and the economics of improvements in relation to the benefits to the public health and safety and in relation to the utilization of atomic energy in the public interest."

We note that during the pendency of this rulemaking the International Commission on Radiological Protection, in ICRP Publication No. 22, has replaced the phrase "as low as practicable" with "as low as is reasonably achievable" in its recommendation on dose limitation. Its recommendation has also been expanded to identify two specific considerations—economic and social—that are to be taken into account in determining a level of exposure that may be considered "as low as is reasonably achievable." Other considerations, such as ethical ones, are not excluded by this wording and may indeed be considered to be included by the adjective "social." The ICRP has clearly stated that the changed terminology does not reflect a change in the objectives of dose limitation, but rather a choice of language which "more closely describes its intentions." See ICRP Publication 22, paragraphs 6, 7, and 20.

We endorse this attempt to make this basic concept of radiation protection more understandable. We are today directing the Commission's Staff to prepare and issue for public comment a proposed rule that substitutes the currently accepted phrasing—"as low as is reasonably achievable"—for the older, less precise terminology in the many places throughout our regulations and regulatory guides where it appears. The numerical values of Appendix I quantifying "as low as practicable", will not, of course, be affected by the forthcoming change in terminology.

The principal changes from the proposed amendments published in the FEDERAL REGISTER on June 9, 1971, are as follows:

1. *Liquid effluents.* The design objectives in the proposed rule for radioactive material in liquid effluents were based on: (a) An annual release of not more than 5 curies, except tritium, from each reactor, (b) specified concentration limits on tritium and other radioactive materials released to the environment, and (c) a provision for increasing or decreasing the design-objective quantities and concentrations for specific sites subject to keeping annual doses to the total body or any organ of an individual in an unrestricted area to not more than 5 millirems for all reactors on a site. The design objective in Appendix I as adopted limits the total radioactivity released from each light-water-cooled nuclear power reactor to a level that limits the annual dose or dose commitment from liquid effluents from that reactor for any individual in an unrestricted area from all pathways of exposure to not more than 3 millirems to the total body and 10 millirems to any organ.

The adopted design-objective guides contain no numerically specified limits upon quantities of radioactive material to be released since the record shows that such limits have little if any independent significance. Protection of future users of the near environs of the reactor is provided by the additional requirement that all augments with a favorable cost-benefit balance be included in the radwaste system and by the provision that the estimation of exposure be made with respect to such potential land and water use and food pathways as could actually exist during the term of plant operation.

2. *Gaseous effluents.* The principal difference in the design objective in the Appendix adopted by the Commission dealing with external dose from radioactive material in gaseous effluents is the separate treatment of total-body dose and skin dose. The proposed design objective limited both the annual total-body and the annual skin dose from all reactors on a site to 5 millirems, whereas the new design objective incorporates an annual total-body dose limit from gaseous effluents of 5 millirems per light-water reactor and increases the annual dose limit to the skin to not more than 15 millirems per light-water reactor. The design-objective annual dose to the skin has been increased from 5 millirems to 15 millirems on the basis of evidence in the Final Environmental Statement and the hearing record showing that it is not technically practicable to design and operate a light-water-cooled nuclear power reactor with a limit on the annual skin dose from beta radiation of not more than 5 millirems.[*] It is noted by way of comparison that an annual dose to the skin of 15 millirems is one-half of one percent of the radiation dose limit for a member of the public recommended by the International Commission on Radiological Protection.

[*] The dose rates specified in the rule of 10 millirads per year for gamma radiation and 20 millirads per year for beta radiation are to be based on calculated annual air doses. These calculated annual air doses would normally be considered to meet the objective as limiting doses to individuals in unrestricted areas to not more than 5 millirems to the total body or 15 millirems to the skin. Provisions are made to increase or decrease the annual dose rate if, for a particular site, there are special circumstances where the specified dose rates should be adjusted to limit the exposure of an individual in an unrestricted area to 5 millirems total body exposure or 15 millirems to the skin.

3. *Radioactive iodine and particulate matter.* The proposed design objective for radioactive iodine and radioactive material in particulate form released in gaseous effluents was expressed as a limit on the average concentrations of radioiodines and radioactive material in particulate form at or beyond the site boundary. The proposed concentration values were designed to limit the annual dose to the thyroid or other organs from all reactors on a site to not more than 5 millirems. The design objective in the new Appendix I is expressed as the annual quantity of radioactive iodine and radioactive material released which limits the annual dose or dose commitment to any organ, including the thyroid, of any individual in an unrestricted area from all pathways of exposure to not more than 15 millirems per year per light-water-cooled nuclear power reactor. In determining the annual dose or dose commitment, the applicant or licensee may evaluate the portion due to intake of radioactive material via the food pathways at the locations where the food pathways actually exist. The design-objective annual dose for radioactive iodine has been increased from 5 to 15 millirems on the basis of evidence developed in the hearing which showed that the previous design-objective annual dose of 5 millirems per year for doses to the thyroid from the milk pathway was not practicable.

4. *Cost-benefit requirements.* In addition to the numerical design-objective guides described in paragraphs 1, 2, and 3 above, our decision requires that the applicant include in the radwaste systems all items of reasonably demonstrated technology that, when added to the system sequentially and in order of diminishing cost-benefit return, can with a favorable cost-benefit ratio effect reduction in dose to the population reasonably expected to be within 50 miles of the reactor. The definition of as low as practicable (10 CFR 50.34a(a)) includes consideration of "* * * the economics of improvements in relation to the benefits to the public health and safety * * *." We find support in the record for the application of a cost-benefit analysis as a part of the process for determination of the radwaste systems to be used. Such a cost-benefit analysis requires that both the costs of and the benefits from reduction in dose levels to the population be expressed in commensurate units, and it seems sound that these commensurate units be units of money. Accordingly, to accomplish the cost-benefit balancing, it is necessary that the worth of the decrease of a man-rem and man-thyroid-rem or some essentially equivalent quantities in dose to the population be assigned monetary values.

The record, in our view, does not provide an adequate basis to choose a specific dollar value for the worth of decreasing the population does by a man-rem or a man-thyroid-rem. Published values for the worth of a man-rem were shown in the record to range from about

$10 to $980. No similar values for worth of a man-thyroid-rem are presented. One of the hearing participants chose $1000 per man-rem and $333 per man-thyroid-rem. This choice for worth of a man-rem simply reflected a value slightly more conservative than the highest previously published value and implied no independent assessment of the worth of either entity. We, therefore, recognize that there is no consensus in this record or otherwise regarding proper value for worth of a man-rem and even less information upon which to base the choice of a proper value for worth of a man-thyroid-rem.

Moreover, we also recognize that selection of such values is difficult since it involves, in addition to actuarial considerations that are commonly reduced to financial terms, aesthetic, moral, and human values that are difficult to quantify. At the same time we believe that meaningful cost-benefit balances are an essential part of the considerations of the as low as practicable concept for control of insult to the population from radioactive effluents, and for that matter, from other pollutants.

We propose, therefore, at the earliest practicable date to conduct a rulemaking hearing to establish appropriate monetary values for the worth of reduction of radiation doses to the population. We are aware that the National Academy of Sciences—National Research Council Advisory Committee on Biological Effects of Ionizing Radiation is currently studying and developing methodologies for benefit-risk-cost analysis for activities involving radiation exposure. It is possible that information on monetary values for the worth of reduction of radiation dose, as well as useful methodology, may be provided by this study. When such appropriate values (or some other equivalent quantified, and as yet unspecified, criteria) are available, we shall consider them for incorporation in Appendix I.

Meanwhile, and purely as an interim measure, we believe that we can accept the conservative value of $1,000 per total-body man-rem for these cost-benefit evaluations. Since we realize that the ultimately accepted value may well prove to be less than this, we should leave it open to demonstration in individual cases that a lower figure should be used if the applicant chooses to and can make that demonstration. It is also clear to us that arguments can be made that the worth of reduction in thyroid dosage should have a smaller value than that for a total-body man-rem. Since the record can offer no clear guidance in this regard, we have accepted, purely as an interim measure, $1000 per man-thyroid-rem as the value to be used in the cost-benefit evaluations. This figure is subject to individual case demonstration of a lower value, as indicated above, since terim measure, $1,000 per man-thyroid-cepted value will be lower.

In summary, we have decided that, pending completion of the further rulemaking to establish better values (or suitable equivalent criteria), the cost-benefit balances required by section II, paragraph D of Appendix I, shall be accomplished using the value of $1000 per total-body man-rem and $1000 per man-thyroid-rem, or such lesser values as may be demonstrated by the applicant to be suitable in a particular case.

We intend that radwaste augments necessary to satisfy the limits (of section II, paragraphs A, B, and C of Appendix I) on maximum dosages to individuals will be required in all cases. Additional radwaste augments will be required when, and only when, it can be shown that, where each is added sequentially and in order of diminishing cost-benefit return, the sum of its annualized cost of installation, its annual operating cost, and a reasonable allowance for its maintenance is less than the annual worth of the decreases in total-body man-rem and in man-thyroid-rem which the augment can achieve for the population within 50 miles of the reactor.

5. *Per Site vs. Per Reactor.* From the foregoing it is clear that the Commission's policy is to minimize the radiation exposure of human beings from the effluents of light-water-cooled nuclear power reactors. We have chosen to express the design objectives on a per light-water-cooled nuclear power reactor basis rather than on a site basis, as was originally proposed. While no site limits are being adopted, it is expected that the dose commitment from multi light-water-cooled reactor sites should be less than the product of the number of reactors proposed for a site and the per-reactor design-objective guides because there are economies of scale due to the use of common radwaste systems for multi-reactor sites which are capable of reducing exposures. Moreover, we note that the matter of overall environmental impact of nuclear sites is a topic to be specifically addressed in the energy-center study mandated by the Energy Reorganization Act of 1974.

6. *Licensee and Commission action.* Revisions have been made in the guides for limiting conditions for operation with respect to when appropriate action must be taken to reduce release rates of radioactive material. The proposed action levels provided that, if rates of release of quantities and concentrations in effluents actually experienced over any calendar quarter indicate that annual rates of release were likely to exceed 2 times the design objectives, the licensee should take corrective action. If such annual rates were likely to exceed a range of 4 to 8 times the design objectives, the Commission would take appropriate action to ensure that the release rates were reduced.

The provisions adopted require the licensee to initiate action if the average dose rate offsite during any calendar quarter from materials discharged to the atmosphere exceeds 10 millirems whole body per year or 30 millirems to the skin and any organ per year, or if the average dose rate offsite during any calendar quarter from liquid effluents exceeds 6 millirems whole body per year or 20 millirems to the skin and any organ per year.

Existing Commission regulations (10 CFR 50.36a) have recognized the need for licensees to be permitted flexibility of operation compatible with considerations of health and safety to ensure that the public is provided a dependable source of power even under unusual operating conditions that may temporarily result in releases higher than the numerical guides for design objectives. Some flexibility of operation is believed to be essential and warranted in view of the restrictive nature of the Appendix I guides and the fact that, even with this flexibility, it can be ensured that the average population exposure will still be a small fraction of doses from natural background radiation. The Commission notes, however, that, in using this operational flexibility under temporary or short-term unusual operating conditions, the licensee must continue to exert his best efforts to keep levels of radioactive material in effluents within the numerical guides for design objectives.

In order to provide assurance that releases of radioactive materials are known, the Commission has expanded the surveillance and monitoring program beyond current requirements for licensees to report on the quantities of the principal radionuclides released to unrestricted areas. It is expected that this expanded monitoring program will be used by licensees as a basis for initiating prompt and effective corrective action towards ensuring that the actual offsite exposures per reactor are compatible with the design objectives as adopted.

These guides will continue to provide operating flexibility and at the same time ensure a positive system of control by a graded scale of action first by the licensee and second by the Commission, if the need arises, to reduce the release of radioactive material should the rates of release actually experienced substantially exceed the design objectives.

7. *Implementation.* The proposed Appendix I was silent on the method for implementation of the numerical guides. The Commission believes, however, that Appendix I should guide the Commission Staff and other interested persons in the use of appropriate calculational procedures for applying the numerical guides for design objectives. Consequently, the provision adopted states that compliance with the guides on design objectives shall be demonstrated by calculational procedures based on models and data that will not substantially underestimate the actual exposure of an individual through appropriate pathways, all uncertainties being considered together.

Quantitative measurement of radioactive materials released in effluents from licensed light-water-cooled nuclear power reactors is required by 10 CFR 50.36a. This requirement is made more specific by Appendix I and reflects the desirability of the use of the best available experimental data as well as calculational models in order to achieve increased accuracy and realism. Strong

incentives already exist for improving the calculational models used in establishing design objectives in view of the economic penalty associated with needless overdesign for conservatism. Actual measurements and surveillance programs can provide data for improving these models. It is recognized, however, that measurements of environmental exposures and quantities of radioactive materials in the environs are complicated by the very low concentrations that are encountered, compared to background, and by the fact that there are a number of variables in both time and space that affect concentration. Thus, the correlation of the best measurements with the best calculations is tedious and difficult. However, since calculational procedures must be employed in implementing the design-objective guides of Appendix I, the Commission has adopted an implementation policy that encourages the improvement of calculation models and the use of the best data available.

The foregoing "Summary and Statement of Considerations" has briefly summarized the technical context of the issues presented and outlined the changes made in Appendix I from the form in which it was originally proposed. The text of Appendix I as adopted follows in Chapter II of this Opinion. The three following chapters of text set forth the record bases for the changes in greatly expanded detail. These supplemental explanatory chapters (III through V), because of their length, will not be published in the FEDERAL REGISTER with the text of Appendix I and the Summary and Statement of Considerations, but will be published in the April issue of Nuclear Regulatory Commission Issuances.* Single copies of this volume may be purchased at a cost of $4.00 from the USERDA Technical Information Center, P.O. Box 62, Oak Ridge, Tennessee, 37830. Copies of the complete Opinion are also available for inspection and copying in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Pursuant to the Atomic Energy Act of 1954, as amended, and Sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50, are published as a document subject to codification to be effective on June 4, 1975.

1. Section 50.34a of 10 CFR Part 50 is amended by adding the following sentence to the end of paragraph (a):

§ 50.34a Contents of applications; technical information.

(a) * * * The guides set out in Appendix I provide numerical guidance on design objectives for light-water-cooled nuclear power reactors to meet the requirement that radioactive material in effluents released to unrestricted areas be kept as low as practicable. These numerical guides for design objectives and limiting conditions for operation are not to be construed as radiation protection standards.

* * * * *

2. Section 50.36a of 10 CFR Part 50 is amended by adding the following sentence at the end of paragraph (b):

§ 50.36a Technical specifications on effluents from nuclear power reactors.

* * * * *

(b) * * * The guides set out in Appendix I provide numerical guidance on limiting conditions for operation for light-water-cooled nuclear power reactors to meet the requirement that radioactive materials in effluents released to unrestricted areas be kept as low as practicable.

* * * * *

3. A new Appendix I is added to 10 CFR Part 50 to read as follows:

APPENDIX I—NUMERICAL GUIDES FOR DESIGN OBJECTIVES AND LIMITING CONDITIONS FOR OPERATION TO MEET THE CRITERION "AS LOW AS PRACTICABLE" FOR RADIOACTIVE MATERIAL IN LIGHT-WATER-COOLED NUCLEAR POWER REACTOR EFFLUENTS

SECTION I. *Introduction.* Section 50.34a provides that an application for a permit to construct a nuclear power reactor shall include a description of the preliminary design of equipment to be installed to maintain control over radioactive materials in gaseous and liquid effluents produced during normal reactor operations, including expected operational occurrences. In the case of an application filed on or after January 2, 1971, the application must also identify the design objectives, and the means to be employed, for keeping levels of radioactive material in effluents to unrestricted areas as low as practicable.

Section 50.36a contains provisions designed to assure that releases of radioactive material from nuclear power reactors to unrestricted areas during normal reactor operations, including expected operational occurrences, are kept as low as practicable.

This Appendix provides numerical guides for design objectives and limiting conditions for operation to assist applicants for, and holders of, licenses for light-water-cooled nuclear power reactors in meeting the requirements of §§ 50.34a and 50.36a that radioactive material in effluents released from these facilities to unrestricted areas be kept as low as practicable. Design objectives and limiting conditions for operation conforming to the guidelines of this Appendix shall be deemed a conclusive showing of compliance with the "as low as practicable" requirements of 10 CFR 50.34a and 50.36a. Design objectives and limiting conditions for operation differing from the guidelines may also be used, subject to a case-by-case showing of a sufficient basis for the findings of "as low as practicable" required by §§ 50.34a and 50.36a. The guides presented in this Appendix are appropriate only for light-water-cooled nuclear power reactors and not for other types of nuclear facilities.

SEC. II. *Guides on design objectives for light-water-cooled nuclear power reactors licensed under 10 CFR Part 50.* The guides on design objectives set forth in this section may be used by an applicant for a permit to construct a light-water-cooled nuclear power reactor as guidance in meeting the requirements of § 50.34a(a). The applicant shall provide reasonable assurance that the following design objectives will be met.

A. The calculated annual total quantity of all radioactive material above background[1] to be released from each light-water-cooled nuclear power reactor to unrestricted areas will not result in an estimated annual dose or dose commitment from liquid effluents for any individual in an unrestricted area from all pathways of exposure in excess of 3 millirems to the total body or 10 millirems to any organ.

B.1. The calculated annual total quantity of all radioactive material above background to be released from each light-water-cooled nuclear power reactor to the atmosphere will not result in an estimated annual air dose from gaseous effluents at any location near ground level which could be occupied by individuals in unrestricted areas in excess of 10 millirads for gamma radiation or 20 millirads for beta radiation.

2. Notwithstanding the guidance of paragraph B.1:

(a) The Commission may specify, as guidance on design objectives, a lower quantity of radioactive material above background to be released to the atmosphere if it appears that the use of the design objectives in paragraph B.1 is likely to result in an estimated annual external dose from gaseous effluents to any individual in an unrestricted area in excess of 5 millirems to the total body; and

(b) Design objectives based upon a higher quantity of radioactive material above background to be released to the atmosphere than the quantity specified in paragraph B.1 will be deemed to meet the requirements for keeping levels of radioactive material in gaseous effluents as low as practicable if the applicant provides reasonable assurance that the proposed higher quantity will not result in an estimated annual external dose from gaseous effluents to any individual in unrestricted areas in excess of 5 millirems to the total body or 15 millirems to the skin.

C. The calculated annual total quantity of all radioactive iodine and radioactive material in particulate form above background to be released from each light-water-cooled nuclear power reactor in effluents to the atmosphere will not result in an estimated annual dose or dose commitment from such radioactive iodine and radioactive material in particulate form for any individual in an unrestricted area from all pathways of exposure in excess of 15 millirems to any organ.

D. In addition to the provisions of paragraphs A, B, and C above, the applicant shall include in the radwaste system all items of reasonably demonstrated technology that, when added to the system sequentially and in order of diminishing cost-benefit return, can for a favorable cost-benefit ratio effect reductions in dose to the population reasonably expected to be within 50 miles of the reactor. As an interim measure and until establishment and adoption of better values (or other appropriate criteria), the values $1000 per total body man-rem and $1000 per man-thyroid-rem (or such lesser values as may be demonstrated to be suitable in a particular case) shall be used in this cost-benefit analysis.

SEC. III. *Implementation.* A.1. Conformity with the guides on design objectives of

* Copies of the complete five-chapter Opinion of the Commission have been filed with the original document submitted for publication in the FEDERAL REGISTER, and may be examined by members of the public at the Offices of the Federal Register.

[1] Here and elsewhere in this Appendix background means radioactive materials in the environment and in the effluents from light-water-cooled power reactors not generated in, or attributable to, the reactors of which specific account is required in determining design objectives.

Section II shall be demonstrated by calculational procedures based upon models and data such that the actual exposure of an individual through appropriate pathways is unlikely to be substantially underestimated, all uncertainties being considered together Account shall be taken of the cumulative effect of all sources and pathways within the plant contributing to the particular type of effluent being considered. For determination of design objectives in accordance with the guides of Section II, the estimation of exposure shall be made with respect to such potential land and water usage and food pathways as could actually exist during the term of plant operation: *Provided*, That, if the requirements of paragraph B of Section III are fulfilled, the applicant shall be deemed to have complied with the requirements of paragraph C of Section II with respect to radioactive iodine if estimations of exposure are made on the basis of such food pathways and individual receptors as actually exist at the time the plant is licensed.

2. The characteristics attributed to a hypothetical receptor for the purpose of estimating internal dose commitment shall take into account reasonable deviations of individual habits from the average. The applicant may take account of any real phenomenon or factors actually affecting the estimate of radiation exposure, including the characteristics of the plant, modes of discharge of radioactive materials, physical processes tending to attenuate the quantity of radioactive material to which an individual would be exposed, and the effects of averaging exposures over times during which determining factors may fluctuate.

B. If the applicant determines design objectives with respect to radioactive iodine on the basis of existing conditions and if potential changes in land and water usage and food pathways could result in exposures in excess of the guideline values of paragraph C of Section II, the applicant shall provide reasonable assurance that a monitoring and surveillance program will be performed to determine:

1 The quantities of radioactive iodine actually released to the atmosphere and deposited relative to those estimated in the determination of design objectives;

2 Whether changes in land and water usage and food pathways which would result in individual exposures greater than originally estimated have occurred; and

3 The content of radioactive iodine and foods involved in the changes, if and when they occur.

SEC. IV. *Guides on technical specifications for limiting conditions for operation for light-water-cooled nuclear power reactors licensed under 10 CFR Part 50.* The guides on limiting conditions for operation for light-water-cooled nuclear power reactors set forth below may be used by an applicant for a license to operate a light-water-cooled nuclear power reactor as guidance in developing technical specifications under § 50.36a(a) to keep levels of radioactive materials in effluents to unrestricted areas as low as practicable.

Section 50.36a(b) provides that licensees shall be guided by certain considerations in establishing and implementing operating procedures specified in technical specifications that take into account the need for operating flexibility and at the same time assure that the licensee will exert his best effort to keep levels of radioactive material in effluents as low as practicable. The guidance set forth below provides additional and more specific guidance to licensees in this respect.

Through the use of the guides set forth in this Section it is expected that the annual releases of radioactive material in effluents from light-water-cooled nuclear power reactors can generally be maintained within the levels set forth as numerical guides for design objectives in Section II.

At the same time, the licensee is permitted the flexibility of operation, compatible with considerations of health and safety, to assure that the public is provided a dependable source of power even under unusual operating conditions which may temporarily result in releases higher than such numerical guides for design objectives but still within levels that assure that the average population exposure is equivalent to small fractions of doses from natural background radiation. It is expected that in using this operational flexibility under unusual operating conditions, the licensee will exert his best efforts to keep levels of radioactive material in effluents within the numerical guides for design objectives.

A. If the quantity of radioactive material actualy released in effluents to unrestricted areas from a light-water-cooled nuclear power reactor during any calendar quarter is such that the resulting radiation exposure, calculated on the same basis as the respective design objective exposure, would exceed one-half the design objective annual exposure derived pursuant to Sections II and III, the licensee shall: [2]

1. Make an investigation to identify the causes for such release rates;

2. Define and initiate a program of corrective action; and

3. Report these actions to the Commission within 30 days from the end of the quarter during which the release occurred.

B. The licensee shall establish an appropriate surveillance and monitoring program to:

1. Provide data on quantities of radioactive material released in liquid and gaseous effluents to assure that the provisions of paragraph A of this section are met;

2. Provide data on measurable levels of radiation and radioactive materials in the environment to evaluate the relationship between quantities of radioactive material released in effluents and resultant radiation doses to individuals from principal pathways of exposure; and

3. Identify changes in the use of unrestricted areas (e.g., for agricultural purposes) to permit modifications in monitoring programs for evaluating doses to individuals from principal pathways of exposure.

C. If the data developed in the surveillance and monitoring program described in paragraph B of this section and in paragraph B of Section III or from other monitoring programs show that the relationship between the quantities of radioactive material released in liquid and gaseous effluents and the dose to individuals in unrestricted areas is significantly different from that assumed in the calculations used to determine design objectives pursuant to Sections II and III, the Commission may modify the quantities in the technical specifications defining the limiting conditions for operation in a license authorizing operation of a light-water-cooled nuclear power reactor.

SEC. V. *Effective dates.* A. The guides for limiting conditions for operation set forth in this Appendix shall be applicable in any case in which an application was filed on or after January 2, 1971, for a permit to construct a light-water-cooled nuclear power reactor.

B. For each light-water-cooled nuclear power reactor constructed pursuant to a permit for which application was filed prior to January 2, 1971, the holder of the permit or a license authorizing operation of the reactor shall, within a period of twelve months from June 4, 1975, file with the Commission:

1. Such information as is necessary to evaluate the means employed for keeping levels of radioactivity in effluents to unrestricted areas as low as practicable, including all such information as is required by § 50.34a (b) & (c) not already contained in his application; and

2. Plans and proposed technical specifications developed for the purpose of keeping releases of radioactive materials to unrestricted areas during normal reactor operations, including expected operational occurrences, as low as practicable.

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 102, Pub. L. 91-190, 83 Stat. 853 (42 U.S.C. 4332); sec. 201(f), Pub. L. 93-438, 88 Stat. 1243 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 30th day of April 1975.

By the Commission.

SAMUEL J. CHILK,
Secretary to the Commission.

[FR Doc.75-11550 Filed 5-2-75;8:45 am]

[2] Section 50.36a(2) requires the licensee to submit certain reports to the Commission with regard to the quantities of the principal radionuclides released to unrestricted areas. It also provides that, on the basis of such reports and any additional information the Commission may obtain from the licensee and others, the Commission may from time to time require the licensee to take such action as the Commission deems appropriate.

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 306—BUSINESS DEVELOPMENT PROGRAM

Grant and Loan Program; Adoption of Regulations

Correction

In FR Doc. 74-30093, appearing at page 44958 in the issue of Monday, December 30, 1974, the second line of § 306.18(h) on page 44965 reading "the financial assistance (and assigned" should read "antys either of loans by private lending".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12323, Amdt. 39-2197]

PART 39—AIRWORTHINESS DIRECTIVES

Handley Page HP-137 Mark I Airplanes

Amendment 39-1548 (37 FR 22846), AD-72-23-1, as amended by Amendment 39-1585 (38 FR 1579) and Amendment 39-1605 (38 FR 6378), requires the installation of certain fire shielding on or before March 24, 1973. However, the Agency has recently learned that a number of Model HP-137 Mark I airplanes which have been in storage cannot be brought into compliance with the AD unless flown to a base where the required alterations may be accomplished. The Agency has determined that HP-137 Mark I airplanes which have not been modified in accordance with AD-72-23-1 are capable of safe flight under a special

flight permit to a base where the alterations may be performed.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1548 (37 FR 22846) AD-72-23-1, as amended by Amendment 39-1585 (38 FR 1579) and Amendment 39-1605 (38 FR 6378), is further amended by amending the compliance statement therein to read as follows:

Compliance is required on or before March 24, 1973, unless already accomplished, except that the airplane may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the alteration can be performed.

This amendment becomes effective May 5, 1975.

Issued in Washington, D.C., on April 29, 1975.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc.75-11543 Filed 5-2-75;8:45 am]

[Airspace Docket No. 74-EA-87]

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

Alteration of VOR Federal Airways

Correction

In FR Doc. 75-10520 appearing on page 17837 in the issue of Wednesday, April 23, 1975, the third and fourth lines of amendatory paragraph 1 in the second column reading " and "INT Lancaster 059° and Yardley, Pa., 225° radials; to Yardley." is substi-" should read " and "INT Lancaster 095° and Yardley, Pa., 255° radials; to Yardley." is Substi-".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. c-2651]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

A. Eicoff & Co.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.195 Safety; § 13.195-60 Product. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1890 Safety. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; § 13.2275-65 Labeling depictions.

(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)

In the Matter of A. Eicoff & Co., a Corporation.

Consent order requiring a Chicago, Ill., advertising agency, among other things to cease disseminating advertising material or products packaging which fails to provide consumers with warning information regarding use of the product when necessary.

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

ORDER

For the purposes of the Order the following definitions apply:

1. "Directions for use" means the directions or instructions for the application, use, or storage of a product or its packaging which are contained in the "labeling" (as defined in section 201(m) of the Food, Drug and Cosmetic Act, as amended) of such product.

2. "Type A precaution" means an affirmative action relating to application or use (but not storage) of a product, prescribed by the directions for use of the product (whether stated affirmatively or negatively) for the purpose of avoiding or reducing a risk to person or property, and applicable to all or substantially all users of the product. By way of illustration and not limitation, the following are examples of "Type A" precautions: "Apply petroleum jelly to skin before use." "Do not use until petroleum jelly is applied to skin." "Shake well before using" (if this is prescribed for the purpose of avoiding or reducing a risk to person or property).

3. "Type B precaution" means all actions, except "Type A" precautions, proscribed or prescribed by the directions for use of a product for the purpose of avoiding or reducing a risk to person or property, including but not limited to the following categories of actions: (By way of illustration and not limitation, examples of "Type B" precautions are given after each category.)

(a) Actions relating to storage of a product. ("Refrigerate after opening." "Store in a cool dry place." "Keep out of reach of children.")

(b) Actions prescribed or proscribed for fewer than all or substantially all users of a product. ("If you have sensitive skin, wear gloves." "Do not use if you have kidney disease.")

(c) Actions to remedy problems which may arise in less than every instance of application or use. ("If products gets into eye, rinse out with water." "If a rash develops, see a doctor." "If product drips onto painted surface, wash off immediately.")

(d) Actions proscribed, whether stated affirmatively or negatively, in the directions for use. ("Do not use near open flame." "Use only in well ventilated areas." "For external use only." "Do not puncture or incinerate container.")

I. *It is ordered*, That respondent A. Eicoff & Co., a corporation, its successors and assigns and said respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, sale, offering for sale or distribution of any drug, cosmetic or device, as those terms are defined by the Federal Trade Commission Act, forthwith cease and desist from directly or indirectly:

A. Disseminating, or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement, or any product package, which relates or depicts any portion of the application process or method of use of such product without relating or depicting, in conjunction therewith and equally conspicuously, each "Type A" precaution which is set forth in the directions for use of such product; *Provided, however,* That it shall not be a violation of this provision to present no more than a single still depiction of any action in the application process or method of use of such product, so long as (a) nothing in said still depiction in any way negates, is inconsistent with, or detracts from the effectiveness of any of the "Type A" or "Type B" precautions set forth in the directions for use of such product, and (b) there is no representation, directly or by implication, that the entire application process or method of use of such product has been depicted.

B. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any statement or representation, including but not limited to statements or representations in advertising or contained on or within the product package, or visual depiction, which, directly or by implication, contradicts, negates, or is inconsistent with the disclosure required by Paragraph I (A), above, or in any way obscures the meaning of such disclosure.

C. Disseminating, or causing to be disseminated, by any means, any advertisement or any statement made on the product package, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to contain the disclosures required by Paragraph I(A), above, or which contains any representation prohibited by Paragraphs I(A) or I(B) above.

II. *It is ordered*, That respondent A. Eicoff & Co., a corporation, its successors and assigns and said respondent's officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, sale, offering for sale or distribution of any product, forthwith cease and desist from directly or indirectly:

[1] Copies of the Complaint, Decision and Order, filed with the original document.

A. Disseminating, or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement, or any product package, which relates or depicts the application process or method of use of such product which in any way negates, is inconsistent with or detracts from the effectiveness of any of the "Type A" or "Type B" precautions set forth in the directions for use of such product.

B. Disseminating, or causing to be disseminated, by any means, any advertisement or any statement made on the product package, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any representation prohibited by Paragraph II(A), above.

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

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

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

The Decision and Order was issued by the Commission March 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11597 Filed 5-2-75;8:45 am]

[Docket No. C-2644]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Albertson's, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly: § 13.10-1 Availability of merchandise; § 13.155 Prices: § 13.155-75 Product or quantity covered; § 13.180 Quantity: § 13.180-30 In stock; § 13.180-35 Offered; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533-20 Disclosures; § 13.533-25 Displays, in-house; § 13.533-40 Furnishing information to media; § 13.533-45 Maintain records: § 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 Availability of advertised merchandise; § 13.1720 Quantity; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2013 Offers deceptively made and evaded; § 13.2063 Scientific or other relevant facts. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising.

(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)

In the Matter of Albertson's, Inc., a corporation.

Consent order requiring a Boise, Idaho, chain of retail food stores, among other things to cease advertising merchandise at sale prices and having insufficient quantities available to meet demand. The order further requires respondent to include in advertisements statements as to the availability of advertised products, to mark advertised products with the advertised price, to make "rain checks" available and post notices to that effect, and to maintain surveillance on their stores to insure compliance with the provisions of the order.

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

ORDER

I. *It is ordered*, That respondent Albertson's, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or grocery products or other merchandise, hereafter sometimes referred to as items, offered or sold in its retail stores, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly:

A. Disseminating, or causing the dissemination of any advertisement by any means which offers any items for sale at a stated price, unless during the effective period of the advertised offer at each retail store covered by the advertisement:

1. Each advertised item is readily available for sale to customers in the public area of the store, or if not readily available there, a clear and conspicuous notice is posted where the item is regularly displayed which states that the item is in stock and may be obtained upon request, and said item is furnished on request;

2. There is a sign or other conspicuous marking at the place where an item advertised below regular shelf price is displayed for sale clearly disclosing that the item is "as advertised" or "on sale" or words of similar import as appropriate, and disclosing on such sign or marking, the advertised price;

3. Each advertised item, which is usually and customarily individually marked with a price, is individually, clearly, and conspicuously marked with the advertised price;

4. Each advertised item is sold to customers at or below the advertised price;

The Commission recognizes that technical per se violations of section I of this order are inevitable despite the honest best efforts of respondent to ensure availability and proper pricing of advertised items. Therefore, in determining compliance with section I of this order, the Commission will consider (a) all circumstances surrounding nondelivery of advertised products which were actually ordered in quantities sufficient to meet reasonably anticipated demands but were not delivered due to circumstances beyond respondent's control, and (b) all circumstances surrounding failure to make advertised items conspicuously and readily available for sale at or below the advertised prices due to circumstances beyond respondent's control.

Provided, It shall constitute a defense to a charge of unavailability under subparagraph I.A.1. if respondent maintains and furnishes or makes available for inspection and copying upon the request of the Federal Trade Commission, such records and affidavits as will show that (a) the advertised items were delivered to its stores in quantities sufficient to meet reasonably anticipated demand, or (b) the advertised items were ordered but not delivered due to circumstances beyond respondent's control, and that respondent, upon notice or knowledge of such nondelivery acted immediately to contact the media to correct the advertisement or proposed advertisement to reflect the limited availability or unavailability of each advertised item, and (c) respondent immediately offered to customers on inquiry a "rain check" for each unavailable item which entitled the holder to purchase the item in the near future at or below the advertised price.

Provided, further, That it shall not be deemed a violation of subparagraphs I.A.1., I.A.2., I.A.3., or I.A.4., if respondent is complying with a specific exemption, limitation or restriction with respect to store, item or price which is clearly and conspicuously disclosed in all advertisements for the product in question.

II. *It is further ordered*, That respondent Albertson's, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or drugs, as those terms are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated, by United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of any such product, any advertisement which contains any of the offers prohibited by Section I of this order:

[1] Copies of the Complaint, Decision, and Order, filed with the original document.

B. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of any such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the offers prohibited by section I of this order.

III. *It is further ordered*, That throughout each advertised sale period in each of its retail stores covered by an advertisement, respondent shall post conspicuously (1) at or near each doorway affording entrance to the public, and (2) at or near the place where customers pay for merchandise, notices which contain the following:

A. A copy of the advertisement.

B. A statement that: "All items advertised are readily available for sale at or below advertised price except the following items:

Rain checks will be gladly issued for these items, that will enable you to purchase these items at or below the advertised price in the near future. If you have any questions, the store director will be gad to assist you.

IV. *It is further ordered*, That respondent shall cause the following statement to be clearly and conspicuously set forth in each advertisement which represents that items are available for sale at a stated price at any of its stores: "Each of these advertised items is required to be readily available for sale at or below the advertised price in each Albertson's store, except as specifically noted in this ad."

V. *It is further ordered*, That: A. Respondent shall forthwith deliver a copy of this order to each of its operating divisions and to each of its present and future officers and other personnel in its organization down to the level of and including assistant store directors who, directly or indirectly, have any supervisory responsibilities as to individual retail stores of respondent, or who are engaged in any aspect of preparation, creation, or placing of advertising, and that respondent shall secure a signed statement acknowledging receipt of said order from each such person;

B. Respondent shall institute and maintain a program of continuing surveillance adequate to reveal whether the business practices of each of its retail stores conform to this order, and shall confer with any duly authorized representative of the Commission pertaining to such program when requested to do so by a duly authorized representative of the Commission;

C. Respondent shall, for a period of three (3) years subsequent to the date of this order:

1. Maintain business records which show the efforts taken to insure continuing compliance with the terms and provisions of this order;

2. Grant any duly authorized representative of the Federal Trade Commission access to all such business records;

3. Furnish to the Federal Trade Commission copies of such records which are requested by any of its duly authorized representatives;

D. Respondent shall, all other provisions of this order notwithstanding, on or before each of the first three (3) anniversary dates 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 in the preceding year.

It is further ordered, That respondent shall notify the Commission at least thirty 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 respondent which may affect compliance obligations arising out of this order.

It is further ordered, That respondent shall, within sixty days after service upon it of this order, file with the Commission a written report setting forth in detail the manner and form of its compliance with this order.

The Decision and Order was issued by the Commission March 4, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11591 Filed 5-2-75;8:45 am]

[Docket No. C-2652]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Andrew A. Silani

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements; § 13.73-92 Truth in Lending Act; § 13.155 Prices; § 13.155-95 Terms and Conditions; § 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—PRICES: § 13.1823 Terms and conditions; § 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements; § 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; § 13.1905-60 Truth in Lending Act.

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

In the Matter of Andrew A. Silani, an Individual Trading and Doing Business as Andy Silani, Realtor

Consent order requiring a Klamath Falls, Oreg., real estate broker, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such infortion as required by Regulation Z of the said Act.

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

[1] Copies of the Complaint, Decision and Order, filed with the original document.

ORDER

It is ordered, That respondent Andrew A. Silani, an individual trading and doing business as Andy Silani, Realtor, or under any other name or names, and respondent's successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to use the term "annual percentage rate" to describe the annual percentage rate of the finance charge, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the number, amounts and due dates or periods of payments scheduled to repay the indebtedness, and the sum of such payments, and to describe that sum as the "total of payments," as required by § 226.8(b)(3) of Regulation Z.

3. Failing to use the term "amount financed" to describe the amount of credit extended, as required by §§ 226.8(c)(7) and 226.8(d)(1) of Regulation Z, as applicable.

4. Failing to disclose the sum of all charges required by § 226.4 of Regulation Z to be included therein, and to describe that sum as the "finance charge," as required by §§ 226.8(c)(8)(i) and 226.8(d)(3) of Regulation Z, as applicable.

5. Failing in credit sales to use the term "cash price," as defined in § 226.2(i) of Regulation Z to describe respondent's fee or price for the services purchased, as required by § 226.8(c)(1) of Regulation Z.

6. Failing in credit sales to disclose the downpayment, as required by § 226.8(c)(2) of Regulation Z.

7. Failing in credit sales to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price," as required by § 226.8(c)(8)(ii) of Regulation Z.

8. Failing to furnish to the customer, before the transaction is consummated, a duplicate of the instrument or other statement containing the disclosures required by § 226.8 of Regulation Z, as required by § 226.8(a) of Regulation Z.

9. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amounts required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future agents and/or employees of respondent engaged

in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondent secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondent prominently display the following notice in two or more locations in that portion of respondent's business premises most frequented by prospective customers, and in each location where customers normally sign consumer credit documents or other binding instruments. Such notices shall be considered prominently displayed only if so positioned and of such size as to be easily observed and read by the intended individuals:

NOTICE TO SELLERS AND PURCHASERS

If the realtor is financing any fee you may owe him for his services, or any other amount connected with the sale transaction, you are entitled to consumer credit cost disclosures as required by the Federal Truth in Lending Act. These must be provided to you in writing before you are asked to sign a promissory note or any other document or papers which would bind you to such financing.

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

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

The Decision and Order was issued by the Commission March 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11603 Filed 5-2-75;8:45 am]

[Docket No. C-1986]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bestline Corp. et al.

Codification under Part 13 appears at 36 FR 17982.

(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)

In the Matter of Bestline Corporation, a Corporation, Bestline Products, Inc., a Corporation, William E. Bailey, and Robert W. Depew, individually and as officers of said corporation.

Order modifying earlier order dated July 22, 1971, 79 FTC 107, 36 FR 17982, issued against a San Jose, Calif., seller and distributor of household, commercial, and industrial cleaners and waxes, and distributorships therefor, by expanding the order, as to corporate respondents only, to include a more precise definition and clarification of "multi-level marketing programs."

The Order Reopening Proceedings and Modifying Order to Cease and Desist, including further order requiring report of compliance therewith, is as follows:[1]

Respondents Bestline Corporation (incorrectly identified earlier as Bestline Products Corporation) and Bestline Products, Inc. filed a petition on December 6, 1974, requesting that this matter be reopened and the cease and desist order of July 22, 1971, be modified. Following negotiations with the Commission's staff attorneys, respondents filed a supplement to this petition, one that, with a slight further modification, is not opposed by Commission counsel.

Section 3.72(b) of the Commission's rules of practice permits a reopening of a final order of this agency only upon a showing of changed conditions of law or fact or that such reopening and modification are otherwise required by the public interest. In the instant matter, these tests are said to be satisfied in that (a) the order in question is uncertain in scope because of a failure to define a key phrase, "multi-level marketing program," and that (b) this infirmity is illustrated by the fact that subsequent Commission orders, e.g., "Ger-Ro-Mar, Inc., et al.," Docket No. 8872 (October 15, 1974) and "Holiday Magic, Inc., et al.," Docket No. 8834 (October 15, 1975) employ a substantially different terminology of more precise and different scope. While inconsistencies between consent orders are generally attributable to factual differences between cases and the give-and-take of negotiation rather than order deficiencies that require reopening and clarification, we are persuaded that the public interest requires a modification in the instant case.

The petition before us having been filed only on behalf of the corporate respondents, and a civil penalty action involving an alleged violation of the order by one of the individual respondents being in progress before the United States District Court for the Northern District of California, we will defer any modification of the order in regard to said individuals until such time as an appropriate application therefor might be duly filed. Accordingly,

It is ordered, That the proceedings in the above-captioned matter be, and they hereby are, reopened.

It is further ordered, That the Commission's order in said matter, issued July 22, 1971, be, and hereby is, modified to read as follows:

ORDER

PART I

It is ordered, That respondents William E. Bailey and Robert W. DePew individually and as officers of Bestline Corporation and Bestline Products, Inc., directly or through any corporate or other device in connection with the advertising, offering for sale, sale or distribution of household, industrial or commercial cleaners or waxes or other products or of distributorships or franchises in a multi-level or other marketing program or with the seeking to induce or inducing the participation of persons, firms, or corporations in a multi-level or other marketing program in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Operating or, directly or indirectly, participating in the operation of any multi-level marketing program wherein the financial gains to the participants are dependent upon the continued, successive recruitment of other participants.

2. Offering to pay, paying or authorizing the payment of any finder's fees, bonus, override, commission, cross-commission, discount, rebate, dividend or other consideration to any participants in respondent's multi-level marketing program for the solicitation or recruitment of other participants therein.

3. Offering to pay, paying or authorizing payment of any bonus, override, commission, cross-commission, discount, rebate, dividend or other consideration to any person, firm or corporation in connection with the sale of any product or service under respondent's multi-level marketing program unless such person, firm or corporation performs a bona fide and essential supervisory, distributive, selling or soliciting function in the sale and delivery of such products to the ultimate consumer.

4. Requiring prospective participants or participants in respondents' said program to purchase the product or pay any other consideration, other than payment for the actual cost of necessary sales materials, in order to participate in any manner therein; *Provided, however,* That respondents may require or may suggest the purchase of specific and reasonable inventories only, by any distributor, on the express condition that respondents at the same time agree to repurchase any unused and undamaged portion of an initial inventory from any purchaser thereof at full cost less reasonable shipping costs, if any, within 90 days from the delivery of the product at the option of the purchaser; *Provided further, however,* That if inventory costs reach $500 or more, within said 90 day period, then said obligation to repurchase shall cease immediately upon participant's tendering a subsequent order to purchase the product.

5. Using any multi-level marketing program, either directly or indirectly:

(a) Wherein any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend or other compensation or profit inuring to participants therein is dependent on the element of chance dominating over the skill or judgment of the participants; or

(b) Wherein no amount of judgment or skill exercised by the participants has

[1] Copy of this order filed with the original document.

any appreciable effect upon any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend or other compensation or profits which the participants may receive; or

(c) Wherein the participant is without that degree of control over the operation of such plan as to enable him substantially to affect the amount of any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend or other compensation or profit which he may receive or be entitled to receive.

6. Using any multi-level marketing program which fails to:

(a) Inform orally all participants in respondents' multi-level marketing programs and to provide in writing in all contracts of participation that the contract may be cancelled for any reason by notification to respondents in writing within three working days from the date of execution of such contract.

(b) Refund immediately all monies to (1) participants who have requested contract cancellation in writing within three working days from the execution thereof, and (2) participants showing that respondents' contract solicitations or performance were attended by or involved violation of any of the provisions of this order.

7. Representing, directly or by implication, that participants in respondents' multi-level marketing programs will earn or receive any stated or gross or net amount; or representing, in any manner, the past earnings of participants unless in fact the past earnings represented are those of a substantial number of participants in the community or geographical area in which such representations are made and accurately reflect the average earnings of these participants under circumstances similar to those of the participant or prospective participant to whom the representation is made.

8. Representing, directly or by implication, that it is not difficult for participants to recruit or retain persons to invest in respondents' multi-level marketing programs as distributors or as sales personnel to work home routes or sell respondents' products door-to-door or any other manner.

9. Representing, directly or by implication, that it is not difficult for participants to ascend to a higher level of distribution within the marketing chain.

10. Representing, directly or by implication, that all participants in the respondents' multi-level marketing program or any other sales program will succeed.

11. Representing, directly or by implication, that the supply of available entrants or investors in the respondents' marketing program is inexhaustible; or misrepresenting, in any manner, the availability of such entrants or investors.

12. (a) Failing to disclose, orally and in writing, the terms of this order to cease and desist to all present and future distributors, salesmen or other persons engaged in the sale of respondents' products, services, or merchandising programs, and securing from each such distributor, salesmen or other person a signed statement evidencing receipt of said disclosure.

(b) Failing to make available on request a copy of this cease and desist order to any participant or prospective participant.

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

PART II

It is further ordered, That respondents Bestline Products, Inc., and Bestline Corporation, corporations, their officers, agents, representatives and employees, directly or indirectly, or through any corporate or other device in connection with the advertising, offering for sale, or sale of products, services, franchises or distributorships, or in connection with seeking to induce or inducing the participation of persons, firms or corporations therefor, or in connection with any marketing program or any other kind of merchandising, marketing or sales promotion program in commerce, or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Operating or directly or indirectly participating in the operation of any marketing or sales program wherein the financial gains to the participants are dependent upon the continued, successive recruitment of other participants: *Provided, however*, That financial gains offered or received in accordance with paragraph 3 hereinbelow shall not be prohibited by this paragraph.

2. Offering to pay, paying, or authorizing the payment of any finder's fee, bonus, override, commission, cross-commission, discount, rebate, dividend or any other form of consideration to any participant or prospective participant for the solicitation or recruitment of any other participant or participants therein in any marketing or sales program.

3. Offering to pay, paying, or authorizing payment of any bonus, override, commission, cross-commission, discount, rebate, dividend or any other form of consideration to any person, firm or corporation in connection with the sale of any product or service unless such person, firm or corporation performs a bona fide and essential supervisory, distributive, selling or soliciting function in the sale and delivery of products or services to the ultimate consumer.

4. Requiring prospective participants or participants, in order to participate in any manner in respondents' marketing or sales program, to purchase products or pay any other consideration other than the actual costs to respondents, as determined by generally accepted accounting principles, of reasonably necessary sales materials and training relating to the sale of products or services: *Provided, however*, That respondents may suggest, but not require, that participants or prospective participants purchase specific amounts of product inventory: *Provided*, That such suggested purchases shall not exceed the reasonably necessary inventory requirements of participants of the same level of distribution and status for a period not to exceed one (1) month, based on the actual monthly purchasing experience of at least fifteen percent (15 percent) of the participants who have been engaged in respondents' program at such level and status for at least six (6) months and who have purchased products or services, either directly or indirectly, from respondents within the past six (6) months.

5. Failing to repurchase any unused and undamaged products which were purchased directly or indirectly from respondents by a participant within eighteen (18) months before the voluntary or involuntary termination of such participant at not less than 95 percent of the net cost of such products to such participant upon the return of such products to respondents or their designated nominee for such purpose, freight prepaid.

6. Failing, clearly and conspicuously, to disclose on each product or services order form and other documents utilized by participants or prospective participants to acquire products or services either directly or indirectly from respondents the following:

Distributors are not required to purchase any specific amount of products. (*Name of applicable business organization*) guarantees the repurchase, at 95 percent of net cost, of all unused and undamaged products purchased within 18 months before a distributor's termination and returned freight prepaid.

7. Using any marketing or sales program which fails to:

(a) Inform orally all new participants in such program and to provide in writing in all contracts of participation relating thereto that the contract may be cancelled for any reasons by notification to respondents or to their sponsoring distributor, in writing, within three (3) working days from the date of execution of such contract.

(b) Refund immediately all monies to (1) participants who have requested contract cancellation in writing within three (3) working days from the execution thereof, and (2) participants showing that respondents' contract solicitation or performance were attended by or involved violation of any of the provisions of this order.

8. Representing, directly or by implication, or by use of hypothetical examples that participants in any marketing program, or any other kind of merchandising, marketing or sales promotion program, will earn or receive, or have the potential or reasonable expectancy of earning or receiving, any stated or gross or net amount or representing in any manner the past earnings of participants, unless in fact the earnings represented are those of a substantial number of participants in the community or geographic area in which such representations are made, and the representation

clearly indicates the amount of time required by said past participants to achieve the earnings represented, and failing to maintain adequate records which disclose the facts upon which any claims of the type discussed in this paragraph are based, and from which the validity of any claim of the type in this paragraph can be determined.

9. Representing, directly or by implication, that it is not difficult for participants to recruit or retain persons to invest in respondents' marketing or sales programs as distributors or as sales personnel to work home routes or sell respondents' products door-to-door or any other manner.

10. Representing, directly or by implication, that it is not difficult for participants to ascend to a higher level of distribution within the marketing chain.

11. Representing, directly or by implication, that all participants in respondents' marketing or sales programs will succeed.

12. Representing, directly or by implication, that the supply of available entrants or investors in the respondents' marketing program is inexhaustible; or misrepresenting, in any manner, the availability of such entrants or investors.

13. (a) Failing to disclose, orally and in writing, the terms existence of this order to cease and desist and its terms to all present and future distributors, salesmen or other persons engaged in the sale of respondents' products, services or merchandising programs by mailing to the last known address of each present distributor such written disclosures and by securing from each such distributor, salesman or other person who becomes a participant in respondents' marketing or sales program subsequent to the effective date of this order a signed statement evidencing receipt of such disclosure. ("Present distributors" as used herein shall mean those distributors who have purchased products, directly or indirectly, from respondents within eighteen (18) months of the effective date of this Order.)

(b) Failing to make available on request a copy of this cease and desist order to any participant or prospective participant.

It is further ordered, That for 120 days subsequent to the effective date of this order or until the existing order forms presently utilized by respondents are exhausted, whichever occurs first, it shall be sufficient to show compliance with Part II, paragraph 6 of this order, to show that each order form which respondents disseminate subsequent to the effective date of this order has attached to it or stamped thereon the disclosure required by said paragraph 6.

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

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

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

The Order Reopening Proceedings and Modifying Order to Cease and Desist was issued by the Commission March 4, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11593 Filed 5-2-75;8:45 am]

[Docket No. C-2650]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

C.E.B. Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.30 Composition of goods; § 13.45 Content; § 13.195 Safety; § 13.195-60 Product; § 13.275 Undertakings, in general. Subpart—Corrective actions and/or requirements: § 13.533 corrective actions and/or requirements; § 13.533-10 Corrective advertising; § 13.533-20 Disclosures; § 13.533-40 Furnishing information to media; § 13.533-45 Maintain Records; § 13.533-45(a) Advertising substantiation; § 13.533-53 Recall of merchandise, advertising material, etc. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 Composition; § 13.1605 Content; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 Composition; § 13.1850 Content; § 13.1890 Safety. Subpart—Using deceptive techniques in advertising: § 13.2275 Using deceptive techniques in advertising; § 13.2275—65 Labeling depictions.

(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)

In the Matter of C.E.B. Products, Inc., a Corporation, Charlotte E. Barth, Individually and as an Officer of Said Corporation, and Herman Goldenberg, Individually and as an Officer of Said Corporation.

Consent order requiring a Chicago, Ill., cosmetic manufacturer, among other things to cease advertising and packaging "Dark-Eyes Lash and Brow Tint" without a warning to consumers that the product can cause severe pain to the eye for a substantial period of time. Further, the order requires that all existing packages of the product not yet sold to the public and all point-of-purchase displays either be corrected so as to prominently display the required warning or be recalled by respondent.

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

1. *It is ordered*, That respondents C.E.B. Products, Inc., a corporation, its successors adn assigns, and Charlotte E. Barth and Herman Goldenberg, individually and as officers of said corporation, and said respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, sale, offering for sale, or distribution of Dark-Eyes Lash and Brow Tint, or any other cosmetic product for use on the eyebrows, eyelashes, or otherwise in the area around the eyes, containing the same or substantially the same ingredients, including, but not limited to, silver nitrate, silver sulfate, or any other ingredients which produce silver ions when dissolved, forthwith cease and desist from directly or indirectly:

A. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement, or any statement made on the package in which such product is contained and sold (hereinafter referred to as the "product package"), which represents, directly or by implication, that such product is harmless, safe for use, non-injurious, non-irritating, tender, or gentle.

B. Disseminating, or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement or any product package which fails to contain, clearly and conspicuously, the following specific disclosure:

WARNING: "Dark-Eyes" (or such other name for such product) can cause severe pain to the eye for a substantial period of time

Provided however, That paragraph I(B) herein shall not apply to any such product for which a petition for listing as a "color additive" under section 706 of the Food, Drug and Cosmetic Act, as amended, and regulations thereto, has been approved by the Secretary of the Department of Health, Education and Welfare where:

(1) Respondents promptly notify the Commission that such a petition for listing has been filed with the Secretary of the Department of Health, Education and Welfare and make available to the Commission a copy of such petition and supporting documents;

(2) Respondents promptly notify the Commission when the Secretary has (pursuant to section 701(e)(1) of the Food, Drug and Cosmetic Act, as amended) published his order acting on such petition; and

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[1] Copies of the Complaint, Decision, Order and Appendices filed with the original document.

(3) Respondents promptly notify the Commission of the effective date of such order:

Provided further, however, That notwithstanding the foregoing proviso, the Commission may determine, upon its own initiative, that the above required disclosure, or some other disclosure of material fact(s) is required in the public interest.

C. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any statement or representation, including, but not limited to, statements or representations in advertising or contained on or within the product package which directly or by implication recommends or suggests for removing stains caused by such product from any part of the human body:

1. The use of chlorine bleach, or any substance of like composition, unless accompanied by a clear and conspicuous statement that said substance is hazardous to the eye and must not be used to remove stains from the face, eyelashes, or eyebrows.

2. The use of any substance which can cause pain or injury to any part of the human body: *Provided however,* if such substance does not cause pain or injury when used on certain parts of the human body, then its use may be recommended or suggested on those particular parts if such recommendation or suggestion is accompanied by a clear and conspicuous statement that such substance is hazardous and must not be used on any other part of the body.

D. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any statement or representation, including but not limited to statements or representations in advertising or contained on or within the product package, which, directly or by implication, contradicts, negates, or is inconsistent with the disclosures required by paragraph I(B) or I(C) above, or in any way obscures the meaning of such disclosure.

E. Disseminating, or causing to be disseminated, by any means, any advertisement or any product package, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to contain the specific disclosure required by paragraph I(B), above, or when appropriate, the disclosures required by paragraph I(C), above, or which contains any representation prohibited by paragraphs I(A), I(C), or I(D), above.

II. *It is ordered,* That respondents C.E.B. Products, Inc., a corporation, its successors and assigns, and Charlotte E. Barth and Herman Goldenberg, individually and as officers of said corporation, and said respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, sale, offering for sale, or distribution of any cosmetic, drug, or device, as those terms are defined by the Federal Trade Commission Act, forthwith cease and desist from directly or indirectly:

A. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement or any statement made on the product package which affirmatively represents, directly or by implication, that the use of such product is safe, non-injurious, harmless, tender, or gentle, or that such product will not cause pain or irritation or other side effects, unless prior to the time such statement or representation is made, it has been demonstrated that such is the case by competent and reliable scientific tests: *Provided, however,* That it shall not be a violation of this provision to make such claims when qualified by setting forth, in immediate conjunction and equal conspicuousness, all of the circumstances under which, or the type of persons to whom, such claims are inapplicable, if such is the case.

B. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act.

(1) Any advertisement or any statement or representation contained on or within the product package for such product which directly or by implication misrepresents the presence or quantity of any ingredient in such product;

(2) Any statement or representation other than statements or representations made in advertising or contained on or within the product package for such product which purports to give the qualitative or quantitative formula for such product, or any portion thereof, or to describe the composition of such product, and which does not actually give the complete qualitative or quantitative formula.

C. Disseminating, or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is denfied in the Federal Trade Commission Act, any advertisement or any product package which relates or depicts any portion of the application process or method of use of such product without relating or depicting, in conjunction therewith and equally conspicuously, each "Type A" precaution which is set forth in the directions for use of such product (as those terms are defined in Part IV of this Order): *Provided however,* That it shall not be a violation of this provision to present no more than a single still depiction of an action in the application process or method of use of such product, so long as (a) nothing in said still depiction in any way negates, is inconsistent with, or detracts from the effectiveness of any of the "Type A" or "Type B" precautions set forth in the directions for use of such product, and (b) there is no representation, directly or by implication, that the entire application process or method of use of such product has been depicted.

D. Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any statement or representation, including but not limited to statements or representations in advertising or contained on or within the product package, which directly or by implication contradicts, negates, or is inconsistent with the disclosures required by paragraph II(A), II(B)(2) or II(C), above, or in any way obscures the meaning of such disclosure.

E. Disseminating, or causing to be disseminated, by any means, any advertisement or any product package, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to contain, when appropriate, the disclosures required by paragraph II(A), II(B)(2) or II(C), above, or which contains any representation prohibited by paragraph II(A), II(B)(1), II(C), or II(D), above.

III. *It is further ordered,* That paragraphs I(A), II(A), and II(B) of this Order also apply to all oral or written statements or representations, whether or not such statements or representations are made in advertising, on or in a product package, or elsewhere, when made or authorized by the aforesaid respondents, to any of the following individuals, partnerships or corporations, whether or not doing business with respondents:

a. Advertising agencies;

b. Radio and television stations and print media;

c. Representatives of Better Business Bureaus, the National Association of Broadcasters, the National Advertising Review Board, or other similar non-governmental regulatory bodies;

d. Purchasers, distributors, wholesalers, and retailers, except in connection with routine indemnifications or warranties specifically requested by the aforesaid;

e. Members of the public, including correspondence with ultimate purchasers after purchase of such product.

IV. For the purposes of Parts II and IV of this Order, the following definitions apply:

1. "Directions for use" means the directions or instructions for the application, use, or storage of a product or its packaging which are contained in the "labeling" (as defined in section 201(m) of the Food, Drug and Cosmetic Act, as amended) of such product.

2. "Type A precaution" means an affirmative action relating to application or use (but not storage) of a product, prescribed by the directions for use of the product (whether stated affirmatively or negatively) for the purpose of avoiding or reducing a risk to person or property, and applicable to all or substantially all users of the product. By way

of illustration and not limitation, the following are examples of "Type A" precautions: "Apply petroleum jelly to skin before use." "Do not use until petroleum jelly is applied to skin." "Shake well before using" (If this is prescribed for the purpose of avoiding or reducing a risk to person or property).

3. "Type B precaution" means all actions, except "Type A" precautions, proscribed or prescribed by the directions for use of a product for the purpose of avoiding or reducing a risk to person or property, including but not limited to the following categories of actions: (By way of illustration and not limitation, examples of "Type B" precautions are given after each category.)

(a) Actions relating to storage of a product. ("Refrigerate after opening." "Store in a cool dry place." "Keep out of reach of children.")

(b) Actions prescribed or proscribed for fewer than all or substantially all users of a product. ("If you have sensitive skin, wear gloves." "Do not use if you have kidney disease.")

(c) Actions to remedy problems which may arise in less than every instance of application or use. ("If product gets into eye, rinse out with water." "If a rash develops, see a doctor." "If product drips onto painted surface, wash off immediately.")

(d) Actions proscribed, whether stated affirmatively or negatively, in the directions for use. ("Do not use near open flame." "Use only in well ventilated areas." "For external use only." "Do not puncture or incinerate container.")

It is ordered, That respondents C.E.B. Products, Inc., a corporation, its successors and assigns, and Charlotte E. Barth and Herman Goldenberg, individually and as officers of said corporation, and said respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, sale, offering for sale or distribution of any product, forthwith cease and desist from directly or indirectly:

A. Disseminating, or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement or any product package which relates or depicts the application process or method of use of such product which in any way negates, is inconsistent with or detracts from the effectiveness of any of the "Type A" or "Type B" precautions set forth in the directions for use of such product.

B. Dissimenating, or causing to be disseminated, by any means, any advertisement or any statement made on the product package, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of such product in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any representation prohibited by paragraph IV(A), above.

V. *It is further ordered*, That respondent C.E.B. Products, a corporation, its successors and assigns, and said respondent's officers, agents, representatives, and employees (but not Charlotte E. Barth or Herman Goldenberg in their individual capacities, nor A. Eicoff & Co., a corporation) directly or through any corporation, subsidiary, division, or other device, within 30 days from the entry of this Order:

A. Correct (1) each and every previously disseminated point-of-purchase advertisement and cooperative print advertising copy for Dark-Eyes Lash and Brow Tint in the possession of any wholesale, distributor or retail store (herein after referred to as "retailer") at the time of the entry of this Order, and (2) each and every product package for said product which has been sold or otherwise distributed by respondent or its agents, distributors, wholesalers or chain headquarters, to wholesalers, distributors and retailers, which has not been sold to the ultimate consumer at the time of entry of this Order, which contains the statements or representations prohibited in paragraph I(A) of this Order or which fails to contain the specific disclosure required in paragraph I(B) of this Order. The provisions of this paragraph shall be fulfilled as follows:

i. With respect to cooperative print advertising copy, respondent shall (a) recall and retrieve such copy, or (b) instruct directly (or in the case of chain retailers, through chain headquarters) each and every such wholesaler, distributor or retailer to destroy such copy, and obtain from each such wholesaler, distributor and retailer a signed statement acknowledging the fact of said destruction.

ii. With respect to point-of-purchase advertising and product packages, respondent shall:

(a) Recall and retrieve said packages and advertising; or

(b) Distribute directly (or in the case of chain retailers, through chain headquarters) to each and every such wholesaler, distributor and retailer corrected product packages and advertising, instruct them that the packages and advertising which fail to comply with paragraphs I(A) or (B) of this Order are to be destroyed, and obtain from each such wholesaler, distributor and retailer, a signed statement acknowledging the fact of said destruction; or

(c) Distribute directly (or in the case of chain retailers, through chain headquarters) to each and every such wholesaler, distributor and retailer gummed strips to be placed on advertising and product packages, to obscure any representations prohibited by paragraph I(A) of this Order, and to include the disclosure required by paragraph I(B) of this Order, and obtain from each such wholesaler, distributor and retailer a signed statement acknowledging the fact of the placement of said gummed strips; or

(d) Distribute directly (or in the case of chain retailers, through chain headquarters) to each and every retailer to which respondent or its agents, distributors, wholesalers, or chain headquarters, sold or otherwise distributed Dark-Eyes Lash and Brow Tint, the point-of-purchase display attached hereto as Appendix A[1] (printed on any pastel colored paper), instruct each and every such retailer that such display is required to be prominently displayed adjacent to the packages of the product offered for sale by such retailer for such period of time as any package of Dark-Eyes Lash and Brow Tint which does not contain such disclosure required by paragraph I(B) of this Order is offered for sale or is on display in the store of such retailer, and obtain from each such retailer a signed statement acknowledging that such display has been placed as hereinbefore described;

Provided however, That if respondent is unable to secure from any such wholesaler, distributor or retailer such a signed statement, it shall forthwith provide to the Commission an affidavit setting forth (a) the name of such wholesaler, distributor or retailer, (b) a description of respondent's attempts to secure such a signed statement and (c) the reasons for respondent's inability to secure such a signed statement: *Provided further, however*, That if respondent is unaware of the identity of any such retailer, it shall forthwith provide to the Commission an affidavit setting forth (a) a description of respondent's attempts to ascertain the identity of such retailer, and (b) the reasons for respondent's inability to ascertain the identity of such retailer.

B. Mail to each and every individual, partnership, corporation, or other entity to which said respondent or any of its officers, employees, or agents, including but not limited to A. Eicoff & Co., has, since January 1, 1972, represented by letter that Dark-Eyes Lash and Brow Tint contains 1 percent silver nitrate, or has otherwise inaccurately or incompletely stated the formulation for Dark-Eyes Lash and Brow Tint, a letter correctly stating the complete formulation for each color of said product and include in said letter, a statement that the Federal Trade Commission had determined that Dark-Eyes Lash and Brow Tint can cause severe pain and irritation for a substantial period of time to the eyes of users of Dark-Eyes Lash and Brow Tint.

VI. *It is further ordered*, That notwithstanding the foregoing, Parts II, III, and IV, hereof shall not apply to the individual respondents Charlotte E. Barth and Herman Goldenberg, as an individual or as an agent of any corporation other than respondent C.E.B. Products, Inc., its successors or assigns, in her or his capacity as sales representative, jobber or in other similar capacities in which she or he sells, distributes, or disseminates packages or advertising, the claims or representations over which she or he has no control: *Provided, however*, That this exemption shall not apply to oral or written statements or representations originated by said individual respondents or those which she or he knew, at the time made to be false.

[1] Filed with the original document but not reproduced here.

It is further ordered, That, notwithstanding the foregoing, Parts I, II, III, IV, and V, hereof, shall not apply to statements or representations, including but not limited to, statements or representations made in advertising or contained on or within the product package, which are or were disseminated or caused to be disseminated solely outside of the United States or its territories: *Provided, however*, That all "labeling" (as that term is defined in section 201(m) of the Food, Drug and Cosmetic Act) shall comply with section 801(d) of the Food, Drug and Cosmetic Act, as amended, and regulations thereto.

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

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

It is further ordered, That each respective individual respondent named herein promptly notify the Commission of the discontinuance of his or her present business or employment and/or his or her affiliation with a new business or employment in which he or she is involved in a management, policymaking or ownership capacity. Such notice shall include his or her current business address and a statement as to the nature of the business or employment in which he or she is engaged, as well as a description of his or her duties and responsibilities.

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

The Decision and Order was issued by the Commission March 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11595 Filed 5-2-75;8:45 am]

[Docket No. 8971]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Cambridge Camera Exchange, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.185 Refunds, repairs, and replacements; § 13.200 Sample, offer or order conformance; § 13.275 Undertakings, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Failing to maintain records: § 13.1051 Failing to maintain records: § 13.1051-30 Formal regulatory and/or statutory requirements. Subpart—Misrepresenting oneself and goods—Goods: § 13.1725 Refunds; § 13.1735 Sample, offer, or order conformance; § 13.1740 Scientific or other relevant facts; § 13.1765 Undertakings, in general. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Securing orders by deception: § 13.2170 Securing orders by deception.

(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)

In the Matter of Cambridge Camera Exchange, Inc., a corporation, Andrew Elbogen, individually and as an officer of said corporation, and Robert Lindenblatt, individually and as an officer of said corporation.

Consent order requiring a New York City mail-order distributor of photographic equipment and supplies, among other things to cease using unfair and deceptive practices in connection with the delivery of prepaid mail-order merchandise.

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

ORDER

It is ordered, That respondents, Cambridge Camera Exchange, Inc., a corporation, its successors and assigns and its officers, and Andrew Elbogen and Robert Lindenblatt, individually and as officers of said corporation, and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of photographic equipment and supplies or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

(1) Soliciting orders for sales of merchandise to be ordered by the buyer through the mail on a prepaid basis unless such merchandise will be shipped within that time clearly and conspicuously stated in such solicitation or if not time is stated, within thirty (30) days after receipt of payment and a properly completed order from the buyer.

(2) Failing to offer in writing, if shipment is not made within the said period, to promptly refund the full purchase price therefor to the purchaser. Upon request for said refund, the return of the purchase price shall be made within ten (10) business days from the date of the receipt of said written request.

That where the respondents, due to circumstances beyond their control, are unable to make shipment as required by paragraph (1), paragraph (2) may be complied with by the respondents furnishing a definite shipping date for the merchandise and by the respondents sending to the buyer a notice of delayed shipment providing the buyer with the opportunity to express his choice whether to cancel his order and receive a refund or be shipped the merchandise by a specified later date. The notice shall be sent by first class mail and accompanied by a self-addressed, postage paid device upon which the buyer may indicate his choice, and mailed by the expiration of the thirty (30) day period, or that time stated in the solicitation as the time within which shipment would have been made. If, at any time prior to shipment, the respondents receive a response from the buyer requesting refund, such refund shall be made within ten (10) business days from receipt of said request.

(3) Failing:

(a) To maintain a record of each complaint alleging failure to ship merchandise solicited and ordered on a prepaid basis, or of failure to make a refund within the applicable period of time specified in paragraph (2) above, and the disposition of each such complaint. Such record shall be kept for a period of at least twelve (12) months following the disposition of such complaint.

(b) To maintain records showing the employment of systems and procedures designed to comply with paragraphs (1) and (2).

Wherever in this Order the term "receipt of payment" is used, it shall be deemed to be (1) at the time the respondents receive the mail-order with payment enclosed either in cash or by money order, (2) at the time the respondents charge a buyer's account for a credit order, or (3) if payment is made by check, at the time the said check clears the buyer's bank.

It is further ordered, That nothing contained in this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt from complying with agreements, orders or directives of any kind obtained by other agencies or act as a defense to actions instituted by municipal or state regulatory agencies;

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

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

It is further ordered, That respondents herein shall forthwith distribute a copy

[1] Copies of the Complaint, Decision and Order, filed with the original document.

of this Order to each of their operating officers, agents and representatives.

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

The Decision and Order was issued by the Commission March 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11594 Filed 5-2-75;8:45 am]

[Docket No. 8951]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Deltown Foods, Inc., et al.

Subpart—Acquiring corporate stock or assets: § 13.5 Acquiring corporate stock or assets: § 13.5–20 Federal Trade Commission Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

In the Matter of Deltown Foods Incorporated, a Corporation, et al., and Kraftco Corporation, a Corporation.

Consent order requiring a Yonkers, N.Y., producer of packaged fluid milk, among other things to divest itself of the milk processing plant in New York City that it purchased from Kraftco Corp., in November 1973, and also to divest one-half of the acquired customer volume. Further, the order places a ten-year ban on future acquisitions by respondent of fluid milk processing facilities without prior Commission approval.

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

ORDER

I. For the purposes of this Order, the following definitions shall apply:

A. The "Base Period" is the six day period November 12 to November 17, 1973, both dates inclusive.

B. The "Plant" is the milk processing plant located at 132–05 Atlantic Avenue, Richmond Hill, Queens, N.Y.

C. An "Acquired Customer" is any customer who "bought or obtained" "Class I Packaged Fluid Milk Products" from the "Plant" on November 12, 1973. An "Acquired Customer" is a particular store, delivery stop or plant pick up rather than the purchasing entity as a whole; "bought or obtained" shall include milk of customers in quarts or quart equivalents processed or packaged for their account.

D. "Acquired Volume" is the total volume of "Class I Packaged Fluid Milk Products" in quarts or quart equivalents "bought or obtained" from the "Plant" by an "Acquired Customer" during the "Base Period."

E. "Class I Packaged Fluid Milk Products" consist of whole milk, skim milk, 1 percent low-fat milk and all other products defined as Class I milk products for the purposes of Federal Milk Marketing Order #2.

F. "Volume Discontinued" is the total volume of "Class I Packaged Fluid Milk Products" in quarts or quart equivalents, "bought or obtained" by a discontinued "Acquired Customer" during the "Base Period" from the "Plant" or from Deltown's processing facilities in Yonkers, N.Y. or Copiague, N.Y. A discontinued "Acquired Customer" shall be any "Acquired Customer" with respect to whom service has been discontinued for any reason on or after November 13, 1973.

II. *It is ordered*, That the Trademark License Agreement dated November 20, 1973 between Sealtest Foods Division of Kraftco Corporation and Deltown Foods, Incorporated, (License Agreement) and all rights and interests thereunder, (except for the obligations of Deltown set forth in paragraphs 5(d), 8, 9, 10, 15(b), including the last sentence of 15, 16 and 17 of the License Agreement, the obligation of Deltown pursuant to paragraph 6 of the License Agreement to pay royalties on sales made prior to the date of termination, and the obligations of Kraftco set forth in paragraph 13 of the License Agreement), shall terminate on March 31, 1976 unless Deltown shall, on or before March 31, 1976, the exact date to be as determined by Deltown, assign its right and interest as licensee of the trademarks "Sealtest" and "Light n' Lively," to a purchaser previously approved by Kraftco pursuant to the License Agreement and approved by the Federal Trade Commission (the "Commission").

III. *It is further ordered*, That Deltown, on or before March 31, 1976, the exact date or dates to be determined by Deltown, shall have ceased service to "Acquired Customers" in sufficient number such that the total "Volume Discontinued" is not less than one-half (½) of the "Acquired Volume." Discontinuance or cessation of service may have been effected for any reason including, without limitation, sale (for monetary consideration) of the patronage of such "Acquired Customers" to a purchaser or purchasers other than Dairylea Cooperative, Inc., Pearl River, New York, hereinafter "Dairylea," Elmhurst Milk and Cream Co./Honeywell Farms Inc., 155–25 Styler Rd., Jamaica, New York, hereinafter "Elmhurst/Honeywell," Queens Farms Inc./Liberty Farms Inc., 103–45 98th Street, Ozone Park, New York, hereinafter "Queens Farms/Liberty Farms" or their parents, divisions, affiliates or related companies: *Provided*, That any discontinuance of service as part of a swap or exchange of customers' patronage shall not be considered to be a discontinuance within the meaning of this Order. Deltown shall maintain, until January 1, 1979, and make available upon request by the Commission staff, sufficient records to reflect the identity of "Acquired Customer" and sufficient records from which "Volume Discontinued" can be calculated.

IV. *It is further ordered*, That Deltown shall file an Initial Report as hereinafter provided and thereafter shall file successive reports for each calendar quarter to and including the quarter ending March 31, 1976, identifying "Acquired Customers" whose patronage has been discontinued during the reporting quarter and identifying any wholesale customers acquired in the reporting quarter and such customer's previous supplier and; in the case of customers whose patronage was sold, stating to whom such customer's patronage was sold and the consideration therefor. Sixty days after this Order shall become effective, Deltown shall file its Initial Report covering all calendar quarters since November 12, 1973 to and including the calendar quarter ending on or before the date of the Initial Report. For a period of one year after the filing to the quarterly report identifying a discontinued "Acquired Customer," was reported as discontinued, Deltown shall not solicit, canvass, sell to or in any other way attempt to obtain the patronge or business of the "Acquired Customer" listed as discontinued on such quarterly or Initial Report. Deltown shall, if requested, file such additional reports as may be required by the Commission's staff on reasonable notice.

V. *It is further ordered*, That Deltown shall divest itself of the "Plant" no later than March 31, 1975: *Provided*, That it shall be deemed sufficient divestiture hereunder if Deltown takes such actions, including but not limited to a sale or lease, the effect of which shall be that Deltown no longer operates that "Plant" as a milk processing facility: *Provided*, That any sale or lease to a firm engaged in processing and/or distribution of "Class I packaged Fluid Milk Products" shall have prior Commission approval. Nothing in this Order shall be deemed to prohibit Deltown from retaining, accepting and enforcing in good faith any security interest in the "Plant" or equipment contained therein for the sole purpose of securing to Deltown full payment, with interest, of the price at which the "Plant" or equipment is sold.

VI. *It is further ordered*, That for a period of ten years from the effective date of this Order, Deltown shall be prohibited from acquiring, directly or indirectly, without the prior approval of the Commission, (1) the whole or any part of the stock or share capital of any corporation or other business entity engaged in the processing and/or distribution of "Class I Packaged Fluid Milk Products" within the five boroughs of New York City and Nassau, Suffolk and Westchester counties, in the State of New York, (the "New York City Metropolitan District"), or (2) a fluid milk processing plant or fluid milk distribution route of any corporation or other business entity if such plant or route is involved in the processing and/or distribution of "Class I Packaged Fluid Milk Products" in the "New York City Metropolitan District": *Provided, how-*

[1] Copies of the Complaint, Decision and Order, filed with the original document.

ever, That subject to the provisions in Subdivision IV, supra, as to discontinued "Acquired Customers," nothing contained herein shall prohibit Deltown from competing for the sale or processing of "Class I Packaged Fluid Milk Products" to or for dealers or jobbers whether or not served by Deltown on the date this Order becomes final; and provided further that Deltown may, without prior approval of the Commission, acquire the whole or any part of the stock, share capital or assets of any concern to which it may be selling or for which it may be processing "Class I Packaged Fluid Milk Products" to prevent loss of accounts receivable owing from such concern: *Provided*, That Deltown shall, within ten (10) days after such acquisition, report the transaction to the Commission, thereafter provide such information concerning the acquisition as may be required by the Commission's Staff, and shall, if so required by the Commission, divest such acquired tangible and/or intangible property within six months of the Commission's decision. Deltown shall be further prohibited for a period of ten years from acquiring, directly or indirectly, without the prior approval of the Commission, any fluid milk processing plant within 150 miles of New York City which processed 26 million pounds of milk in the twelve (12) months prior to the proposed acquisition.

VII. *It is further ordered*, That prior to January 1, 1979 Kraftco shall not:

A. Enter into any agreement which has the effect of:

(i) Licensing anyone to process and distribute; or

(ii) Authorizing "Dairylea," Deltown Foods, Inc., "Elmhurst/Honeywell," "Queens Farms/Liberty Farms" or their parents, divisions, affiliates or related companies to process; or

(iii) Authorizing any one person or company or its parents, divisions, affiliates or related companies to distribute; or

(iv) Authorizing less than five persons or companies or their parents, divisions, affiliates or related companies if any of them are "Dairylea," Deltown Foods, Inc., "Elmhurst/Honeywell" or "Queens Farms/Liberty Farms" to distribute;

"Light n' Lively" or "Sealtest" "Class I Packaged Fluid Milk Products" in the "New York City Metropolitan District" until thirty (30) days after the Commission receives either a copy of the proposed agreement (in the case of a written agreement) or has been notified in writing of the substance of the agreement (in the case of an oral agreement).

B. Enter into any agreement not covered by paragraph A above which results in the sale of "Light n' Lively" or "Sealtest" "Class I Packaged Fluid Milk Products" in the "New York City Metropolitan District" unless the Commission receives either a copy of the agreement (in the case of a written agreement) or has been notified in writing of the substance of the agreement (in the case of an oral agreement) within ten (10) days of said agreement.

C. *Provided however*, That in the event that a then existing processor is unable to process "Light n' Lively" or "Sealtest" "Class I Packaged Fluid Milk Products" in the "New York City Metropolitan District" Kraftco may enter into an agreement for emergency processing for a period not to exceed sixty (60) days. *Provided*, That the Commission is notified within forty-eight (48) hours of the entering into of such agreement.

The Decision and Order was issued by the Commission March 14, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11596 Filed 5-2-75;8:45 am]

[Docket No. 8916]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Great Atlantic & Pacific Tea Company, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly: § 13.10–1 Availability of merchandise services and/or facilities; § 13.180 Quantity: § 13.180–30 In stock; § 13.205 Scientific or other relevant facts. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements: § 13.533–20 Disclosures; § 13.533–25 Displays, in-house; § 13.533–40 Furnishing information to media; § 13.533–45 Maintain records: § 13.533–45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 Availability of advertised merchandise services and/or facilities; § 13.1740 Scientific or other relevant facts. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair; improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(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)

In the Matter of The Great Atlantic & Pacific Tea Company, Inc.

Order requiring one of the nation's two largest supermarket chains, headquartered in Montvale, N.J., among other things to have advertised items readily available for sale at or below advertised prices.

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

FINAL ORDER

The administrative law judge filed his Initial Decision in this matter on January 24, 1975, and service was completed on February 6, 1975. Both parties filed notices of intention to appeal on February 18, 1975, but the Commission was subsequently notified that neither side intended to perfect its appeal, and no appeal briefs were filed within the prescribed time. The Commission thereupon stayed the effective date of the Initial Decision, and has now determined that this matter should not be placed on its own docket for review, and that the Initial Decision should become effective as provided in § 3.51 of the Commission's rules of practice. Therefore,

It is ordered, That the Initial Decision and Order contained therein shall become effective on the date of issuance of this order.

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

The order to cease and desist, as set out in the Initial Decision, is as follows:

ORDER

It is ordered, That respondent The Great Atlantic & Pacific Tea Company, Inc., a corporation, its successors or assigns, its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of food or grocery products or other merchandise, hereafter sometimes referred to as items, offered or sold in its retail stores, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly, disseminating, or causing the dissemination of any advertisement by any means which offers any items for sale at stated price, unless during the effective period of the advertised offer at each retail store covered by the advertisement:

(1) Each advertised item is readily available for sale to customers in the public area of the store, or if not readily available there, a clear and conspicuous notice is posted where the item is regularly displayed which states that the item is in stock and may be obtained upon request, and said item is furnished on request;

(2) Each advertised item, which is usually and customarily individually marked with a price, is individually, clearly, and conspicuously marked with the advertised price or a lower price: *Provided*, That in the case of items which customarily contain no price markings, clear and conspicuous posting of the advertised price of such items at the point of display will be deemed in compliance with this requirement: *Provided further*, That, where optical scanning devices are used at "check-out" counters prices marked in code on items advertised below the regular shelf price need not be re-marked;

(3) Each advertised item is sold to customers at the advertised price or a lower price;

[1] Copies of the Complaint, Initial Decision, Final Order and Appendices filed with the original document.

Provided, It shall constitute a defense to a charge of unavailability under subparagraph (1) if respondent maintains and furnishes or makes available for inspection and copying upon the request of the Federal Trade Commission, such records as will show that (a) the advertised items were delivered to its stores in quantities sufficient to meet reasonably anticipated demand but were "sold out", or (b) the advertised items were ordered but not delivered due to circumstances beyond respondent's control, and that respondent, upon notice or knowledge of such nondelivery acted immediately to contact the media to revise the advertisement or proposed advertisement to reflect the limited availability or unavailability of each advertised item, and (c) if revision of the advertisement was not possible, respondent immediately offered to customers on inquiry a "rain check" for each unavailable item which entitled the holder to purchase the item in the near future at or below the advertised price. If respondent or any of its employees, agents or representatives are not advised of an alleged instance of unavailability through any source including the Federal Trade Commission within three months of its occurrence, it shall be presumed that the records called for by this proviso were in the possession of respondent showing (a) or (b), and (c), unless clear and convincing evidence establishes the contrary.

It is further ordered, That throughout each advertised sale period in each of its retail stores covered by an advertisement, respondent shall post conspicuously (1) at or near each doorway affording entrance to the public, and (2) at or near the place where customers pay for merchandise, notices which contain the following:

(1) A copy of the advertisement.

(2) A statement that: "All items advertised are readily available for sale at or below advertised price except the following items:

Rain checks will be gladly issued for these items which will enable you to purchase them at or below the advertised price in the near future. Comparable items may also be available, but you may insist on a rain check if you wish. If you have any questions, the store manager will be glad to assist you.

It is further ordered, That respondent shall cause the following statement to be clearly and conspicuously set forth in each advertisement which represents that items are available for sale at a stated price at any of its stores: "Each of these advertised items is required to be readily available for sale at or below the advertised price in each A&P store, except as specifically noted in this ad."

It is further ordered, That: (1) Respondent shall forthwith deliver a copy of this order to each of its operating divisions and to each of its present and future officers and other personnel in its organization down to the level of and including assistant store managers who, directly or indirectly, have any supervisory responsibilities as to individual retail stores of respondent, or who are engaged in any aspect of preparation, creation, or placing of advertising, and that respondent shall secure a signed statement acknowledging receipt of said order from each such person;

(2) Respondent shall institute and maintain a program of continuing surveillance adequate to reveal whether the business practices of each of its retail stores conform to this order, and shall confer with any duly authorized representative of the Commission pertaining to such program when requested to do so by a duly authorized representative of the Commission;

(3) Respondent shall, for a period of three (3) years subsequent to the date of this order:

(a) Maintain business records which show the efforts taken to insure continuing compliance with the terms and provisions of this order;

(b) Grant any duly authorized representative of the Federal Trade Commission access to all such business records;

(c) Furnish to the Federal Trade Commission copies of such records which are requested by any of its duly authorized representatives;

(4) Respondent shall, all other provisions of this order notwithstanding, on or before each of the first three (3) anniversary dates on which this order becomes final file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order in the preceding year.

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

The Final Order was issued by the Commission March 25, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11598 Filed 5-2-75;8:45 am]

[Docket No. C-2653]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hallberg Homes, Inc., and Ray C. Hallberg

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: § 13.73–92 Truth in Lending Act; § 13.155 Prices: § 13.155–95 Terms and conditions: § 13.155–95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—PRICES: § 13.1823 Terms and conditions: § 13.1823–20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852–75 Truth in Lending Act; § 13.1905 Terms and conditions: § 13.1905–60 Truth in Lending Act.

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

In the Matter of Hallberg Homes, Inc., a Corporation, and Ray C. Hallberg, Individually and as an Officer of Said Corporation.

Consent order requiring a Portland, Ore., residential real property construction and development firm, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

ORDER

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

A. Representing in any such advertisement, directly or by implication, that no downpayment is required, the amount of the downpayment or the amount of any installment payment, either in dollars or as a percentage, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are clearly and conspicuously stated, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) of Regulation Z:

1. The cash price;

2. The amount of the downpayment required or that no downpayment is required, as applicable;

3. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

4. The amount of the finance charge expressed as an annual percentage rate; and

5. Except in the case of the sale of a dwelling or a loan secured by a first lien on a dwelling to purchase that dwelling, the deferred payment price or the sum of the payments, as applicable.

[1] Copies of the Complaint, Decision, and Order, filed with the original document.

B. Failing, in any consumer credit advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.7, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of the preparation, creation or placing of advertising, to all persons engaged in reviewing the legal sufficiency of advertising, and to all present and future agencies engaged in preparation, creation or placing of advertising on behalf of respondents, and that respondents secure from each such person and agency a signed statement acknowledging receipt of said order.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment, and/or of his affiliation with any other business which extends, arranges or advertises consumer credit, in the event of such discontinuance or affiliation within ten (10) years after the effective date of this order. Such notice shall include the respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

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

The Decision and Order was issued by the Commission March 17, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11599 Filed 5-2-75;8:45 am]

[Docket No. C-2645]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Hugh Mooney and Organic Masque Co.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertisingly falsely or misleadingly; § 13.135 Nature of product or service; § 13.170 Quality or properties of product or service; § 13.-170-16 Cleansing, purifying; § 13.170-24 Cosmetic or beautifying; § 13.175 Quality of product or service; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.265 Tests and investigations. Subpart—Misrepresentating oneself and goods-Goods: § 13.1685 Nature; § 13.1710 Qualities or properties; § 13.1715 Quality; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 Scientific or other relevant facts.

(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)

In the Matter of Hugh Mooney, Individually and Trading and Doing Business as Organic Masque Co.

Consent order requiring a Greenwich, Conn., seller and distributor of a skin preparation known as Organic Masque, among other things to cease making false performance and effectiveness claims and misrepresenting the extent to which the product has been tested or the results of its use demonstrated.

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

ORDER

It is ordered, That respondent Hugh Mooney, individually and trading and doing business under the name Organic Masque Co., or under any other name, and his successors, assigns, representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of skin preparations or any other product in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing, directly or by implication that:

1. Any such product is a new or revolutionary development;

2. Any such product removes blackheads or will unclog pores, or that the use of any such product produces or helps to produce clear or blemish-free skin;

3. Has any quality, characteristics, or capacity, or will have any result, or will perform in any given manner, or is effective for any purpose, unless each such quality, characteristic, capacity, result, manner of performance, or effectiveness has been full[y] substantiated by competent and reliable scientific testing.

B. Disseminating or causing the dissemination of any advertising by United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which misrepresents, directly or by implication:

1. The performance, efficacy, capacity, or usefulness, or any characteristic, property, quality, or the result of use of any such product.

2. The extent to which any such product has been tested, or the results of its use demonstrated.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

C. Disseminating or causing the dissemination of any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any such product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, which contains any of the representations, acts or practices prohibited in Paragraphs A or B above.

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

It is further ordered, That the respondent shall within sixty (60) days and at the end of six (6) months after the effective date of the order served upon him file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of his compliance with the order to cease and desist.

The Decision and Order was issued by the Commission March 6, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11601 Filed 5-2-75;8:45 am]

[Docket No. C-2648]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Miriam Maschek, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleading; § 13.15 Business status, advantages, or connections; § 13.15-225 Personnel or staff; § 13.15-250 Qualifications and abilities; § 13.15-280 Unique or special status or advantage; § 13.135 Nature of product or service; § 13.170 Qualities or properties of product or service; § 13.170-24 Cosmetic or beautifying; § 13.170-30 Durability or performance; § 13.170-52 Medicinal, therapeutic, healthful, etc.; § 13.170-63 Non-toxic; § 13.170-78 Renewing, restoring; § 13.190 Results; § 13.195 Safety; § 13.195-60 Product; § 13.205 Scientific or other relevant facts; § 13.280 Unique nature or advantages. Subpart—Contracting for sale in any form binding on buyer prior to specified time: § 13.527 Contracting for sale evidence of indebtedness prior to specified time. Subpart—Corrective actions and/or requirements; § 13.533 Corrective actions and/or requirements; § 13.533-10 Corrective advertising; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45(a) Advertising substantiation; § 13.533-45(k) Records, in general; § 13.533-53 Recall of merchandise, advertising material, etc.; § 13.533-55 Refunds, rebates, and/or credits. Subpart—Misrepresenting oneself and goods—Business status, advantages or

connections; § 13.1490 Nature; § 13.1520 Personnel or staff; § 13.1535 Qualifications.—GOODS: § 13.1685 Nature; § 13.1697 Opportunities in product or service; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1770 Unique nature or advantages. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 Nature; § 13.1885 Qualities or properties; § 13.1890 Safety; § 13.1892 Sales contract, right-to-cancel provision; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52)

In the Matter of Miriam Maschek, Inc., a Corporation, and Miriam Maschek, and Francis Maschek, Individually and as Officers of Said Corporation

Consent order requiring a North Miami, Fla., promoter of a chemical skin-peeling process called the "Maschek treatment", among other things to cease misrepresenting that its inherently dangerous treatment to remove facial wrinkles and blemishes is safe. Further, the order requires respondent to devote at least 15% of its future advertising or oral presentations to disclosure of the inherent dangers and other material facts.

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

ORDER

It is ordered, That respondents Miriam Maschek, Inc., a corporation, its successors and assigns, and Miriam Maschek, and Francis Maschek, individually and as officers of said corporation (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale, or dispensing of the Miriam Maschek treatment (hereinafter sometimes referred to as respondents' treatment) or any similar cosmetic chemosurgical process of face lifting or skin peeling, which involves the topical application of a caustic chemical solution containing carbolic acid (also known as phenol) or other substances on the face, neck, arms, hands or other parts of the human body for the purpose of inducing superficial skin burns, the result of which is the peeling or removal of the outer layers of skin, in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12 (a) (1) of the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. Respondents' treatment or process is solely a cosmetic process, not a medical process, or does not involve chemical surgery.

2. Respondents' treatment or process is painless or involves no abrasives or caustic chemicals.

3. Potential discomfort is virtually non-existent as one can relax without emotional or physical distress during the treatment.

4. Respondents' treatment is safe or free from possible serious side effects or complications.

5. Respondents' treatment or process will remove or significantly reduce acne scars, big pores, deep lines, deep wrinkles, or sagging, redundant folds of skin.

6. Respondents' treatment will produce or result in new soft, fresh, clear, healthy, fine textured skin.

7. Respondents' process can be clinically recommended to or safely or successfully performed on men, young people, elderly people, or dark-skinned people.

8. Respondents' personnel are competently trained and qualified to (a) examine, advise, and mentally prepare patients to undergo the treatment; (b) determine whether each patient is a proper subject for treatment; (c) administer or perform treatment without direction and supervision of a licensed medical practitioner; and (d) provide post-operative advice and care for patients.

9. Respondents' treatment is complete within any specified period of time.

10. Respondents' treatment will cause clients to appear any specified number of years younger than their actual chronological age.

11. Respondents' process is unique, new or special in the following or other ways:

a. That it involves a secret formula or secret solution;

b. That it or similar processes are only available through respondents; and

c. That it is not available through qualified plastic surgeons under more closely controlled hospital conditions in metropolitan areas across the country at a substantially lower cost.

B. Failing or refusing to make clear and conspicuous disclosures in all advertising and in all oral sales presentations, that:

1. The treatment is chemical skin-peeling, a serious medical procedure known as chemosurgery.

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

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

4. The treatment has a number of known inherent dangers, including: (a) Poisoning of a person's entire system by the acid absorbed through the skin, which can be a serious, even fatal illness; (b) infection; (c) blindness, if the acid gets into a patient's eyes; (d) permanent scarring; and (e) other complications resulting from the traumatic nature of the procedure or the medications used.

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

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

7. Almost all plastic surgeons refuse to perform chemical skin-peeling on the neck because the neck is not likely to be improved by the process and is more likely to be worsened since the risks of undesirable side effects and skin changes described above are greater.

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

9. Acne scars, big pores, deep lines, deep wrinkles, and sagging or redundant folds of skin are not removed or significantly reduced by the process, yet some of these conditions may be improved by other techniques of plastic surgery, such as dermabrasion or surgical face lift.

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

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

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

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

14. Although a treatment of this serious nature is usually performed in a hospital, respondents' treatment is given at a clinic, which they own or operate.

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

[1] Copies of the Complaint, Decision, and Order, filed with the original document.

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

17. Chemical skin-peeling is available from qualified plastic surgeons under closely controlled hospital conditions in metropolitan areas across the country at substantially lower cost.

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

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

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

It is further ordered, That respondents:

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

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

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

It is further ordered, That respondents:

1. Provide prospective and present patients, as soon as possible after initial sales contact is made with such person and before such person signs any document relating to respondents' process, an information sheet which shall be furnished to the prospective patient and which contains nothing but the disclosures, numbered 1 to 17, set forth in Paragraph B. Respondents shall allow these persons ample, uninterrupted opportunity to read and consider the contents of this information sheet. Respondents shall retain a copy of this information sheet, after it is signed and dated by the person, for a period of two (2) years.

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

a. Understands what respondents' treatment is and the conditions under which it will be performed;

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

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

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

This certificate shall specify the date and approximate time of the consultation, and respondents shall retain all such certificates for three (3) years.

It is further ordered, That no contract for respondents' process shall become binding on the patient prior to forty-eight hours after the patient has consulted with the physician who will direct and supervise the performing of the treatment and inspected and approved the treatment and recuperation facilities, and that:

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

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

3. Respondents shall return to such patient, within forty-eight hours after receipt of notice of cancellation, all monies paid.

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

It is further ordered, That respondents cease and desist from the following unfair practice: 1. Failing or refusing to use a licensed medical practitioner, who is familiar with such techniques of plastic surgery, who is operating within the limits of his or her profession, and who is qualified to evaluate complex physical, mental and emotional factors, to examine, diagnose, advise, select, or mentally prepare all prospective patients for chemical skin-peeling, to supervise and direct all administrations or applications of the treatment, and to provide post-operative advice or care for all such patients.

It is further ordered, That respondents maintain at all times in the future, for a period of not less than three (3) years, complete business records relative to the manner and form of their continuing compliance with the above terms and provisions of this order.

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

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

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

The Decision and Order was issued by the Commission March 11, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11600 Filed 5-2-75;8:45 am]

[Docket No. 8803–o]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

National Dynamics Corp. and Elliott Meyer

Codification under Part 13 appears at 38 FR 9157.

(Sec. 38 Stat. 721; 15 U.S.C. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

In the Matter of National Dynamics Corporation, a Corporation, and Elliott Meyer, Individually and as an Officer of Said Corporation.

Order modifying previous Commission order, 82 FTC 488, 38 FR 9157, issued against a New York City seller of battery additive, VX–6, and other products, by changing the provisions of paragraph 1 of the order to permit respondents to represent sales, earnings, and profits in a format utilizing ranges instead of averages. Paragraph 2 was modified to require maintenance of substantiation claims made pursuant to the requirements of paragraph 1 as modified.

The Order Modifying Final Order on Remand, including further order requiring report of compliance therewith, is as follows:[1]

ORDER MODIFYING FINAL ORDER ON REMAND

This matter is before the Commission upon remand from the United States Court of Appeals for the Second Circuit for revision of paragraphs 1 and 2 of the order, and upon briefs submitted by counsel for respondents and complaint counsel relating to said paragraphs. The Commission has determined to modify paragraphs 1 and 2 as explained in the accompanying decision, and has further determined to republish the remainder of the order in the same form as issued, such remainder having become final. Therefore,

It is ordered, That respondents National Dynamics Corporation, a corporation, and its officers, and Elliott Meyer, individually and as an officer of such corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, or distribution of the battery additive, VX–6, or of any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that persons purchasing respondents' products can or will derive any stated amount of sales, profits, or earnings; or misrepresenting in any manner, the past, present, or future sales, profits, or earnings from the resale of repondents' products;

Provided, That the foregoing paragraph shall not be construed to prohibit:

(a) An accurate representation of any range or ranges of sales, profits, or earnings achieved by purchasers of respondents' products which includes a clear and conspicuous disclosure (in bold-face type at least equal in size to that of the representation of the range or ranges where such appear in print) of the following information:

(i) An accurate statement of the number of participants achieving sales, profits, or earnings within the stated range; and

(ii) An accurate statement of the time period in which the reported figures were achieved.

The figure purporting to be the end figure of the highest range in an advertisement may not exceed the highest amount of sales, profits, or earnings actually achieved by a purchaser.

(b) Accurate testimonials regarding the sales, profits, or earnings, achieved by a purchaser of respondents' products: *Provided*, That any such testimonial includes or is accompanied by the following clear and conspicuous disclosures (in bold-face type at least equal in size to that of the principal portion of the testimonial, if printed):

(i) An accurate statement of the average amount of time per week or month required by the purchaser to achieve the stated results;

(ii) An accurate statement of the year or years during which, and the geographical areas in which, the stated results were achieved; and

(iii) If the results achieved by the purchaser providing the testimonial do not represent the average or median sales (or profits or earnings, whichever is included in the testimonial) of all purchasers of respondents' products during the time period covered by the testimonial, an accurate statement of the average or median sales (or profits or earnings) of all purchasers of respondents' products during the time period covered by the testimonial, or the following statement: IMPORTANT NOTICE: THE RESULTS ACHIEVED BY THIS PURCHASER ARE BETTER THAN, AND NOT TYPICAL OF, THE RESULTS ACHIEVED BY THE MAJORITY OF PURCHASERS WHO PARTICIPATED DURING THE TIME PERIOD DESCRIBED.

2. Failing to maintain records which substantiate that any past or present sales, profits, or earnings represented are accurate. Where ranges of sales, profits, or earnings are represented, such records shall be sufficient to substantiate the number of purchasers achieving results within any stated range and the time period during which such results were achieved. Where average or median figures are represented, such records shall be sufficient to substantiate that such median or average figures are accurate. Where testimonials regarding sales, profits or earnings are employed without the statement entitled "IMPORTANT NOTICE," described in Paragraph 1(b)(iii) above, such records shall be sufficient to substantiate that the performance described in the testimonial constitutes the average or median performance for all purchasers of respondents' products during the stated time period.

3. Representing, directly or by implication, contrary to fact, that any product has been approved by any laboratory or by any other organization or person.

4. Representing, directly or by implication, in any advertisement that an independent laboratory has tested any product or that any laboratory test substantiates or supports performance claims in said advertisement, unless each performance claim in said advertisement has been substantiated by a competent scientific test conducted by said laboratory or laboratories and unless such laboratory or laboratories have supplied respondents with a written report which describes, in detail, the entire test performed, including, but not limited to, the product tested, instruments used, test procedures, data, and results of such test.

5. Using, publishing, or referring to any testimonial or endorsement unless (1) such use, publication or reference is expressly authorized in writing, and unless (2) respondents have good reason to believe that at the time of such use, publication, or reference, the person or organization named subscribes to the facts and opinions therein contained.

6. Failing to deliver a copy of this order to cease and desist to all present salesmen or other persons engaged in the sale of respondents' products, and failing to secure from each such salesman or other person a signed statement acknowledging receipt of such order.

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

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

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

The Order Modifying Final Order on Remand was issued by the Commission March 4, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–11602 Filed 5–2–75;8:45 am]

[1] Copies of the Order Modifying Final Order on Remand, and Opinion of the Commission by Commissioner Dixon, filed with the original document.

[Docket No. C–2646]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Robert N. Barnes and National Credit Exchange, Etc.

Subpart—Collecting, Assembling, Furnishing or Utilizing Consumer Reports: § 13.382 Collecting, assembling, fur-

nishing or utilizing consumer reports: § 13.382–1 Confidentiality, accuracy, relevancy, and proper utilization: § 13.382–1(a) Fair Credit Reporting Act; § 13.382–5 Formal regulatory and/or statutory requirements: § 13.382–5(a) Fair Credit Reporting Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147, 84 Stat. 1127–36; 15 U.S.C. 1601 et seq.)

In the Matter of Robert N. Barnes, an Individual, Trading and Doing Business as National Credit Exchange and National Fraudulent Check Bureau.

Consent order requiring a Canton, Ill., consumer credit reporting agency, among other things to cease violating the Fair Credit Reporting Act by furnishing credit reports to persons who do not have permissible purpose for receiving such information.

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

ORDER

It is ordered, That respondent Robert N. Barnes, an individual, trading and doing business as National Credit Exchange, National Fraudulent Check Bureau, or any other name or names, his successors and assigns, and respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the collecting, preparation, assembling and/or furnishing of consumer reports as "consumer report" is defined in section 603 (d) of the Fair Credit Reporting Act (Pub. L. 91–508, 15 U.S.C. section 1601 et seq.), shall forthwith cease and desist from:

1. Furnishing any consumer report to any person unless such report is furnished:

a. In response to the order of a court having jurisdiction to issue such order; or

b. In accordance with the written instructions of the consumer to whom the report relates; or

c. To a person which respondent then has reason to believe intends, at the time the information is furnished, to use the information:

(1) In connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or

(2) For employment purposes; or

(3) In connection with the underwriting of insurance involving the consumer; or

(4) In connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or

(5) In connection with a business transaction involving each consumer reported upon.

2. Furnishing consumer reports in list form; unless the identity of the consumer to whom the information relates is not disclosed on such list and cannot be determined without the use of a unique identifier, such as social security number, driver's license number, or bank account number. The identifier used must be provided by the consumer at the time of the transaction with the user.

3. Failing to maintain reasonable procedures necessary to limit the furnishing of consumer reports to the purposes listed under section 604 of the Act, as provided by section 607 of the Act.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the preparation and/or furnishing of consumer reports, and that respondent secure a signed statement acknowledging receipt of said order from all such personnel.

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

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

The Decision and Order was issued by the Commission March 10, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75–11592 Filed 5–2–75;8:45 am]

[Docket No. C–2642]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Skyline Corp.

Subpart—Advertising falsely or misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.70 Fictitious or misleading guarantees. Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(c) Complaints; 13.533–45(k) Records, in general; 13.533–50 Maintain means of communication. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 Delaying or withholding corrections, adjustments or action owed; § 13.677 Delaying or failing to deliver goods or provide services or facilities. Subpart—Neglecting, unfairly or deceptively, to make material disclosures: § 13.1855 Identity; § 13.1895 Scientific or other relevant facts; § 13.1905 Terms and conditions. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general.

(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)

In the Matter of Skyline Corporation, a Corporation.

Consent order requiring an Elkhart, Ind., manufacturer of mobile homes, among other things to cease unfair and deceptive warranty practices through the establishment of a prompt and effective system to handle warranty-related problems. The order requires respondent to provide warranty repairs or services on still-unrepaired mobile homes manufactured between 1972 and 1974 and to provide future retail purchasers with relief by establishing and maintaining a regular and effective system to handle complaints and service. Under this system, all repairs must be complete within thirty days after notification to the respondent of defects. Where the defects affect safety or habitability of the mobile home, the repairs must be started within three business days and be expeditiously completed.

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

1. *It is ordered,* That respondent shall within 90 days from the effective date of this Order make a written inquiry of all known retail purchasers of respondents' mobile homes (except those specifically excluded below) built between July 1, 1972 and June 30, 1974, utilizing the form of letter shown in Appendix A [2] attached hereto and made a part hereof which shall contain therein a self-addressed postage paid return envelope, and which shall be mailed to such purchasers by first class mail.

Known retail purchasers are defined as those first purchasers at retail of said mobile homes who communicate with respondents no later than 60 days after the effective date of this Order and those first retail purchasers whose names and addresses: (1) Are contained in company tire records and warranty cards files; (2) are supplied by the Federal Trade Commission within 60 days of the effective date of this Order or (3) are supplied to respondents by respondents' past and current dealers in response to respondents' letter request for such information sent by first class mail (which letters shall be sent no later than 30 days after the effective date of this Order) utilizing the form of letter shown in Appendix B attached hereto and made a part hereof and which shall contain therein a self-addressed postage paid return envelope.

Notwithstanding the above, known retail purchasers shall not include:

(a) Local, state or federal governments or agencies thereof.

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[1] Copies of the Complaint, and Decision, and Order, filed with the original document.

[1] Copies of the Complaint, Decision and Order and Appendices, filed with the original document.

[2] Copies of the Appendices, filed with the original document.

(b) Retail purchasers who are now or have been engaged in litigation with respondents involving their mobile homes built by respondents during the two year period set forth hereinabove.

(c) Retail purchasers whose homes were sold to them on an "as is" basis.

(d) Retail purchasers who communicated directly with respondents' corporate headquarters or their attorneys concerning a problem or defect in such purchaser's mobile home, where there is a record indicating a resolution of the problem to the purchaser's satisfaction.

(e) Retail purchasers whose names are supplied by past or current dealers in response to respondents' written inquiries to dealers as required above when such names are received by respondents from a dealer more than sixty days after respondents' inquiry was mailed to that dealer unless the purchaser or purchasers themselves communicate with respondents no later than 60 days after the effective date of this Order, or unless the name or names of such purchaser or purchasers appear in respondents' warranty card files, or tire records or were supplied to respondents by the Federal Trade Commission as set forth hereinabove.

(f) Retail purchasers who live outside the United States or who purchased units from dealers located outside the United States.

(g) First retail purchasers who are known to respondents to no longer own their mobile homes built by respondents.

2. *It is further ordered*, That respondents shall, directly or through their dealers or other third parties repair or service within a reasonable time at the site of the home (in the normal course not to exceed ninety days from the date on which the letter to a given retail purchaser referred to in Order paragraph 1 is returned and received by respondents) all defects and malfunctions in mobile homes produced by respondents during the two year period referred to hereinabove which became known pursuant to Order paragraph 1 unless it is clear that a given defect or malfunction:

(a) Is a result of improper setup of the mobile home.

(b) Is a result of improper use or abuse of the mobile home.

(c) Did not arise or become evident within the term of the warranty.

(d) Was brought to respondents' attention by a retail purchaser more than sixty days after respondents mailed the written inquiry to such purchaser as provided hereinabove where the home was purchased by the first retail purchaser more than one year prior to the effective date of this Order.

(e) Is a miner cosmetic defect in a home purchased by the first retail purchaser more than one year prior to the effective date of this Order.

3. *It is further ordered*, That respondents cease and desist from disseminating, or causing the dissemination of, offering or otherwise providing, in commerce, any express warranties to the retail purchasers of respondents' mobile homes unless respondents meet all of their obligations under such warranties within the time period standards set forth hereinbelow in Order paragraph 3(f) and establish and maintain a regular and effective system which is reasonably designed to assure that every purchaser of the aforesaid mobile homes will receive full performance by respondents, directly or by action through their dealers or other third parties, of all such warranty obligations within the said time period standards. This warranty performance system shall incorporate but not necessarily be limited to the following standards and terms:

(a) Respondents shall, beginning within 120 days of the effective date of this Order, delegate the administration of and supervision over the operation of those aspects of respondents' warranty service program described in Order paragraphs 1, 2, and 3(b)–3(h), 3(k), 3(l) below to the Skyline Director of Consumer Services, who shall have no direct responsibilities for the sale or marketing of respondents' mobile homes and who shall report to a vice-president of the corporation. The Director of Consumer Services shall be responsible for developing, implementing and supervising warranty service record keeping and followups, and he shall make analyses of service experience including the manner in which respondents' employees, dealers and independent contractors are carrying out warranty and setup responsibilities, and policy recommendations. The Director of Consumer Services shall in addition supervise the operation of the dispute settlement mechanism required under Order paragraph 3(n) below and shall make periodic reports as set forth in Order paragraph 3(m) at least on a monthly basis to respondents' responsible officers.

(b) Respondents shall disseminate a warranty and associated documents which clearly and fully describe and effectively communicate to the first retail purchaser:

(1) The identity and address of the warrantor;

(2) The nature and extent of the warranty offered or otherwise provided;

(3) The remedies available to the purchaser under the warranty;

(4) The manner in which respondents intend to provide for performance of warranty obligations, including disclosure of any delegation of warranty responsibilities to third parties: *Provided, however*, That disclosure of said delegation must be accompanied by additional disclosure that such delegation in no way relieves respondents of the ultimate responsibility to fulfill all warranty obligations;

(5) Any and all requirements which must in fact be fulfilled by the purchaser as a condition precedent to securing performance by respondents of their warranty obligations;

(6) A uniform procedure to be followed by purchasers in order to request performance by respondents of their warranty obligations:

(7) A uniform procedure available to the purchaser for the systematic review and disposition of complaints and disputes with respect to the performance of respondents' warranty obligations by respondents' manufacturing plants, subsidiaries, divisions, and employees, or by respondents' dealers or other third parties. This procedure shall consist of a statement that all complaints addressed to the Director of Consumer Services will receive evaluation and response within five business days after receipt, and that in the event of disagreement between the retail purchaser and respondents' manufacturing plants, subsidiaries, divisions, employees or respondents' dealers or other third parties, the Director of Consumer Services will mediate the dispute, or a similar statement to the same effect.

(c) Respondents shall cease and desist from selling their mobile homes without any express or implied warranty, i.e., "as is", or with any disclaimer of implied warranties or limitations or exclusion of liability under any warranty or disseminating or causing the dissemination of any statement or representation which represents directly or by implication, that respondents have disclaimed any express or implied warranty or limited or excluded any liability under any warranty unless respondents have a reasonable basis, in the form of an opinion by legal counsel that said disclaimers, limitations and exclusions are enforceable under governing state law, and clear and conspicuous notice of said "as is" sale or other said disclaimer, limitation or exclusion is given to prospective retail purchasers of their mobile homes prior to the execution of the contract of retail purchase. A clear and conspicuous notice of an "as is" sale shall contain the following language:

NOTICE

The manufacturer of this mobile home sells it "as is" and refuses to assume any responsibility for defects. The purchaser of this mobile home must accept it with all defects and take the entire risk, under contract law, as to its condition.

Provided however, That with respect to: (a) The "as is" sale of damaged, salvaged, demonstrator or repossessed mobile homes, (b) the sale of mobile homes where respondents disclaim or fail to grant an express warranty on appliances which are covered by a separate written warranty by a supplier or manufacturer other than respondents, and (c) the "as is" sale of mobile homes to local, state and federal governments or agencies thereof, the aforesaid opinion by legal counsel shall not be required.

(d) All warranty service and repair obligations performed subsequent to the tender of the home to the retail purchaser shall be rendered by respondents, directly or through their dealers or other third parties at the site of the mobile home.

(e) Where respondents delegate, assign, contract or otherwise rely on a continuing basis upon any dealers or any

other persons not employees of respondents to:

(i) Determine whether any mobile home manufactured by respondents contains defects which are within the scope of a warranty extended by respondents or otherwise requires remedial action pursuant to said warranty;

(ii) Notify respondents of the existence of those circumstances enumerated in paragraph (e)(i) above; or

(iii) Perform any repairs or otherwise provide service in satisfaction of any warranty obligations of respondents,

Respondents, beginning within 120 days of the effective date of this Order, shall assure that if a dispute or disagreement should arise between respondents and one or more of said dealers as to which of them is to incur any such responsibility with respect to warranty repairs and service or is to correct a malfunction related or alleged to relate to improper setup, any repairs or other corrective action will be expeditiously provided (in the normal course of business) in a manner consistent with this Order, regardless of whether the said dispute or disagreement has been resolved.

The "normal course of business" does not include:

(1) Conditions under which abnormal demands are made upon service capabilities as the result of natural disasters, other acts of God or the government (including the effects of remedial action required of respondents as set forth in Order paragraphs 1 and 2), or any other event beyond the control of respondents and their dealers which places an unusually large demand upon service facilities;

(2) Conditions resulting from disasters, strikes, acts of the government, instances of force majeure or other occurences which are beyond the control of respondents and their dealers which prevent respondents and their dealers from responding to service requests within the time periods stated hereinbelow;

(3) Slight omissions or deviations from the terms of this Order which are inadvertent, unintentional and not due to the bad faith of respondents.

(f) (1) Respondents shall, beginning within 120 days of the effective date of this Order, directly or through their dealers or other third parties commence, in the normal course of business, as set forth in Order paragraph 3(e) above, all warranty service or repairs of defects giving rise to a condition which affects the safety of a mobile home or renders it substantially uninhabitable, as soon as possible but in no event later than three business days following receipt of notice of such defect by respondents from the retail purchaser, or within two business days following receipt of notice of the determination made by respondents' dealer pursuant to paragraph 3(j)(3)(iii)(a) below, and shall complete such service or repairs expeditiously.

(2) Respondents shall, except as set forth in subparagraph (f)(1) above, beginning within 120 days of the effective date of this Order, directly or through their dealers or other third parties, in the normal course of business, as set forth in Order paragraph 3(e) above: (a) Respond to notice of the need for warranty service or repairs within a reasonable time not to exceed seven business days of receipt of said notice by respondents or their dealers and (b) complete said service or repairs within a reasonable time not to exceed thirty days following receipt of notice.

(3) *Provided however,* That in the event of a bona fide dispute between respondents or their dealers and a retail purchaser requiring a determination of the Director of Consumer Services whether or not the defect(s) complained of by the retail purchaser are or are not covered by respondents' warranty, then: In the event it is determined that warranty service or repair is required, which determination shall be made promptly, respondents shall be given, from the date on which the notice of the dispute is received by the Director of Consumer Services, no more than three business days in the case of defects covered by paragraph (f)(1) above to commence service or repair (such repairs to be completed expeditiously), and no more than thirty days in the case of defects covered by paragraph (f)(2) above to complete service or repair.

(g) Respondents shall, except as provided in paragraph (3)(i) of this Order, in the normal course of business as set forth in Order paragraph 3(e) above, beginning within 120 days of the effective date of this Order, inspect at the home site, directly or through their dealers or other third parties, each mobile home prior to or at the time of tender of possession to the retail purchaser to assure that the home is being delivered to such retail purchaser free of all ascertainable defects and is properly set up, except for deficiencies which do not affect the home's safety or habitability, which shall be noted in the owner-dealer final delivery checklist (Appendix C), and which shall then be remedied in accordance with paragraph (f)(2) above.

(h) Respondents shall, except as provided in paragraph 3(i) of this Order, in the normal course of business as set forth in Order paragraph 3(e) above, beginning within 120 days of the effective date of this Order, inspect, directly or by action through their dealers or other third parties, each mobile home between thirty and ninety days after tender of possession to the retail purchaser to determine the existence of and to correct or arrange for the correction of any defects covered by respondents' warranty in the mobile home, or improper setup and problems arising therefrom.

Results of each of the inspections required in Order paragraphs 3(g) and 3(h) hereinabove will be documented in a report or reports which shall be signed by respondents' dealer and, if possible, by the retail purchaser or said purchaser's representative, indicating agreement with the information set forth therein. The reports documenting the results of the aforesaid inspections may be in the formats set out in Appendices C and D attached hereto or in formats substantially equivalent thereto.

(i) If the retail purchaser elects to provide for the setup of his mobile home himself, then in such cases the responsibility of respondents and their dealers for transportation, setup, inspection and reinspection, as set forth in subparagraphs (g) and (h) above, shall terminate with the delivery of tender of possession to the retail purchaser or his agent or representative.

(j) Where respondents delegate, assign, contract or otherwise rely on a continuing basis upon any dealers to perform the obligations set forth in Order paragraph 3(e) above, respondents shall enter into written contractual agreements with such dealers which:

(1) Adequately and accurately describe the scope of those duties, burdens and responsibilities to be borne by said dealers as aforesaid, as well as the responsibility for properly setting up respondents' mobile homes;

(2) Establish the duty of the dealer to provide respondents in the normal course of business as set forth in this Order paragraph 3(j) with the name and address of each retail purchaser of respondents' mobile homes and the date of each such purchase;

(3)(i) Establish the duty of the dealer in the normal course of business as set forth in this Order paragraph 3(j) to commence all warranty service, or repair of defects, giving rise to a condition which affects the safety of a mobile home or renders it substantially uninhabitable as soon as possible but in no event later than three business days following receipt of notice of such defect or condition by such dealer and to complete such service or repairs expeditiously;

(ii) Establish the duty of the dealer in the normal course of business as set forth in this Order paragraph 3(j) to plete all other warranty service or repairs within a reasonable time, not to exceed thirty days following receipt of notice of such condition by such dealer;

(iii) *Provided,* That the requirements of paragraphs (j)(3)(i) and (j)(3)(ii) above shall apply only to those cases in which the dealer responds to and completes the service or repairs himself. In those cases in which the dealer determines to rely upon respondents to perform or to complete service or repairs requested by retail purchasers, such determination shall be made and communicated to respondents as soon as possible but in no event later than:

(a) Two business days in the case of service or repairs provided for in paragraph (j)(3)(i) above, or

(b) Five business days in the case of service or repairs provided for in paragraph (j)(3)(ii) above,

after receipt of notice by the dealer from the retail purchaser.

(4) Establish the duty of the dealer in the normal course of business as set forth in this Order paragraph 3(j) to inspect each mobile home prior to or at the time of tender of possession to the retail purchaser as set forth in Order

paragraph 3(g) to assure that the home is being delivered to such purchaser or his agent or representative free of defects and is properly set up (except as provided in paragraph 3(i) above), except for deficiencies which do not affect the home's safety or habitability, which shall be noted in the owner-dealer final delivery checklist (Appendix C) and which shall then be remedied in accordance with paragraph (j)(3)(ii) above;

(5) Establish the duty of the dealer in the formal course of business as set forth in this Order paragraph 3(j) to reinspect each mobile home between thirty and ninety days after tender of possession to the retail purchaser as set forth in Order paragraph 3(h) to determine the existence of and to correct or arrange for the correction of any defects covered by respondents' warranty in the mobile home, or improper setup and problems arising therefrom (except as provided in paragraph 3(i) above);

(6) Establish the duty of the dealer in the normal course of business as set forth in this Order paragraph 3(j) to provide respondents with reports which will document the results of the inspections set forth in (4) and (5) immediately above and which will be signed by respondents' dealer and, if possible, by the retail purchaser or said retail purchaser's representative indicating agreement with the information set forth therein;

(7) Provide for a procedure which assures that if a dispute or disagreement should arise between respondents and one or more of said dealers as to which of them is to perform warranty service or repairs or is to correct an improper setup or a malfunction resulting therefrom, any and all repairs or other corrective action required thereby will be expeditiously provided, regardless of whether the said dispute or disagreement has been resolved;

(8) Establish the duty of the dealer to maintain or contract for adequate service personnel and facilities;

(9) Set forth service responsibilities in the event of termination of a dealer with respect to homes still under warranty or in the possession of the dealer and not yet sold to a retail purchaser at the time of termination;

(10) Set forth the right of respondents to withdraw authorization from dealers failing to meet their responsibilities under such agreement.

The normal course of business for purposes of this Order paragraph 3(j) does not include:

(a) Conditions under which abnormal demands are made upon service capabilities as the result of natural disasters, other acts of God or the government, or any other event beyond the control of the dealer which places an unusually large demand upon service facilities;

(b) Conditions resulting from disasters, strikes, acts of the government, instances of force majeure or other occurrences which are beyond the control of the dealer which prevent the dealer from responding to service requests within the time periods stated hereinbelow;

(c) Slight omissions or deviations from the terms of this Order which are inadvertent, unintentional and not due to the bad faith of the dealer.

Existing dealers authorized by respondents as of the effective date of this Order shall execute such agreements (which agreements shall be immediately effective) within 180 days of the effective date of this Order, or shall be terminated by respondents. Other dealers authorized by respondents later than the effective date of this Order shall execute such agreements at the time of their authorization.

Such agreement shall be in the format set forth in Appendix E attached hereto or in a format substantially equivalent thereto.

(k) Respondents shall send a questionnaire (using the format set forth in Appendix F attached hereto or in a format substantially equivalent thereto) to all persons other than "as is" purchasers who after the effective date of this Order purchase at retail respondents' mobile homes which inquires as to:

(1) The existence of any defects in said mobile homes covered by respondents' warranty or of an improper setup or problems resulting therefrom;

(2) Whether the retail purchaser notified anyone of such defects or setup problems and if so, who and when;

(3) The identity of any person who sought to service such defects or setup problems;

(4) Whether such defects or setup problems were fully repaired, the period of time required to effect such repairs, and the identity of the parties who accomplished such repairs;

(5) Whether the retail purchaser is satisfied with the promptness and quality of the repair.

Such questionnaire in the form of a postage paid self-addressed card or letter containing a postage paid self-addressed envelope, shall be sent between one hundred and one hundred and twenty days subsequent to the tender of possession of the home to the retail purchaser.

(l) Where respondents delegate, assign, contract or otherwise rely on a continuing basis upon any dealer or any other person not employees of respondents to perform many of the responsibilities or duties set forth in paragraph 3(e) hereinabove, respondents shall fully evaluate the level of expertise and physical and personnel resources of such dealers or other persons with respect to the ability to inspect, repair, service or set up mobile homes manufactured by respondents prior to such delegation or reliance to assure that all said persons are capable of performing said responsibilities, or have provided for such performance through a third party having such capability, in accordance with the standards set forth herein.

Respondents shall in addition regularly review and evaluate the manner in which such persons, directly or through another third party, perform the aforesaid responsibilities and maintain their service capabilities and shall withdraw said reliance and authorization from persons failing directly or through a third party to meet those responsibilities or the standards set forth herein.

(m) The Director of Consumer Services shall, beginning within 120 days of the effective date of this Order, make periodic reports at least on a monthly basis to respondents' responsible officers which shall include current information concerning:

(1) The current cost to respondents of warranty service;

(2) The incidence and nature of frequently recurring defects;

(3) Those measures undertaken in response to reports of frequently recurring defects including but not limited to modification in production and design of respondents' mobile homes;

(4) The manner in which respondents' employees, and dealers and other third parties are performing warranty and setup responsibilities.

(n) Respondents shall, beginning within 120 days of the effective date of this Order, establish a uniform procedure for the systematic receipt and analysis and fair disposition of all complaints or disputes which may arise between the aforesaid retail purchasers of respondents' mobile homes and respondents or respondents' dealers or other third parties regarding any alleged warranty obligation of respondents.

Such procedure, which shall be supervised by the Director of Consumer Services, shall incorporate but not necessarily be limited to:

(1) Prompt evaluation and response by respondents to all complaints within a reasonable time not to exceed five business days after receipt by respondents;

(2) The designation of a single focal point, such as the Director of Consumer Services, within the Corporation for the receipt of consumer complaints regarding warranty repairs and setup problems;

(3) Fair and impartial mediation of such disputes by corporate level personnel not responsible for sales, such as the Director of Consumer Services;

(4) An accurate and complete record keeping system regarding the nature and disposition of all such disputes and complaints received by respondents;

(5) Periodic review and evaluation by respondents of the effectiveness of such procedures and correction of such procedures where necessary.

(o) Respondents shall, beginning within 120 days of the effective date of this Order, maintain full and adequate records which disclose:

(1) The date of receipt, disposition and the date of disposition of each request for warranty service (including any refusal to accept a request and the reason for such refusal) received by respondents, and

(2) The results of evaluations of service capacity provided for in Paragraph 3(l) of this Order.

4. *It is further ordered*, That respondents shall forthwith distribute a copy of this Order to each of their operating divisions engaged in the manufacture, offering for sale, sale and distribution of mobile homes.

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

6. *It is further ordered,* That respondent shall, at intervals of 9, 18, and 24 months following the effective date of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order. Such reports shall include but not be limited to the periodic reports submitted to respondents' responsible officers described in this Order paragraph 3(1) above.

7. *It is further ordered,* That respondents shall furnish to the Commission nine months after the effective date of this Order a report which discloses the dates and manner in which dealers and retail purchasers were contacted pursuant to the procedures described in Order paragraph 1 above, and the dates and manner in which dealers and retail purchasers acted in response thereto and the dates and manner in which respondents acted in response to allegations by retail purchasers which purported to create an obligation on the part of respondents under the terms of Order paragraph 2 above. Respondents shall for a period of two years after the effective date of this Order, maintain records which are adequate to disclose respondents' compliance with Order paragraphs 1 and 2, in order that such records may be furnished by respondents to the Federal Trade Commission upon request.

8. *It is further ordered,* That respondents shall submit to the Federal Trade Commission for its review copies of any proposed substantial revisions in the questionnaire required pursuant to Order paragraph 3(k), the dealer agreement required pursuant to Order paragraph 3(j), and the warranty documents described in Order paragraph 3(b) above, at least 60 days prior to the proposed effective date of any such revisions. Such submissions will be required for the three years following the effective date of this Order.

The Decision and Order was issued by the Commission March 4, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11604 Filed 5-2-75;8:45 am]

[Docket No. C-2649]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Tax Corp. of America (Maryland), et al.

Subpart—Corrective actions and/or requirements: § 13.533 Corrective actions and/or requirements; § 13.533-20 Disclosures; § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 Connections and arrangements with others. —GOODS: § 13.1608 Dealer or seller assistance; § 13.1647 Guarantees; § 13.1725 Refunds; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1760 Terms and conditions. —PRICE: § 13.1843 Terms and conditions. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1888 Respondent's interest; § 13.1895 Scientific or other relevant facts. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1980 Guarantee, in general; § 13.2040 Returns and reimbursements; § 13.2063 Scientific or other relevant facts. Subpart—Securing information by subterfuge: § 13.2168 Securing information by subterfuge.

(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)

In the Matter of Tax Corporation of America (Maryland) a Corporation, and Tax Corporation of America (Delaware) a Corporation

Consent order requiring a Montrose, Calif., firm engaged in the sale of personal income tax preparation services, mutual funds, lines of insurance, and individual budgeting and bill paying services, among other things to cease misrepresenting their income tax preparation services, and using tax return information for other purposes without the customer's prior consent.

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

It is ordered, That respondents Tax Corporation of America (Maryland), and Tax Corporation of America (Delaware), their successors and assigns, and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary or other device, in connection with the preparation of income tax returns or the offering for sale and sale of insurance, mutual funds or any other product or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any guarantee without clearly and conspicuously disclosing the terms, conditions and limitations of any such guarantee; or misrepresenting, in any manner, the terms and conditions of any guarantee.

2. Representing, directly or by implication, that respondents will reimburse their customers for any payments the customer may be required to make in addition to his initial tax payment, in instances where such additional payments result from an error by respondents in the preparation of the tax return: *Provided, however,* nothing herein shall prevent truthful representations that respondents will reimburse their customers for interest or penalty payments resulting from respondents' errors.

[1] Copies of the Complaint, Decision and Order, filed with the original document.

3. Failing to disclose, clearly and conspicuously, whenever respondents make any representation, directly or by implication, as to their responsibility for, or obligation resulting from, errors attributable to respondents in the preparation of tax returns, that respondents will not assume the liability for additional taxes assessed against the taxpayer: *Provided, however,* That it shall be a defense in any enforcement proceeding for respondents to establish that they make such deficiency payments.

4. Representing, directly or by implication, that respondents will provide legal representation to customers whose tax returns may be audited; or misrepresenting, in any manner, the type or manner of assistance provided by respondents to customers whose tax returns may be audited: *Provided, however,* Nothing contained herein shall prevent truthful representations of the type or manner of assistance that respondents will provide to customers whose returns may be audited.

5. Representing, directly or by implication, the amount, or the number, or the percentage of respondents' tax preparation customers who have saved more than the amount of the fee charged by respondents and/or their representatives by having respondents prepare their tax returns: *Provided, however,* Nothing herein shall prevent truthful and substantiated representations of the savings enjoyed by respondents' tax preparation customers.

6. Failing to disclose, clearly and conspicuously, at the initial time respondents or their representatives obtain information for the preparation of the customer's tax return, that respondents also are engaged in the business of offering for sale, and sale to the general public of mutual funds, lines of insurance, individual budgeting, bill paying services, and any and all other lines of business and/or services and that respondents send, from time to time, a newsletter discussing respondents' lines of business and/or services.

7. Using any information concerning any customer of respondents or respondents' representatives including the name and/or address of the customer, obtained as a result of the preparation of the customer's tax return for any purpose which is not essential or necessary to the preparation of said tax return, without clearly and conspicuously disclosing to the customer, prior to the obtaining of any information relative to the preparation of the tax return, that respondents intend to use the information for purposes other than the preparation of the customer's return, the exact information which will be used, the particular use which will be made of such information and a description of the parties or entities to whom the information will be made available; *Provided, however,* That nothing herein shall prohibit respondents from using names and addresses only of customers for the purposes of communication with such customers solely concerning respondents' income tax preparation business.

8. Failing to provide each customer in instances where the information described in paragraph 7 hereof will be used for any purpose other than the preparation of the tax return, with a form to be signed by the customer prior to the obtaining of any such information clearly stating that respondents intend to use the information for purposes other than the preparation of the return, the exact information to be used, the particular use to be made of such information, a description of the parties or entities to whom the information will be made available, and a statement that the customer consents to the use of such information.

Nothing in the above provisions is intended to relieve respondents of any further requirements imposed on them by the Revenue Act of 1971, Pub. L. 92-178, title III, section 316(a), December 10, 1971; 26 USC § 7216 or regulations issued pursuant to it.

It is further ordered, That:

(a) Respondents herein deliver a copy of this decision and order to each of their present and future representatives and any other persons, partnerships or corporations authorized by respondents to engage in the commercial preparation of income tax returns.

(b) Respondents inform each such person so described in paragraph (a) above that respondents are obligated by the terms of this order to notify the Commission of those persons, partnerships or corporations whom respondents have actual knowledge that they have continued on their own the deceptive practices prohibited by this order.

(c) Respondents inform each such person or party so described in paragraph (a) that the respondents are obligated by this order to discontinue the authorization of persons or parties who continue on their own the deceptive acts or practices prohibited by this order.

It is further ordered, That respondents herein shall, within sixty (60) days after service of this order, include on the front page of the respondents' newsletter to be sent to the last known address of each of their tax preparation customers and customers or their representatives for the most recent past year, clearly and accurately explaining (1) the terms, conditions and limitations of respondents' policy regarding their responsibility for, or obligation resulting from errors attributable to respondents in preparation of tax returns; and (2) the type or manner of assistance provided by respondents to customers whose returns may be audited.

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

It is further ordered, That respondents herein shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents 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 respondent corporations which may affect compliance obligations arising out of this order.

The Decision and Order was issued by the Commission March 6, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11605 Filed 5-2-75;8:45 am]

[Docket No. C-2647]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Uni-Service Credit Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 Formal regulatory and statutory requirements: § 13.73-92 Truth in Lending Act; § 13.155 Prices: § 13.155-95 Terms and conditions: § 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—PRICES: § 13.1823 Terms and conditions: § 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 Formal regulatory and statutory requirements: § 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions: § 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601, et seq.)

In the Matter of Uni-Service Credit Corp., a Corporation, and Insurance Pay Plan, Inc., a Corporation, and John J. O'Brien, Individually and as an Officer of Said Corporations

Consent order requiring a New Hartford, N.Y., moneylender in connection with financing of insurance premiums, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents Uni-Service Credit Corp., a corporation, its successors and assigns, and its officers, and Insurance Pay Plan, Inc., a corporation, its successors and assigns, and its officers, and John J. O'Brien, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 USC 1601 et seq.) do forthwith cease and desist from:

1. Failing to use the term "unpaid balance of cash price" to describe the difference between the cash price and the total downpayment as required by § 226.8(c)(3) of Regulation Z.

2. Failing to disclose the sum of the cash price, all charges which are included in the amount financed but which are not part of the finance charge, and the finance charge, and to describe that sum as the "deferred payment price" as required by § 226.8(c)(b)(ii) of Regulation Z.

3. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the annual percentage rate accurately to the nearest quarter of one percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

5. Stating, utilizing or placing any additional information in conjunction with the disclosures required by Regulation Z to be made, which information misleads or confuses the customer, or contradicts, obscures or detracts attention from the information required by Regulation Z to be disclosed, as prohibited by § 226.6(c) of Regulation Z.

6. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with § 226.4 and § 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to all present and future personnel of respondents now or hereafter engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

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

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

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

The Decision and Order was issued by the Commission March 11, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11606 Filed 5-2-75;8:45 am]

[1] Copies of the Complaint, Decision and Order, filed with the original document.

[Docket No. 8821]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Universal Credit Acceptance Corp., et al.

Codification under Part 13 appears at 38 FR 7545.

(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)

In the Matter of Universal Credit Acceptance Corporation, a Corporation, and Continental Credit Card Corporation, a Corporation, and International Credit Card Corporation, a Corporation, also Trading as National Credit Service, and John Clifford Heater, Individually and as an Officer of Universal Credit Acceptance Corporation and International Credit Card Corporation, and Howard P. Gingold, Individually and as an Officer of Continental Credit Card Corporation.

Order modifying an earlier order dated February 16, 1973, 82 F.T.C. 570, 38 FR 7545, pursuant to order of the United States Court of Appeals for the Ninth Circuit dated September 11, 1974 (503 F.2d 321), by setting aside the portions of the order which required individual respondent John Clifford Heater to make refunds of monies to certain past victims of the violations found.

The Order Modifying Order to Cease and Desist, including further order requiring report of compliance therewith, is as follows: [1]

Respondent John Clifford Heater having filed in the United States Court of Appeals for the Ninth Circuit on April 26, 1973, a petition to review and set aside those portions of the order to cease and desist issued herein on February 16, 1973, which required him to make refunds of monies to certain past victims of the violations found; and the Court having rendered its decision and entered judgment on September 11, 1974, directing that the order provisions for refunds to past victims be set aside;

Now, therefore, it is hereby ordered, That the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court to read as follows:

It is ordered, That respondents Universal Credit Acceptance Corporation, Continental Credit Card Corporation, International Credit Card Corporation, also trading as National Credit Service, corporations, and their officers, and John Clifford Heater, individually and as an officer of Universal Credit Acceptance Corporation and International Credit Card Corporation, and Howard P. Gingold, individually and as an officer of Continental Credit Card Corporation, and respondents' franchisees, agents, representatives, employees, successors and assigns, directly or through any corporate or other device, in connection with the advertising, offering for sale or sale of franchises or credit card services, or any other products or services, or in the operation of any credit card service or other business in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or by implication:

1. (A) Representing that franchisees will earn or can reasonably expect to earn or receive any stated or gross or net amount of earnings or profits; or representing; in any manner, the past earnings of franchisees unless in fact the past earnings represented are those of a substantial number of franchisees in the geographical area about which such representations are made and accurately reflect the average earnings of said franchisees under circumstances similar to those of the person to whom the representation is made.

(B) Representing that franchisees can expect to remain active franchisees for many years; or representing, in any manner, the longevity or tenure of past or existing franchisees unless in fact the periods of time represented are those for which a substantial number of franchisees actively pursued membership sales efforts.

(C) Selling, or offering franchises for sale, in any manner, without disclosing clearly and conspicuously in writing at or before the time of the first oral sales presentation, or in the event no oral sales presentation is made, reasonably prior to the execution of a franchise application, agreement or contract:

(i) The median and mean gross earnings from the sale of memberships in respondents' program by franchisees in the most recent calendar year (who were active for the entire year) preceding the year in which such sale or offer is made;

(ii) The total number of franchisees in the most recent calendar year preceding the year in which the sale or offer is made;

(iii) The total number of francisees in paragraph (ii) above who had earnings from the sale of memberships during the designated year in the following dollar amounts:

a. $1,000 or less
b. Over $1,000 but not over $5,000
c. Over $5,000 but not over $10,000
d. Over $10,000 but not over $20,000
e. Over $20,000

(iv) The number of franchisees referred to in paragraph (ii) above who sold memberships for the following periods of time:

a. 1 year or less
b. Over 1 year but not over 2 years
c. Over 2 years but not over 3 years
d. Over 3 years but not over 4 years
e. Over 4 years

(v) The total number of members submitting credit charges in respondents' program during the most recent calendar year preceding the year in which the sale or offer is made;

(vi) The number of members referred to in paragraph (v) above who submitted credit charges under respondents' program for the following periods of time:

a. 1 year or less
b. Over 1 year but not over 2 years
c. Over 2 years but not over 3 years
d. Over 3 years but not over 4 years
e. Over 4 years

(vii) The percentage of credit charges recoursed to members during the most recent calendar year and the full number and nature of reasons for which respondents may recourse charges;

(viii) The name and current address of each of respondents' franchisees in the most recent calendar year preceding the year in which such sale or offer is made;

(ix) A financial statement reflecting respondents' assets and liabilities (stating separately fixed assets and liquid assets) for the most recent calendar year;

(D) Selling, or offering memberships for sale, in any manner, without disclosing clearly and conspicuously in writing at or before the time of the first oral sales presentation, or in the event no oral sales presentation is made, reasonably prior to the execution of any application, agreement or contract:

(i) The percentage of credit charges recoursed to members during the most recent calendar year preceding the year in which the sale or offer is made and the full number and nature of reasons for which respondents may recourse charges;

(ii) The total number of members submitting credit charges in respondents' program during the most recent calendar year preceding the year in which the sale or offer is made;

(iii) The number of members referred to in paragraph (ii) above who participated for the following periods of time:

a. 1 year or less
b. Over 1 year but not over 2 years
c. Over 2 years but not over 3 years
d. Over 3 years but not over 4 years
e. Over 4 years

(iv) A financial statement reflecting respondents' assets and liabilities (stating separately fixed assets and liquid assets) for the most recent calendar year.

Provided, however, That in the event respondents operated or used any corporate or trade name for a period of less than five years, the disclosures called for in this paragraph shall reflect the operations of the last preceding business entity used by respondents to sell and administer franchises and memberships.

2. Selling, or offering franchises for sale, in any manner, without furnishing to each prospective purchaser reasonably prior to the execution of a franchise application or agreement, a copy of the Federal Trade Commission Consumer Bulletin No. 4, "Advice for Persons who are considering an investment in a franchise business."

3. (A) Representing that persons do not risk any loss of money in coming to respondents' offices, or any other place, for a franchise interview, or that respondents authorize the reimbursement of air fare expenses for such interviews, without disclosing clearly and conspicuously in writing prior to the expenditure of any funds by such persons, all condi-

[1] Copy of the Order Modifying Order to Cease and Desist filed with the original document.

tions which must be met to receive reimbursement, including the exact amount of any deposit or down payment required.

(B) Failing to reimburse travel expenses to any person respondents have promised such reimbursement.

4. Representing that persons do not risk losing the deposits or down payments submitted with applications for franchises; or that such deposits or down payments are refundable when such deposits or down payments may be forfeited if the applicants withdraw or fail to pay the balance due after acceptance of their application by respondents, or for any other reason;

Provided, however, That respondents may make such representations if they do in fact refund such deposits.

5. Misrepresenting that any geographical area offered as a franchise has not been previously franchised by respondents or misrepresenting that such area has been franchised before by respondents and was profitable for the prior franchise holder.

6. Misrepresenting that respondents have a franchise committee which actually checks the qualifications of prospective franchisees, or misrepresenting, in any manner, that respondents check, or have checked the qualifications of a prospective franchisee.

7. Misrepresenting that respondents have a regional manager who will interview, or has interviewed, prospective franchisees for a particular geographical area; or that respondents have applications pending for a particular area; or that any person must act immediately to be considered for a franchise; or misrepresenting, in any manner the nature and extent of interest of others in any particular franchise, or franchises in general.

8. Representing that franchise holders receive substantial benefits from renewals of memberships or from annual bonuses based on a percentage of net credit charges submitted by members; or representing, in any manner, benefits to franchisees which are dependent upon the actions of members, unless the benefits represented are those received by a substantial number of franchise holders.

9. (A) Representing that persons risk losing little or nothing in investing in a franchise; or that respondents will repurchase any franchise.

(B) Representing that respondent will aid or assist in the resale of franchises without contemporaneously, clearly and conspicuously disclosing the nature of such assistance and the amount of the resale purchase price which respondents will retain.

(C) Representing that respondents' franchises* are vested property rights which may be sold, assigned, transferred or testated, without contemporaneously, clearly and conspicuously disclosing that franchises are subject to termination by respondents if a franchise holder does not produce a prescribed sales quota.

10. Representing, in any manner, that respondents' program has received national acceptance, or that respondents' program can be sold with ease; or misrepresenting in any manner, the salability or degree of acceptance or approval of respondents' program.

11. (A) Representing that credit charges submitted under respondents' program are guaranteed payable or are payable without recourse; or that respondents assume the risk of nonpayment by members' customers in any manner including, but not limited to, using the terms "we honor all approved major credit cards," "honor all credit cards," "non-recourse," "without recourse" or any other terms or words of similar import or meaning.

(B) Representing that all members can expect to be successful or satisfied with the performance of respondents' program; or that members usually continue using respondents' program for two years and renew their contracts thereafter.

12. Using or disseminating any article written or prepared by respondents and published substantially verbatim in any newspaper, magazine, or other publication.

13. Using any letter, payment check, or other materials which purport to represent the satisfaction or success of any franchisee or member unless,

(A) Such franchisee or member is actively selling or using respondents' program or service at the time such letter, payment check, or other materials are used;

(B) The full name and current address of the franchisee or member and the existence of any remuneration are disclosed clearly and conspicuously in conjunction with the use of such letter, payment check or other materials;

Provided, however, That respondents shall not obtain or use any such letter, payment check or other material relating to any franchisee or member who has not sold or participated in respondents' program or service for at least six (6) months.

14. Representing that respondents' program costs members little or nothing at all; or that the program costs members half as much as trading stamps; or misrepresenting, in any manner, the cost of respondents' program to members.

15. Representing that members complete just one simple form for all credit charges; or misrepresenting, in any manner, the procedures necessary to process credit charges and receive payment therefor; or failing to disclose contemporaneously, clearly and conspicuously any and all reasons which will preclude receipt of full payment of credit charges submitted by members.

16. Representing that members receive payment for each credit charge submitted to respondents in 30 days; or misrepresenting, in any manner, the period of time in which members will receive payment for credit charges submitted to respondents.

17. Failing to disclose clearly and conspicuously that respondents' program or service is not approved or endorsed by the individual issuers of the credit cards approved by respondents.

18. Representing that members are assured or can achieve a minimum 10% or any other percentage or amount of increase in business using respondents' program, without disclosing the number of members who have actually received said increase and offering to identify such members on request, and without maintaining verified statements from said members that they have received said increases.

19. (A) Using the name Fair Trade Bureau or any other name which represents that respondents' operations and activities have been endorsed by any independent or governmental organization.

(B) Writing, preparing, or disseminating any Better Business Bureau reports concerning respondents' business.

20. (A) Representing that every credit charge submitted by members is subject to the most intensive collection procedure in the credit industry; or misrepresenting, in any manner, the intensity or nature of respondents' collection activities.

(B) Using the name North American Collections or any other trade name or collection agency similarly related to respondents without disclosing contemporaneously, clearly and conspicuously that such name or agency is owned, operated, or controlled by respondents.

21. Representing that respondents will institute legal action against inactive members whose accounts respondents claim are in arrears, unless respondents do intend to pursue such remedies and have in practice pursued such remedies against substantial number of members.

22. Furnishing, or otherwise placing in the hands of others, the means or instrumentalities by or through which the public may be misled or deceived in the manner or as to the things prohibited by this order.

It is further ordered, That respondents incident to selling their franchises and credit card services:

a. Inform orally all persons to whom solicitations are made and provide in writing in all applications and contracts in at least ten-point bold type that the application or contract may be cancelled for any reason by notification to respondents in writing within seven days from the date of execution.

b. Refund immediately all monies to (1) all persons who have requested cancellation of the application or contract within seven days from the execution thereof, and (2) all persons who paid any monies for franchise fees, deposits or down payments or franchises, air fare or other expenses for a home office interview, and for membership fees, membership dues and discount fees, who show that any of respondents' solicitations, applications, contracts or performance were attended by or involved any violation of any of the provisions of this order.

It is further ordered, That the respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen and franchisees or other persons engaged in the sale of respondents' franchises and serv-

ices, and secure from each such salesman, franchisee or person a signed statement acknowledging receipt of said order.

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

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

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

The Order Modifying Order to Cease and Desist was issued by the Commission March 11, 1975.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-11607 Filed 5-2-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-11384, IA-456]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Adoption of Temporary Exemption With Respect to Certain Advisory Services by Investment Advisers Registered as Broker-Dealers

Notice is hereby given that the Securities and Exchange Commission hereby adopts temporary Rule 206(3)-1(T) (17 CFR 275.206(3)-1(T)) under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) ("Advisers Act") to exempt temporarily investment advisers who are also registered as brokers or dealers from the requirements of section 206(3) (15 U.S.C. 80b-6(3) of the Advisers Act[1] in connection with transactions in relation to which such brokers or dealers are acting as investment advisers solely by means of (1) publicly distributed written materials or publicly made oral statements, or (2) responses to specific requests for statistical information where such responses involve no expressions of opinion or estimates by the investment adviser as to the investment merits of a particular security. Such materials and oral statements, however, in order to come within the exemptive provisions of the rule, must include a statement that if the purchaser of the written or oral advisory communication uses the services of the investment adviser in connection with a sale or purchase of a security which is a subject of such communication, the investment adviser may act as principal for its own account or as agent for another person. For the purposes of the rule, publicly distributed written materials are those which are distributed to 35 or more persons who pay for such materials, and publicly made oral statements are those made simultaneously to 35 or more persons who pay for access to such statements.

The Commission announced on March 31, 1975, that it had under consideration a proposal to adopt Rule 206(3)-1 (17 CFR 275.206(3)-1) under the Advisers Act[2] which would exempt permanently from compliance with section 206(3) of the Advisers Act those persons who would be exempted by the temporary rule set forth below. Interested persons were requested to submit comments by April 29, 1975.

It is expected that on and after May 1, 1975, in response to Rule 19b-3 (17 CFR 240.19b-3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) ("Exchange Act")[3] many investment advisers who also are broker-dealers probably will impose charges for market letters or other widely distributed written publications, seminars and pricing and valuation services which prior to that date were furnished for no special compensation to customers of their broker-dealer services. As pointed out in Investment Advisers Act Release No. 448, at p. 2, a large brokerage firm which provides those advisory services to thousands of persons may find it difficult and impractical to effect compliance with section 206(3) of the Advisers Act in connection with those services. Moreover, because advisory recommendations are frequently quite specific as to the time interval or the price range within which a security is to be purchased or sold, it may be impracticable to require a broker-dealer to wait until receipt of customers' consents before executing principal or cross trades.

Although the Commission intends to adopt a permanent rule in this area, the Commission has determined that it is necessary and appropriate in the public interest to adopt a temporary rule to grant the exemption on a temporary basis, effective May 1, 1975, until the Commission takes further action on the proposed permanent rule.

The text of Rule 206(3)-1(T), which is adopted pursuant to sections 206A and 211(a) [15 U.S.C. 80b-6A and 80b-11 (a)], is as follows:

§ 275.206(3)-1 Temporary exemption of investment advisers registered as broker-dealers in connection with the provision of certain investment advisory services.

(a) An investment adviser which is a broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934 shall be exempt from section 206 (3) in connection with any transaction in relation to which such broker or dealer is acting as an investment adviser solely (1) by means of publicly distributed written materials or publicly made oral statements or (2) through the issuance of responses to specific requests for statistical information where such responses involve no expressions of opinion or estimates by such investment adviser as to the investment merits of a particular security: *Provided, however*, That such materials and oral statements include a statement that if the purchaser of the advisory communication uses the services of the adviser in connection with a sale or purchase of a security which is a subject of such communication, the adviser may act as principal for its own account or as agent for another person.

(b) For the purpose of this Rule, publicly distributed written materials are those which are distributed to 35 or more persons who pay for such materials, and publicly made oral statements are those made simultaneously to 35 or more persons who pay for access to such statements.

(c) This exemption shall be effective May 1, 1975, and shall continue until revoked or superseded by the Commission.

NOTE: The requirement that the investment adviser disclose that it may act as principal or agent for another person in the sale or purchase of a security that is the subject of investment advice does not relieve the investment adviser of any disclosure obligation which may be imposed by subparagraphs (1) or (2) of section 206 or the other provisions of the federal securities laws.

The Commission finds that the adoption of Rule 206(3)-1(T) is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Advisers Act, since it will provide a limited exemption from a statutory requirement for a class of persons who will remain subject to all the other provisions, including the antifraud provisions of sections 206(1) and 206(2) (15 U.S.C. 80b-6(1) and 80b-6(2)), of the Advisers Act. The Commission further finds, in accordance with the requirements of the Administrative Procedure Act,[4] that notice of Rule 206(3)-1(T) prior to its adoption and public procedure thereon are unnecessary because notice of a substantially similar proposed per-

[1] Section 206(3) makes it unlawful for any investment adviser by use of the mails or any means or instrumentality of interstate commerce, directly or indirectly—acting as principal for his own account, knowingly to sell any security to or purchase any security from a client, or acting as broker for a person other than such client, knowingly to effect any sale or purchase of any security for the account of such client, without disclosing to such client in writing before the completion of such transaction the capacity in which he is acting and obtaining the consent of the client to such transaction. The prohibitions of this paragraph (3) shall not apply to any transaction with a customer of a broker or dealer if such broker or dealer is not acting as an investment adviser in relation to such transaction.

[2] Investment Advisers Act Release No. 448 and Securities Exchange Act Release No. 11234 (40 FR 14782 (April 2, 1975)).

[3] Rule 19b-3 will prohibit any national securities 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.

[4] 5 U.S.C. 551 et seq. (1970).

manent rule has already been given on March 31, 1975,* and publication 30 days prior to its effective date may be omitted since the rule grants an exemption from a statutory requirement which otherwise would be applicable, and it also is in the public interest that such exemption be available on May 1, 1975, to correspond with the effectiveness of Rule 19b-3 under the Exchange Act. Accordingly, Rule 206(3)-1(T) shall become effective on May 1, 1975, and it shall continue in effect until the Commission takes further action.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 30, 1975.

[FR Doc.75-11853 Filed 5-1-75;4:20 pm]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-304]

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM—NEW CONSTRUCTION

Correction

In FR Doc. 75-11116 appearing at page 18682 as the Part II in the issue of Tuesday, April 29, 1975 several pages were inadvertently transposed. Page number 18707 should read 18708, and 18708 should read 18707.

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY, DEPARTMENT OF LABOR

PART 2520—RULES AND REGULATIONS FOR REPORTING AND DISCLOSURE

Establishment of Part

1. *Background.* On December 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 42234) of proposed regulations concerning reporting and disclosure under the Employee Retirement Income Security Act of 1974 (the Act). These proposals were in Part 2520, Part 2521, Part 2522 and Part 2523 of Chapter XXV. More specifically, §§ 2521.30, 2522.10, and 2522.30 proposed that plan administrators be required to file certain reports with the Secretary of Labor on or before April 30, 1975. Sections 2521.30 and 2523.20 proposed that plan administrators furnish certain documents to participants and beneficiaries receiving benefits under plans on or before April 30, 1975. The December 4 notice of proposed rulemaking invited interested persons to submit written data, views or arguments concerning the proposals.

2. *Discussion.* The comments received indicated that the initial reporting and disclosure requirements as proposed in the December 4, 1974, publication imposed too heavy a burden on plan administrators of both pension and welfare plans. The comments indicated that more time than was provided under the statutory deadline would be needed to gather records and data necessary to prepare and furnish the initial reporting and disclosure documents. Many comments pointed out that the April 30 deadline was particularly inconvenient because it nearly coincided with the April 15 income tax filing date, which would involve the assistance of many of the same persons needed to complete the initial reporting and disclosure documents.

In addition, administrative difficulties have delayed the final printing and mailing of the EBS-1 form and the issuance in final form of the proposed December 4 regulations. In response to these comments and the administrative difficulties delaying the final EBS-1 form and the final regulations, a notice of intent to defer the effective dates of certain reporting and disclosure requirements was published in the FEDERAL REGISTER on February 20, 1975. This notice pointed out the difficulty and expense that would result if plan administrators were required to meet the April 30 deadline when the final EBS-1 form and final regulations had not yet been published.

3. *Findings.* In view of the comments received and administrative problems which have arisen, I make the following findings:

(a) I find that application of the April 30, 1975 deadline for filing certain documents with the Secretary of Labor and for disclosing certain information to plan participants and beneficiaries would not allow employee welfare plans sufficient time for compliance. As a result, employee welfare benefit plans would incur excessive expenses and difficulties and would disclose inadequate and incomplete documents to plan participants and beneficiaries. Therefore, application of the April 30, 1975, deadline is inappropriate as applied to employee welfare benefit plans.

(b) I find that:

(i) The use of the alternative reporting and disclosure deadline of August 31, 1975, will provide more comprehensive and complete reporting and disclosure by employee pension benefit plans and is therefore consistent with the purposes of Title I of the Act; will provide adequate disclosure to participants and beneficiaries in the plan; and will result in adequate reporting to the Secretary of Labor.

(ii) The application of the April 30, 1975, deadline would not allow administrators of pension plans sufficient time for compliance without incurring excessive expenses and administrative burdens.

(iii) The application of the April 30, 1975 deadline would, because it does not permit sufficient time for compliance, result in incomplete and inadequate disclosure of documents and would, therefore, be adverse to the interests of employee pension benefit plan participants and beneficiaries in the aggregate.

4. *Date of publication.* Because of the imminence of the statutory reporting and disclosure deadline for plans in existence January 1, 1975, which is 120 days after the January 1, 1975, effective date of the reporting and disclosure provisions of the Act, as set forth in sections 104(a)(1)(B), 104(a)(1)(C), and 104(b)(1) of the Act, the final deferral regulation must be published at this time. The related group of final regulations which modify the December 4 proposed regulations in accordance with the comments received will be published in the near future.

5. *Redesignation.* It is intended that these final reporting and disclosure regulations and all regulations issued hereafter under the Act be numbered in a different style from the proposed and final regulations issued to this date. A notice of redesignation will be published in the FEDERAL REGISTER in the near future. Therefore, in accordance with the new numbering scheme, Part 2520 is adopted and this deferral of initial reporting and disclosure requirements has been designated § 2520.104-3 within Chapter 25.

Therefore, pursuant to sections 104(a)(3), 110 and 505 of the Employee Retirement Income Security Act of 1974 (88 Stat. 848; 29 U.S.C. 1024) (88 Stat. 851; 29 U.S.C. 1030) (88 Stat. 894; 29 U.S.C. 1135) this final rule is hereby issued.

§ 2520.104-3 Deferral of initial reporting and disclosure requirements.

(a) Under the authority of section 104(a)(3) of the Act, this subsection defers until August 31, 1974, certain reporting and disclosure requirements. The deferral applies to welfare plans in existence on or before May 3, 1975. The following requirements are deferred to August 31, 1975: Subsections (a)(1)(C) and (b)(1) of section 104 of the Act, which require plan administrators to file with the Secretary, and furnish to plan participants and beneficiaries, copies of a summary plan description; and section 104(a)(1)(B) of the Act, which requires plan administrators to file a plan description with the Secretary.

(b) Under the authority of section 110 of the Act, this subsection sets forth an alternative method for pension plans in existence on or before May 3, 1975, to comply with certain reporting and disclosure requirements. The following requirements, which would otherwise have to be satisfied at an earlier date, may be complied with by an alternative method consisting of compliance on or before August 31, 1975: Subsections (a)(1)(C) and (b)(1) of section 104 of the Act, which require plan administrators to file with the Secretary, and furnish to plan participants and beneficiaries, copies of a summary plan description; and section 104(a)(1)(B) of the Act, which requires plan administrators to file a plan description with the Secretary.

Signed at Washington, D.C., on April 30, 1975.

PAUL J. FASSER, Jr.,
Assistant Secretary for Labor Management Relations.

[FR Doc.75-11656 Filed 4-30-75;3:27 pm]

*Supra, note 2.

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—RESPIRATORY PROTECTIVE APPARATUS; TESTS FOR PERMISSIBILITY; FEES

PART 11—RESPIRATORY PROTECTIVE DEVICES; TESTS FOR PERMISSIBILITY; FEES

Deadline Extension; Correction

In FR Doc.74–27386 appearing at page 40950 in the issue of Friday, November 22, 1974, the amendatory statement following the signatures of the Secretaries is corrected to read as follows: "In Part 11, § 11.2–1 is redesignated as § 11.2–2, a new § 11.2–1 is added, and § 11.2 is revised to read as follows:".

Dated: April 29, 1975.

JAMES H. EAGEN,
Regulations Officer, National Institute for Occupational Safety and Health, Department of Health, Education, and Welfare.

[FR Doc.75–11561 Filed 5–2–75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74–304]

PART 26—VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE REGULATIONS

Vessels on the Great Lakes

The purpose of this amendment is to amend the Vessel Bridge-to-Bridge Radiotelephone regulations to exempt Great Lakes vessels from the specific requirements of the bridge-to-bridge radiotelephone regulations that conflict with "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973" (new Agreement). This amendment is based on a notice of proposed rulemaking published in the Tuesday, March 25, 1975 issue of the FEDERAL REGISTER (40 FR 13222).

No comments were received. This amendment is effective in less than 30 days from its publication in the FEDERAL REGISTER because of the need to have the regulation effective on May 6, 1975, the date that the new agreement between the United States and Canada goes into effect.

In consideration of the foregoing, the proposed regulation is hereby adopted without change and is set forth below.

Effective date: May 6, 1975.

Dated: April 29, 1975.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

Section 26.09 is amended by adding paragraph (b) to read as follows:

§ 26.09 List of exemptions.

(a) * * *

(b) Each vessel navigating on the waters under the navigation rules for the Great Lakes and their connecting and tributary waters (33 U.S.C. 241 *et seq.*) and to which the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1201–1208) applies is exempt from the requirements in 33 U.S.C. 1203, 1204, and 1205 and the regulations under §§ 26.03, 26.04, 26.05, 26.06, and 26.07 of this Part. Each of these vessels and each person to whom 33 U.S.C. 1208(a) applies must comply with Articles VII, X, XI, XII, XIII, XV, and XVI and Technical Regulations 1–7 of "The Agreement Between the United States of America and Canada for Promotion of Safety on the Great Lakes by Means of Radio, 1973."

(85 Stat. 164 (33 U.S.C. 1201–1208); 49 CFR 1.46(o)(2))

[FR Doc.75–11632 Filed 5–2–75;8:45 am]

[CGD 74–72]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Chesapeake and Delaware Canal, Del.

This amendment changes the regulations for the Penn Central lift bridge across the Chesapeake and Delaware Canal to allow the use of radiotelephones in lieu of sound signals to request the opening of this bridge when communications have been satisfactorily established. This amendment was circulated as a public notice dated March 29, 1974 by the Commander, Fifth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74–72) on March 29, 1974 (39 FR 11560). Five responses were received. One supported the proposal and three had no objection thereto. One indicated that there is no need for the proposed change and stated that, if the proposal is adopted, the language should be changed for clarity. The language has been changed and is more clearly and concisely stated.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Amending the heading of § 117.235a and adding paragraph (c) to read as follows:

§ 117.235a Chesapeake and Delaware Canal, Del.; Penn Central Railroad vertical lift bridge.

* * * * *

(c) This bridge is equipped with an FM radiotelephone station and when communications have been established between an approaching vessel and the draw tender, the request for bridge opening and answering acknowledgment may be given by radiotelephone and sound signals shall not be required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Effective date. This revision shall become effective on June 2, 1975.

Dated: April 25, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.75–11624 Filed 5–2–75;8:45 am]

[CGD 74–180]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

AIWW, Mile 342, Lauderdale-By-The-Sea, Florida

This amendment changes the regulations for the Commercial Boulevard drawbridge across the Atlantic Intracoastal Waterway, mile 342, to require that from 12 noon to 6 p.m., Monday through Saturday, and from 9 a.m. to 6 p.m. on Sunday, from November 1 through May 15 the draw be required to open only on the hour, quarter-hour, half-hour and three-quarter hour if any vessels are waiting to pass. At all other times the draw shall open on signal. This amendment was circulated as a public notice dated August 9, 1974 by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 74–180) on August 7, 1974 (39 FR 28439). Fourteen responses were received. Eleven supported the proposal or had no objection thereto. One opposed any change on the grounds that no change was needed. It is apparent from the statistics that the regulations, as proposed, are needed. Two opposed the change, but recommended that time clocks be installed. The use of time clocks is desirable but not essential and these objections are not considered valid at this time. The Coast Guard will continue to monitor this case and if the need for amended regulations becomes apparent, public comment will again be solicited.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.445 to read as follows:

§ 117.445 AIWW, Mile 342, Lauderdale-By-The-Sea, Florida.

(a) The draw shall open on signal except that from November 1 through May 15 from 12 noon to 6 p.m., Monday through Saturday, and from 9 a.m. to 6 p.m. on Sunday the draw need not open except on the hour, quarter-hour, half-hour and three-quarter hour if any vessels are waiting to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats and vessels in distress. The opening signal from these vessels shall be four blasts of a whistle, horn, or other sound-producing device or by shouting.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date. This revision shall become effective on June 9, 1975.

Dated: April 29, 1975.

S. A. WALLACE,
Captain, U.S. Coast Guard, Acting Deputy Chief, Office of Marine Environment and Systems.

[FR Doc.75-11623 Filed 5-2-75;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER K—SPECIAL REGULATIONS

PART 777—RELOCATION ASSISTANCE PROCEDURES

With a view to facilitating and promoting compliance on a voluntary basis with the requirements of Titles I and II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894; (42 U.S.C. 4601-38 (1970)), the Postal Service published in the daily issue of the FEDERAL REGISTER for March 20, 1974 (39 FR 10449), proposed regulations to be used by all elements of the Service in providing relocation assistance for persons displaced as a result of Postal Service facility programs. Interested persons were afforded an opportunity to submit comments and suggestions relative to the proposed regulations. No comments were received. Accordingly, the Postal Service has decided to adopt, effective immediately, the regulations on relocation assistance procedures previously published, with the following changes:

1. The period of time prescribed in § 777.2(e) for filing an application for benefits after a displaced person moves from real property was changed from 18 months to 6 months.

2. To qualify as a displaced person for payment in lieu of moving and related expenses under § 777.6(e)(2), we added two additional requirements: that a business must have had average annual gross receipts of at least $2,000, and that its annual net receipts must have been at least $1,000.

3. A new § 777.11 *Housing of Last Resort* was added, providing a procedure to follow when there is no replacement housing available to a displacee. A definition of "housing of last resort" was also added as § 777.4(q).

4. The appeals section, renumbered as § 777.12, has been changed to require the submission of a grievance within three months of the denial of all or part of a relocation claim, instead of within 12 months, as was contained in the proposal.

Other changes were made for the purpose of clarification, and certain minor and technical changes and corrections were made.

Accordingly, in Title 39, Code of Federal Regulations, new Part 777 is added, to read as set forth below.

ROGER P. CRAIG,
Deputy General Counsel.

Sec.

777.1 Purpose and policy.
777.2 General procedures.
777.3 Information on relocation assistance.
777.4 Definitions.
777.5 Project development.
777.6 Moving and related expenses.
777.7 Replacement housing payments for owner-occupants.
777.8 Replacement housing payments for non-eligible owner-occupants.
777.9 Replacement housing payments for tenants and certain others.
777.10 Relocation assistance advisory services.
777.11 Housing of last resort.
777.12 Appeals.

AUTHORITY: (39 U.S.C. 401).

§ 777.1 Purpose and policy.

(a) The purpose of these regulations is to establish policy guidance for implementation of Titles I and II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646; 84 Stat. 1894; 42 U.S.C. 4601-38 (1970)), hereinafter referred to as the Act, to assure prompt and equitable relocation assistance for persons displaced as a result of United States Postal Service facility programs. Regulations pertaining to Title III of the Act which relate to uniform real property acquisition policies are set forth in section 18, Postal Contracting Manual, Publication 41. All references herein to sections or subsections are references to sections or subsections of this regulation, unless otherwise noted.

(b) To the extent that the Act is a Federal law "dealing with public or Federal contracts, property, works . . . budgets or funds" within the meaning of section 410(a) of Title 39, United States Code, it and any Executive Orders or other regulations based upon it are inapplicable to the exercise of the powers of the Postal Service. However, it is the policy of the Postal Service to comply voluntarily with the Act, orders and regulations to the extent practicable and feasible, consistent with the public interest and fulfillment of the primary mission of the Postal Service.

(c) The rules, policies, and procedures contained herein are intended to establish means to provide relocation services and payments for replacement housing and moving and incidental expenses in order that individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

§ 777.2 General procedures.

Procedures, policies and forms prescribed in section 18 of the Postal Contracting Manual relating to the acquisition of real property and interests therein will be followed, except as they are modified by this regulation.

(a) A written notice of displacement must be given to each individual, family, business, or farm operation to be displaced. Such notice shall be served personally or by registered mail at the earliest possible time.

(b) In order to qualify for benefits as a displaced person under Title II of the Act, the subject real property must, in fact, have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219 of the Act). A move made after acceptance of an offer to sell (contract of purchase) but before closing is a move made as the result of acquisition of subject property.

(c) In addition, certain of the benefits provided by Title II of the Act are available as follows:

(1) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from the other real property used for his dwelling, or to move his personal property from such other real property, such person may receive the benefits provided by sections 202 (a) and (b) and 205 of the Act.

(2) If it is determined that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, such person may receive advisory services under section 205(c) of the Act.

(d) Contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related costs in Title II of the Act. Appraisers shall not give consideration to nor include in their real property appraisals any allowances for the benefits provided by Title II. In the event of condemnation the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under Title II of the Act. Insofar as practicable, a person negotiating for the acquisition of real property will not negotiate the relocation benefits to which a displaced person may be entitled.

(e) Applications for benefits under the Act must be made within 6 months from the date on which the displaced person moves into a decent, safe and sanitary replacement facility. The Contracting Officer may extend this period upon a proper showing of good cause.

(f) A displaced person who makes proper application will be paid promptly after a move and, in hardship cases, as determined by the Contracting Officer, an advance of funds may be authorized with proper assurances that such payments will be used for the intended purpose. Final settlement will be adjusted accordingly.

(g) The provisions of Titles I and II of the Act apply to the acquisition of all real property including leasehold interest and the resulting relocation of all persons displaced by Postal Service projects. This includes owner-occupants and tenants displaced as a result of acquisition by a successful lease bidder.

(h) The Director, Office of Real Estate, shall provide for the periodic review of all programs for which he is responsible to insure compliance with provisions of the Act.

§ 777.3 Information on relocation assistance.

The Contracting Officer shall insure that the public receives adequate knowledge of programs involving relocations and that persons to be displaced be fully informed, at the earliest possible time, of such matters as the relocation payments and assistance available; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review of appeal in accordance with § 777.12.

§ 777.4 Definitions.

For the purposes of these instructions the following items are defined:

(a) "The Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646.

(b) The term "Contracting Officer" means the Postal Service official authorized to acquire real property in question and to administer the associated relocation program. Such term includes a duly appointed successor or authorized representative.

(c) The term "person" means any individual, partnership, corporation, or association.

(d) The term "displaced person" means any person who, on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of Postal Service acquisition of such property in whole or in part.

(e) A "family" means two or more individuals who are related by blood, adoption, marriage, or legal guardianship who live together as a family unit. If the Contracting Officer considers that circumstances warrant, others who live together as a family unit may be treated as if they were a family for the purpose of determining benefits under Title II of the Act.

(f) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(1) For the purchase, sale, lease or rental of personal or real property, or for the manufacture, processing, storage or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a non-profit organization, or

(4) Solely for the purpose of § 777.6 (e) 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.

(g) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agriculture products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(h) The term "mortgage" means 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.

(i) The term "comparable replacement dwelling" means one which is:

(1) Decent, safe and sanitary.

(2) When compared to the dwelling being taken, functionally equivalent and substantially the same with respect to:

(i) Number of rooms

(ii) Area of living space

(iii) Age

(iv) State of repairs

(3) Open to all persons regardless of race, Color, religion, sex, or national origin and consistent with the requirements of the Civil Rights Act of 1964 and of Title VIII of the Civil Rights Act of 1968.

(4) In areas not generally less desirable than the dwelling to be acquired in regard to:

(i) Public utilities

(ii) Public and commercial facilities

(5) Reasonably accessible to the displaced person's place of employment.

(6) Available on the market to the displaced person.

(7) Within the financial means of the displaced family or individual.

(j) The term "initiation of negotiation" for a property means the date of the first personal contact by the Postal Service representative with the owner or his representative where price was discussed.

(k) The term "decent, safe and sanitary" where applied to a dwelling means one which is in sound, clean and weather-tight condition, and which meets applicable State and local building, plumbing, electrical, housing and occupancy codes and similar ordinances and regulations. Where the local codes do not contain minimum standards or where the standards are inadequate, the following criteria may be used by the Contracting Officer in determining if a dwelling is decent, safe and sanitary:

(1) A housekeeping unit must include a kitchen with fully usable sink; a stove, or connection for same; a separate complete bathroom; hot and cold running water in both the bath 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) A non-housekeeping unit is one which meets local code standards for boarding houses or other congregate living. As a minimum it must include complete bathroom facilities with hot and cold running water which provides privacy, including a door that can be locked if such facilities are separate from the unit; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(l) "Dwelling" means the place of permanent or customary and usual abode of a person or persons. It includes a single-family building, a one-family unit in a multi-family building; a unit of condominimum, or cooperative housing project; a mobile home, or any other residential unit. Part-time and seasonal homes are not included.

(m) "Owner" means a person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interests, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the Contracting Officer, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(n) Section 205(c)(3) of the Act requires that the replacement dwelling is within the financial means of the displaced individual or family. In making this determination, the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes, and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies.

(o) "Economic Rent" means the amount of rent a displaced person would have had to pay for a similar dwelling unit had it been for rent.

(p) "Acquisition" means:

(1) Acceptance by the Postal Service of an offer to sell or lease real property;

(2) Exercise by the Postal Service or its assignee of an option to purchase; or if the option includes a notification of intent to exercise an option, the notification shall constitute acquisition; or

(3) Filing of Declaration of Taking.

(q) "Housing of Last Resort"—The term means replacement housing when comparable decent, safe and sanitary housing is not available through purchase or rental. In this instance, the Postal Service may take such action as is necessary or appropriate to provide such housing, including but not limited to rehabilitation of inadequate existing housing, or construction of new housing.

§ 777.5 Project development.

(a) *Availability.* The Postal Service will not proceed with a phase of any project, which phase will cause the displacement of any person, until it has been determined within a reasonable period of time prior to displacement that there will be available to the persons displaced comparable replacement dwellings. The determination or assurance shall be based on a current survey and analysis of available replacement housing.

(b) *Waiver.* The determination required by paragraph (a) of this section may be waived only in emergency or

other extraordinary situations where immediate possession of real property is of crucial importance. The determination of emergency will be made by Headquarters after receipt of appropriate findings and recommendation for the necessity of the waiver by the General Manager, Regional Real Estate Division.

§ 777.6 **Moving and related expenses.**

(a) *Moving Expenses.* Any displaced person, upon application, may receive payments for the actual reasonable expenses in moving himself, his family, business, farm operation or other personal property subject to the limitations in paragraph (a)(2) of this section and the exclusions in paragraph (c) of this section. A person who lives on his business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payment with respect to displacement from a business or farm operation.

(1) The following moving expenses will be allowed:

(i) Transportation of individuals, families, and personal property from the acquired site, not to exceed a distance of 50 miles, except where the Contracting Officer determines that relocation beyond the 50-mile area is justified.

(ii) Packing, crating, and uncrating of personal property.

(iii) Advertising for packing, crating, uncrating and transportation when the Contracting Officer determines that it is necessary.

(iv) Storage of personal property for a period generally not to exceed twelve months when the Contracting Officer determines that storage is necessary in connection with relocation.

(v) Insurance premiums covering loss and damage of personal property while in storage or transit.

(vi) Removal, reinstallation and reestablishment, including such modification as deemed necessary by the Contracting Officer, of machinery, equipment, appliances and other items, not acquired as real property, including reconnection of utilities, and which were not acquired by the Postal Service. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to state in writing that the property is personalty and that the Postal Service is released from any payment for the property.

(vii) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agents or employees) in the process of moving, where insurance to cover such loss or damage is not commercially available.

(viii) Such other reasonable expenses which in the opinion of the Contracting Officer were necessarily incurred by the displaced person.

(2) The following items are limitations on moving and related expenses:

(i) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially. The moving cost to the displaced person shall be supported by receipted bills or other proof of expenses incurred.

(ii) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, and the business or farm operation is re-established, reimbursement shall not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving the item, whichever is less.

(iii) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to value in the judgment of the Contracting Officer, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals and similar types of personal property.

(b) *Actual Direct Losses by Business or Farm Operation.* Any displaced person, upon application, may receive payments for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, subject to the exclusions in paragraph (c) of this section and with a limitation to be determined by the Contracting Officer subject to the following criteria:

(1) When the displaced person does not move personal property, he shall be required to make a bona fide effort to sell it, and will be reimbursed for the reasonable sale costs incurred.

(2) When personal property is sold and the business or farm operation re-established, the displaced person is entitled to the payment provided in paragraph (a)(2)(ii) of this section.

(3) When the business or farm operation is discontinued, the displaced person is entitled to the differences between the in place value of the personal property and the sale proceeds.

(4) When the personal property is abandoned, the displaced person is entitled to payment for the difference between the in place value and the amount which would have been received from the sale of the item, or the cost of moving 50 miles, whichever is less.

(c) *Exclusions from moving expenses and losses.* The following items shall not be included in determining moving expenses or losses of personal property:

(1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(3) Improvements to the replacement site, except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Cost of searching for a new dwelling.

(11) Such other items as the Contracting Officer determines should be excluded.

(d) *Expenses in searching for replacement business or farm.* Any displaced person, upon application, may receive payments for actual reasonable expenses in searching for replacement business or farm.

(1) *To be allowed.* (i) Actual travel costs.

(ii) Costs for meals and lodging away from home.

(iii) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour.

(iv) Broker, realtor, or other professional fees to locate a replacement business or farm operation, when the Contracting Officer determines it is necessary and authorizes such fees in writing prior to their incurrence.

(2) *Limitation.* The total amount which a displaced person may be paid for searching expenses shall not exceed $500 (except in the case of outdoor sign advertising businesses, which are limited to $100 per site), unless the Contracting Officer determines that a greater amount is justified based on the circumstances involved.

(e) *Payment in Lieu of Moving and Related Expenses*—(1) *Dwellings.* Any displaced person eligible for payments under paragraph (a) of this section may apply to receive a moving expense allowance not to exceed $300 and a dislocation allowance of $200 in lieu of the payments authorized by paragraph (a) of this section. Acceptance of such allowance shall constitute a waiver of the payments authorized by that paragraph.

(i) The moving expense allowance will be based on the moving allowance schedule maintained by the State Highway Department of the State concerned. The General Manager, Real Estate Division, of each Region will maintain the current moving allowance schedules of the States within the region.

(ii) Where there are no State highway department schedules, the Contracting Officer may join with other Federal agencies, if any, causing displacement in the locale in the development of a single moving expense schedule for the use of all displacing agencies.

(iii) A displaced person who elects to receive a moving expense allowance based on a schedule shall be paid under the schedule used in the jurisdiction in which the displacement occurs, regardless of where he relocates.

(iv) Only one dislocation allowance will be paid per dwelling unit regardless of the number of persons or families in occupancy.

(2) *Business and farm operation.* Any displaced person eligible for payments under paragraph (a) of this section who is displaced from his farm operation may apply to receive a fixed payment in an

amount equal to the average annual net earnings of the business or farm operation, except that payment shall not be less than $2,500 nor more than $10,000, in lieu of the payments authorized by paragraphs (a), (b), and (d) of this section and subject to the following conditions:

(i) A business, in order to qualify as displaced person for payment under this Section, must have:

(A) Had average annual gross receipts of at least $2,000,

(B) Had average annual net receipts of at least $1,000,

(C) Contributed at least ⅓ of the average gross annual income of the owner(s), including income from all sources.

(ii) Loss of Existing Patronage. No fixed payment to a business can be made unless the Contracting Officer determines that the business cannot be relocated without a substantial loss of existing patronage, and that it is not a part of a commercial enterprise having at least one other establishment engaged in a similar business not being acquired. Such determination shall be made by the Contracting Officer only after consideration of all pertinent circumstances, including the following factors:

(A) The type of business conducted by the displaced concern.

(B) The nature of the clientele of the displaced concern.

(C) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced business.

(iii) Average annual net earnings as used herein 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 displacement occurs or during such other period as the Contracting Officer 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. Income derived from capital gains resulting from liquidation in anticipation of Postal Service acquisition should be excluded. Normal capital gains may be included as a part of earnings if the gain occurred as a normal incident to the business or farm operation. If the business or farm operation has no net earnings or has suffered losses during the period used in the computation, it may nevertheless receive the $2,500 minimum payment.

(iv) Where a non-profit organization is displaced, no payment shall be made until after the Contracting Officer has determined:

(A) That the non-profit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used here means the persons, community or clientele served or affected by the activities of the non-profit organization.

(B) That the non-profit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity. This restriction shall not apply to such organizations that customarily serve through multiple locations within a general area, for example churches.

(v) Farms—Partial Acquisition. In the case where an entire farm operation is not acquired, this payment shall be made only if the Contracting Officer determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the requirements of the definition of a farm operation.

§ 777.7 Replacement housing payments for owner-occupants.

(a) In addition to other payments authorized by these Regulations an additional payment, not in excess of $15,000 shall be made, upon application, to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. A displaced owner-occupant who is determined to be ineligible for payment under this section may be eligible for a payment under § 777.8. The payment will include the following elements:

(1) The amount, if any, which represents the difference between the acquisition price of the acquired dwelling and the reasonable cost of a comparable replacement dwelling.

(2) The amount, if any, which will compensate the displaced owner-occupant for any increased interest costs in acquiring the comparable replacement dwelling.

(3) Actual costs reasonably incurred incident to the purchase of the replacement dwelling.

(b) The additional payment authorized shall be made only to such displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of (1) one year from the date he is given final payment of all costs for the acquired dwelling, or (2) on the date which he moves from the acquired dwelling, whichever is the later date.

(c) A displaced person may, in lieu of purchasing a comparable decent, safe and sanitary replacement dwelling, contract for the rehabilitation of an existing dwelling purchased by him, contract for the purchase of a dwelling to be constructed on a site provided by a builder or developer, or contract for the construction of a dwelling on a site which he owns or acquires for that purpose. If the date of completion of rehabilitation or construction of a replacement dwelling is delayed, for reasons not within the reasonable control of the displaced person, beyond the time required for eligibility for payment, the Contracting Officer may determine the date of occupancy as the date the displaced person enters into a contract for such rehabilitation and construction, or for the purchase.

(d) *Computation of replacement housing payment.* Normally the Contracting Officer may establish the amount necessary to purchase a comparable replacement dwelling by the use of the three (3) comparable methods in paragraph (a) of this section. The Contracting Officer may determine the economic price of a comparable replacement dwelling by selecting three dwellings most representative of the dwelling unit acquired, available to the displaced person and which meets the definition of comparable replacement dwelling. A single dwelling shall only be used when additional comparable dwellings are not available.

(e) *Limitations.* The amount established as the differential payment for the replacement housing establishes the upper limit of this portion of the replacement housing payment.

(1) If the displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the reasonable acquisition cost of comparable replacement dwellings, the differential payment will be that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) If the displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential housing payment will be made.

(3) If a displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price greater than the reasonable acquisition cost of comparable replacement dwellings, the differential payment will be limited to the difference between the amount of a comparable replacement dwelling and the acquisition price of the acquired dwelling.

(4) If the acquired dwelling is located on a tract larger than typical for residential use in the area, the maximum differential replacement housing amount payable is the market value of a comparable replacement dwelling on a tract typical for the area, less the market value of the dwelling at the present location on a homesite typical in size for residential use in the area.

(f) *Interest payment.* The Contracting Officer shall determine the amount, if any, necessary to compensate a displaced person for increased interest cost. The interest payment shall be based on the present value of the interest differential including points and/or loan origination fees paid by the purchaser on the amount of the new loan, not to exceed the unpaid balance of the previous mortgage for its remaining term as of the date of acquisition. Such payment shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage, which is one constituting a valid lien on the property for not less than 180 days prior to the initiation of negotiations.

(1) In no event shall the payment be calculated on an interest rate greater than the prevailing conventional mort-

gage rate charged by commercial banks in the locale of the replacement dwelling and which is available to the displaced person.

(2) The discount rate to determine present value shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area where the replacement dwelling is located.

(g) *Incidental expenses.* The incidental expense payment is the amount necessary to reimburse the homeowner for actual costs incurred by him incident to the purchase of the replacement dwelling such as:

(1) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders, FHA, or VA appraisal fees.

(3) FHA application fees.

(4) Certification of structural soundness when required by lender, FHA or VA.

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps or sale or transfer taxes. Prepaid items such as insurance and tax escrow are excluded.

§ 777.8 Replacement housing payments for non-eligible owner-occupants.

(a) *Rental by displaced owner-occupant.* A displaced owner-occupant not eligible under § 777.7 because he elects not to purchase a replacement dwelling, but who wishes to rent may receive a rental replacement housing payment not to exceed $4,000. The payment shall be computed in the same manner as shown in § 777.9 except that present rental rate shall be economic rent as determined by market data.

(b) *Non-qualifying owner-occupant.* (1) A displaced owner-occupant who does not qualify for a replacement housing payment under § 777.7 because of the 180-day occupancy requirement and who elects to rent may be eligible for a rental replacement housing payment under § 777.9 if he meets the occupancy requirement of that Section. The payment will be computed in the same manner as shown in § 777.9 except that the present rental rate shall be economic rent as determined by market data.

(2) A displaced owner-occupant who does not qualify for a replacement housing payment under § 777.7 because of the 180-day occupancy requirement and who elects to purchase a replacement dwelling may be eligible for a replacement housing downpayment under § 777.9 if he meets the occupancy requirement of that Section. The payment will be computed in the same manner as shown in § 777.9.

§ 777.9 Replacement housing payments for tenants and certain others.

(a) *Eligibility.* Any person displaced from any dwelling not eligible under Section 777.7 is eligible for either of the payments authorized under this Section if such dwelling was actually and lawfully occupied by such displaced person for not less than 90 days prior to the initiation of negotiations for acquisition of such dwelling. Such payments will be made only if the displaced person occupies a comparable replacement dwelling not later than the end of (1) one year from the date he is given final payment of the purchase price and related incidental expenses of the acquired dwelling, or (2) of the date which he moves from the acquired dwelling, whichever is the later date.

(b) *Computation of rental replacement housing payment.* A displaced person eligible under this Section is eligible to receive, upon application, in addition to amounts otherwise authorized, a rental replacement housing payment which would represent the difference between the USPS determination of the amount necessary to rent or lease a comparable dwelling or the actual rent paid for a decent, safe and sanitary replacement dwelling, whichever is less, and the rent of the acquired dwelling (economic or contractual) but not to exceed $4,000.

(1) *Determination of comparable rent.* The Contracting Officer may establish the amount necessary to rent a comparable replacement dwelling by the three (3) comparable methods in § 777.7(a). When more than one Federal agency is causing the displacement in a community or an area, the Postal Service may cooperate with other agencies on the method for computing the rental replacement housing payment and may use the uniform schedules of average rental housing in the community or area. The Contracting Officer may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired, which is available on the private market and meets the definition of a comparable replacement dwelling.

(2) *Calculation of payment.* The rental replacement housing payment should be the amount necessary to rent a comparable replacement dwelling for four years, and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last three months prior to initiation of negotiation if such rent is reasonable, and if not reasonable, 48 times the economic rent for the occupied dwelling unit as established by the Contracting Officer.

(3) *Exceptions.* The Contracting Officer may establish the average month's rent by using more than three months, if he deems it advisable. If rent is being paid to the Postal Service or to any other agency of Federal, State, or local government, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Disbursement of rental replacement housing payment.* All rental replacement housing payments $2,000 or less will be made by lump sum payment. Those in excess of $2,000 will be made in four equal annual installments commencing upon approval of the application, or until the balance is reduced to $2,000 or less at which time full payment will be made.

(c) *Replacement housing downpayment.* A displaced person eligible under this Section who elects to purchase instead of renting is eligible to receive, upon application, the amount necessary to enable him to make a downpayment on the purchase of a replacement dwelling but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment. The payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing.

(1) *Downpayment portion.* The maximum downpayment available under this section shall be the amount required for a conventional loan on a comparable replacement dwelling. The Contracting Officer shall determine the amount by establishing the value of a comparable replacement dwelling as set out in this section, and determining the downpayment required on a mortgage loan available to the displaced person on such comparable dwelling by commercial banks in the general area in which the replacement dwelling is located.

(2) *Incidental expenses.* Incidental expenses of closing the transaction are those as described in § 777.7(g).

(3) *Application of payment.* The full amount of the payment made under this section must be applied to the purchase price of the dwelling and such downpayment and incidental costs shown on the closing statement.

(4) If a replacement dwelling is purchased for less than the established price of a comparable dwelling, the downpayment will be computed on the lesser price.

§ 777.10 Relocation assistance advisory services.

(a) *Services.* Whenever the acquisition of real property for a program or project undertaken by the Postal Service will result in displacement of a person, the Contracting Officer shall provide relocation assistance and other advisory service to the displaced persons in order to minimize hardships to such persons, which shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of displaced persons for relocation assistance;

(2) Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) Assure that, within a reasonable period of time prior to displacement, there will be available comparable replacement dwellings, except that assurance may be waived as specified in § 777.5;

(4) Assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons;

(6) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation;

(7) Assist displaced persons in preparation and submission of claims for benefits;

(8) At the time of the relocation contact, provide persons, who are potential displacees, a brochure or pamphlet outlining the benefits to which they may be entitled under the Act and information concerning other assistance which might be furnished them. Such brochures should contain information that any payment received under Title II of the Act will not be considered as income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

(b) *Cooperation with other Government agencies.* In providing the above services, the Contracting Officer may consult State and local relocation agencies to determine the availability of housing resources and to assure coordination of all relocation activities in the community. When more than one Federal agency is causing displacement in a community or area, the Contracting Officer in cooperation with the heads of other agencies involved, shall take positive action to assure the maximum coordination of relocation activities. To assure simplification and coordination in administering relocation activities, the Contracting Officer, acting in conjunction with other Federal agencies, should consider contracting with a single agency to assume full responsibility for providing relocation services and assistance in a given community or area.

§ 777.11 Housing of last resort.

If, after a site has been acquired, there is no replacement housing available to a displacee, housing of last resort may be implemented. The lack of replacement housing may be caused by:

(a) Financial means of displacee;

(b) Lack of comparable housing in the area;

(c) Lack of decent, safe and sanitary housing in the area;

(d) Special needs of displacee which require housing in a specific area; or

(e) Other circumstances of a similar nature.

§ 777.12 Appeals.

Persons aggrieved by a determination as to their eligibility for a relocation payment or by the amount of such payment must be advised of their right to have their application reviewed in accordance with section 213(b)(3) of the Act. Any such grievance must be submitted within three months of denial of all or part of a relocation claim. When such grievances develop every effort should be made to resolve them at the regional level; however, when the grievance cannot be resolved, it should be referred to Headquarters. In referring appeals of aggrieved applicants to Headquarters, the applicant's case file must be submitted together with a complete report outlining the nature of the grievance. The file and report will be submitted to the attention of Director, Office of Real Estate, who will issue a dispositive decision on the matter. Such decision shall not be subject to further administrative review or appeal.

[FR Doc.75-11555 Filed 5-2-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 369-1; PP4F1504/R26]

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

Daminozide

On June 27, 1974, notice was given (39 FR 23303) that Uniroyal Chemical, Division of Uniroyal Inc., Bethany CT 06525, had filed a pesticide petition (PP 4F1504) with the Environmental Protection Agency (EPA). This petition proposed that the tolerance for residues of the plant regulator succinic acid, 2,2-dimethylhydrazide in or on the raw agricultural commodity peanut hay be increased from 10 parts per million to 20 parts per million. (The chemical name, "succinic acid, 2,2-dimethylhydrazide" has been changed to butanedioic acid mono (2,2-dimethylhydrazide) and the name daminozide has been accepted as the common name for the chemical.)

The data submitted in the petition and other relevant material have been evaluated. The plant regulator is considered useful for the purpose for which the increase in tolerance is sought. The proposed tolerance is adequate to cover residues in or on peanut hay and established tolerances are adequate to cover residues in eggs, meat, milk, and poultry resulting from the proposed and established uses. The tolerance established by amending § 180.246 will protect the public health.

Any person adversely affected by this regulation may on or before June 4, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective May 5, 1975, Part 180, Subpart C, is amended by revising § 180.246 as set forth below.

(Sec. 408(d)(2), Federal Food, Drug, Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: April 29, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.246 is amended by revising the heading and introductory paragraph, deleting "peanut hay" from the paragraph "10 parts per million * * *", and revising the paragraph "20 parts per million * * *".

§ 180.246 Daminozide; tolerances for residues.

Tolerances are established for residues of the plant regulator daminozide [butanedioic acid mono (2,2-dimethylhydrazide)] in or on raw agricultural commodities as follows:

* * * * *

20 parts per million in or on brussels sprouts and peanut hay.

* * * * *

10 parts per million in or on grapes and peanut hulls.

* * * * *

[FR Doc.75-11706 Filed 5-2-75;8:45 am]

[FRL 368-8; OPP-280001A]

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

Ethylene

On March 19, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 12521) a notice of proposed rulemaking to exempt the pesticide ethylene from the requirements of a tolerance when it is injected into the soil to cause premature germination of witchweed in bean (lima and string), cabbage, cantaloupe, collard, cucumber, eggplant, okra, onion, pasture grass, pea (field and sweet), pepper, potato, sweet potato, sorghum, squash, tomato, turnip, and watermelon fields as part of the U.S. Department of Agriculture witchweed control program.

The Agency received one comment on this proposal which endorsed the adoption of the regulation. This comment is available for public inspection in the Office of the Federal Register Section, Office of Pesticide Programs, Environmental Protection Agency, Room 423, East Tower, 401 M Street SW., Washington, D.C. 20460.

It has been concluded that the proposed amendment to the regulations should be adopted without change.

Any person adversely affected by this regulation may on or before June 4, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a

hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 5, 1975, Part 180, Subpart D, is amended by revising § 180.1016(b) as follows.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)), transferred to the Administrator EPA in Reorganization Plan No. 3 (35 FR 15623))

Dated: April 29, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart D, is amended by revising § 180.1016(b) to read as follows.

§ 180.1016 Ethylene; exemption from the requirement of tolerance.

* * * * *

(b) Injected into the soil to cause premature germination of witchweed in bean (lima and string), cabbage, cantaloupe, collard, corn, cotton, cucumber, eggplant, okra, onion, pasture grass, pea (field and sweet), peanut, pepper, potato, sweet potato, sorghum, soybean, squash, tomato, turnip, and watermelon fields as part of the U.S. Department of Agriculture witchweed control program.

* * * * *

[FR Doc.75-11707 Filed 5-2-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

[IPMR Release No. 92]

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 114-26.5—GSA Procurement Programs

MISCELLANEOUS AMENDMENTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114-26.5 of Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

Since these amendments relate to matters of internal policy only, it is determined that the proposed rulemaking procedure is unnecessary and these amendments shall become effective May 5, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

APRIL 28, 1975.

1. Section 114-26.501 is revised to read as follows:

§ 114-26.501 Purchase of new motor vehicles.

(a) Requisitions for the procurement of new passenger vehicles other than Type I standard passenger vehicles (including requisitions for police-type vehicles) shall be prepared and submitted in accordance with the following:

(1) Each requisition shall contain a certification to the effect that vehicle(s) larger than compact(s) is/are for law enforcement work or otherwise essential to accomplishment of the Bureau's program. The certification shall be signed by the head of the Bureau or Office or his designee not below the Chief Administrative Officer of a regional or comparable office.

(2) All requisitions for other than Type I standard passenger vehicles processed by the Bureau for inclusion in the first volume consolidated procurement (See FPMR 101-26.501-4) shall be transmitted to reach the Director of Management Services by not later than September 15, of each year. The only exception to this transmittal date will be in any case where the annual Appropriation Act is not passed sufficiently in advance of September 15 to permit this schedule to be met. Similarly, all requisitions processed for inclusion in the second volume procurement shall be transmitted to reach the Director of Management Services by not later than February 1 of each year.

(3) The memorandum transmitting the requisitions to the Director of Management Services shall:

(i) Contain a detailed justification showing the reasons why Type I vehicles will not serve the intended use. The justification should contain, as a minimum, a statement as to the purpose for which each vehicle is being acquired and show specifically why the requirement cannot be satisfied by acquisition of a Type I vehicle.

(ii) Itemize the requisitions transmitted in the following format:

Requisition No.	Number of vehicles	Vehicle type	Consignee
Total Vehicles:			

(4) The Director of Management Services may approve or disapprove requisitions for other than Type I vehicles submitted in accordance with this subsection. If approved, the Office of Management Services will forward the requisition(s) to the General Services Administration with a copy of the transmittal letter to the Bureau or Office involved. If not approved, the requisition(s) will be returned to the initiating Bureau or Office.

(b) The head of each Bureau or Office, or his designee not below the Chief Administrative Officer of a regional or comparable office, is authorized to make the certification required by FPMR 101-26.501(c).

(c) The head of each Bureau or Office is authorized to make the determination as to which vehicles require specific additional systems or equipment, including airconditioning. The head of each Bureau may, in his discretion, authorize an official not below the regional or comparable office level to make this determination.

2. Section 114-26.501-52 is amended to read as follows:

§ 114-26.501-52 Acquisition, utilization, and assignment of limousines, heavy sedans, and medium sedans.

Federal Management Circular (FMC) 74-1 prohibits the use of limousines, heavy, and medium sedans, except by the President, Vice President, and security and highly essential needs. Any request for an exception to this prohibition shall be submitted to the Assistant Secretary-Management, accompanied by a justification showing the specific program need for a sedan larger than Type III.

[FR Doc.75-11586 Filed 5-2-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1171, Amdt. 2]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of April, 1975.

Upon further consideration of Revised Service Order No. 1171 (39 FR 1171, 20207 and 38382), and good cause appearing therefor:

It is ordered, That: §1032.1171, *Revised Service Order No. 1171* (Regulations for return of hopper cars) be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., October 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1975.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2).) Interprets or applies secs. 1(10-17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), 17(2).)

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-11700 Filed 5-2-75;8:45 am]

PART 1033—CAR SERVICE

Providence and Worcester Co. et al.

[Rev. S.O. 1210, Amdt. 1]

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of April, 1975.

Upon further consideration of Service Order No. 1210 (40 FR 7452), and good cause appearing therefor:

It is ordered, That: § 1033.1210 *Service Order No. 1210* (Providence and Worcester Company authorized to operate over tracks of Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees; Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, trustees, authorized to operate over tracks of Providence and Worcester Company) be, and it is hereby, amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 1, 1976, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 1, 1975.

(Secs. 1, 12, 15, 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 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), 17(2))

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-11699 Filed 5-2-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Proposed Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would regulate the handling of fresh limes grown in Florida by continuing on and after June 16, 1975, the same quality and size requirements as are currently in effect through June 15, 1975.

The proposed regulation would be re-established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Mexican type limes shipped to destinations outside the production area would continue to be required to grade at least U.S. No. 2, with no minimum size requirements. Persian type limes shipped to such destinations would continue to be required to grade at least U.S. Combination, Mixed Color, and to measure at least 1⅞ inches in diameter. Both types of limes shipped to destinations within the production area would continue to be exempted from pack, container, and all grade requirements, except the minimum juice content requirement. Persian type limes so shipped would be required to be at least 1⅞ inches in diameter.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 28, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed regulation is based upon an appraisal of current and prospective crop and market conditions for Florida limes. Florida lime production for the 1975–76 season is estimated at 2.1 million bushels, 16.7 percent larger than the previous record. Fresh shipments for the 1975–76 season, began on April 1, 1975, and shipments in increased volume are being made as the season progresses. Total fresh shipments are expected to require about 840,000 bushels of such production. Ample supplies of acceptable sizes and grades of limes are available to fill fresh market demands. The re-establishment of the proposed regulation is designed to prevent the handling of lower grade and smaller limes, which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

1. The provisions of paragraph (a) of § 911.337 (Lime Regulation 35; 40 FR 17830) are hereby amended to read as follows:

§ 911.337 Lime Regulation 35.

Order. (a) During the period June 16, 1975, through April 30, 1976, no handler shall handle:

* * * * *

Dated: April 30, 1975.

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

[FR Doc.75-11684 Filed 5-2-75;8:45 am]

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Proposed Expenses and Rate of Assessment

Consideration is being given to authorizing the Southeastern Potato Committee to spend not more than $11,125 for its operations during the fiscal period ending March 31, 1976, and to collect $0.0025 per hundredweight on assessable potatoes handled by first handlers under the program.

The committee is the administrative agency established under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953), regulating the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same, in duplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 22, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 953.212 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred during the fiscal period ending March 31, 1976, by the Southeastern Potato Committee for its maintenance and functioning will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period: *Provided*, That potatoes for canning, freezing, and other processing shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

Dated: April 30, 1975.

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

[FR Doc.75-11685 Filed 5-2-75;8:45 am]

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES AND VEGETABLES

Proposed Handling Limitations

This proposal would require potatoes grown in designated counties of Virginia and North Carolina to meet minimum quality and size requirements. This should promote orderly marketing of such potatoes by keeping less desirable qualities and sizes from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953). This marketing order program regulates the handling of Irish potatoes grown in designated counties of Virginia and North Carolina and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee are consistent with the marketing policy it unanimously adopted and reflect its appraisal of the crop and prospective market conditions.

Shipments of potatoes from the production area are expected to begin about June 5. The grade and size requirements provided herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes

from being distributed to fresh market channels of commerce. The specific requirements, hereinafter set forth, will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and effectuating the declared purpose of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in duplicate with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250, not later than May 22, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 953.315 Handling regulation.

During the period June 5 through July 31, 1975, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Feedral-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further Provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540-51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Pub. L. 92-233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

Dated: April 30, 1975.

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

[FR Doc.75-11687 Filed 5-2-75;8:45 am]

Animal and Plant Health Inspetcion Service

[9 CFR Part 92]

CERTAIN CANADIAN BORDER PORTS DESIGNATED FOR THE IMPORTATION OF ANIMALS

Proposed Deletion

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to section 2 of the Act of February 2, 1903, as amended; sections 6, 7, 8 and 10 of the Act of August 30, 1890, as amended; and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 102-105, 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations to discontinue inspection and quarantine at certain Canadian border ports located in Maine and Vermont.

Statement of considerations. The ports of entry located in Maine and Vermont, mentioned below, do not appear presently to justify inspection and quarantine services because of the low volume of imports of animals at said ports. Also these ports of entry in Maine and Vermont appear to lack adequate inspection and quarantine facilities or do not have any inspection and quarantine facilities, and the roads to these ports of entry are of poor quality and as a result are not heavily traveled. Records for Fiscal Year 1973 show a total of 22 importations and a total of 83 animals imported through these 13 ports that would be deleted from the ports designated in 9 CFR 92.3(b). Six Canadian border ports would remain designated for the importation of animals in Maine and three in Vermont. This proposal would appear to have a minimum impact on local importers who only on occasion use the ports of entry and then only for purebred bovine animals or horses.

Therefore, in § 92.3(b), Title 9, Code of Federal Regulations, Monticello, Bridgewater, Fort Fairfield, Limestone, Madawaska, Vanceboro, and Eastport in Maine; and North Troy, Beecher Falls (Canaan), Island Pond, Newport, St. Albans, and Alburg in Vermont would be deleted as Canadian border ports of entry for animals.

In § 92.3, paragraph (b) would be amended to read:

§ 92.3 Ports designated for the importation of animals.

* * * * *

(b) *Canadian border ports.* The following ports in addition to those specified in paragraph (a) of this section are designated as quarantine stations for the entry of animals from Canada: Calais, Houlton, Van Buren, Fort Kent, Jackman, and Holeb, Maine; Derby Line, Richford, and Highgate Springs, Vermont; Rouses Point, Moores Junction, Chateaugay, Malone, Fort Covington, Hogansburg, Rooseveltown, Waddington, Ogdensburg, Morristown, Alexandria Bay, Charlotte, Niagara Falls, and Buffalo, New York; Detroit, Port Huron, and Sault Ste. Marie, Michigan; Noyes, Minnesota; Pembina and Portal, North Dakota; Sweetgrass, Montana; Eastport and Porthill, Idaho; Spokane, Laurier, Oroville, Nighthawk, Sumas, Blaine, and Lynden, Washington; and Juneau and Skagway, Alaska.

* * * * *

Any person who wishes to submit written data, views or arguments concerning this proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service,

U.S. Department of Agriculture, Hyattsville, Maryland 20782 before June 3, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27 (b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of April, 1975.

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

[FR Doc.75-11609 Filed 5-2-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 650]

UNEMPLOYMENT COMPENSATION

Standard for Appeals Promptness

The Department of Labor proposes to amend 20 CFR Part 650, which sets forth the standard for promptness in hearing and deciding administrative appeals affecting the rights of individuals to unemployment benefits.

The standard originally was published at 37 FR 16173, August 11, 1972. It sets forth the Secretary of Labor's interpretation of sections 303(a)(1) and 303(a)(3) of the Social Security Act, 42 U.S.C. 503(a)(1) and 503(a)(3), as requiring a State unemplyoment compensation law to include provisions for hearing and deciding unemployment benefit appeals with the greatest promptness that is administratively feasible. The Secretary further interprets those sections to require methods of administering the benefit appeals process as will reasonably assure that result. The Secretary also interprets section 303(b)(2) of the Social Security Act, 42 U.S.C. 503(b)(2), to require a State to comply substantially with the foregoing provisions of the State unemployment compensation law. The standard provides that for the calendar year 1975 and ensuing years a State will be deemed to comply substantially with the required provisions of its law if the State has issued at least 75 percent of all first level benefit appeal decisions within 30 days of the date of the appeal and at least 85 per cent of all first level benefit appeal decisions within 45 days of the date of the appeal.

The States on the whole have made progress since 1972 toward the goal of assuring that benefit appeals are heard and decided with the greatest promptness that is administratively feasible. However, a number of States have expressed concern about their capability of meeting the higher criteria for 1975, which were set in 1972, and at the close of 1974 only nine States were meeting the 1975 criteria.

Furthermore, the Unemployment Insurance Committee of the Interstate Conference of Employment Security Agencies, at its August 21–23, 1974, meeting, adopted a resolution that the 75 percent criterion for 30 days may be feasible if it were applied only to intrastate appeals, but that this criterion should be reduced to 60 percent if it continues to be applied to both intrastate and interstate appeals. In the Department's view it is important that the promptness criteria should apply to intrastate and interstate appeals combined; otherwise, intrastate appeals would gain promptness at the expense of interstate appeals that even now reflect time lapse that is entirely too long.

The Federal-State Unemployment Compensation Program is confronted with many uncertainties for 1975 and the immediately succeeding years. It is not known what the workloads which are directly related to the rates of unemployment will be, except that they will probably be much higher than in recent years. In the next few years the workloads probably will fluctuate greatly, and budgetary constraints likely will be very tight. The program will be operating for the first time under a new system of budget allocations; that is, based on minutes per unit of cost factors derived from cost model studies. During 1974 the Department conducted training seminars for State appeals referees in an attempt, among other things, to impress upon the States the need to maintain, and the Department's concern for, quality in the appeals process. The progress the States have made in appeals promptness since 1972 is very heartening, but it now appears that the published 1975 criteria demand too large an increase in a one-year transition in view of the circumstances discussed above.

The Department of Labor proposes that the appeals promptness criteria for 1975 and subsequent years be revised downward so as to provide that a State will be deemed to comply substantially with the required provisions of its State law, if the State has issued at least 60 percent of all first level benefit appeal decisions within 30 days of the date of appeal and at least 80 percent of all first level benefit appeal decisions within 45 days. These criteria clearly appear to be within the present capacity of a majority of the States. They also are in accord with the recommendation of the Unemployment Insurance Committee of the Interstate Conference of Employment Security Agencies.

The Department proposes that these revised criteria be made effective for calendar year 1975 and for ensuing years, and be reexamined when the relevant administrative and program factors can be assessed under more stable operating conditions. In any event, such a review and reexamination will be scheduled to take place no later than the latter part of calendar year 1977.

The proposed criteria would require the States to continue to improve their performances over those for 1974 and also represent goals that the Department considers realistic and feasible of attainment without relaxing Federal requirements that benefit appeals be heard and decided with the greatest promptness that is administratively feasible.

In addition, § 650.5(a) deals with a 1972 report on 1973 appeals promptness, and is thus no longer applicable. It is proposed that paragraph (a) be deleted.

In the interest of completeness and accuracy, the blanket authority under which 20 CFR Part 650 is issued is amended.

It is proposed to make these amendments effective on or about thirty days following the date of their republication in the Federal Register.

Interested persons are invited to submit written data, views, or arguments as to the amendments contained herein to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street NW., Washintgon, D.C. 20213, on or before June 5, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

In consideration of the foregoing, it is proposed to amend Part 650 of Title 20 Code of Federal Regulations, as follows:

1. Section 650.4(b) is amended to read as follows:

§ 650.4 Review of State law and criteria for review of State compliance.

* * * * *

(b) A State will be deemed to comply substantially with the State law requirements set forth in § 650.3(a) with respect to first level appeals, if for the calendar year 1975 and ensuing years, the State has issued at least 60 percent of all first level benefit appeal decisions within 30 days of the date of appeal, and at least 80 percent of all first level benefit appeal decisions within 45 days. These computations will be derived from the State's regular reports required pursuant to the Employment Security Manual, Part III, Sections 4400–4450.[1]

* * * * *

2. Section 650.5 is amended by deleting paragraph (a), and the section as amended is revised to read as follows:

§ 650.5 Annual appeals performance plan.

No later than December 15, 1974, and the 15th of December of each ensuing year, each State shall submit an appeals performance plan showing how it will operate during the following calendar year so as to achieve or maintain the issuance of at least 60 percent of all first level benefit appeals decisions within

30 days of the date of appeal, and 80 percent within 45 days.

3. In the interest of completeness and accuracy, the blanket authority for Part 650 is amended to read as follows:

AUTHORITY: Sec. 1102 of the Social Security Act, 42 U.S.C. 1302; Secretary's Order No. 20-71, dated August 13, 1971, Interpret and apply secs. 303(a)(1), 303(a)(3), and 303(b)(2) of the Social Security Act. (42 U.S.C. 503(a)(1), 503(a)(2), 503(b)(2).)

Signed at Washington, D.C., this 22d day of April 1975.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.75-11659 Filed 5-2-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 57]

MEDICAL AND DENTAL SCHOOLS IN THE DISTRICT OF COLUMBIA

Proposed Assistance Grants

Notice is hereby given that the Assistant Secretary for Health, Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart AC to Part 57 of Title 42, Code of Federal Regulations, as set forth in tentative form below, entitled "Grants to Assist Medical and Dental Schools in the District of Columbia."

The purpose of this new subpart is to establish regulations implementing the District of Columbia Medical and Dental Manpower Act of 1970, as amended (Pub. L. 91-650, 84 Stat. 1934, D.C. Code Sec. 31-921 et seq.), which authorizes the Secretary of Health, Education, and Welfare to award grants to the Mayor of the District of Columbia to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the District of Columbia.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the regulations may be presented in writing, preferably in triplicate, to the Director, Bureau of Health Resources Development, Health Resources Administration, 9000 Rockville Pike, Building 31, Room 5C02, Bethesda, Maryland 20014.

All comments received in response to this notice will be available for public inspection at the Office of Grants Policy, Bureau of Health Resources Development, Health Resources Administration, 9000 Rockville Pike, Building 31, Room 4C07, Bethesda, Maryland 20014 on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than June 4, 1975, will be considered.

It is therefore proposed to add a new Subpart AC to Part 57 as set forth below:

Dated: April 14, 1975.

THEODORE COOPER,
Acting Assistant Secretary for Health.

Approved: April 29, 1975.

CASPAR W. WEINBERGER,
Secretary.

Amend Part 57 by adding thereto a new Subpart AC as follows:

Subpart AC—Grants To Assist Medical and Dental Schools in the District of Columbia

Sec.

57.2801 Applicability.
57.2802 Definitions.
57.2803 Eligibility.
57.2804 Application.
57.2805 Determination of number of students.
57.2806 Grant award.
57.2807 Expenditure of grant funds.
57.2808 Grant payments.
57.2809 Nondiscrimination.
57.2810 Accountability.
57.2811 Applicability of 45 CFR Part 74.
57.2812 Additional conditions.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 301, Pub. L. 91-650, as amended, 84 Stat. 1934 (D.C. Code sec. 31-921 et seq.).

§ 57.2801 Applicability.

The regulations of this subpart are applicable to the award of grants to the Mayor of the District of Columbia under the District of Columbia Medical and Dental Manpower Act of 1970, as amended (Pub. L. 91-650, 84 Stat. 1934, D.C. Code sec. 31-921 et seq.), to assist private nonprofit medical and dental schools in the District of Columbia in their critical financial needs in meeting the operational costs required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the District of Columbia.

§ 57.2802 Definitions.

As used in this subpart:

(a) "Act" means the District of Columbia Medical and Dental Manpower Act of 1970, as amended.

(b) "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 has been delegated.

(c) "Mayor" means the Mayor (formerly referred to as the Commissioner) of the District of Columbia.

(d) "Grantee" means the Mayor (formerly referred to as the Commissioner) of the District of Columbia.

(e) "School of medicine" means a school in the District of Columbia which provides training leading to a degree of doctor of medicine or an equivalent degree, and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education.

(f) "School of dentistry" means a school in the District of Columbia which provides training leading to a degree of doctor of dentistry or an equivalent degree and which is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education.

(g) "School" means a school of medicine or school of dentistry as defined in paragraph (e) and (f) of this section.

(h) "Nonprofit" as applied to any school means one which is owned and operated by one or more corporations or associations no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(i) "Full-time students" means students pursuing a full-time course of study, as determined by the school, in an accredited school of medicine or school of dentistry, leading to a degree of doctor of medicine, doctor of dentistry, or an equivalent degree.

(j) "Fiscal year" means the Federal fiscal year beginning July 1 and ending the following June 30.

(k) "Construction" means the construction of new buildings or the expansion or acquisition of existing buildings (including related costs such as architects' fees, acquisition of land, offsite improvements, and the initial equipping of such buildings).

§ 57.2803 Eligibility.

The Mayor may apply for a grant under this subpart on behalf of schools of medicine and dentistry, as defined in paragraphs (e) and (f) of § 57.2802, with operating income insufficient to meet their cost of operation required to maintain quality medical and dental educational programs and to increase the number of students in such institutions as a necessary health manpower service to the metropolitan area of the District of Columbia.

§ 57.2804 Application.

(a) An application for a grant under this subpart may be submitted to the Secretary by the Mayor at such time and in such form and manner as the Secretary may require.[1]

(b) The application shall be executed by the Mayor or by an individual authorized to act for the Mayor and to assume on his behalf the obligations imposed upon the Mayor by the terms and conditions of any award, including the regulations of this subpart.

(c) In addition to such other pertinent information as the Secretary may require, the application submitted by the Mayor shall contain or be supported by requests for assistance from each proposed beneficiary school each of which request shall be executed by an individual authorized to act for the school and to assume on its behalf the obligations imposed upon beneficiary schools by the

[1] Applications and instructions may be obtained from the Office of Program Operations, Bureau of Health Resources Development, Health Resources Administration, 9000 Rockville Pike, Building 31, Room 4C-02, Bethesda, Maryland 20014.

terms and conditions of any award, including the regulations of this subpart. Such requests for assistance shall contain the following information in addition to such information as the Mayor may require in carrying out his responsibilities under this Act:

(1) A detailed description of the school's financial need to meet the operational costs (i) to maintain a quality medical or dental education and (ii) to increase the number of students in the school as a necessary health manpower service to the metropolitan area of the District of Columbia;

(2) The operating budget of the school, arranged by budget category, for the fiscal year in which the assistance is sought;

(3) A statement identifying by source (Federal and non-Federal) the projected total income of the school for the fiscal year in which the assistance is sought;

(4) A statement identifying by budget category the actual operating costs of the school for that portion of the fiscal year in which the assistance is sought which ends 60 days prior to the date of submission by the school of the request for assistance; and

(5) A statement identifying by budget category those operating costs for which assistance is requested, the amount thereof, and the manner in which the school intends to utilize funds made available from an award under this subpart.

(d) Such application may contain comments or recommendations from the Mayor on each school's request for assistance, particularly requests to meet operational costs to increase the number of students in the school as a necessary health manpower service to the metropolitan area of the District of Columbia.

§ 57.2805 Determination of number of students.

For purposes of this subpart, the number of full-time students enrolled in a school for any year shall be the number of full-time students enrolled in such school on October 15 of the fiscal year in which the grant is sought.

§ 57.2806 Grant award.

(a) Within the limits of funds available for such purpose, the Secretary may award a grant to the Mayor on the basis of the Secretary's estimate of the minimum aggregate sums necessary to carry out the purposes of each beneficiary school's application for assistance as approved by the Secretary: *Provided, however*, That the amount of such grant shall not exceed the sum of (1) the product of $5,000 times the number of full-time students enrolled in schools of medicine and (2) the product of $3,000 times the number of students in schools of dentistry.

(b) A grant awarded under this subpart shall be in writing, shall set forth the aggregate amount of funds granted, and the amount determined by the Secretary to be made available by the Mayor to each beneficiary school, such determination to be made by the Secretary on the basis of his estimate of the minimum amount necessary to carry out the purposes of the beneficiary's application as approved by the Secretary, and taking into consideration any comments or recommendations made by the Mayor: *Provided, however*, That the amount of assistance to be made available to any beneficiary school under this subpart shall not exceed (1) in the case of a school of medicine, the product of $5,000 times the number of full-time students enrolled therein; or (2) in the case of a school of dentistry, the product of $3,000 times the number of full-time students enrolled therein.

(c) In addition to such other terms and conditions as the Secretary determines to be reasonable and necessary to carry out the purposes of the grant, a grant made under this subpart shall be subject to the following requirements: (1) That the Mayor agree to provide access to such records as the Secretary may from time to time require in carrying out his functions under this subpart, and (2) that the beneficiary schools agree to provide for such fiscal control, accounting procedures, reports and access to records as the Secretary may from time to time require in carrying out his functions under this subpart.

§ 57.2807 Expenditure of grant funds.

(a) *Grantee.* Grant funds awarded to the Mayor under this subpart may be expended by the Mayor solely for making assistance payments to beneficiary schools in accordance with the determination of the Secretary pursuant to this subpart. The grant award will set forth the period for which such funds will be available for such payment by the grantee.

(b) *Beneficiary schools.* Assistance made available to a beneficiary school from grant funds awarded under this subpart may be expended by such school in accordance with the applicable provisions of the Act, the regulations of this subpart and the applicable terms and conditions of any grant award, for any purpose necessary to meet properly considered regular operating costs of the school the obligation for which is incurred in the fiscal year in which the grant is made which are required to maintain quality medical and dental educational programs and to increase the number of students in such school as a necessary health manpower service to the metropolitan area of the District of Columbia: *Provided, however*, That such funds shall not be expended for (1) construction and (2) student aid. Such funds will be available through December 31 of the fiscal year following the fiscal year in which the grant is made to the Mayor to liquidate obligations incurred by the beneficiary in accordance with the preceding sentence.

§ 57.2808 Grant payments.

The Secretary shall from time to time make payments to the grantee of all or such portion of any grant award as is necessary for the grantee to make payments to beneficiary schools in accordance with section 309 of the Act (D.C. Code sec. 31–928).

§ 57.2809 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular to section 601 of such Act which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR Part 80).

(b) Attention is called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(c) Attention is called to the requirements of section 504 of the Rehabilitation Act of 1973, as amended, which provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(d) Grant funds used for alteration or renovation shall be subject to the condition that the beneficiary school shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.2810 Accountability.

(a) *Grantee.*—(1) *Accounting for grant award payments. All payments* made to the grantee by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. The grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures meeting the requirements of this subpart.

(2) *Grant closeout*—(i) *Date of final accounting.* The grantee shall render, with respect to each grant, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(ii) *Final settlement.* There shall be payable to the Federal government as final settlement with respect to each grant the total sum of:

(A) Any amount not accounted for pursuant to subparagraph (1) of this paragraph; and

(B) Any other amounts due pursuant to applicable provisions of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal government and shall be recovered from the grantee or its successors or assigns by set off or other action as provided by law.

(b) *Beneficiary schools.*—(1) *Accounting for assistance payments.* All payments made to beneficiary schools by the Mayor shall be recorded by the beneficiary school in accounting records separate from the records of all other funds. With respect to each approved application for assistance, the beneficiary shall account for the total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures meeting the requirements of this subpart.

(2) *Assistance closeout*—(i) *Date of final accounting.* A beneficiary shall render, with respect to each approved application for assistance, a full account, as provided herein, as of the date of termination of such support. The Secretary may require other special and periodic accounting. (ii) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to any approved application the total sum of:

(A) Any amount not accounted for pursuant to subparagraph (1) of this paragraph; and

(B) Any other amounts due pursuant to Subparts F and M of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the beneficiary school to the Federal government and shall be recovered from the beneficiary school or its successors or assigns by setoff or other action as provided by law.

§ 57.2811 Applicability of 45 CFR Part 74.

(a) *Grantee.* The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants awarded pursuant to this subpart.

(b) *Beneficiary schools.* The relevant provisions of the following subparts of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to assistance made available from grants awarded pursuant to this subpart.

SUBPART

A General
B Cash depositories
C Bonding and Insurance
D Retention and Custodial Requirements for Records
F Grant-related Income
L Budget Revision Procedures
M Grant Closeout, Suspension and Termination

§ 57.2812 Additional conditions.

The Secretary may, with respect to any grant award, impose additional conditions prior to or at the time of any award when, in his judgment, such conditions are necessary to assure or protect advancement of the approved activity, the interest of the public health or the conservation of grant funds.

[FR Doc.75-11676 Filed 5-2-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75 087]

COOSAW RIVER, S.C.

Proposed Drawbridge Operation Regulations

At the request of the Seaboard Coast Line Railroad Company, the Coast Guard is considering amending the regulations for the SCL Railroad swingspan across the Coosaw River (Whale Branch) near Coosaw, South Carolina. This change would require that the draw open on signal from 6 a.m. to 8 p.m., Monday through Friday, if at least 24 hours notice is given. All other times the draw may remain closed to the passage of vessels. Present regulations require that the draw open on signal from 6 a.m. to 8 p.m., Monday through Saturday, and if at least 24 hours notice is given at all other times. This change is being considered because of limited use of this stretch of the Coosaw River by vessels. There were 38 openings in 1974.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Seventh Coast Guard District (oan), Room 1018, Federal Building, 51 SW. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before June 9, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising paragraph (h)(8) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(h) * * *

(8) *Coosaw River (Whale Branch).* The draw of the Seaboard Coast Line Railroad bridge, mile 5.3 and the draw of the U.S. Highway 21 bridge, mile 7.0, shall open on signal from 6 a.m. to 8 p.m., Monday through Friday if at least 24 hours notice is given. At all other times the draws need not open for the passage of vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Dated: April 30, 1975.

S. A. WALLACE,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.75-11625 Filed 5-2-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-NE-16]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations that would alter the Auburn, Maine 700-foot transition area. This amendment is being considered because the New Gloucester NDB (GLU) is scheduled for decommissioning concurrent with the commissioning of the Poland Springs NDB (PDS) and the present instrument approach procedure (NDB RWY 4) for Auburn-Lewiston, Maine will be cancelled and replaced by Poland Springs NDB RWY 4 and I-LEW Localizer RWY 4 procedures.

The alteration of the Auburn, Maine 700-foot transition area is required to provide controlled airspace for aircraft executing these procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before June 4, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal

Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

In consideration of the foregoing, the Federal Aviation Administration proposed the following airspace action:

In § 71.181 of Part 71 of the Federal Aviation Regulations (40 FR 449) the description of the Auburn, Maine 700-foot transition area is amended to read as follows:

AUBURN, MAINE

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Center, 44°03'00" N, 70°17'00" W of Auburn-Lewiston Municipal Airport; within 3 miles each side of the 204° and 024° bearing from the Poland Springs, Maine NDB, 43°57'42" N, 70°20'14" W, extending from the 5-mile radius area to 9 miles southwest of the NDB; within 2 miles each side of the 048° bearing from the Poland Springs, Maine NDB extending from the NDB to 13 miles northeast of the NDB.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; (49 U.S.C. 1348)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on April 23, 1975.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-11544 Filed 5-2-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SO-35]

TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 75-10522 appearing on page 17853 in the issue of Wednesday, April 23, 1975, the following changes should be made:

1. In the eighth line of the second paragraph, the date now reading "June 23, 1975" should read "May 23, 1975".

2. In the sixth line of the description of the Clemson transition area, "Picken" should read "Pickens".

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 75-9; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Used Components in Manufacture of a Motor Vehicle

This notice proposes the addition of a new paragraph to 49 CFR 571.7, *Applicability*, to specify the conditions under which a truck assembled by combining a new cab with some used components will be considered used for the purposes of the motor vehicle safety standards, associated regulations, and the National Traffic and Motor Vehicle Safety Act.

A number of persons have asked the National Highway Traffic Safety Administration to reconsider its letter interpretations of what constitutes the manufacture of a new motor vehicle when used components from an existing vehicle are involved. The NHTSA position in response to earlier requests for an interpretation has been that re-use of components from an existing vehicle in the construction of another vehicle may or may not result in the manufacture of a new vehicle. The NHTSA has considered that the addition of new components (such as a truck body) to the chassis of a used vehicle does not constitute the manufacture of a new vehicle. Conversely, the addition of used components to a new chassis which has never been certified in a vehicle constitutes the manufacture of a new vehicle, subject to the safety standards in effect for that vehicle class on the date of manufacture. This criterion has been relied on in the area of chassis-cab multistage manufacture.

The requests ask for reconsideration of this criterion, because the high value of some components of a chassis make their re-use feasible although the entire chassis may not be reusable. A common practice in truck-tractor building is use of a new "glider kit" in combination with the valuable components from an existing vehicle. The glider kit (typically a cab, frame rails, and front suspension) and the used power train of a wrecked or badly worn vehicle (the engine, transmission and drive axles) are combined by a dealer or fleet owner instead of purchasing a complete new vehicle from a truck manufacturer. The coming into effect of Standard No. 121, *Air Brake Systems*, on March 1, 1975, has heightened the importance of the question of what constitutes a new vehicle, since bringing vehicles with pre-121 axles into conformity with the standard appears to be economically impracticable.

International Harvester has proposed that a rebuilding operation constitute manufacture of a new vehicle unless the three valuable drive-train components are not new. The additional point has been made that commercial practice often dictates that a sound spare drive-train component be placed in the rebuilt vehicle in place of a component which had been somewhat damaged, and that often only two of the three drive-train elements would be from an existing and identifiable vehicle.

White Motor Corporation requested that the rebuilding operation be considered a repair, not subject to new-vehicle standards, only in cases where the manufacturer maintains the identity of the used vehicle with respect to model year designation and vehicle identification number.

The NHTSA considers both criteria to be important in determining whether a vehicle should be considered newly manufactured. The continuing use of used but still-valuable components from an existing vehicle is the economic reason for allowing the reassemblage of vehicles by means of new glider kits without requiring conformity to current motor vehicle safety standards. The retention of a minimum number of valuable used components is therefore required as a jurisdiction in each case. In addition, however, this agency considers the retention of the identity of the used vehicle, with respect to model year and identification number, to be important as evidence that the reassembly is a bona fide salvage operation, and to avoid creating any undue economic incentives for the practice, which might be present if the reassembled vehicles could be treated as "new" for accounting purposes but as "old" for purposes of the safety standards.

The NHTSA has decided to codify the application to this area of the Vehicle Safety Act and the regulations promulgated under it, to inform more clearly the interested public of their rights and duties.

Accordingly, it is hereby proposed that a new paragraph (e) be added to 49 CFR 571.7, *Applicability*, to read as follows:

§ 571.7 Applicability.

* * * * *

(e) *Combining new and used components.* When a new cab is used in the assembly of a truck, the truck will be considered newly manufactured for purposes of paragraph (a) of this section, the application of the requirements of this chapter, and the Act, unless the engine, transmission, and drive axles(s) (as a minimum) of the assembled vehicle are not new, and at least two of these components were taken from an existing vehicle whose indentity is continued in the reassembled vehicle with respect to model year, vehicle identification number, and any other documentation incident to the vehicle's reassembly and registration.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: June 2, 1975.

Proposed effective date: Date of publication of final rule in the FEDERAL REGISTER.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 40 CFR 1.51 and 49 CFR 501.8)

Issued on April 29, 1975.

ANDREW G. DETRICK,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-11557 Filed 4-30-75;10:38 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 412]

COMPOSITION AND MEASUREMENT OF PENSION COST

Proposed Criteria

Notice is hereby given of a Cost Accounting Standard on the Composition and Measurement of Pension Cost, being considered by the Cost Accounting Standards Board for promulgation to implement further the requirement of section 719 of the Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 USC App. 2168. When promulgated, the Standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See sec. 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract subject to the rules, regulations, and Standards of the Cost Accounting Standards Board on or after the effective date of this Standard will be required to follow it in accordance with the provisions of § 412.80.

The Standard establishes the composition of pension cost and the bases to be used for measuring such cost. The Standard also provides criteria for determining the amount of pension cost to be assigned to cost accounting periods. In establishing the components of pension cost assignable to a cost accounting period, the Standard includes actuarial gains and losses as a component. However, the Standard does not state how or when such gains and losses shall be measured and assigned to periods; such determinations are left to the judgment of contractors, provided that they are consistently applied and are in accordance with the funding provisions of the Employee Retirement Income Security Act of 1974. The Board is continuing its research on (1) how and when actuarial gains and losses should be measured and assigned to cost accounting periods, and (2) the manner in which pension costs should be allocated from higher levels of an organization to its segments, and the subsequent allocation to contracts and other cost objectives. The Board believes that the development of a separate Standard covering these areas should not impede the orderly implementation of the Standard now being proposed.

The Board has researched the Employee Retirement Income Security Act of 1974 and believes that the provisions of this Standard are in consonance with the provisions of the Act. Moreover, the Board believes that many of the changes in pension cost accounting that may be required by the Standard result from the funding provisions of the Act.

The Board solicits comments on the proposed Cost Accounting Standard which will assist the Board in its consideration of the proposal.

Interested persons should submit written data and views, concerning the proposed Cost Accounting Standard to the Cost Accounting Standards Board, 441 G Street NW., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this notice, written submissions must be made to arrive no later than July 7, 1975.

NOTE.—All written submissions made pursuant to this notice will be made available for public inspection at the Board's Office during regular business hours.

The proposed Standard reads as follows:

PART 412—COMPOSITION AND MEASUREMENT OF PENSION COST

Sec.
412.10 General applicability.
412.20 Purpose.
412.30 Definitions.
412.40 Fundamental requirement.
412.50 Techniques for application.
412.60 Illustrations.
412.70 Exemptions.
412.80 Effective date.

AUTHORITY: Sec. 719, Defense Production Act of 1950, as amended, Pub. L. 91-379, 50 U.S.C. App. 2168.

§ 412.10 General applicability.

General applicability of this Cost Accounting Standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the Cost Accounting Standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

§ 412.20 Purpose.

The purpose of this Standard is to provide for determining and measuring the components of pension cost. The Standard establishes the basis on which pension costs shall be assigned to cost accounting periods. The provisions of this Cost Accounting Standard should significantly enhance uniformity and consistency in accounting for pension costs and thereby increase the probability that those costs are allocated to the proper cost objectives.

§ 412.30 Definitions.

(a) The following are definitions of terms prominent in this Standard:

(1) *Accrued benefit cost method.* An actuarial cost method under which units of benefit are assigned to each period of service and are valued as they accrue—that is, based on the services performed by each employee in the period involved. The measure of normal cost under this method for each cost accounting period is the present value of the units of benefit deemed to be credited to employees for service in that period. The measure of the accrued pension liability at a plan's inception date is the present value of the units of benefit credited to employees for service prior to that date. (This method is also known as the Unit Credit cost method.)

(2) *Accrued pension liability.* Pension cost assigned, under the actuarial cost method in use, to years prior to the date of a particular actuarial valuation. Actuarially, such liability represents the excess of the present value, as of a particular valuation date of a pension plan, of the projected future benefit costs and administrative expenses for all plan participants and beneficiaries over the present value of future contributions for the normal cost of all applicable plan participants and beneficiaries.

(3) *Actuarial assumption.* An assumption used in predicting future conditions affecting pension cost; for example, mortality rate, employee turnover, compensation levels, pension fund earnings, changes in values of pension fund assets.

(4) *Actuarial cost method.* A technique which uses actuarial assumptions to measure the present value of pension benefits and pension fund administrative expenses.

(5) *Actuarial gain and loss.* The effect on pension cost resulting from differences between actuarial assumptions and actual experience.

(6) *Defined-benefit pension plan.* A pension plan in which the benefits to be paid are established in advance and the contributions are variable.

(7) *Defined-contribution pension plan.* A pension plan in which the contributions to be made are established in advance and the benefits are variable.

(8) *Funded pension cost.* The portion of pension costs for a current or prior cost accounting period that has been paid to a funding agency or, under a pay-as-you-go plan, to plan participants or beneficiaries.

(9) *Funding agency.* An organization or individual which provides facilities for the accumulation of assets to be used either for the payment of benefits under a pension plan, or for the purchase of such benefits.

(10) *Multiemployer pension plan.* A plan to which more than one employer is required to contribute and which is maintained pursuant to one or more collective bargaining agreements between an employee organization and more than one employer.

(11) *Normal cost.* The annual cost of future pension benefits and administrative expenses assigned, under an actuarial cost method, to years subsequent to a particular valuation date of a pension plan.

(12) *Pay-as-you-go cost method.* A method of recognizing pension cost only when benefits are paid to retired employees or their beneficiaries.

(13) *Pension plan.* A deferred compensation plan established and maintained by one or more employers to provide systematically for the payment of benefits to plan participants after their retirement. *Provided,* That the benefits are paid for life or are payable for life at the option of the employees. Additional benefits such as permanent and total disability and death payments, and survivorship payments to beneficiaries of deceased employees may be an integral part of a pension plan.

(14) *Projected benefit cost method.* An actuarial cost method which distributes the estimated total cost of all of the employees' prospective benefits over a period of years, usually their working careers, as a level percentage of their pay or a level dollar amount.

(15) *Separate insurance account.* An account established or maintained by an insurance company under which income and actuarial gains and losses from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company.

(16) *Unfunded accrued pension liability.* The excess of the accrued pension liability, under the actuarial cost method in use, over the present value of the assets of a pension plan.

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

§ 412.40 Fundamental requirement.

(a) *Components of pension cost.* (1) For defined-benefit pension plans, pension cost for a cost accounting period shall consist of (i) normal cost of the period, (ii) a portion of any unfunded accrued pension liability, (iii) an interest equivalent on the unamortized portion of any unfunded accrued pension liability, and (iv) an adjustment for any actuarial gains and losses.

(2) For defined-contribution pension plans, pension cost for a cost accounting period shall consist of the amount of contribution specified to be made for that period.

(b) *Measurement of pension cost.* (1) The amount of pension cost of a cost accounting period shall be determined by use of an actuarial cost method which measures separately each of the components of pension cost set forth in paragraph (a) (1) of this section.

(2) Each actuarial assumption used to measure pension costs shall be separately identified and shall represent anticipated future experience under the plan, taking into account past experiences and reasonable expectations.

(c) *Assignment of pension cost.* The amount of pension cost computed for a cost accounting period pursuant to the provisions of this Standard is assignable to that period to the extent that the liability therefor is reasonably certain, irrespective of when such liability is liquidated (funded). If the liability is not reasonably certain, the amount of pension cost assignable to a cost accounting period is limited to that part of the liability that is computed for that period and is liquidated in that period, or within such time thereafter as the Employee Retirement Income Security Act of 1974 permits for meeting its minimum funding requirements.

§ 412.50 Techniques for application.

(a) *Components of pension cost.* (1) The unfunded accrued pension liability included as part of the pension cost of a cost accounting period shall be set forth in equal annual installments. Each installment shall consist of an amortized portion of the unfunded accrued pension liability plus an interest equivalent on the unamortized portion of such liability. The period of amortization shall be established as follows:

(i) If amortization of an unfunded accrued pension liability has begun prior to the date this Standard first becomes applicable to a contractor, the amortization period need not be changed, provided that such period is not more than 40 years nor less than 10 years.

(ii) If amortization of an unfunded accrued pension liability has not begun prior to the date this Standard first becomes applicable to a contractor, the amortization period shall begin with the period in which the Standard becomes applicable and shall be no more than 30 years nor less than 10 years. However, if the plan was in existence as of January 1, 1974, the amortization period shall be no more than 40 years nor less than 10 years.

(iii) Each unfunded accrued pension liability resulting from the institution of new pension plans or from adoption of improvements to pension plans subsequent to the date this Standard first becomes applicable to a contractor shall be amortized over no more than 30 years nor less than 10 years.

(2) Pension costs applicable to prior years that were disallowed in accordance with then-existing Government contractual provisions shall be separately identified and eliminated from any unfunded accrued pension liability being amortized pursuant to the provisions of subparagraph (1) of this paragraph.

(3) A contractor shall establish and consistently follow a policy for selecting specific amortization periods for any unfunded accrued pension liabilities. Such policy shall give consideration to the size and nature of unfunded accrued pension liabilities.

(4) Actuarial assumptions used in calculating the amount of an unfunded accrued pension liability shall be the same as those used for other components of pension cost. If any assumption is changed during an amortization period, the resulting unfunded accrued pension liability, whether positive, or negative, shall be separately amortized over no more than 30 years nor less than 10 years.

(5) Actuarial gains and losses shall be separately identified from unfunded accrued pension liabilities that are being amortized pursuant to the provisions of this Standard. Such gains and losses may be assigned to the cost accounting period in which the gains or losses are recognized or to future cost accounting periods: *Provided,* That the practice used for assigning actuarial gains and losses to cost accounting periods is in accord with pertinent provisions of the Employee Retirement Income Security Act of 1974. The accounting practice used for assigning actuarial gains and losses to cost accounting periods shall be consistently applied for each pension plan.

(6) An excise tax assessed because of inadequate or delayed funding of a pension plan, pursuant to the Employee Retirement Income Security Act of 1974, is not a component of pension cost.

(7) If any portion of the pension cost computed for a cost accounting period is not funded by the time established by the funding provisions of the plan, an interest equivalent on the amount not funded shall not be a component of pension cost of any cost accounting period. Conversely, if a contractor prematurely funds pension costs in a current cost accounting period, the interest earned on such premature funding, based on the valuation rate of return, may be excluded by contractors from future years' computations of pension cost made pursuant to this Standard.

(8) For purposes of this Standard, pension plans funded exclusively by the purchase of individual or group insurance contracts shall be treated as defined-contribution pension plans. However, this provision is not applicable to defined-benefit pension plans administered by an insurance company under a contract providing for a separate insurance account.

(9) If a pension plan is supplemented by a separately-funded plan which provides benefits to the same participants, the two plans shall be considered as a single plan for purposes of this Standard. If the effect of the combined plans is to provide defined benefits for the plan participants, the combined plan shall be treated as a defined-benefit plan for purposes of this Standard.

(10) A multiemployer pension plan established pursuant to the terms of a collective bargaining agreement shall be considered to be a defined-contribution pension plan for purposes of this Standard.

(b) *Measurement of pension cost.* (1) The amount of pension cost assignable to cost accounting periods shall be measured by the accrued benefit cost method or by a projected benefit cost method as described in paragraph (b) (2) of this section.

(2) If a projected benefit cost method is used, (i) the cost method used shall identify separately any unfunded accrued pension liability, (ii) the cost method shall identify separately actuarial gains and losses, (iii) the calculation of normal cost shall be based on a percentage of payroll, (iv) the calculation of normal cost shall be the sum of the calculations for the individual employees in the plan, except that homogeneous groupings and averages may be

used if the results substantially agree with the results based on individual employee calculations, and (v) the cost method must be permitted by the Employee Retirement Income Security Act of 1974.

(3) The pay-as-you-go cost method is not an acceptable method for measuring the amount of pension cost to be assigned to a cost accounting period. The cost of benefits paid on a pay-as-you-go basis are assignable to cost accounting periods to the extent that such costs are computed and assigned in accordance with the provisions of this Standard.

(4) The basis and rationale for each actuarial assumption used shall be derived from historical experience as amended by reasonable long-term expectations. However, when an actuarial assumption differs significantly from historical experience, the contractor shall provide evidence supporting its conclusion that such experience is no longer appropriate. Actuarial assumptions shall be established so as to avoid distortions caused by short-term fluctuations.

(c) *Assignment of pension cost.* (1) Amounts funded in excess of the pension costs computed for a cost accounting period pursuant to the provisions of this Standard shall be assigned to future cost accounting periods.

(2) A liability for payment of pension cost to a funding agency, or to individuals if on a pay-as-you-go basis, is reasonably certain only to the extent that the liquidation of the liability can be compelled. Evidence of a liability being reasonably certain can include (i) provisions of law such as the funding provisions of the Retirement Income Security Act of 1974, (ii) a contractual agreement which requires liquidation of the liability, or (iii) the existence of rights by a third party to require liquidation of the liability.

(3) If a liability for the pension cost of a cost accounting period is not reasonably certain, such pension cost shall be assigned to that period only if the liability is liquidated in that period or within such time thereafter as the Employee Retirement Income Security Act of 1974 permits for meeting its minimum funding requirements. Pension costs assigned or assignable to a cost accounting period shall not be assigned to any other cost accounting period.

§ 412.60 Illustrations.

(a) *Components of pension cost.* (1) Company A has a defined-benefit pension plan for its employees. The plan is not subject to the funding provisions of the Employee Retirement Income Security Act of 1974. The company's policy has been to compute and fund annual pension cost which is comprised of normal cost plus interest on the unfunded accrued pension liability. Pursuant to § 412.40(a)(1), the components of pension cost assigned to each cost accounting period shall include the normal cost plus an amortized portion of the unfunded accrued pension liability; such amortized portion shall include both a principal and interest element.

(2) Company B's pension plan provides that payments to the funding agency will be made at the end of each calendar quarter. It has been the company's practice, however, to fund the entire year's pension costs on March 15 of the following year. In computing its pension cost for the following year, the company adds an amount equivalent to interest that would have been earned by the pension fund if the costs had been funded in accordance with the funding schedule established for the plan. Pursuant to § 412.50(a)(7), such interest equivalent is not a component of pension cost. Conversely, § 412.50(a)(7) provides also that if the company were to fund its pension plan costs earlier than the dates set forth in the funding provisions of the plan, the pension cost computed pursuant to the provisions of this Standard need not be reduced by the interest earned as a result of such premature funding.

(3) Company C has insured pension plans for each of two groups of employees. One plan is funded through a group insurance contract; the other plan is funded through a group deferred annuity contract. Both plans provide for defined benefits. Pursuant to § 412.50(a)(8), for purposes of this Standard the plan financed through a group insurance contract shall be considered to be a defined-contribution pension plan; the premiums paid for a cost accounting period shall be the pension cost for that period. Because a group deferred annuity contract has the attributes of a separate insurance account as defined in § 412.30(a)(15), the costs of this plan are subject to the provisions of this Standard that are applicable to defined-benefit plans (§ 412.50(a)(8)(i)).

(4) Company D provides pension benefits for certain hourly employees through a defined-benefit multiemployer plan. Under the collective bargaining agreement, the company pays six cents into the fund for each hour worked by the covered employees. Pursuant to § 412.50(a)(9), the plan shall be considered to be a defined-contribution pension plan. The payments to the plan for a cost accounting period shall constitute the assignable pension cost for that period.

(5) Company E provides pension benefits for its administrative employees through a defined-benefit pension plan which it administers at the home office. Each segment of the company remits to the home office six cents for each hour worked by employees covered by the plan. The payment made to the home office represents a distribution of total pension costs expressed on a cents per hour basis. The nature of the distribution of the costs to segments does not change the benefit structure of the plan. Accordingly, the provisions of this Standard relative to defined-benefit pension plans are applicable to the parent company's plan.

(6) Company F provides pension benefits for certain employees through a defined-contribution pension plan. However, the company has a separate fund which is used to supplement the benefits provided by the basic plan. Pursuant to § 412.50(a)(8)(ii), the two plans shall be considered as a single plan for purposes of this Standard. If the effect of the supplemental fund is to provide defined benefits for the plan's participants, the provisions of this Standard relative to defined-benefit pension plans shall be applicable to the combined plan.

(b) *Measurement of pension cost.* (1) Company G has a pension plan whose costs are assigned to cost accounting periods by use of an actuarial cost method under which an unfunded accrued pension liability is not developed; any such liability becomes, in effect, part of normal cost. Moreover, under the actuarial cost method used, pension costs are computed on an aggregate, rather than individual basis. Section 412.50(b)(1) and (2) require that Company G shall (i) measure pension costs using the accrued benefit cost method or a projected benefit cost method, (ii) compute separately the unfunded actuarial liability under whichever cost method it selects, and (3) compute its costs on an individual, rather than aggregate basis.

(2) Company H maintains a small retirement plan for certain salaried employees. Because the benefits of the plan are relatively low, the company decides to provide cost of living increases to plan retirees on a pay-as-you-go basis. Pursuant to § 412.50(b)(3), the cost of the benefits provided, including those made on a pay-as-you-go basis, shall be computed and assigned to cost accounting periods in accordance with the provisions of this Standard.

(3) Company I has a pension plan for salaried employees and another plan for hourly employees. The historical employee turnover rate for each group is 8 percent and 12 percent, respectively. The company computes its pension cost on an assumed employee turnover of 15 percent for each plan. § 412.50(b)(4) of the Standard requires that (i) the contractor set forth the basis and rationale for each assumption used for each plan, and (ii) where such assumptions differ significantly from historical experience, the contractor shall provide evidence to demonstrate that such historical data are no longer appropriate for projecting employee turnover.

(4) The pension trust funds of each of Company J's trusteed plans have been invested in common stocks. The historical earning experience of each fund has averaged 8 percent. In the current year, however, each fund only earned 3 percent. Nonetheless, the contractor has evidence to support his conclusion that in the long term, the earnings of the funds are expected to average 6 percent. In this situation, the 3 percent rate can be considered a short-term fluctuation. The Standard (§ 412.50(b)(4)), requires that such short-term fluctuations be avoided in establishing actuarial assumptions; in this instance the rate to be used should closely approximate 6 percent.

(c) *Assignment of pension cost.* (1) Company K has a pension plan for certain highly-paid salaried employees. The company cannot demonstrate that liquidation of the liability for the cost of the

plan can be compelled in accordance with the criteria contained in § 412.50(c)(2). The pension cost computed for this plan two years ago has not yet been funded. Because the liability for the pension cost is not reasonably certain and has not been liquidated in a timely manner as required by § 412.50(c)(3), the pension cost assignable to that prior period cannot be assigned to that or any other cost accounting period.

(2) Company L has a pension plan for its hourly employees. The plan is a multiemployer plan administered by a labor union. Under the terms of the union agreement, each participating company is required to contribute annually to the fund six cents for each hour of covered employee work. Accordingly, the company's liability for pension cost is considered reasonably certain pursuant to § 412.50(c)(2), because of the contractual agreement with the union which requires the company to contribute its annual share of the cost of the plan. Therefore, the amount of pension cost assignable to a cost accounting period shall be the amount required to be contributed to the fund for that cost accounting period.

§ 412.70 Exemptions.

None for this Standard.

§ 412.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Standard shall be followed by each contractor on or after the start of his next cost accounting period beginning after the receipt of a contract to which this Cost Accounting Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.75-11674 Filed 5-2-75;8:45 am]

FEDERAL RESERVE SYSTEM

[Reg. Z]

[12 CFR Part 226]

TRUTH IN LENDING

Fair Credit Billing

In order to implement the amendments to the Truth in Lending Act (15 U.S.C. Chapter 41, secs. 1601–1681) included in Title III—(Fair Credit Billing) of Pub. L. 93–495 (sec. 301–308), the Board proposes to amend Regulation Z. These amendments would provide:

(1) That the term "creditor" as defined in the regulation shall include credit card issuers for certain purposes, whether or not a finance charge is imposed, and the term "open end credit" shall include consumer credit extended by use of a credit card for certain limited purposes.

(2) That, for certain limited purposes, persons who honor credit cards shall be termed "creditors" as defined by the regulation.

(3) That discounts not in excess of 5 percent offered by sellers to induce purchasers to pay by cash rather than by use of a credit card are not finance charges if they are available to all prospective purchasers and are disclosed as required in the regulation.

(4) That customers shall be apprised of their rights under the Act and the regulation by the creditor when they open an account, or, in the case of accounts in existence on the effective date of the Act and regulation, during the first billing cycle in which they are active, and semiannually. A form for this disclosure is provided in the regulation.

(5) That a periodic statement must be sent to all customers of an open end credit plan if there is a debit or credit balance in the account during the cycle. If the plan provides a period during which the customer can pay without incurring a finance or late payment charge, the periodic statement must be mailed or delivered to the customer, with some exceptions, 14 days prior to the end of the period.

(6) That payments by a customer of an open end credit plan must be credited to the account as of the date the payment is received by the creditor. This requirement would relate only to the crediting of payments to the account as of the day of receipt for the purpose of the computation of finance charges and late payment charges; it would not impose any requirements with respect to the date on which physical posting of payments to the account takes place.

(7) That notification of refunds for returned merchandise or forgiven debt for services which are to be made in the form of a credit to a customer's credit card account shall be made promptly by the seller and the amount of the refund shall be credited promptly by the card issuer. If a seller gives refunds for returns by cash to cash customers, refunds by credit must be given to credit card customers unless the seller discloses to the contrary at the time of the transaction.

(8) That creditors who extend other than open end credit by use of a credit card shall, for certain purposes under the regulation, be required to comply with provisions which generally apply only to open end.

(9) That, with certain exceptions and limitations, credit cardholders will be able to withhold payment and assert claims and defenses which they may have with respect to defective merchandise purchased by use of a credit card against the card issuer.

(10) That credit card issuers may not offset a customer's debt by using the customer's funds held by the creditor in any deposit accounts except by court order or remedies which are constitutionally available to all creditors generally.

(11) That credit card issuers shall not require persons who honor their cards to open accounts with, or procure any services from, them; nor shall they prohibit persons who honor their cards from offering discounts to their customers to induce them to pay by cash rather than by use of a credit card.

(12) A procedure for prompt response to, and resolution of, billing inquiries by customers directed to open end creditors, as defined in the regulation. The regulation sets time limits for the exercise of the responsibilities of the parties and provides a forfeiture penalty for creditors who fail to comply with the requirements.

(13) A definition of a "billing error," which includes extensions of credit improperly charged to a customer's account; requests for clarification or explanation of items on a statement, including requests for documentary evidence of the indebtedness; extensions of credit for goods not accepted by, or delivered to, the customer in accordance with the agreement with the seller; failure to properly reflect payments or credits to the customer's account; computation or accounting errors; and failure to send a statement to the customer's current address.

(14) A procedure for preventing bank credit card issuers from automatically debiting credit card debts from a customer's deposit account when some or all of the items on a periodic statement are disputed by the customer.

(15) That a customer's account may not be closed or restricted before the creditor has fulfilled its responsibilities under the error resolution procedure solely because the customer fails to pay the amount in dispute.

(16) For suspension of the accrual of finance charges on amounts in dispute during the pendency of the error resolution procedure, whether or not the dispute is ultimately resolved in the customer's favor; and for recapture of minimum payments not made during the dispute period if it is later determined that the customer owes some or all of the disputed amount.

(17) A system for treatment of delinquency credit reports and threats by creditors to report adversely to third parties with respect to amounts which are disputed. The regulation prohibits such threats and reports during the pendency of the dispute resolution procedure and requires qualification of such reports made before and after the resolution process to indicate the disputed nature of the amount and any resolution of the dispute. Creditors' failure to comply with these requirements may also result in a forfeiture penalty being imposed.

Pursuant to the authority granted in 15 U.S.C. 1604 (1970) the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

1. To implement section 302, § 226.1(a) would be amended as follows:

a. Section 226.1(a)(1) is revised as set forth below.

b. Section 226.1(a)(2) is amended by inserting the following sentence immediately before the last sentence to read as set forth below.

§ 226.1 Authority, scope, and purpose, etc.

(a) *Authority, scope, and purpose.* (1) This part comprises the regulations issued by the Board of Governors of the Federal Reserve System pursuant to Title I (Truth in Lending Act) and Title V (General Provisions) of the Consumer

Credit Protection Act, as amended (15 U.S.C. 1601 et seq.). Except as otherwise provided herein, this part, within the context of its related provisions, applies to all persons who are creditors, as defined in paragraph (s) of § 226.2.

(2) * * * In addition, this part is designed to assist the customer to resolve credit billing disputes in a fair and timely manner, to regulate certain billing and credit card practices, and to strengthen the legal rights of consumers. * * *

2. Certain paragraphs of §§ 226.2 and 226.13 are redesignated as shown below.

Old section No.	New section No.
226.13(a)(1)	226.2(a)
226.13(a)(2)	226.2(c)
226.13(a)(3)	226.2(m)
226.13(a)(4)	226.2(l)
226.13(a)(6)	226.2(r)
226.13(a)(7)	226.2(ll)
226.2(a)	226.2(b)
226.2(b)	226.2(d)
226.2(c)	226.2(e)
226.2(d)	226.2(f)
226.2(e)	226.2(g)
226.2(f)	226.2(h)
226.2(g)	226.2(i)
226.2(h)	226.2(k)
226.2(i)	226.2(n)
226.2(j)	226.2(o)
226.2(k)	226.2(p)
226.2(l)	226.2(q)
226.2(m)	226.2(s)
226.2(n)	226.2(t)
226.2(o)	226.2(u)
226.2(p)	226.2(v)
226.2(q)	226.2(w)
226.2(r)	226.2(x)
226.2(s)	226.2(y)
226.2(t)	226.2(z)
226.2(u)	226.2(aa)
226.2(v)	226.2(bb)
226.2(w)	226.2(dd)
226.2(x)	226.2(ee)
226.2(y)	226.2(ff)
226.2(z)	226.2(gg)
226.2(aa)	226.2(hh)
226.2(bb)	226.2(jj)
226.2(cc)	226.2(kk)
226.2(dd)	226.2(ll)

3. To implement sections 103 and 161, in § 226.2, redesignated paragraphs (h), (p), (q), (s), (u), and (x) are revised, and new paragraphs (j) and (cc) are added as set forth below:

§ 226.2 Definitions and rules of construction.

* * * * *

(h) "Arrange for the extension of credit" means to provide or offer to provide consumer credit which is or will be extended by another person under a business or other relationship pursuant to which the person arranging such credit

(1) Receives or will receive a fee, compensation, or other consideration for such service, or

(2) Has knowledge of the credit terms and participates in the preparation of the contract documents required in connection with the extension of credit.

It does not include honoring a credit card or similar device where no finance charge is imposed at the time of that transaction.

* * * * *

(j) "Billing error" includes:

(1) A reflection on a periodic statement of an extension of credit which was not made to the customer or from which he receives no benefit, or, if made, was not in the amount indicated on the periodic statement, or

(2) A reflection on a periodic statement of an extension of credit or indebtedness for which the customer requests explanation or clarification, including requests for documentary evidence of the indebtedness reflected therein, or

(3) A reflection on a periodic statement of an extension of credit for goods or services not accepted [1] by the customer or his designee, or not delivered to the customer or his designee in accordance with any agreement made in connection with the transaction, or

(4) Any failure to properly reflect on a periodic statement, a payment or other credit to the customer's account, or

(5) A computation error or similar error of an accounting nature made by the creditor on a periodic statement, including errors in computing finance charges or late payment charges, or

(6) A failure to mail or deliver a customer's periodic statement to his current address, which results in an additional finance charge or additional minimum payment, if the customer notified the creditor of his change of address by the closing date of the previous billing cycle.

* * * * *

(p) "Consumer credit" means credit offered or extended to a natural person, in which the money, property, or service which is the subject of the transaction is primarily for personal, family, household, or agricultural purposes. "Consumer loan" is one type of "consumer credit."

(q) "Credit" means the right granted by a creditor to a customer to defer payment of debt, incur debt and defer its payment, or purchase property or services and defer payment therefor. (See also paragraph (jj) of this section.)

(s) "Creditor" means a person who in the ordinary course of business regularly extends or arranges for the extension of consumer credit, or offers to extend or arrange for the extension of such credit, which is payable by agreement in more than four instalments, or for which the payment of a finance charge is or may be required, whether in connection with loans, sales of property or services, or otherwise. For purposes of the requirements of §§ 226.7(a) (6), (7), (8), and (9); 226.7(b)(1) (i), (ii), (iii), (ix), and (x); 226.7(b)(2); 226.7(c), (d), (f), (g), (h), and (i); 226.13; and 226.14, the term "creditor" shall also include card issuers, whether or not the payment of a finance charge is or may be required. For purposes of the requirements of §§ 226.4(i) and 226.13(k), the term "creditor" shall include any person who honors a credit card.

* * * * *

[1] The term "accepted" shall be construed to mean "acceptance" as defined in section 2-606 of the Uniform Commercial Code.

(u) "Customer" means (1) a cardholder or (2) a natural person to whom consumer credit is offered or to whom it is or will be extended, and includes a comaker, endorser, guarantor, or surety for such natural person who is or may be obligated to repay the extension of consumer credit.

* * * * *

(x) "Open end credit" means consumer credit extended on an account pursuant to a plan under which (1) the creditor may permit the customer to make purchases or obtain loans, from time to time, directly from the creditor or indirectly by use of a credit card, check, or other device, as the plan may provide; (2) the customer has the privilege of paying the balance in full or in installments; and (3) a finance charge may be computed by the creditor from time to time on an outstanding unpaid balance. For purposes of the requirements of §§ 226.7(a)(6), (7), (8), and (9); 226.7(b)(1)(i), (ii), (iii), (ix), and (x); 226.7(b)(2); 226.7(c), (d), (f), (g), and (i); 226.13; and 226.14, the term in(h), and (i); 226.13; and 226.14, the rm includes consumer credit extended on an account by use of a credit card, whether or not a finance charge may be imposed. The term does not include negotiated advances under an open end real estate mortgage or a letter of credit.

* * * * *

(cc) "Proper written notification of a billing error" is any written notification (on a payment medium or other material accompanying the periodic statement or on a separate sheet, if the creditor so stipulates in the disclosure required by § 226.7 (a)(9), (d), and (j)), received at the address disclosed under § 226.7(b)(1)(x) within 60 days of the first mailing or delivering to the customer's current address (as required in § 226.7(b)) of the periodic statement on which the disputed item(s) or amount(s) is reflected in which the customer

(1) Sets forth or otherwise enables the creditor to identify the name and account number (if any) of the customer,

(2) Indicates the customer's belief that the periodic statement contains a billing error and the suspected amount of such error, and

(3) Sets forth the reasons for such belief, to the extent possible.

* * * * *

§ 226.3 [Amended]

4. Footnote in § 226.3 would be redesignated as follows:

Footnote 1 is redesignated 1a, and new footnote 1 is added as set forth in § 226.2 (j)(3) *supra*.

5. To implement section 167, § 226.4(i) would be added as follows:

§ 226.4 Determination of finance charge.

* * * * *

(i) *Discounts for payments in cash.* (1) Notwithstanding any other provision of this section, a discount which a person offers, allows, or otherwise makes available for the purpose of inducing payment

for a purchase by cash, check, or similar means rather than by use of an open end credit card account, whether or not a credit card is physically used, is not a finance charge: *Provided*, That:

(i) Such discount does not exceed five percent when computed or expressed as a percentage of the tag, posted, or advertised price of the goods or services which are the subject of the transaction,

(ii) Such discount is available to all prospective buyers,

(iii) The availability of such discount is clearly and conspicuously disclosed to all prospective buyers by a sign or display posted at or near each public entrance to the seller's place of business wherein such discount is offered, and at all locations within the place of business where a purchase may be made, and

(iv) If an offer of sale is advertised in any medium or if offers to buy are invited or allowed by a seller to be made by mail, telephone, or by means other than personal contact between the customer and seller and if customers are allowed to pay by use of a credit card or its underlying account and such fact is disclosed by the advertisement, telephone contact, or in the course of the mail correspondence, the availability of a discount for payments in cash must be clearly and conspicuously disclosed in any advertisement for such offerings and, in any case, before the transaction has been completed by use of the credit card or its underlying account.

(2) Notwithstanding anything contained in the foregoing paragraph to the contrary, any surcharge added to the tag, posted, or otherwise generally available price of goods or services offered for sale by a seller, which is imposed by such seller as a condition or consequence of the use of the credit card with respect to a transaction involving such goods or services, shall be a finance charge subject to the requirements of this section.

(3) With respect to any discount for cash in excess of five per cent, the total amount of the discount shall constitute a finance charge under § 226.4(a) to be disclosed in accordance with § 226.7(e).

6. To implement section 171(a) and to provide a transition period for the use of old forms, § 226.6(b)(1)(i), (b)(2) and (k) would be revised as follows:

§ 226.6 General disclosure requirements.

* * * * *

(b) *Inconsistent State requirements.* (1) With respect to the requirements of this Part, State law is inconsistent with the requirements of the Act and this Part, within the meaning of sections 111(a) and 171(a) of the Act to the extent that it:

(i) Requires a creditor to make disclosures or take actions different from the requirements of this part with respect to form, content, terminology, or time of delivery;

* * * * *

(2) If any provision of State law provides greater protection to the consumer than that provided by Chapter 4 of the Act, then that provision of State law is not inconsistent with the provisions of the Act or this part.

* * * * *

(k) *Transition period.* Any creditor who can demonstrate that he has taken bona fide steps, prior to October 28, 1975, to obtain printed forms which are necessary to comply with the requirements of this part may, until such forms are received but in no event later than April 30, 1976, utilize existing supplies of printed forms for the purpose of complying with the disclosure requirements of this part, other than the requirements of paragraphs (a)(9), (d), and (l) of § 226.7: *Provided*, That such forms are altered or supplemented as necessary to assure that all of the items of information the creditor is required to disclose to the customer are set forth clearly and conspicuously.

* * * * *

7. To implement sections 127(a)(8), 127(b)(11), 127(c), 163, 164, 165, and 167, § 226.7 is amended as follows:

a. Paragraph (a)(9) is added as set forth below.

b. The text following the heading of paragraph (b) is redesignated as paragraph (b)(1).

(c) Paragraphs (b)(1) through (9) are redesignated as paragraphs (b)(1)(i) through (ix).

d. Paragraph (b)(1)(x) is added as set forth below.

e. Redesignated paragraphs (b)(1)(iii), (v), and (ix) are revised as set forth below.

f. Paragraph (b)(2) is added as set forth below.

g. Paragraph (c)(3) is amended by adding a last sentence to read as set forth below.

h. Paragraphs (d) and (e) are redesignated as paragraphs (e) and (f), new paragraphs (d), (g), (h), and (i) are added, and redesignated paragraph (e) is revised as set forth below.

§ 226.7 Open end credit accounts—specific disclosures.

(a) * * *

(9) The following notice: *"Notice:* See accompanying statement for important information regarding your rights to dispute billing errors," and a separate statement containing substantially the following text, as applicable, written clearly and conspicuously on one side of a separate page, shall accompany such a statement; or the language without the preceding notice may be included on the statement required by paragraph (a) of this section if disclosed clearly and conspicuously:

IN CASE OF ERRORS ON YOUR BILL

The Federal Truth in Lending Act requires prompt correction of billing mistakes. Here's what to do if you think your bill is wrong or if you need more information about an item on your bill:

1. Don't write on the bill. On a separate sheet of paper write (you may telephone your inquiry but doing so will not preserve your rights under this law) the following:

(a) Your name and account number (if any).

(b) Describe the error and why (to the extent you can) you believe it is an error. If you only need more information, explain the item you are not sure about, and if you wish, ask for evidence of the charge such as a copy of the sales slip. Don't send in your copy of a sales slip or other document unless you have a duplicate copy for your records.

(c) The dollar amount of the suspected error if you can.

(d) Any other information (such as your address) which you think will help the company (bank) to identify you or the reason for your complaint or inquiry.

2. Send your billing error notice to the address on your bill which is listed after the words: "Send Inquiries To:" Mail it as soon as you can, but in any case early enough to reach the company (bank) within 60 days after the bill was mailed to you.

If your bank automatically pays these bills from your checking or savings account, you can stop payment on the amount you think is wrong by mailing your notice within 10 days after receiving your bill. You don't have to meet this 10 day deadline, though, to get your bill corrected.

3. The company (bank) must answer all letters pointing out possible errors and must do so within 30 days. Within 90 days after receiving your letter, the company (bank) must either correct the error or show why the bill was correct.

4. Meanwhile, neither the company (bank) nor its attorney nor a collection agency may send you dunning letters. You cannot be threatened with damage to your credit rating or sued for the amount in question, nor can the disputed amount be reported to a credit bureau or to other creditors as delinquent.

5. If it is determined that you owe all or a part of the disputed amount, you will have to pay any finance charges on the disputed amount(s) that you owe up to the time you sent the error notice. But no finance charges may be imposed on the amount in dispute from the time your notice is received until the error is resolved. You will have to make up any missed minimum payments from the time you received the bill on which the suspected error first appeared. The company (bank) must send you a statement of what you owe, and you must be given the same time to pay which you normally are given to pay undisputed amounts.

6. If the company's (bank's) explanation doesn't satisfy you and you notify the creditor in writing that you still refuse to pay the disputed amount, the company (bank) may report you to credit bureaus and other creditors. But it must tell them that you don't think you owe the money, and it must let you know to whom it has reported you. Once the matter has been settled between you and the company (bank), it must send follow-up notices to those to whom it reported you as delinquent.

7. Companies (banks) that don't follow these rules are not allowed to collect the first $50 of a disputed amount, even if the bill turns out to be correct.

8. You may have good grounds in a law suit for withholding payment of the amount you still owe for merchandise or services that prove defective if three conditions are met:

(1) you must first give the merchant an opportunity to correct the problem;

(2) you must have made the purchase in your home state or within 100 miles of your home (whichever is farther); and

(3) the purchase price must be more than $50.

However, the dollar and distance limitations do not apply if the merchant and the credit card company are the same or a related organization, or if the credit card company participated in offering the merchandise or services through the mail.

(b) *Periodic statements required.* (1) Except in the case of an account which the creditor deems to be uncollectable or with respect to which delinquency collection procedures have been instituted, the creditor of any open end credit account shall mail or deliver to the customer's current address (if the customer has notified the creditor of his change of address by the closing date of the previous billing cycle), for each billing cycle at the end of which there is an outstanding debit or credit balance in excess of $1 in that account or with respect to which a finance charge is imposed, a statement or statements which the customer may retain, setting forth in accordance with paragraph (c) of this section each of the following items to the extent applicable:

* * * * *

(iii) The amounts posted to the account during the billing cycle for payments, using the term "payments," and for other credits including returns, rebates of finance charges, overpayments, and adjustments, using the term "credits," and unless previously furnished a brief identification of each of the items included in such other credits.

* * * * *

(v) Each periodic rate, using the term "periodic rate" (or "rates"), that may be used to compute the finance charge (whether or not applied during the billing cycle), the range of balances to which it is applicable, and the corresponding annual percentage rate determined by multiplying the periodic rate by the number of periods in a year. The words "corresponding annual percentage rate," "corresponding nominal annual percentage rate," "nominal annual percentage rate" or "annual percentage rate" (or "rates") may be used to describe the corresponding annual percentage rate. The requirements of § 226.6(a) with respect to disclosing the term "annual percentage rate" more conspicuously than other required terminology shall not be applicable to the disclosure made under this paragraph, although such term (or words incorporating such term) may, at the creditor's option, be shown as conspicuously as the terminology required under paragraph (b)(1)(vi) of this section. Where a minimum charge may be applicable to the account, the amount of such minimum charge shall be disclosed."

* * * * *

(ix) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," accompanied by the statement of the date by which, or the period, if any, within which, payment must be made to avoid additional finance charges or late payment charges.

(x) An address to be used by the creditor for the purpose of receiving billing inquiries from customers. Such address shall be preceded by the caption: "Send Inquiries To:".

(2) If the terms of the open end credit plan provide a time period within which the customer may repay any portion of the new balance without incurring an additional finance charge or a late payment charge, no such charge may be imposed with respect to any portion of such new balance unless the periodic statement disclosing such new balance is mailed or delivered to the customer's current address (if the customer has notified the creditor of his change of address by the closing date of the previous billing cycle) at least 14 days prior to the date specified in the statement as being the date by which payment must be made in order to avoid the imposition of that finance charge or late payment charge, except that such time limitation shall not apply in any case where the creditor has been prevented, delayed, or hindered in mailing or delivering such periodic statement within such time limit because of an act of God, war, civil disorder, natural disaster, or strike.

(c) * * *

(3) * * * The disclosure required by paragraph (b)(1)(x) of this section may be made on the reverse side of the periodic statement.

(d) *Semiannual notice required.* (1) creditor shall mail or deliver semiannually to each customer entitled to receive a periodic statement under § 226.7 (b), the notice required by § 226.7(a)(9), written clearly and conspicuously on one side of a separte page or included with the disclosures required by paragraph (b) of this section if disclosed clearly and conspicuously.

(2) The semiannual notice shall be mailed or delivered not less than 5 nor more than 7 months after the month in which the last preceding such notice was mailed or delivered: *Provided*, That,

(i) In any case the creditor shall mail or deliver such notices at least twice in any 12 month calendar period, and

(ii) The first semiannual notice to any new customer may be mailed or delivered to that customer during the next regularly scheduled mailing or delivery of semiannual notices.

(3) If the creditor chooses to alter the cycle of mailing or delivering semiannual notices, the creditor may mail or deliver the semiannual notice less than 5 months after the last preceding such notice was mailed or delivered: *Provided*, That the creditor mails or delivers at least 3 such notices in the next twelve months computed from the month in which the last preceding semiannual notice was mailed or delivered.

(4) Nothing in this subsection shall be construed to prohibit a creditor from mailing or delivering the notice required by this subsection more frequently than semiannually, such as monthly.

(e) *Finance charge imposed at the time of transaction.* Any creditor, other than the creditor of the open end credit account, who imposes a finance charge not excepted by § 226.4(i) *Discounts for payment in cash*, at the time of honoring a customer's credit card, shall make the disclosures required under paragraphs (b)(2) and (d) of § 226.8 *Credit other than open end—specific disclosures*, at the time of that transaction, and the annual percentage rate to be disclosed shall be determined by dividing the amount of the finance charge by the amount financed and multiplying the quotient (expressed as a percentage) by 12.

* * * * *

(g) *Prompt crediting of payments.* Regardless of the date of actual posting of payments to an account, any payments shall be credited to the customer's account as of the date such payment is received by the creditor and no finance charge or late payment charge may be imposed with respect to the amount of such payment which is properly received by the creditor on or before the time indicated by the creditor to avoid imposition thereof, except that:

(1) The creditor may specify reasonable requirements with respect to the form, amount, manner, location, and time of such payments in order that such payments will be credited as of the day of receipt provided that:

(i) If no particular hour of the day has been clearly indicated to the customer on the periodic statement as the time by which payment must be received by the creditor in order to obtain crediting to the customer's account on such date, payments made prior to the close of business on that day must be credited as of that date, and

(ii) If no location(s) has been clearly indicated on the periodic statement as the location(s) at which payment may be made, then payment at any location where the creditor conducts business shall be credited as of the date such payment is presented, and

(iii) If no particular manner of payment has been clearly indicated on the periodic statement, then payment by check, cash, money order, bank draft, or other similar instrument in properly negotiable form shall constitute proper manner of payment.

(2) If the creditor accepts payment at locations other than that indicated as necessary for crediting as of the date of receipt, the creditor must credit the customer's account as of the day payment is received at the alternate location(s), even though the actual posting may occur at a later day.

(h) *Crediting and refunding excess payments.* (1) Whenever a customer mails or delivers payment to the creditor in excess of the total balance due on the account, the creditor shall:

(i) Credit the customer's account with the amount of the overpayment as of the date of receipt as specified in paragraph (g) of this section, or

(ii) If the creditor so elects and, in any case, if the customer has previously requested in writing, promptly (in no case more than 5 business days from receipt of the payment) refund the amount of the overpayment.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, upon receipt of a customer's request, the

creditor shall promptly (in no case more than 5 business days from receipt of a customer's request) refund the amount of any overpayment(s).

(i) *Open end credit accounts existing on October 28, 1975.* In the case of any open end credit account in existence and in which a balance of more than $1 remains unpaid at or after the closing date of the creditor's first full billing cycle after October 28, 1975, and which balance is deemed to be collectible and not subject to delinquency collection procedures, the items described in paragraph (a) of this section, to the extent applicable and not previously disclosed to the customer, shall be disclosed in the form prescribed in paragraph (a) of this section, and mailed or delivered to the customer not later than the time of mailing or delivery of the periodic statement required under paragraph (b) of this section for that billing cycle.

8. To implement section 103(f) and to clarify certain disclosure requirements with respect to credit other than open end which is extended on an account by use of a credit card, § 226.8(n) is revised and (q) is added as follows:

§ 226.8 Credit other than open end—specific disclosures.

* * * * *

(n) *Periodic statements.* (1) If a creditor transmits a periodic billing statement [15] other than a delinquency notice, payment coupon book, or payment passbook, or a statement, billing, or advice relating exclusively to amounts to be paid by the customer as escrows for payment of taxes, insurance, and water, sewer, and land rents, it shall be in a form which the customer may retain and shall set forth:

(i) The annual percentage rate or rates unless exempted by § 226.8(b)(2); and

(ii) The date by which, or the period, if any, within which payment must be made in order to avoid late payment or delinquency charges.

(2) If the creditor is required to send a periodic statement under paragraph (q) of this section, the disclosures required by §§ 226.7(b)(1) (i), (ii), (iii), (ix), and (x), and 226.7(b)(2) shall be made in addition to the disclosures required by this subsection.

* * * * *

(q) *Credit card accounts.* In addition, to the requirements of this section credit other than open end which is extended on an account by use of a credit card shall also be subject to the requirements of §§ 226.7(a) (6), (7), (8), and (9); 226.7(b)(1) (i), (ii), (iii), (ix), and (x); 226.7(c), (d), (g), (h), and (i); 226.13; and 226.14, to the extent not required by other portions of this section.

[15] Any statement, notice, or reminder of payment due on any transaction payable in installments which is mailed or delivered periodically to the customer in advance of the due date of the installment shall be a periodic billing statement for the purpose of this paragraph.

9. To implement section 171, § 226.12 (a) and (b) are revised as follows:

§ 226.12 Exemption of certain State regulated transactions.

(a) *Exemption for State regulated transactions.* In accordance with the provisions of Supplements II, IV, and V to Regulation Z, any State may make application to the Board for exemption of any class of transactions within the State from the requirements of Chapters 2 and 4 of the Act and the corresponding provisions of this part: *Provided*, That:

(1) The Board determines that, under the law of that State, that class of transactions is subject to requirements substantially similar to those imposed under Chapter 2 or Chapter 4 of the Act or both and the corresponding provisions of this part; or in the case of Chapter 4, the consumer is afforded greater protection than is afforded under Chapter 4 of the Act, and

(2) There is adequate provision for enforcement.

(b) *Procedures and criteria.* The procedures and criteria under which any State may apply for the determination provided for in paragraph (a) of this section are set forth in Supplement II to Regulation Z with respect to disclosure and rescission requirements (§§ 121–131 of Chapter 2), Supplement IV with respect to the prohibition of the issuance of unsolicited credit cards and the liability of the cardholder for unauthorized use of a credit card (§ 132–133 of Chapter 2), and in Supplement V which will be issued on or before October 28, 1975, with respect to fair credit billing requirements (§§ 161–171 of Chapter 4).

* * * * *

10. To implement sections 166, 167, 168, 169, and 170, § 226.13 is amended as follows:

a. Paragraphs (a) (1) through (4), and (a) (6) and (7), are incorporated into § 226.2 as shown in the redesignation table of paragraph 2 above.

b. Paragraph (a)(5) is deleted.

c. Paragraphs (b) through (h) are redesignated as paragraphs (a) through (g) and

d. Paragraphs (i), (j), (k), and (l) are added as follows:

§ 226.13 Credit card transactions—special requirements.

* * * * *

(i) *Right of cardholder to assert claims or defenses against card issuer.* (1) When a person who sells property or services fails to satisfactorily resolve a dispute as to defective property or services purchased by use of a credit card, the cardholder may assert all claims [16] and defenses arising out of the transaction and relating to such failure against the card issuer who has issued the credit card if:

(i) The customer has made a good faith attempt to obtain satisfactory resolution of a disagreement or problem relative to the transaction from the person honoring the credit card,

(ii) The amount of credit extended by the card issuer to the customer to purchase the property or services which resulted in the assertion of the claim or defense by the customer exceeds $50, and

(iii) The initial transaction which gave rise to the assertion of the claim or defense by the customer occurred in the same State as the mailing address previously provided by the cardholder or within 100 miles from such address (whichever is greater), except that the limitations stated in paragraphs (i)(1)(ii) and (iii) of this section shall not apply when the person honoring the credit card:

(A) Is the same person as the card issuer, or

(B) Is controlled, directly or indirectly, by the card issuer, or

(C) Is under the direct and indirect control of a third person who also directly or indirectly controls the card issuer, or

(D) Is a franchised dealer in the card issuer's products or services, or

(E) Has obtained the order for the transaction relative to which the claim(s) or defense(s) is asserted through a mail solicitation made by or participated in [17] by the card issuer, in which the cardholder is solicited to enter into such transaction by using the credit card issued by the card issuer, or

(F) Controls, directly or indirectly, the card issuer.

(2) The amount of the claims or defenses assertable by the cardholder under this subsection may not exceed the amount of credit outstanding with respect to the transaction which gave rise to the assertion of the claim(s) or defense(s) at the time the cardholder first notifies the card issuer or the person honoring the credit card for such transaction of the existence of such claim(s) or defense(s). For purposes of determining the amount of credit outstanding with respect to such transactions as provided in the preceding sentence, payments and other credits to the cardholder's account will be deemed to have been applied, in the order indicated, to the payment of:

(i) Late charges in the order of entry to the account;

(ii) Finance charges in the order of entry to the account;

(iii) Any other debits in the order in which each debit entry was made to the account; and

(iv) When more than one item is included in a single extension of credit, credits are to be distributed pro rata according to prices and applicable taxes.

[16] These claims shall not include tort claims or contract claims of damages to person or property resulting from the merchant's failure to resolve a dispute as to defective property or services. The exclusion of tort claims is not intended to defeat the assertion of claims that could alternatively be pleaded in tort or contract.

[17] "Participated in" does not include a mere indication by a person that he honors a particular credit card(s).

(3) This § 226.13(i) does not apply to cash advances obtained with a credit card when the advance is obtained from the card issuer and is unrelated to any specific credit sale item.

(j) *Prohibition of offsets by card issuer.* (1) A card issuer may not take any action to offset a cardholder's indebtedness arising in connection with a consumer credit transaction under the relevant credit card plan or underlying account against funds of the cardholder held on deposit with the card issuer unless a court order is obtained.[18]

(2) The prohibition in paragraph (j)(1) of this section does not apply to credit card plans whereby the cardholder authorizes the card issuer as a method of payment to periodically deduct all or a portion of the cardholder's credit card debt from his deposit account (subject to the limitations in § 226.14(a)(2)): *Provided,* That,

(i) Such automatic debit was previously authorized in writing by the cardholder, or

(ii) With respect to such automatic debit accounts in existence on October 28, 1975, the creditor has given notice of the provisions of paragraph (j) of this section to such accounts prior to renewal of the authorization (in no case later than October 28, 1976).

(k) *Prompt notification of returns.* (1) When any person accepts the return of property or forgives a debt for services which is to be reflected as a credit to the customer's credit card account, he shall promptly (in no case later than 3 business days from the date the return is agreed to) mail or deliver to the card issuer a credit statement with respect thereto in the manner, time, and location indicated by the card issuer as being necessary to immediately credit the customer's account and furnish the customer with a copy of such statement.

(2) Upon receipt of such credit statement, the card issuer shall credit the account of such customer as he would a properly transmitted payment under § 226.7(g). If the card issuer does not indicate a specific manner, time, and location for prompt receipt of credits for returns, then the assumptions in § 226.7(g) will apply.

(3) If it is the seller's policy to give cash refunds to cash customers, he must also give credit refunds to credit card customers, unless he clearly and conspicuously discloses that he does not give credit refunds at the time the purchase transaction is consummated.

(l) *Prohibited acts of card issuers.* Notwithstanding any existing agreement(s) to the contrary, no card issuer may, by contract or otherwise,

(1) Prohibit any person from offering a discount to all customers of such person, including cardholder customers, to induce such customers to pay by cash, check, or other similar means rather than by use of a credit card or its underlying account for the purchase of property or services; or

(2) Require any person to open or maintain an account or procure any other service or device from the card issuer, its subsidiary, agent, or any other person, as a condition of participation in a credit card plan.

11. To implement sections 161, 162, and 170, § 226.14 is added as follows:

§ 226.14 Billing errors—resolution procedure.

(a) *Correction of billing errors.* After the creditor receives proper written notification of a billing error reflected on a periodic statement from a customer, unless the customer has subsequently agreed in writing that the periodic statement is correct, the creditor shall:

(1) Not later than 30 days after receipt of such notification, mail or deliver written acknowledgment thereof to the customer's current address, unless the appropriate actions in subparagraph (2) of this paragraph are taken within such 30 day period; and

(2) Resolve the dispute not later than 2 complete billing cycles (in no event more than 90 days) from the date of receipt of the notice of billing error and prior to any action by the creditor to collect any portion of the amount(s) indicated by the customer as being in dispute or any finance charges or late payment charges computed on such disputed amount(s) by

(i) Making any appropriate corrections in the account of the customer with regard to any disputed amounts erroneously billed, including the crediting of any finance charges or late payment charges imposed upon any amounts erroneously billed, and mailing or delivering to the customer a written notification of corrections;[19] or

(ii) Correcting the customer's account by a differing amount from that indicated by the customer as being erroneously billed and mailing or delivering to the customer an explanation of the change(s), accompanied by documentary evidence of the customer's indebtedness as to the amount in dispute, if such evidence is requested by the customer; or

(iii) Mailing or delivering a written explanation or clarification to the customer, after having conducted a reasonable investigation setting forth, to the extent applicable, the reasons why the creditor believes the amount(s) was correctly shown on the periodic statement and, if the customer so requests, furnishing copies of any documentary evidence of the customer's indebtedness with respect to a disputed amount. In any case where the customer alleges that the periodic statement reflects property or services not delivered to the customer or his designee in accordance with any agreement made in connection with the transaction giving rise to the disputed amount, a creditor may not construe such amount to be correctly shown on the billing statement unless the creditor determines, upon reasonable inquiry and investigation, that such property or services were actually delivered, mailed, or otherwise sent to the customer and provides the customer with a written statement explaining such determination. In any case where the customer alleges that an amount of a transaction reflected on the periodic statement is improper because the person honoring the credit card has made an incorrect report to the card issuer of the amount which should have been charged, the card issuer may not construe such amount to be correctly reflected on the periodic statement unless the creditor determines, upon reasonable inquiry and investigation, that the proper amount is shown on the periodic statement and provides the customer with a written statement explaining such determination.

(b) *Minimum payments and finance charges on disputed amounts.* (1) When a customer is permitted to make a minimum payment, he need only make a minimum payment calculated on the basis of amounts not in dispute. When the disputed amount is only a part of the total amount of an item, the customer remains obligated to pay the amount not in dispute, and any minimum payment and finance charges or late payment charges may be calculated on the undisputed amount. If, at the completion of the error resolution procedure, it is determined that the customer owes some or all of the disputed amount, the creditor may require payment of any minimum payment amounts which the customer failed to pay because of the dispute. The creditor may not, however, accelerate the customer's entire debt solely because the customer has exercised rights provided by the Act or this part.

(2) After the resolution of a dispute, finance charges or late payment charges which could have been imposed on amounts in dispute prior to receipt by the creditor of the proper written notification of a billing error may be collected, unless:

(i) It is resolved that the customer owes none of the amount in dispute, in which case no finance charges or late payment charges may be collected for any time on that amount; or

(ii) It is resolved that the customer owes some of the disputed amount, in which case finance charges or late payment charges for such period may be imposed only on the amount owed.

In no case may finance charges or late payment charges be imposed on disputed amounts during the time the dispute resolution procedure of this section is in process. After the completion of a dispute resolution procedure, as provided in paragraph (a) of this section, the creditor

[18] This paragraph does not alter or affect the right of a card issuer acting under State law to attach or otherwise levy upon funds of a cardholder held on deposit with the card issuer if that remedy is constitutionally available to creditors generally.

[19] A notice on a subsequent billing statement clearly identifying any amount credited the customer's account pursuant to a billing error notice shall be deemed a proper transmittal of a written notification of corrections.

shall promptly mail or deliver to the customer a statement of the amount owed by the customer according to the requirements of § 226.7(b)(2).

(3) Nothing in this section shall be construed to prohibit the mailing or delivery of periodic statements to the customer: *Provided*, That the creditor indicates to the customer on the face of the periodic statement that payment of the specific amount in dispute is not required pending the creditor's compliance with the provisions of this section.

(4) Nothing in this section shall prohibit any action by a creditor to collect any amount which has not been indicated by the customer to contain a billing error.

(c) *Automatic debit of disputed amounts.* (1) In the case of credit plans where the cardholder has agreed to permit the card issuer to periodically pay the cardholder's indebtedness by deducting the appropriate amount from the cardholder's deposit account, the creditor shall not automatically debit any disputed amounts if the customer has mailed or delivered a proper written notification of a billing error within 10 days of receipt of the periodic statement on which the suspected billing error first appears.

(2) Upon receipt of such notification, if the creditor has already automatically debited the customer's account, the creditor shall promptly (in no case no more than one business day after receipt of the notice) restore to the customer's deposit account any portion of the disputed amount which was previously deducted.

(3) Nothing in this subsection shall limit the customer's right to dispute an amount he believes to be in error within 60 days as otherwise provided in this section.

(d) *Closing of accounts.* A creditor may not, prior to complying with the requirements of paragraphs (a) and (b) of this section, restrict or close an account with respect to which the customer indicated a belief that such account contains a billing error solely because of the customer's refusal or failure to pay the amount indicated to be in error. This subsection does not prohibit the creditor from applying any such amount to the customer's credit limitation.

(e) *Credit reports on amounts in dispute.* (1) After receiving a proper written notification of a billing error pursuant to this section, neither the creditor nor his agent may directly or indirectly threaten to report adversely to any person on the customer's credit standing or credit rating because of the customer's failure to pay the amount specified in such notification as being in error or any finance charge imposed on the disputed amount, nor shall such amount be reported as delinquent [20] to any third person unless such amount remains unpaid after creditor has complied with all the requirements of this section and has allowed that customer the same number of days thereafter as he customarily or by credit agreement allows, whichever is longer (in no case less than 10 days), for the customer to pay undisputed amounts.

(2) If, within the time limit allowed for payment in paragraph (1) of this subsection, the creditor receives a further written notification from the customer that any portion of a previously disputed amount is still in dispute, the creditor may not report to any third party that such amount is delinquent, unless the creditor also reports that the amount is in dispute pursuant to the applicable provisions of this section and, at the same time, notifies the customer in writing of the name and address of each party to whom the creditor is reporting information concerning the delinquency.

(3) If a creditor has reported a disputed amount as being delinquent to any third person, the creditor shall report promptly in writing to any person to whom such report was made any subsequent resolution of the reported delinquency.

(4) If a creditor has reported an amount as being delinquent to a third party, and such amount is subsequently disputed by the customer in accordance with the requirements of paragraph (a) of this section, the creditor shall promptly (in no case more than 5 business days after receipt by the creditor of the proper written notification of the billing error) mail or deliver a written notice to each third party to whom the delinquency was reported that the amount is in dispute, and shall promptly notify each such third party of any subsequent resolution of the dispute. A creditor need not comply with the requirements of this paragraph if the dispute is resolved within 5 business days after receipt by the creditor of proper written notification of a billing error.

(f) *Forfeiture penalty.* (1) Any creditor who fails to comply with the requirements of this section forfeits any right to collect from the customer the amount indicated by the customer as being in error, whether or not such amount is in fact in error, and any corresponding finance charges: *Provided*, That the amount so forfeited under this section shall not exceed $50 for each item or transaction on a periodic statement indicated by the customer as being in error. In no case shall a creditor forfeit any amount for an error in a total figure or subtotal figure reflected on a statement which is caused solely by an error in another item which is the subject of a dispute, nor shall a creditor suffer any forfeit more than once for any item or transaction which may appear on a periodic statement.

(2) Nothing in this subsection shall be construed to limit a customer's right to recover under section 130 of the Act.

(g) *Exceptions to general rule.* This section does not apply to credit other than open end, whether or not a periodic statement is mailed or delivered, unless such credit is extended on an account by use of a credit card.

12. Draft regulations to implement sections 409 and 411 of title IV of Pub. L. 93-495 will be issued by the Board at a later date.

13. The effective date of these regulations shall be October 28, 1975.

14. This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

Interested persons are invited to submit relevant data, views, or arguments concerning this proposal, including possible effects on the cost and the availability of consumer credit. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 30, 1975. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, April 28, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-11619 Filed 5-1-75;8:45 am]

[12 CFR Part 228]

UNFAIR OR DECEPTIVE ACTS OR PRACTICES

Notice of Proposed Rulemaking

The Federal Reserve Board is considering the issuance of regulations with respect to unfair or deceptive credit practices by banks. These regulations would be issued pursuant to the authority of Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 41 et seq. as amended by Pub. L. 93-637). That Act gives the Board authority to develop such regulations on its own initiative or in response to rules promulgated by the Federal Trade Commission. It provides that whenever the Federal Trade Commission prescribes a rule prohibiting unfair or deceptive acts or practices, the Board shall within 60 days thereafter promulgate substantially similar regulations prohibiting substantially similar acts or practices of banks, unless the Board finds either that such acts or practices of banks are not unfair or deceptive or that implementation of similar regulations with respect to banks would seriously conflict with essential monetary and payments systems policies of the Board.

The Federal Trade Commission has proposed a rule prohibiting the use of certain contractual terms frequently included in consumer credit contracts and certain practices often employed by creditors to aid in the collection of unpaid debts. The proposed rule would also require disclosures to cosigners which

[20] A report by a creditor with reference to a disputed amount must include a reference that the amount is in dispute pursuant to the applicable provisions of this section and shall not be considered to be "reported as delinquent."

clearly inform them of the ramifications of the obligations to which they agree.

Failure to conform with the terms of the rule would be considered an unfair or deceptive act or practice prohibited under section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

In order to assure that potentially affected banks are aware of the proposed rule and to have the benefit of their suggestions on such matters, the Board is publishing for comment a substantially identical rule as well as a substantially identical version of the Commission's statement of reason for the proposed rule. The only alterations made by the Board to the Commission's proposal are those conforming the sectional designations to 12 CFR Part 228 and certain definitional changes, e.g. substituting "banks" for "lenders within the jurisdiction of the Federal Trade Commission."

Accordingly, the Board hereby publishes for comment a proposed rule potentially applicable to banks:

Sec.
228.1 Definitions.
228.2 Unfair credit practices.

AUTHORITY: 38 Stat. 717, as amended (15 U.S.C. 41, et seq.).

§ 228.1 Definitions.

(a) *Lender.* Any bank within the jurisdiction of the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, or the Comptroller of the Currency.

(b) *Retail instalment seller.* A person who sells goods or services to consumers on a deferred payment basis or pursuant to a lease-purchase arrangement.

(c) *Person.* An individual, corporation or other business organization.

(d) *Consumer.* A natural person who seeks or acquires goods, services or money for personal, family or household use.

(e) *Obligation.* An agreement between a consumer and a lender or retail instalment seller.

(f) *Creditor.* A lender as defined in § 228.1(a).

(g) *Debt.* Money which is due or alleged to be due from one to another.

(h) *Co-signer.* A natural person who, by agreement and without compensation, renders himself liable for the obligation of a consumer.

(i) *Household goods.* Clothing, furniture, appliances, linens, china, crockery, kitchenware, and personal effects of the consumer and his dependents.

(j) *Personal loan.* A loan of money to a consumer as distinguished from a sale of goods or services on a deferred payment basis or pursuant to a lease-purchase arrangement.

(k) *Collecting a debt.* Any activity other than the use of judicial process which is intended to bring about or does bring about repayment of all or part of a consumer debt, except:

(1) Inquiry to locate a consumer whose whereabouts are genuinely unknown to the creditor; and/or

(2) Inquiry to determine the nature and extent of a consumer's wages or property;

Provided, That, in these two instances, no specific mention is made of the alleged indebtedness.

(l) *Other definitions.* Words defined in the Uniform Commercial Code retain their UCC definitions for the purposes of this part.

§ 228.2 Unfair credit practices.

In connection with the extension of credit to consumers in or affecting commerce, as commerce is defined in the Federal Trade Commission Act, it is an unfair act or practice within the meaning of section 5 of that Act for a lender directly or indirectly:

(a) To take or receive from a consumer an obligation which:

(1) Constitutes or contains a cognovit, confession of judgment, warrant of attorney, power of attorney or other waiver of the right to notice and the opportunity to be heard in the event of suit or process thereon;

(2) Constitutes or contains a waiver or limitation of exemption from attachment, execution or other process on real or personal property held, owned by or due to the consumer;

(3) Constitutes or contains an assignment of wages;

(Alternate subparagraph (3):

(3) Constitute or contains an assignment of wages unless the amount of the obligation is three hundred dollars ($300.00) or less and no other security interest is taken with respect to the obligation;)

(4) Constitutes or contains a security interest other than a Purchase Money security interest, except, where the proceeds of a personal loan are not to be primarily applied to the purchase of consumer goods, the lender may take a security interest in other than household goods;

(5) Encumbers goods purchased on different dates from a retail instalment seller on a deferred payment basis, unless the contract provides that payments made by the consumer will be credited in full to the earliest purchase to release the goods from encumbrance in the order acquired;

(6) Fails to enumerate and specifically identify each individual item of property encumbered by it;

(7) Fails to provide that if the creditor retakes encumbered property from the consumer, the fair market retail value of the property so taken will be credited toward the balance due under the obligation;

(8) Constitutes or contains a provision requiring the payment of attorney's fees or any other costs incident to the collection of the obligation;

(Alternate subparagraph (8):

(8) Constitutes or contains a provision which:

(i) With respect to a consumer loan in which the finance charge calculated according to the actuarial method is more than 18 percent per year, provides for payment by the consumer of attorney's fees:

(A) If the loan is not pursuant to open-end credit and the amount financed is $1,000 or less; or

(B) If the loan is pursuant to open-end credit and the balance of the account at the time of default is $1,000 or less;

(ii) With respect to any other consumer credit transaction, provides for payment by the consumer of attorney's fees unless (A) such fees do not exceed fifteen percent of the unpaid debt at the time of default and (B) such fees become due only after actual referral of the obligation to an attorney who is not a salaried employee of the creditor;)

(9) Provides for charges for late or extended payments which exceed the amount derived from application of the annual percentage rate governing the transaction to the payment or payments late or extended;

(10) Fails to provide that the creditor shall not, in the course of collecting a debt, communicate or threaten to communicate with the consumer's employer or any agent of the employer or any other person not liable for the debt other than the spouse or attorney of the consumer, except as permitted by order of a court.

(b) To obligate a co-signer other than the spouse of the consumer on any obligation unless:

(1) The co-signer is furnished with a separate statement, at least three days prior to his becoming obligated, which shall contain in ten point bold face type the following information with such limitations as necessary to conform to applicable State law and no other:

NOTICE TO COSIGNER

(*Date*)

By signing this contract you are agreeing to pay [*amount of contract*] to [*name of lender*], if [*name of principal debtor*] does not.

If for any reason [*name of principal debtor*] does not pay this [*amount of contract*] or any part of it when it is due, you may be required to pay the amount which has not been paid or any part of it. However, before you can be held liable for the debt, [*name of lender*] must first diligently attempt to collect the debt from [*Name of principal debtor.*]

You may be sued on this contract if [*Name of principal debtor*] does not pay as agreed for any reason. If [*Name of lender*] wins a suit against you in court, it may take a part of your wages each week until the debt is paid in full; it may take your savings or real or personal property which you own to pay this debt; and it may use other lawful means to collect this debt from you.

You may be sued even if [*Name of principal debtor*] is not sued if he has not paid as agreed, but you may sue him to collect any money you have paid on his behalf.

This notice is *not* the contract you will be asked to sign. You must be given a copy of that contract and of this notice.

(*Signature of cosigner*)

(2) Three days or more after receiving the notice to co-signer, the co-signer signs a document evidencing the obligation which discloses the full amount he may be asked to repay;

(3) The co-signer is furnished with a completed copy of every document that

he is asked to sign or that is furnished to the consumer; and

(4) Any document evidencing the obligation contains the following notice;

No co-signer or surety of this obligation shall be liable thereunder except after the lender or retail instalment seller has employed due diligence in attempting to collect the obligation from the principal debtor.

No co-signer or surety of this obligation shall be liable thereunder for more than the total of payments for which the principal debtor is liable at the time that the co-signer becomes obligated.

No co-signer or surety of this obligation shall be liable thereunder unless promptly notified in writing of any default by the principal debtor.

The following is a statement by the Federal Trade Commission of the reasons for the proposed rule:

STATEMENT OF REASON FOR THE PROPOSED RULE

It is the Commission's purpose, in issuing this statement, to set forth its reason for proposing this rule with sufficient particularity to allow informed comment. The precise format of such statements may vary from rule to rule depending on the complexity of the issues involved. In this proceeding, we have determined that meaningful comment by the public will be best facilitated by presenting (1) a statement describing the basic factual and legal premises upon which the Commission has determined to propose the rule, and (2) a series of questions designed to draw to the public's attention matters which the Commission presently deems particularly pertinent and on which comment is especially solicited.

The Commission emphasizes that neither the statement of factual and legal premises nor the questions should be interpreted as designating disputed issues of specific fact. Such designations shall be made by the Commission or its duly authorized presiding official pursuant to the Commission's rules of practice.

STATEMENT

The Commission has reason to believe that many creditors, as that term is defined in the proposed rule, utilize form contracts in consumer credit transactions which constitute or contain: a cognovit provision (also known as a "confession of judgment" and "warrant of attorney"), a waiver of statutory property exemptions, a wage assignment, a provision creating blanket security interests, a requirement that the consumer reimburse the creditor for attorney fees when the contract is referred to an attorney, and provisions imposing late charges and extension fees; that these provisions are included in form contracts without regard to the actual risk of non-repayment borne by the creditor in a given case; that these remedies injure consumers; and that consumers receive no substantial benefit in exchange for the above-listed creditor remedies.

The Commission has reason to believe additionally that many creditors abuse the deficiency judgment mechanism by selling repossessed goods at prices substantially below their fair market retail value.

The Commission further has reason to believe that many creditors utilize form contracts in consumer credit transactions which fail to include provisions limiting contacts with third parties, as specified in (§ 228.2(a)(10)) of the proposed rule, and which fail to place certain limitations on the liability of co-signers, as specified in (§ 228.2(b)) of the proposal; that these provisions are omitted without regard to the actual risk of non-repayment borne by the creditor in a given case; that consumers are injured by said third-party contacts and co-signers are injured by failure to place said limitations on co-signer liability; and that consumers receive no substantial benefit in exchange for the absence of said limitations on third-party contacts nor do co-signers receive a substantial benefit in exchange for the absence of said limitations on their liability. The Commission has further reason to believe that many creditors fail to provide co-signers of consumer obligations with necessary information, as specified in (§ 228.2(b)(1), (b)(3)) and the last paragraph of the notice in (b)(4) of the proposed rule and that consumer contracts are generally co-signed in an atmosphere of high pressure.

The Commission determined that it has reason to believe the above assertions after it was presented with information compiled by the staff during a two-year investigation of the character and use of collection remedies associated with consumer credit agreements throughout the United States. In the course of this investigation the Commission staff has received documentary evidence on these remedies in thousands of actual cases. It has obtained official corporate statements concerning collection procedures and strategies and copies of form contracts. In addition, the staff has evaluated pertinent state statutes and judicial rulings, interviewed many persons with an interest in the matter, and examined the findings of the National Commission on Consumer Finance. The Commission has not adopted any findings or conclusions of the staff. All findings of fact in this proceeding shall be based solely on matter in the rulemaking record.

The Commission's authority to examine and prohibit unfair practices in or affecting commerce has been analogized to the jurisdiction of an equity court.[1] Thus, where one party to a transaction enjoys substantial advantages with respect to those with whom he deals, it is appropriate for the Commission to conduct an inquiry to determine whether that party uses an overabundance of market power in an inequitable manner. Accordingly, the Commission is proceeding upon the theory that relief of the variety proposed in certain subparagraphs of (§ 228.2) [2] is mandated by section 5 of the Federal Trade Commission Act if:

(1) The creditor imposes upon consumers contracts of adhesion (i.e., the credit customers cannot bargain over the particular contract provisions) which contain provisions disadvantageous to consumers of the creditor fails to include in the contracts of adhesion provisions beneficial to consumers, all to the consumers' detriment; and

(2) This detriment to consumers is not offset by a reasonable measure of value received in return.

The Commission additionally believes that the relief specified in (§ 228.2(a)(7)) is merited if the deficiency judgment mechanism is abused through the sale of repossessed secured property at prices substantially below the property's fair market retail value.

The Commission further believes that section 5 requires the relief specified in (§ 228.2(b)(1) and (b)(3)) and the last paragraph of the notice in (b)(4) if the failure to provide co-signers with the information specified in said paragraphs denies co-signers adequate information about the nature of the cost of credit, the extent of the co-signers' obligations or events which may substantially affect their interests.

Finally, it is the Commission's belief that section 5 requires the relief specified in (§ 228.2(b)(2)) if considerable pressure generally attends the transactions in which consumers co-sign consumer obligations.

QUESTIONS

1. Are the contracts used in consumer credit transactions drafted by creditors in standardized form and presented to consumers on a "take it or leave it" basis under circumstances that preclude meaningful bargaining over the terms thereof? If these contracts are drafted and presented in this manner, the Commission would be interested in receiving comments on why this is the case. The Commission would also be interested in whether or not such form contracts vary significantly from lender to lender in such a way that consumers could choose, if they so desired, by picking one lender as opposed to another, between contracts with different remedial provisions.

2. In the accompanying preliminary statement the Commission has outlined its tentative approach to unfairness in the context of creditors' remedies. It is interested in analysis supporting or opposing this theory and in other theories of unfairness under section 5 (15 U.S.C. 45 (1970)) and how they might apply to the area.

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[1] *Sperry and Hutchinson* v. *F.T.C.*, 405 U.S. 233, 244 (1972).

[2] (a)(1) (pertaining to cognovits), (a)(2) (pertaining to waivers of statutory property exemptions), (a)(3) (pertaining to wage assignments), (a)(4), (a)(5), (a)(6) (all pertaining to blanket security interests), (a)(8) (pertaining to attorney fees), (a)(9) (pertaining to late charges and extension fees), and (a)(10) (pertaining to contacts with third parties), and the first two paragraphs of the notice in (b)(4) (pertaining to liability of co-signers).

3. Economic theory suggests that in a freely functioning credit market the remedies contained in credit contracts would represent an equilibrium between the costs and benefits of the transaction as a whole to consumers and creditors. The Commission is interested in comment on whether (due to lack of information, collusion, (tacit or explicit) government regulation, or some other cause) the market fails to reach this equilibrium with respect to creditors' remedies.

If the market has failed in some way, the Commission wishes to know how it has failed, the causes of such failure, and appropriateness and adequacy of the proposed rule as a remedy for any such failure.

4. The Commission wishes to know the effect of the proposed rule on the costs of and/or restrictions on the availability of credit and whether these costs or restrictions, if any, would fall on particular groups and, if so, the characteristics of these groups. In connection with this question the Commission particularly desires analysis based on specific data and experience.

5. Do consumers receive any substantial benefit or *quid pro quo* for acceding to the practices that would be proscribed by the proposed rule?

6. The Commission seeks comment on all aspects of the interaction of the proposed rule with state laws governing credit and creditors' remedies.

7. For each of the individual rule provisions, the Commission desires comment on the nature and extent of any consumer injury associated with the practice being restricted, and of any benefits flowing to consumers from the practice which might offset such injury.

8. The Commission wishes to know whether any injury which may be associated with practices restricted by the rule may be eliminated without eliminating the practices entirely. That is, are there other and better ways of achieving the results which the rule seeks to achieve?

9. The Commission requests comment on the prevalence of the challenged practices.

10. The Commission also seeks comments evaluating the economic effect of the rule on small business.

11. Are there any unfair or deceptive consumer credit practices not covered by the proposed rule which might appropriately be included?

12. Two provisions of the rule are stated in the alternative. As to these, the Commission is specifically interested in comment on which alternative is preferable.

(a) *Wage assignments.* Wage assignments may have deleterious effects on consumers by depriving them of the opportunity to assert legitimate defenses and by causing loss of employment or the threat of such loss. Some commentators suggest, however, that wage assignments are such an important remedy in small loan transactions for which no other security is available that forbidding their use would cause a significant diminution in the availability of such loans or a significant increase in the cost of such loans. The Commission is interested in information on a possible exemption from the prohibition of wage assignments for certain small loan transactions, and on the optimum amount for any such exemption.

(b) *Attorney's fees and collection costs.* Provisions allowing creditors to collect attorney's fees and other costs from debtors may be abused. These charges may not bear any direct relationship to actual or reasonable costs borne by the creditor in collecting a debt. On the other hand, a creditor should be able to recover such actual reasonable costs as are incurred. The Commission is interested in receiving comment as to the differing effects of an absolute prohibition of inclusion of attorney's fees provisions in consumer obligations; or, alternatively, of a limitation of the amount of such fees expressed as a percentage of the obligation with a minimum obligation amount below which no such fees could be collected. Comment as to appropriate amounts to be allowed is also solicited.

END OF COMMISSION'S STATEMENT

Comments regarding the proposed rule's general applicability are invited. The Board would be particularly interested in specific comments directed to any reason why such rule should not apply to banks.

This notice is published pursuant to section 553(b) of Title 5 United States Code, and § 262.2(a) of the rule of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2 (a)). To aid in consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments in writing to the Office of the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 10, 1975. Such material will be made available upon request, except as provided in 12 CFR 261.6(a) of the Board's rules regarding availability of information.

Since the Board may be required to issue regulations substantially similar to the rule ultimately promulgated by the Federal Trade Commission, it is recommended that copies of comments also be sent directly to the Commission for consideration. Such comments should be addressed to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580.

By order of the Board of Governors, April 21, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-11580 Filed 5-2-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Parts 55, 56, 57]

ROLL-OVER PROTECTIVE STRUCTURES (ROPS) AND SEAT BELTS FOR SELF-PROPELLED EQUIPMENT

Public Hearing

In accordance with the provisions of section 6 of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 725 (1970)) there was published in Part IV of the FEDERAL REGISTER for October 24, 1974 (30 FR 37958-37961), a notice of proposed rulemaking setting forth proposals to renumber and revise advisory standards 30 CFR 55.14-12, 56.14-12, and 57.14-12 to 30 CFR 55.9-87, 56.9-87, and 57.9-87, and to make these safety standards mandatory. The proposed safety standards have been developed after consultation with the Federal Metal and Nonmetal Mine Safety Advisory Committee authorized to be established under section 7 of the Act (30 U.S.C. 726 (1970)) and established in accordance with section 9 of the Federal Advisory Committee Act (5 U.S.C. Appendix I (Supp. III 1973)). The Advisory Committee was in favor of revising the existing advisory standards and making their requirements mandatory. However, the Advisory Committee did not recommend the specific language that is proposed.

The notice of proposed rulemaking provided that subject to the provisions of subsection (e) of section 6 (30 U.S.C. 725(e)) and in accordance with the provisions of subsection (d) of section 6 of the Act (30 U.S.C. 725(d)) on or before December 9, 1974, or the last day of the period fixed for the submission of written data, views, arguments, or objections any interested person who may be adversely affected by the proposed mandatory safety standards may file with the Secretary of the Interior written objections stating the grounds for such objections and request a public hearing, subject to the provisions of the Administrative Procedure Act (5 U.S.C. 553-557).

Following the publication of this notice of proposed rulemaking in the FEDERAL REGISTER interested persons submitted their views, arguments, and objections with respect to proposed mandatory safety standards 30 CFR 55.9-87, 56.9-87, and 57.9-87 to the Administrator, Mining Enforcement and Safety Administration. A public hearing has been requested by the American Mining Congress, the National Crushed Stone Association, the National Sand and Gravel Association, and the State Contracting and Stone Company.

In accordance with subsection (d)(1) of section 6 of the Act (30 U.S.C. 725(d)(1)(1970)), the comments and recommended changes to these standards upon which a hearing has been requested are set forth below:

1. By letter dated December 9, 1974, the American Mining Congress submitted the following comments:

We agree that ROPS are necessary on certain types of equipment used in metal and nonmetal surface mines and where ROPS are necessary seat belts should also be required. We find, however, that it is unclear as to what types of self-propelled mining equipment the proposed standards apply. For example, the term 'prime mover' is not defined in the standards. Although this term is explained in the preamble, it could be interpreted to include haulage equipment not covered by these standards (and rightly so) and which we believe MESA did not intend to include. Since SAE standard J320b, 'Minimum Performance Criteria for Roll-Over Protective Structures for Prime Movers', is a revision of SAE J320a, 'Minimum Performance Criteria for Roll-Over Protective Structures for Rubber-Tired Self-Propelled Scrapers', it clearly should not apply to haulage equipment. This is not clear, however, in the proposed standard.

An exception should be made for motor graders operating at slow speeds on relatively level roadways under conditions where there is little if any opportunity for such equipment to overturn. In addition, some graders are operated with the operator in a standing position which provides him with greater visibility. The applicability of the criteria for seat belts is also confused by the cited reference to the several recommended practices of the Society of Automotive Engineers. Seat belts would have to meet the requirements of those for motor vehicles (SAE J4) and for construction equipment (SAE J386). Seat belt requirements for agricultural and light industrial tractors are included in SAE J333a but are not referenced in this proposal. In other words, great confusion.

The applicability of these standards and the criteria to be met by the ROPS and seat belts are unclear because of the many cited documents which are to be incorporated by reference. Time allowed for comment on these proposed standards has not afforded time to acquire and thoroughly review each of these documents.

The applicability of these standards and the performance criteria they demand will certainly confuse manufacturers of the affected mining machinery, which is also used in the construction industry. Many manufacturers are now designing and manufacturing equipment to meet the requirements of the Department of Labor's construction safety standards, 29 CFR Part 1926, and MESA's safety standards for surface coal operations, 30 CFR Part 77. Adding a third set of standards having different performance criteria and applicability will cause a great deal of confusion in the manufacture of mining equipment with no resulting safety benefits.

MESA's ROPS standards for metal and nonmetal mines should apply to the same type of equipment as under Part 77 for surface coal mines and should be required to meet the same performance criteria. The state of the art has not changed materially since MESA held its public hearing on April 5, 1974 on the ROPS standards under Part 77 (promulgated June 28, 1974, 39 FR 24006). In addition, the performance criteria which would be required under these proposals as revised and approved by SAE were in effect at that time.

Sections 55, 56, 57.9–87(c)(4) should be deleted because they would give unnecessarily broad discretion to an inspector. MESA obviously recognizes that, in establishing the effective date of this mandatory standard, a time schedule is necessary for the manufacture and installation of this equipment on existing mining machinery. The only reason deviation from this schedule should be required is in case of imminent danger. Such danger situations are adequately covered by paragraph (c)(5).

The field welding requirements of paragraph (f) are overly restrictive and do not necessarily assure the desired results. It should only be required that remounted or repaired ROPS meet the requirements of the original installation. To specify the qualifications of a welder to perform this one specific task is totally unnecessary and deviates grossly from the general requirements of Parts 55, 56 and 57.

For units with existing ROPS and which do not have permanently affixed fabricator's name, model number, etc., evidence of approved certification or order specification should be considered sufficient to meet the requirements (g).

The recommendations of the American Mining Congress for changes in specific provisions of 55, 56, 57.9–87 are as follows:

(a) Retain exclusion of remote-controlled equipment but modify in accordance with § 77.403a(a). Exclude mining equipment used primarily underground, but which is operated occasionally on the surface as a part of the mining cycle. Exclude motor graders operated on relatively level roadways.

(b) Modify in accordance with § 77.403a (b).

(c) Omit subparagraph (4).

(d) Modify in accordance with § 77.403a (d).

(f) Revise as follows:

ROPS removed for any reason shall be remounted with equal quality, or better, bolts or welding as required for the original mounting.

(g) (Included in (d) above).

(h) Omit reference to welding standards.

We believe that incorporation of these recommendations will greatly clarify the standard while achieving at least the same degree of safety as the original proposal.

* * * * *

2. By letter dated December 9, 1974, the National Crushed Stone Association submitted the following comments:

The NCSA is in fundamental agreement with the Roll-Over Protective Structures and Seat Belts for Self-Propelled Equipment Standard, as proposed; nevertheless, it is the position of NCSA that the proposed mandatory standard should be modified in accordance with following considerations and objections.

1. If the various publications which are incorporated by reference are useful and necessary for the explanation and implementation of the standard, it would be a service to the affected parties for such publications to be set forth in the standard. If these publications are not necessary, then there is no reason to incorporate them by reference.

2. In view of the considerable nationwide total of ROPS that will be required by reason of this standard, a given piece of equipment should be considered as fitted with ROPS for purpose of enforcement provided a bona-fide order for such ROPS has been placed but not delivered. In the small number of cases where a ROPS will have been delivered, but not installed, a five-ten working day allowance should be granted for installation.

3. The requirements that all welding be done by a certified welder (under the American Welding Society Structural Welding Code) should be modified. From a purely practical point of view, the quality of the welding on the equipment would most probably be attained by any experienced welder.

The standard, as written, allows for either the user or the ROPS manufacturer to certify the welder. That could easily be abused and no question would arise until a weld failed in an actual accident. Since a weld failure is the ultimate test of the standard, it is unrealistic to promulgate an administrative standard that will have no effect on accident prevention. Requiring "an experienced welder" to perform the welding would have the same effect and would eliminate useless paperwork.

4. To gain maximum benefit from these proposed standards, which will be very costly to our member companies, the standard should require that the operator of a piece of equipment which has been fitted with seat belts and ROPS wear the seat belt or restraining harness at all times. The failure to include such requirements would defeat the stated purpose of the proposed standard, i.e., '* * * to eliminate, reduce, or prevent exposing an operator of specified types of self-propelled equipment to hazards which could reasonably be expected to cause death or serious physical harm should the equipment overturn with the operator at the controls.'

* * * * *

3. By letter dated December 9, 1974, the National Sand and Gravel Association submitted the following comments:

* * * * *

We note that the proposed regulations do not carry the recommendation of the Federal Metal and Nonmetal Advisory Committee even though they have considered similar types of regulation changes. Since the Committee has not recommended this particular standard, it is incumbent upon the Secretary to adequately justify the significant non-productive capital expense being forced upon the sand and gravel industry. This is particularly true in the case of requiring the retrofitting of equipment manufactured during the period between July 1, 1969 and the effective date of a final standard. The introductory material to the proposed standard simply states 'a number of operators of self-propelled equipment have been seriously injured or killed by over turning equipment * * * it is imperative that roll-over protective structures (ROPS) and seat belts be installed on such equipment.' Nowhere is it documented that any lives would have been saved or injuries prevented had ROPS been installed. No information is provided as to how many of these vehicles had ROPS, over what period of time the "number" of accidents occurred, or how many of the vehicles were manufactured during the period since July 1, 1969.

As reported in the letter to the Administrator from Philip E. Balcomb of Tell City, Indiana, the equipment operator may in theory be protected from being crushed between the ground and the machine, however, he is subjected to an equally as dangerous situation. 'During the roll-over he is secured to the machine only at the hips so that his upper body and legs are unrestrained and are subject to violent and eratic (sic) whipping forces as the machine rotates about him. Whipping, impact with fixed objects on the machine and with boulders or other

objects in the path of the roll would probably result in death or extremely serious injury.'

Why should sand and gravel operators—the vast majority of whom are small businessmen—install ROPS if as Mr. Balcomb continues operators of equipment are strongly of the opinion that their chances of survival are better if they jump rather than attempt to ride the machine over. In comparison to the number of equipment operators injured or killed by overturning equipment, referred to in the preamble to the proposed regulations, how many survived as a result of jumping when the equipment started to overturn?

As noted in the letter to the Administrator from N. P. Thomas of Thomas Sand and Gravel Co., Inc. of Greenville Springs, Louisiana, the cost of installing ROPS is substantial. With the questionable safety benefit to be achieved by the requirement to retrofit equipment, it is necessary to require small businessmen to expend sizeable sums of money in nonproductive accessories

If the Secretary determines that he will require the proposed retrofit of ROPS and seat belts, then as a companion regulation the equipment operator must be required to wear his seat belt at all times and ride the equipment when it begins to overturn. If it is determined that ROPS will be required, then it must follow that studies prove that the operator has a better chance of survival and not being injured if he stays with the piece of equipment. We believe that these studies should be made available to both the mining and labor communities with emphasis by the Secretary.

If the Secretary does not remove the proposed retrofit requirement from the final regulations, then the National Sand and Gravel Association respectfully requests a public hearing on that provision.

The Association, while having serious questions about the contribution to safety made by ROPS, does not oppose the requirement that equipment manufactured after some future date be required to have rollover protective structures if additional studies prove their ability to reduce hazards around sand and gravel operations.

One other point which must be made concerning retrofit requirements relates to protective structures already installed to meet existing regulations. The regulations which have been in existence under the Act since 1969 required the installation of falling object protective structures (FOPS). Equipment purchased since that time has had the FOPS where required. Now the Secretary proposes to ask sand and gravel operators to discard their FOPS and install ROPS. Often the two are not compatible and now the small businessmen must discard the equipment and capital placed into FOPS. We suggest that if the retrofit requirements become a part of final regulations, that there be an exception made for vehicles equipped with FOPS since that was done to meet existing regulations.

* * * * *

4. By letter dated November 13, 1974, the State Contracting and Stone Co. submitted the following comments:

I request that serious consideration be given to excepting track type and wheeled front end loaders, dozers and prime movers used in open pit metal and non-metal mines from the mandatory ROPS requirements.

In these mines, pits are usually very deep, and although the working face is benched, haul ramps and benches are some distance from the quarry floor. A machine going off an edge would usually be completely destroyed. ROPS and seat belts would have to effect in enhancing the safety of the operation, as impact stresses would be beyond the tolerance of the occupant.

It is true that current standards require the use of berms along the sides of benches and haul roads. Berms are effective in some instances but are not 100 percent so in keeping a self-propelled loaded machine from going over the highway. Mechanical failure, such as a severed drive line, a blown power steering hose or a brake failure will in some cases occur at a point where inertia will build up, making it inevitable that the machine would go over the side in spite of a berm.

In those cases the right of the operator to evacuate his vehicle when danger is eminent (sic) is paramount. ROPS is not effective unless the operator is belted in. To deprive a man of his means of instant evacuation (sic) is, in my opinion, criminal.

In the past few weeks, I have talked to many equipment operators in our industry. Not one will utilize a seat belt in quarry operations even should it be made a condition of employment. They all feel, as I do, that the chance of going over the highway is far greater than the chance of upset. To be deprived of the opportunity to instantly evacuate, would in some cases be disastrous.

* * * * *

Interested persons may examine or obtain copies of all comments, suggestions, and objections which have been filed from the Chief, Safety Division, Metal and Nonmetal Mine Health and Safety Mining Enforcement and Safety Administration, Room 717, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, telephone AC 703 235–8647.

Notice is hereby given, in accordance with subsection (d)(1) of section 6 of the Act, that a public hearing will be conducted by an Administrative Law Judge appointed under 5 USC 3105 and designated by the Chief Administrative Law Judge, Office of Hearings and Appeals, Department of the Interior, to receive evidence relevant and material to the issues raised by the objections set forth above. The Administrative Law Judge presiding over the public hearing shall have all the powers necessary and appropriate to conduct a fair, full, and impartial hearing including the powers provided in 5 U.S.C. 556(c) (1) through (7). The Administrative Law Judge will consider all objections and based upon the record will submit a recommended decision to the Secretary who will review the same and issue the final decision.

The public hearing will be held on Wednesday and Thursday, June 4 and 5, 1975, starting at 9 a.m. CDT in Room 4B 40, Federal Building, 1100 Commerce Street, Dallas, Texas 75202.

Persons with desire to testify at the public hearing should notify the Director, Office Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203, by Friday, May 30, 1975. At the hearing any interested person may be heard.

KENT FRIZZELL,
Acting Secretary of the Interior.

MAY 1, 1975.

[FR Doc.75-11879 Filed 5-2-75;9:15 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 DEFENSE

Department of the Army

SCIENTIFIC ADVISORY PANEL

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Name of committee: Army Scientific Advisory Panel.
Date: 20-21 May 1975.
Place: Fort Bliss, Texas.
Time: 0800-2200 hours, 20 May 75, 0800-1130 hours, 21 May 75.
Agenda: Attached.

This meeting is partially closed to the public (20 May) due to the security classification of the materiel to be discussed.

Any additional information concerning the meeting may be obtained from Dr. Marvin E. Lasser, Chief Scientist, Department of the Army, Executive Director, Army Scientific Advisory Panel, Washington, D.C., (202) 695-1447.

Dated May 2, 1975.

MARVIN E. LASSER,
Executive Director.

ASAP SPRING MEETING AGENDA US ARMY AIR DEFENSE CENTER AND FT. BLISS, FT. BLISS, TX, 20-21 MAY 1975

Tuesday, May 20

0800-1145, Air Defense Overview—Secret.
1300-1700, ASAP Business Meeting—Confidential.
1900-2200, Air Defense Overview (Continued)—Secret.

Wednesday, May 21

0800-1130, Unit Maintenance—Unclassified.

[FR Doc.75-11881 Filed 5-2-75;9:36 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON STRATEGIC SUBMARINES

Advisory Committee Meeting

The Defense Science Board Task Force on Strategic Submarines will meet in closed session on May 27-28, 1975, at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the continued survivability of the nation's sea-based strategic deterrent and the follow-on TRIDENT system.

In accordance with section 10(d) of Appendix I, Title I, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

APRIL 30, 1975.

[FR Doc.75-11658 Filed 5-2-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON NAVAL SURFACE WARFARE

Advisory Committee Meeting

The Defense Science Board Task Force on Naval Surface Warfare will meet in closed session on May 20-21, 1975 at the Pentagon, Washington, D.C. The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will undertake a review of the adequacy and directions of U.S. Navy programs in surface offensive operations in the face of continuing increases in Soviet capabilities in naval weapons, command and control, and out-of-area operations. The Task Force will concentrate first on U.S. programs in tactical surface surveillance, targeting, command and control, and weaponry for surface engagement to help assure that our R&D investments yield the greatest improvement in our total force capabilities when deployed in quantities we can afford. Classified details of U.S. and Soviet systems will be reviewed.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in section 552(b) of title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MAY 11, 1975.

[FR Doc.75-11776 Filed 5-2-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 11158]

OREGON

Proposed Withdrawal and Reservation of Lands

APRIL 24, 1975.

The Department of Agriculture, on behalf of the U.S. Forest Service, has filed application, OR 11158, for withdrawal of the lands described below, 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, subject to valid existing rights.

The applicant desires the land for a recreational area and roadside management zone.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than May 30, 1975, to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2965 (729 NE. Oregon Street), Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

UMATILLA NATIONAL FOREST

WILLIAMETTE MERIDIAN

North Fork John Day Bridge Campground Addition

T. 7 S., R. 35½ E.,
Sec. 34, W½NE¼.

North Fork John Day Streamside-Elkhorn Drive Roadside Zones (Combined Area)

UMATILLA NATIONAL FOREST

A strip of land 500 feet wide north of the centerline of Elkhorn Drive and 330 feet south of the centerline of the North Fork John Day River through the following subdivisions.

T. 7 S., R. 35½ E.,
Sec. 34, NE¼NE¼.

WHITMAN NATIONAL FOREST

T. 7 S., R. 35½ E.,
Sec. 35, S½NE¼, SW¼NW¼NW¼, S½NW¼, N½NE¼SW¼, and N½N½SE¼;
Sec. 36, S½N½, NE¼SW¼, N½NW¼SW¼, and N½SE¼.
T. 7 S., R. 36 E.,
Sec. 31, lots 1, 2, and 3, NE¼, E½NW¼, N½NE¼SW¼, and N½NW¼SE¼;
Sec. 32, N½, NE¼SW¼, N½NW¼SW¼, and N½SE¼;
Sec. 33, S½N½ and NW¼SW¼.

North Fork John Day Streamside Zone

A strip of land 330 feet wide on both sides of the centerline of the North Fork John Day River through the following subdivisions:

UMATILLA NATIONAL FOREST

T. 7 S., R. 35½ E.,
Sec. 34, NE¼NW¼.

WHITMAN NATIONAL FOREST

T. 7 S., R. 36 E.,
Sec. 27, SE¼SE¼SW¼ and S½S½SE¼;
Sec. 34, N½N½NE¼, NE¼NW¼, S½NW¼NW¼, and N½S½NW¼;
Sec. 35, SW¼SW¼NE¼, SW¼SE¼, SW¼NE¼NW¼, NW¼NW¼, NE¼SW¼NW¼, SE¼NW¼, and NW¼SE¼.
T. 8 S., R. 36 E.,
Sec. 2, lot 2, SW¼NE¼, and SE¼;
Sec. 11, N½NE¼ and lot 2;
Sec. 12, lot 1, W½NW¼NW¼, and SE¼NW¼NW¼.

Elkhorn Drive Roadside Zone

A strip of land 500 feet wide on both sides of the centerline of Elkhorn Drive through the following subdivisions:

UMATILLA NATIONAL FOREST

T. 7 S., R. 35½ E.,
Sec. 34, E½SE¼.
T. 8 S., R. 35½ E.,
Sec. 3, lot 1, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 10, N½NE¼, N½NE¼SW¼NE¼, W½SW¼NE¼, N½NW¼SE¼NE¼, N½NE¼SE¼NE¼, S½NW¼NE¼SE¼, S½NE¼NW¼SE¼, W½NW¼SE¼, SE¼NW¼SE¼, and SW¼NE¼SE¼;
T. 8 S., R. 35½ E., Continued
Sec. 15, NW¼NW¼NE¼, SE¼, E½E½NW¼, and E½E½SW¼;
Sec. 22, lots 1, 3, and 4, MS 808, MS 359;
Sec. 27, lot 1;
Sec. 28, SE¼SE¼;
Sec. 33, E½E½.

WHITMAN NATIONAL FOREST

T. 7 S., R. 35½ E.,
Sec. 35, W½SW¼.
T. 8 S., R. 35½ E.,
Sec. 2, lot 4, SW¼NW¼, and NW¼SW¼;
Sec. 14, SW¼SW¼;
Sec. 23, lots 2, 3, 4, 5, and 6, MS 359, W½NE¼SW¼, excepting patented MS 70;
Sec. 27, SE¼ of lot 4, W½NE¼, SE¼NE¼NW¼, SE¼NW¼, and SW¼;
Sec. 34, W½W½.
T. 9 S., R. 35½ E.,
Sec. 3, NW¼ of lot 4;
Sec. 4, lots 1, 2, 8, and 9, and S½SE¼;
Sec. 9, NE¼NE¼NE¼;
Sec. 10, NW¼ and NW¼SE¼;
Sec. 11, SW¼SW¼NW¼, SW¼NE¼SW¼, and S½S½SE¼;
Sec. 13, NE¼, NE¼NW¼, NE¼NW¼NW¼, S½NW¼NW¼, and S½NW¼;
Sec. 14, N½NE¼ and N½NE¼NW¼.
T. 7 S., R. 36 E.,
Sec. 11, E½SW¼ and SE¼;
Sec. 12, NE¼, E½NW¼, E½SW¼NW¼, SW¼, and NE¼SE¼;
Sec. 14, W½SW¼NE¼, E½NW¼, SE¼NW¼NW¼, E½SW¼NW¼, NE¼SW¼, S½SW¼, W½NW¼SE¼, NW¼SW¼SE¼, and W½NW¼NE¼;
Sec. 15, SE¼SE¼SE¼;
Sec. 21, SE¼SE¼;
Sec. 22, NE¼, S½SE¼NW¼, SW¼, NW¼NW¼SE¼, SW¼SW¼SE¼, and NE¼SE¼NW¼;
Sec. 23, NW¼NW¼;
Sec. 27, W½NW¼NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼SW¼, and SW¼SE¼SW¼;
Sec. 28, N½NE¼, S½N½, and S½;
Sec. 33, N½NE¼ and S½NE¼NW¼;
Sec. 34, N½NW¼NW¼.
T. 9 S., R. 36 E.,
Sec. 18, lots 2 and 3, E½SW¼, and SW¼SE¼;
Sec. 19, NE¼, NE¼NE¼NW¼, and NE¼NE¼SE¼;
Sec. 20, S½NW¼, N½SW¼, NE¼SE¼SW¼, and SE¼;
Sec. 21, S½S½, SW¼NW¼SW¼, and S½NW¼SE¼;
Sec. 23, S½N½, S½, SW¼NW¼NE¼, and SE¼NE¼NW¼;
Sec. 24, SW¼SW¼NE¼, E½SE¼SE¼NW¼, E½NE¼NE¼SW¼, S½NE¼SW¼, W½SW¼, NE¼SE¼, N½NE¼NW¼SE¼, W½NW¼SE¼, and S½SE¼;
Sec. 26, NW¼NE¼ and NW¼;
Sec. 27, N½ and N½SW¼;
Sec. 28, N½N½;
Sec. 29, NE¼NE¼NE¼.
T. 7 S., R. 37 E., unsurveyed
Sec. 1, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 2, SE¼;
Sec. 8, S½S½;
Sec. 9, SW¼, N½SE¼, NE¼NE¼, and S½NE¼;
Sec. 10, N½;
Sec. 11, N½;
Sec. 12, NE¼ and NE¼NW¼;
Sec. 16, N½NW¼NW¼;
Sec. 17, N½N½N½.
T. 9 S., R. 37 E.,
Sec. 19, lot 4.

The total area described aggregates approximately 5,525 acres, of which approximately 1,725 acres are in Baker County, 3,410 acres in Grant County, and 390 acres in Union County, Oregon; of which approximately 485 acres are in the Umatilla National Forest in Grant County, Oregon, and the balance or 5,040 acres in the Whitman National Forest.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-11672 Filed 5-2-75;8:45 am]

Geological Survey

LOVELADY RIDGE, CALIFORNIA

Known Geothermal Resources Area; Correction

The following is a correction in the land description for the Lovelady Ridge Known Geothermal Resources Area, FR Doc. 75-9375, which appeared on pages 16224 and 16225 of the Thursday, April 10, 1975, issue. The description which read, Sec. 3, NE¼, E½SE¼, W½ should read, Sec. 3, NE¼, W½SE¼, W½.

Dated: April 27, 1975.

HILLARY A. ODEN,
Acting Conservation Manager, Western Region.

[FR Doc.75-11673 Filed 5-2-75;8:45 am]

National Park Service

BOSTON NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Establishment

This notice is published in accordance with the provisions of section 9 of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the establishment of the Boston National Historical Park Advisory Commission. The charter for the committee containing information prescribed by section 9(c) of Pub. L. 92-463 is published below.

CHARTER—BOSTON NATIONAL HISTORICAL PARK ADVISORY COMMISSION

1. The official designation of the committee is the Boston National Historical Park Advisory Commission.

2. The purpose of the committee is to advise the Secretary of the Interior, or his designee, at least semiannually, on matters relating to the development of the Boston National Historical Park.

3. The committee will require approximately 10 years to complete its work.

4. The committee files its reports and minutes with the Regional Director, North Atlantic Region, National Park Service, 150 Causeway Street, Boston, Massachusetts 02114, until such time as provision is made for local park management.

5. Support for the committee is provided by the National Park Service, Department of the Interior.

6. The duties of the committee are solely advisory and are as stated in paragraph 2 above.

7. The estimated annual operating cost of the committee is $1,000, and involves approximately ¼ man-year of time.

8. The committee meets approximately four times a year.

9. The committee will terminate 10 years after the establishment of the Boston National Historical Park, in accordance with Public Law 93-431.

10. The committee membership is drawn from specified sources as noted below, but is not limited to a fixed number nor are terms of membership specified in the statute. The Secretary of

the Interior shall appoint members as follows:

a. Three members appointed from recommendations submitted by the Governor of Massachusetts;

b. Three members appointed from recommendations submitted by the Mayor of the City of Boston; and

c. One member to represent each owner with which the Secretary has concluded a cooperative agreement, to be appointed from recommendations submitted by each such owner.

The Chairman of the committee shall be designated by the Secretary.

11. The Boston National Historical Park Advisory Commission was established by section 4 of Pub. L. 93–431.

Additional information regarding the Boston National Historical Park Advisory Commission may be obtained from Robert M. Landau, National Park Service, Department of the Interior, Washington, D.C. 20240 (telephone 202–343–8953).

Dated: April 10, 1975.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.75–11546 Filed 5–2–75;8:45 am]

CANAVERAL NATIONAL SEASHORE ADVISORY COMMISSION

Establishment

This notice is published in accordance with the provisions of section 9 of the Federal Advisory Committee Act (Pub. L. 92–463), and advises of the establishment of the Canaveral National Seashore Advisory Commission. The charter for the committee containing information prescribed by section 9(c) of Pub. L. 92–463 is published below.

CHARTER—CANAVERAL NATIONAL SEASHORE ADVISORY COMMISSION

1. The official designation of the committee is the Canaveral National Seashore Advisory Commission.

2. The purpose of the committee is to consult and advise with the Secretary of the Interior on all matters of planning, development, and operation of the Canaveral National Seashore.

3. The committee will require approximately 10 years to complete its work.

4. The committee files its reports and minutes with the Regional Director, Southeast Region, National Park Service, 3401 Whipple Avenue, Atlanta, Georgia 30344, until such time as provision is made for local park management.

5. Support for the committee is provided by the National Park Service, Department of the Interior.

6. The duties of the committee are solely advisory and are as stated in paragraph 2 above.

7. The estimated annual operating cost of the committee is $1,000, and involves approximately 1/24 man-year of time.

8. The committee meets approximately four times a year.

9. The committee's termination date is January 2, 1985, unless extended by the Congress.

10. The committee is composed of five members, each appointed for a term of 2 years by the Secretary of the Interior, as follows:

a. One member from each county in which the seashore is located, to be selected from recommendations made by the county commissioner in each county;

b. Two members representing the State of Florida who shall be selected from recommendations made by the Governor of Florida; and

c. One member representing the general public.

The Chairman of the committee shall be designated by the Secretary.

11. The Canaveral National Seashore Advisory Commission was established by Section 6 of Pub. L. 93–626.

Additional information regarding the Canaveral National Seashore Advisory Commission may be obtained from Robert M. Landau, National Park Service, Department of the Interior, Washington, D.C. 20240 (telephone 202–343–8953).

Dated: April 10, 1975.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.75–11547 Filed 5–2–75;8:45 am]

CUYAHOGA VALLEY NATIONAL RECREATION AREA ADVISORY COMMISSION

Establishment

This notice is published in accordance with the provisions of section 9 of the Federal Advisory Committee Act (Pub. L. 92–463), and advises of the establishment of the Cuyahoga Valley National Recreation Area Advisory Commission. The charter for the committee containing information prescribed by section 9 (c) of Pub. L. 92–463 is published below.

CHARTER—CUYAHOGA VALLEY NATIONAL RECREATION AREA ADVISORY COMMISSION

1. The official designation of the committee is the Cuyahoga Valley National Recreation Area Advisory Commission.

2. The purpose of the committee is to meet and consult with the Secretary of the Interior, or his designee, at least semiannually, on matters relating to the acquisition of lands and the development of the Cuyahoga Valley National Recreation Area.

3. The committee will require approximately 10 years to complete its work.

4. The committee files its reports and minutes with the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102, until such time as provision is made for local park management.

5. Support for the committee is provided by the National Park Service, Department of the Interior.

6. The duties of the committee are solely advisory and are as stated in paragraph 2 above.

7. The estimated annual operating cost of this committee is $3,000, and involves approximately 1/12 man-year of time.

8. The committee meets approximately four times a year.

9. The committee will terminate 10 years after the establishment of the Cuyahoga Valley National Recreation Area, unless extended by the Congress, in accordance with Pub. L. 93–555.

10. The committee is composed of thirteen members, each appointed for a term of 5 years by the Secretary of the Interior, as follows:

a. Two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Akron Metropolitan Park District;

b. Two members to be appointed from recommendations submitted by the Board of Park Commissioners of the Cleveland Metropolitan Park District;

c. Two members to be appointed from recommendations submitted by the Governor of the State;

d. One from the membership of an Ohio conservation organization;

e. One from the membership of an Ohio historical society; and

f. Five members representing the general public, of which no fewer than three shall be from among the permanent residents and electors of Summit and Cuyahoga Counties.

The Secretary shall designate one member of the committee as Chairman.

11. The Cuyahoga Valley National Recreation Area Advisory Commission was established by section 5 of Pub. L. 93–555.

Additional information regarding the Cuyahoga Valley National Recreation Area Advisory Commission may be obtained from Robert M. Landau, National Park Service, Department of the Interior, Washington, D.C. 20240 (telephone 202–343–8953).

Dated: April 10, 1975.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.75–11548 Filed 5–2–75;8:45 am]

NATIONAL REGISTRY OF NATURAL LANDMARKS

Revision of List

Pursuant to authority contained in the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461), the National Park Service, Department of the Interior is administering and implementing a natural areas program, including the National Registry of Natural Landmarks. It is the purpose of this notice to revise the National Registry of Natural Landmarks as published in the FEDERAL REGISTER of September 5, 1973 at page 23982 (38 FR 23982).

It is the purpose of this revised notice, through publication of the following information and list of sites, to apprise the public as well as governmental agencies, associations, and all other organizations and individuals interested in the preservation of nationally significant natural areas, of the objectives of the Natural Landmarks Program, of the methods used in identifying potential natural

landmarks, and of the criteria used in evaluating natural areas. Sites listed in this notice have been determined to be eligible for inclusion in the National Registry of Natural Landmarks. Those which have been registered are indicated by an asterisk.

All Federal agencies should take cognizance of the sites included in the National Registry of Natural Landmarks to fulfill the intent of section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4331).

Dated: April 22, 1975.

JOHN E. COOK,
Acting Deputy Director,
National Park Service.

THE NATURAL LANDMARKS PROGRAM

I. THE NATIONAL REGISTRY OF NATURAL LANDMARKS AND PROCEDURES FOR REGISTRATION

A. *Program Objective.* The objectives of the Natural Landmarks Program is to assist in the preservation of a variety of significant natural areas which, when considered together, will illustrate the diversity of the country's natural history. This objective is attained through identification of sites eligible for inclusion in the national registry. Natural landmark registration is voluntary and does not change ownership.

Inclusion in the national registry is intended to (1) encourage the preservation of sites illustrating the geological and ecological character of the United States, (2) enhance the educational and scientific value of sites thus preserved, (3) strengthen cultural appreciation of natural history, and (4) foster a wider interest and concern in the conservation of the Nation's natural heritage.

B. *Inventory of natural areas.* To provide a logical and scientific basis for the selection of natural landmarks which adequately represent the natural history of the United States the National Park Service has developed a system of natural history themes as follows:

LANDFORMS OF THE PRESENT

Plains, plateaus, mesas.
Cuestas and hogbacks.
Mountain systems.
Works of volcanism.
Hot water phenomena.
Sculpture of the land.
Eolian landforms.
River systems and lakes.
The work of glaciers.
Seashores, lakeshores, islands.
Coral islands, reefs, atolls.
Earthquake phenomena.
Caves and springs.
Meteor impact sites.

GEOLOGICAL HISTORY OF THE EARTH

Precambrian.
Cambrian—Early Silurian.
Late Silurian—Devonian.
Mississippian—Triassic.
Permian—Cretaceous.
Paleocene—Eocene.
Oligocene—Recent.

LAND ECOSYSTEMS

Tundra.
Boreal forest.
Pacific forest.
Dry coniferous forest and woodland.
Eastern deciduous forest.
Grassland.
Chaparral.
Deserts.
Tropical ecosystems.

AQUATIC ECOSYSTEMS

Marine environments.
Estuaries.
Streams.
Underground ecosystems.
Lakes and ponds.

A prime product of the natural history theme studies is an inventory of the country's natural areas. Evaluation focuses attention on these areas and often stimulates communities to take action in preserving significant sites.

C. *Natural landmarks criteria.* The National Registry of Natural Landmarks parallels, at the national level, the National Register of Historic Places, in that it lists the natural areas that are nationally significant (natural landmarks) similar in importance to the historical or archeological areas that are nationally significant (national historic landmarks) listed in the National Register of Historic Places. The difference between the two registers is that the National Register of Historic Places includes, in addition to national historic landmarks, historic areas administered by the National Park Service and historic places of State and local significance.

To be eligible for natural landmark designation, a site must be nationally significant as possessing exceptional value or quality in illustrating or interpreting the natural heritage of our Nation, and must present a true, accurate, essentially unspoiled example of natural history.

Examples of the kinds of areas which could qualify for natural landmark designation are:

1. Outstanding geological formations or features significantly illustrating geologic processes.

2. Significant fossil evidence of the development of life on earth.

3. An ecological community significantly illustrating characteristics of a physiographic province or a biome.

4. A biota of relative stability maintaining itself under prevailing natural conditions, such as a climatic climax community.

5. An ecological community significantly illustrating the process of succession and restoration to natural condition following disruptive change.

6. A habitat supporting a vanishing, rare, or restricted species.

7. A relict flora or fauna persisting from an earlier period.

8. A seasonal haven for concentrations of native animals, or a vantage point for observing concentrated populations, such as a constricted migration route.

9. A site containing significant evidence illustrating important scientific discoveries.

10. Examples of the scenic grandeur of our natural heritage.

D. *Implementation.* If, after study by the National Park Service, the site is considered to possess the requisite characteristics for eligibility, it is proposed to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments of the Secretary of the Interior for consideration. The Advisory Board, authorized by the Act of August 21, 1935 (49 Stat. 667; 16 U.S.C. 463), is composed of 11 nonsalaried members who are appointed by the Secretary and who are competent in the fields of history, archeology, architecture, or human geography. The Advisory Board's recommendation is transmitted to the Secretary and, if approved by him, the Secretary may announce that the site is eligible for registration. The owner is then invited to apply for a certificate and bronze plaque designating the site a registered natural landmark.

Registration as a natural landmark requires agreement by the landowner to preserve, insofar as possible, the significant natural values contained in the site. In applying for such registration the owner agrees to so manage the site as to prevent the destruction or deterioration of the values upon which landmark status is based. He relinquishes none of his rights and privileges as to use of the land. Neither does the Department of the Interior gain any possessory interest in lands so designated, but will, upon request, provide consultative assistance in protecting and interpreting the natural values of the site.

Should the natural integrity of an eligible site deteriorate from either natural or man-induced causes, to the extent that national significance is lost, the site will be removed from the National Registry of Natural Landmarks.

The National Park Service will evaluate new sites and reevaluate designated sites periodically to determine their current eligibility for landmark status. Additions to and deletions from the National Registry of Natural Landmarks will be published at intervals in the FEDERAL REGISTER.

II. SITES ELIGIBLE FOR INCLUSION IN THE NATIONAL REGISTRY OF NATURAL LANDMARKS

(Sites which have been registered are indicated by an asterisk.)

ALABAMA

Beaverdam Creek Swamp, Limestone County—Wheeler National Wildlife Refuge, 10 miles northeast of Decatur.

**Cathedral Caverns, Marshall County*—4 miles northeast of Grant.

**Dismals, Franklin County*—4 miles northeast of Hackleburg.

Mobile-Tensaw River Bottomlands, Baldwin, Mobile, and Washington Counties—Extends from Mobile Bay north for 35 miles.

Newsome Sinks Karst Area, Morgan County—Between Morgan City and Union Hill.

**Shelta Cave, Madison County*—Within city limits of Huntsville.

ALASKA

**Aniakchak Crater*—24 air miles southeast of Port Heiden.

**Arrigetch Peaks*—250 miles northwest of Fairbanks.

**Bogoslof Island*—Bogoslof National Wildlife Refuge, 25 miles north of Umnak Island in the Aleutian Archipelago.

**Brown Bear Refuge*—200 miles southwest of Anchorage.

Clarence Rhode National Wildlife Range—On the Bering Sea Coast between Hooper Bay and Kipnuk.
Lake George—44 miles northeast of Anchorage.
Malaspina Glacier—25 miles west of Yakutat.
Middleton Island—155 miles southeast of Anchorage.
Mount Veniaminof—20 miles northeast of Port Moller on the Alaska Peninsula.
Shishaldin Volcano—Aleutian Islands National Wildlife Refuge, 50 miles west of Cold Bay in the Aleutian Archipelago.
Simeonof National Wildlife Refuge—In the Shumagin Island Group south of the Alaska Peninsula.
Unga Island—In the Shumagin Island Group, 500 miles southwest of Anchorage.
Walker Lake—250 air miles northwest of Fairbanks.
Walrus Islands—375 miles southwest of Anchorage in Bristol Bay.
Worthington Glacier—30 miles east of Valdez.

AMERICAN SAMOA

Aunuu Island—Off the northeast coast of Tutuila Island.
Cape Taputapu—On the western tip of Tutuila Island.
Fogamaa Crater—On the southwest coast of Tutuila Island.
Leala Shoreline—On the southwest coast of Tutuila Island.
Matafao Peak—1½ miles south of the city of Pago Pago.
Rainmaker Mountain—East of Pago Pago Harbor.
Vaiava Strait—On the north-central coast of Tutuila Island.

ARIZONA

Barringer Meteor Crater, Coconino County—15 miles west of Winslow.
Canelo Hills Cienega, Santa Cruz County—1½ miles northwest of Canelo.
Hualapai Valley Joshua Trees, Mohave County—45 miles north of Kingman.
Onyx Cave, Santa Cruz County—7 miles northwest of Sonoita.
Patagonia-Sonoita Creek Sanctuary, Santa Cruz County—1 mile from Patagonia.
Ramsey Canyon, Cochise County—7 miles south of Sierra Vista.
Willcox Playa, Cochise County—4 miles south of Willcox.

ARKANSAS

Big Lake Natural Area, Mississippi County—Big Lake National Wildlife Refuge, 3 miles east of Manila.
Mammoth Spring, Fulton County—Northeast of Mammoth Spring.
White River Sugarberry Natural Area, Desha County—4 miles northwest of the village of Snow Lake.

CALIFORNIA

Amboy Crater, San Bernardino County—West of the town of Amboy.
Anza-Borrego Desert State Park, San Diego, Imperial, and Riverside Counties—Vast majority of site is located in eastern San Diego County.
Audubon Canyon Ranch, Marin County—20 miles northwest of San Francisco.
Cinder Cone Natural Area, San Bernardino County—24 miles east of Baker.
Elder Creek, Mendocino County—4 miles north of Branscomb.
Emerald Bay, El Dorado County—16 miles south of Tahoe City.
Miramar Mounds, San Diego County—12 miles north of central San Diego.
Nipomo Dunes-Point Sal Coastal Area, San Luis Obispo, and Santa Barbara Counties—Extends from Pismo Beach south for 17 miles.
Pixley Vernal Pools, Tulare County—6 miles east of Pixley.
Point Lobos, Monterey County—Near Carmel.
Pygmy Forest, Mendocino County—5 miles south of Fort Bragg.
Rainbow Basin, San Bernardino County—8 miles north of Barstow.
Rancho La Brea, Los Angeles County—Hancock Park, Wilshire Boulevard, Los Angeles.
San Andreas Fault, San Benito County—At Cienega Winery, 8 miles south of Hollister.
Sand Hills, Imperial County—15 miles west of Yuma.
San Felipe Creek Area, Imperial County—18 miles northwest of Westmoreland.
Tijuana River Estuary, San Diego County—Between the city of Imperial Beach and the U.S.-Mexico International Boundary.
Trona Pinnacles, San Bernardino County—7 miles south of Argus.
Turtle Mountains Natural Area, San Bernardino County—30 miles south-southwest of Needles.

COLORADO

Garden of the Gods, El Paso County—10 miles northeast of Pikes Peak.
Garden Park Fossil Area, Fremont County.
Lost Creek Scenic Area, Park County—40 miles southwest of Denver.
Morrison Fossil Area, Jefferson County—Just north of Morrison.
Raton Mesa, Las Animas County—10 miles south of Trinidad.
Slumgullion Earthflow, Hinsdale County—2 miles south of Lake City.
Summit Lake, Clear Creek County—13 miles southwest of Idaho Springs.

CONNECTICUT

Bartholomew's Cobble, Litchfield County, Conn. and Berkshire County, Mass.—1 mile west of Ashley Falls, Mass. (See also Massachusetts.)
Bingham Pond Bog, Litchfield County—1 mile east of the New York State boundary.
Chester Cedar Swamp, Middlesex County—2 miles west-southwest of the village of Chester.
Dinosaur Trackway, Hartford County—5 miles south of Hartford.
McLean Game Refuge Natural Areas, Hartford County—4 miles north and northwest of the village of Simsbury.
Pachaug-Great Meadow Swamp, New London County—1½ miles northeast of the village of Voluntown.

FLORIDA

Big Cypress Bend, Collier County—1 mile west of Florida 29 on Tamiami Trail (U.S. 41).
Corkscrew Swamp Sanctuary, Collier County—25 miles southeast of Fort Myers.
Devil's Millhopper, Alachua County—6 miles northwest of Gainesville.
Emeralda Marsh, Lake and Marion Counties—10 miles northeast of Leesburg.
Ichetucknee Springs, Columbia and Suwannee Counties—Ichetucknee Springs State Park, 22 miles southwest of Lake City.
Lignumvitae Key, Monroe County—One-half mile north of U.S. 1 causeway, near north end of Matecumbe Key.
Manatee Springs, Levy County—Manatee Springs State Park, 50 miles west-southwest of Gainesville.
Osceola Natural Area, Baker County—Osceola National Forest, 20 miles northeast of Lake City.
Paynes Prairie, Alachua County—Southern edge of Gainesville.
Rainbow Springs, Marion County—4 miles north-northeast of Dunnellon.
Reed Wilderness Seashore Sanctuary, Martin County—8 miles south of Stuart.
San Felasco Hammock, Alachua County—Center of site is 9 miles northwest of Gainesville.
Silver Springs, Marion County—5 miles northeast of Ocala.
Wakulla Springs, Wakulla County—15 miles south of Tallahassee.

GEORGIA

Camp E. F. Boyd Natural Area, Emanuel County—8 miles southwest of Swainsboro.
Cason J. Callaway Memorial Forest, Harris County—1 mile west of Hamilton.
Lewis Island Tract, McIntosh County—8 miles west-northwest of Darien.
Marshall Forest, Floyd County—Near Rome.
Okefenokee Swamp, Ware, Charlton, and Clinch—Okefenokee National Wildlife Refuge, center of site is 28 miles south of Waycross.
Sag Ponds Natural Area, Bartow County—5 miles southeast of Adairsville.
Spooner Springs, Seminole County—14 miles west of Bainbridge.
Wassaw Island, Chatham County—14 miles south of Savannah, in the Atlantic Ocean.

GUAM

Facpi Point—On the southwest coast of Guam.
Fouha Point—On the southwest coast of Guam—1 mile northwest of the village of Umatac.
Mount Lamlam—3 miles north-northeast of the village of Umatac.
Punta de Dos Amantes—2 miles north of the village of Tumon.

HAWAII

Diamond Head, Island of Oahu—In city of Honolulu.
Iao Valley, Island of Maui—West of the city of Wailuku.
Kanaha Pond, Island of Maui—1 mile west of Kahului Airport.
Koolau Range Pali, Island of Oahu—3 miles south of the village of Kaneohe, Koolaupoko District.
Makalawena Marsh, Island of Hawaii—Near Kawikahale Point.
Mauna Kea, Island of Hawaii—25 miles west-northwest of the city of Hilo.
North Shore Cliffs, Island of Molokai—Between the villages of Halawa and Kalaupapa.

IDAHO

Cassia Silent City of Rocks, Cassia County—16 miles southeast of Oakley.
The Great Rift, Power County—25 miles northwest of American Falls.

ILLINOIS

Allerton Natural Area, Piatt County—28 miles southwest of Champaign.
Forest of the Wabash, Wabash County—3 miles south of Mount Carmel.
Funks Grove, McLean County—11 miles southwest of Bloomington.
Heron Pond and Wildcat Bluff Nature Preserve, Johnson County—5 miles southwest of Vienna.
Horseshoe Lake Nature Preserve, Alexander County—11 miles northwest of Cairo.
LaRue-Pine Hills Ecological Area, Union County—Shawnee National Forest, center of site is 4 miles north of the village of Wolf Lake.
Mississippi Palisades, Carroll County—North of Savanna.
Volo Bog Nature Preserve, Lake County—1½ miles north-northwest of Volo.
Wauconda Bog Nature Preserve, Lake County—South of the village of Wauconda.

INDIANA

Bear Creek Canyon, Fountain County—7 miles northeast of Covington.
Beckville Woods, Montgomery County—3 miles south of the village of Shannondale.
Big Walnut Creek, Putnam County—35 miles west of Indianapolis.
Cabin Creek Raised Bog, Randolph County—14 miles east-southeast of Muncie.
Cowles Bog, Porter County—10 miles west of Michigan City.
Davis-Purdue Natural Forest, Randolph County—13 miles northeast of Muncie.
Donaldson Cave System and Woods, Lawrence County—Spring Mill State Park, 5 miles east of Mitchell.
Dunes Nature Preserve, Porter County—Indiana Dunes State Park, extends along the southeast shore of Lake Michigan between the villages of Dune Acres and Beverly Shores.
Hemmer Woods, Gibson County—2 miles northeast of the village of Buckskin.
Hoosier Prairie, Lake County—2 miles southwest of Griffith.
Hoot Woods, Owen County—3 miles northwest of the village of Freedom.
Kramer Woods, Spencer County—1½ miles southwest of the village of Patronville.
Meltzer Woods, Shelby County—2 miles southwest of the village of Blue Ridge.
Officers' Woods, Jefferson County—7 miles northwest of Madison.
Ohio Coral Reef (Falls of the Ohio)—In Ohio River, between Jeffersonville, Ind., and Louisville, Ky. (See also Kentucky.)
Pine Hills Natural Area, Montgomery County—15 miles west-southwest of Crawfordsville.
Pinhook Bog, La Porte County—4 miles south of Waterford.
Pioneer Mothers' Memorial Forest, Orange County—Wayne-Hoosier National Forest, 1 miles west-northwest of Darien.
Rise at Orangeville, Orange County—South of West Road in Orangeville.
Rocky Hollow—Falls Canyon Nature Preserve, Parke County—Turkey Run State Park, 9 miles north of Rockville.
Shrader-Weaver Woods, Fayette County—7 miles northwest of Connersville.
Tamarack Bog Nature Preserve, Lagrange County—Pigeon River State Game Preserve, 1 mile southeast of the town of Mongo.
Tolliver Swallowhole, Orange County—4 miles north-northwest of Paoli.
Wesley Chapel Gulf, Orange County—2 miles east-southeast of Orangeville.
Wesselman Park Woods, Vanderburgh County—Within city limits of Evansville.
Wyandotte Cave, Crawford County—Harrison-Crawford State Forest, 30 miles west of New Albany.

IOWA

Cayler Prairie, Dickinson County—5 miles west of West Okoboji.
Hayden Prairie, Howard County—12 miles northwest of Cresco.
White Pine Hollow Preserve, Dubuque County—20 miles northwest of Dubuque.

KANSAS

Baker University Wetlands, Douglas County—3 miles south of Lawrence.
Monument Rocks Natural Area, Gove County—23 miles south of Oakley.

KENTUCKY

Henderson Sloughs, Henderson and Union Counties—4 miles northeast of Uniontown.
Lilly Cornett Woods, Letcher County—25 miles southeast of Hazard.
Ohio Coral Reef (Falls of the Ohio)—In Ohio River between Louisville, Ky., and Jeffersonville, Ind. (See also Indiana.)

MAINE

Colby-Marston Preserve, Kennebec County—2 miles north of the village of Belgrade.
Crystal Bog, Aroostook County—4 miles southeast of Patten.
Gulf Hagas, Piscataquis County—14 air miles east of Greenville.
Meddybemps Heath, Washington County—3 miles west of the village of Meddybemps.
Monhegan Island, Lincoln County—10 miles south of Port Clyde, in the Atlantic Ocean.
Mount Katahdin, Piscataquis County—20 miles north of Millinocket.
Orono Bog, Penobscot County—6 miles southwest of Old Town.
Passadumkeag Marsh and Boglands, Penobscot County—2 miles east of Passadumkeag.
Penney Pond—Joe Pond Complex, Kennebec County—2½ miles south of the village of Belgrade.

MARYLAND

Battle Creek Cypress Swamp, Calvert County—On Md. 506, between Bowens and Port Republic.
Belt Woods, Prince Georges County—15 miles east of downtown Washington, D.C.
Cranesville Swamp Nature Sanctuary, Garrett County, Md., and *Preston County, W. Va.*—9 miles north of Terra Alta, W. Va. (See also West Virginia.)
Sugar Loaf Mountain, Frederick County—16 miles south of Frederick.

MASSACHUSETTS

Acushnet Cedar Swamp, Bristol County—Northwest of New Bedford.
Bartholomew's Cobble, Berkshire County, Mass., and *Litchfield County, Conn.*—1 mile west of Ashley Falls, Mass. (See also Connecticut.)
Fannie Stebbins Refuge, Hampden County—5 miles south of Springfield.
Gay Head Cliffs, Dukes County—On western tip of Martha's Vineyard.
Hawley Bog, Franklin County—1 mile northwest of the village of Hawley.
Lynnfield Marsh, Essex and Middlesex Counties—Between Wakefield and South Lynnfield.
Poutwater Pond, Worcester County—North of Holden.

MICHIGAN

Grand Mere Lakes, Berrien County—2 miles southwest of Stevensville.
Northern Hardwood Natural Area, Marquette County—Upper Peninsula Experimental Forest, 17 miles southeast of Marquette.
Strangmoor Bog, Schoolcraft County—Seney National Wildlife Refuge, southwest of Seney.
Warren Woods Natural Area, Berrien County—3 miles north of Three Oaks.

MINNESOTA

Ancient River Warren Channel, Traverse and Big Stone Counties, Minn., and *Roberts County, S. Dak.*—Near Browns Valley, Minn. (See South Dakota.)
Itasca Natural Area, Clearwater County—30 miles southwest of Bemidji.
Lake Agassiz Peatlands, Koochiching County—30 airline miles south of International Falls.

MISSISSIPPI

Chestnut Oak Disjunct, Calhoun County—16 miles north of Bruce.
Mississippi Petrified Forest, Madison County—17 miles north of Jackson.

MISSOURI

Cupola Pond, Ripley County—Mark Twain National Forest, 12 miles south-southeast of Fremont.
Maramec Spring, Phelps County—Maramec Spring Park, 8 miles southeast of St. James.
Mark Twain and Cameron Caves, Marion County—2 miles southeast of Hannibal.
Marvel Cave, Stone County—50 miles south of Springfield.

MONTANA

Bridger Fossil Area, Carbon County.
Bug Creek Fossil Area, McCone County—34 miles southeast of Fort Peck.
Cloverly Formation Site, Big Horn County.
Glacial Lake Missoula, Sanders County—12 miles north of Perma.
Hell Creek Fossil Area, Garfield County—16 miles north of Jordan.

NEBRASKA

Fontenelle Forest, Sarpy County—1 mile south of Omaha.

NEVADA

Hot Creek Springs and Marsh, Nye County—35 miles south of Lund.
Ichthyosaur Site, Nye County—20 miles east of the town of Gabbs.
Lunar Crater, Nye County—70 miles east-northeast of Tonopah.
Ruby Marsh, Elko, and White Pine Counties—Ruby Lake National Wildlife Refuge, 50 miles south-southeast of Elko.
Timber Mountain Caldera, Nye County.
Valley of Fire, Clark County—35 miles northeast of Las Vegas.

NEW HAMPSHIRE

East Inlet Natural Area, Coos County—Northeast of Second Connecticut Lake.
Floating Island, Coos County—2½ miles east-northeast of Errol.
Franconia Notch, Grafton County—16 miles south of Littleton.
Heath Pond Bog, Carroll County—2 miles northeast of Center Ossipee.
Madison Boulder, Carroll County—3 miles north of Madison.
Pondicherry Wildlife Refuge, Coos County—2 miles northeast of Whitefield Airport in Jefferson.
Spruce Hole Bog, Strafford County—2 miles west-southwest of Durham.

NEW JERSEY

Great Falls of Paterson, Passaic County—Paterson.
Great Swamp, Morris County—Great Swamp National Wildlife Refuge, 7 miles south of Morristown.
Moggy Hollow Natural Area, Somerset County—2 miles east of Far Hills.
Riker Hill Fossil Site, Essex County—In the borough of Roseland.
Stone Harbor Bird Sanctuary, Cape May County—Stone Harbor Borough.
Sunfish Pond, Warren County—3 miles northeast of the Delaware Water Gap.
Troy Meadows, Morris County—Near Troy Hills.

NEW MEXICO

Port Stanton Cave, Lincoln County—7 miles west of Lincoln.
Grants Lava Flow, Valencia County—Extends about 25 miles south from Grants, between New Mexico 117 on the east and New Mexico 53 on the west.
Torgac Cave, Lincoln County—20 air miles southeast of Corona.

NEW YORK

Bear Swamp, Albany County—3 miles south of the village of Westerlo.
Bergen-Byron Swamp, Genesee County—Between Bergen and Byron.
Big Reed Pond, Suffolk County—3 miles west of Montauk Point.

Deer Lick Nature Sanctuary, Cattaraugus County—4 miles southeast of Gowanda.
Dexter Marsh, Jefferson County—2 miles southwest of the town of Dexter.
Ellenville Fault-Ice Caves, Ulster County—5 miles southeast of Ellenville.
Fall Brook Gorge, Livingston County—1½ miles south of Geneseo.
Fossil Coral Reef, Genesee County—4 miles northwest of Le Roy.
Gardiner's Island, Suffolk County—100 miles east of New York City, in Block Island Sound off Long Island.
Hart's Woods, Monroe County—10 miles southeast of Rochester.
Iona Island Marsh, Rockland County—2 miles south of Fort Montgomery.
Ironsides Island, Jefferson and St. Lawrence Counties—In St. Lawrence River, 8 miles northeast of town of Alexandria Bay.
Lakeview Marsh and Barrier Beach, Jefferson County—20 miles southwest of Watertown.
McLean Bogs, Tompkins County—1½ miles east-southeast of the village of McLean.
Mendon Ponds Park, Monroe County—11 miles south of Rochester.
Mianus River Gorge, Westchester County—2 miles south of Bedford.
Montezuma Marshes, Seneca County—Montezuma National Wildlife Refuge, 4 miles northeast of Seneca Falls.
Moss Lake Bog, Allegany County—2 miles southwest of Houghton.
Oak Orchard Creek Marsh, Genesee and Orleans Counties—Iroquois National Wildlife Refuge, 7 miles south-southeast of Medina.
Petrified Gardens, Saratoga County—4 miles west of Saratoga Springs.
Round Lake, Onondaga County—2 miles northeast of Fayetteville.
Thompson Pond, Dutchess County—20 miles east of Kingston.
Zurich Bog, Wayne County—9 miles north of the city of Newark.

NORTH CAROLINA

Green Swamp, Brunswick County—9 miles north of the village of Supply.
Long Hope Creek Spruce Bog, Ashe and Watauga Counties—10 miles north-northeast of Boone.
Mount Jefferson State Park, Ashe County—1 mile east of West Jefferson.
Mount Mitchell State Park, Yancey County—20 miles northeast of Asheville.
Nags Head Woods and Jockey Ridge, Dare County—1½ miles northwest of Nags Head on Bodie Island.
Piedmont Beech Natural Area, Wake County—William B. Umstead State Park, 7 miles northwest of Raleigh.
Pilot Mountain, Surry County—Pilot Mountain State Park, 3 miles south of the town of Pilot Mountain.
Stone Mountain, Alleghany and Wilkes Counties—Stone Mountain State Park, 9 miles southeast of Sparta.

NORTH DAKOTA

Two-Top Mesa and Big Top Mesa, Billings County—14 airline miles northwest of Fairfield.

OHIO

Arthur B. Williams Memorial Woods, Cuyahoga County—Within corporate boundary of Mayfield.
Blacklick Woods, Fairfield County—1 mile south of Reynoldsburg.
Brown's Lake Bog—Wayne County—11 miles southwest of Wooster.
Buzzardroost Rock—Lynx Prairie—The Wilderness, Adams County—75 miles east of Cincinnati.
Cedar Bog, Champaign County—7 miles north of Springfield.
Clear Fork Gorge, Ashland County—4 miles south of Loudenville.
Clifton Gorge, Greene County—10 miles south of Springfield.
Crall Woods, Ashland County—5 miles south-southwest of New London.
Cranberry Bog, Licking County—20 miles east of Columbus.
Dysart Woods, Belmont County—11 miles southwest of St. Clairsville.
Fort Hill State Memorial, Highland County—3 miles north-northwest of Sinking Spring.
Glacial Grooves State Memorial, Erie County—On Kelleys Island, 5 miles offshore from Marblehead.
Glen Helen Natural Area, Greene County—In Yellow Springs.
Goll Woods, Fulton County—Goll Woods State Forest, 3 miles northwest of Archbold.
Hazelwood Botanical Preserve, Hamilton County—One-half mile east of Hazelwood.
Holden Natural Areas, Lake and Geauga Counties—30 miles east of Cleveland.
Hueston Woods, Butler, and Preble Counties—4½ miles north of Oxford.
Mentor Marsh, Lake County—Near Painesville.
Tinkers Creek Gorge, Cuyahoga County—12 miles southeast of Cleveland.

OKLAHOMA

Devil's Canyon, Canadian County—22 miles west-southwest of El Reno.
McCurtain County Wilderness Area, McCurtain County—Center of site is 12 miles south of Smithville.

OREGON

Crown Point, Multnomah County—24 miles east of Portland.
Horse Ridge Natural Area, Deschutes County—16 miles southeast of Bend.
John Day Fossil Beds, Grant County—40 miles west of town of John Day on Oregon 19.

PENNSYLVANIA

Bear Meadows Natural Area, Centre County—6 miles southeast of State College.
Box Huckleberry Site, Perry County—1 mile south of New Bloomfield.
Cook Forest, Clarion County—Cook Forest State Park.
Cranberry Bog, Monroe County—5 miles northwest of Stroudsburg.
Ferncliff Peninsula Natural Area, Fayette County—Ohiopyle State Park, 20 miles southeast of Connellsville.
Ferncliff Wildflower and Wildlife Preserve, Lancaster County—3 miles west of Wakefield.
Florence Jones Reineman Wildlife Sanctuary, Perry and Cumberland Counties—8 miles northwest of Carlisle.
Hawk Mountain Sanctuary, Berks County—30 miles north of Reading.
Hearts Content Scenic Area, Warren County—14 miles southwest of Warren.
Hemlocks Natural Area, Perry County—12 miles south of Blain.
Hickory Run Boulder Field, Carbon County—In the Pocono Plateau region.
Lake Lacawac, Wayne County—25 miles east of Scranton.
McConnell's Mill State Park, Lawrence County—40 miles north of Pittsburgh.
Pine Creek Gorge, Tioga County—12 mile roadless stretch between Ansonia and Blackwell.
Presque Isle, Erie County—Near the city of Erie.
Reynolds Spring and Algerine Swamp Bogs, Tioga County—Tioga State Forest, 3 miles south of Leetonia.
Snyder-Middleswarth Natural Area, Snyder County—5 miles west of Troxelville.
Susquehanna Water Gaps, Perry County—18 miles north of Harrisburg.
The Glens Natural Area, Sullivan and Luzerne Counties—In Ricketts Glen State Park, 25 miles east of Williamsport.
Tinicum Wildlife Preserve, Philadelphia County—Philadelphia.
Tionesta Scenic and Research Natural Areas, Warren and McKean Counties—7 miles south of Ludlow.
Wissahickon Valley, Philadelphia County—Fairmount Park, Philadelphia.

RHODE ISLAND

Ell Pond, Washington County—2 miles southwest of Rockville.

SOUTH CAROLINA

Congaree River Swamp, Richland County—20 miles southeast of Columbia.

SOUTH DAKOTA

Ancient River Warren Channel, Roberts County, S. Dak., and *Traverse and Big Stone Counties, Minn.*—Near Browns Valley, Minn. (See also Minnesota.)
Bear Butte, Meade County—5 miles north of Fort Meade.
Fort Randall Eagle Roost, Charles Mix County—Directly below Fort Randall Dam, on the Missouri River.
Sica Hollow, Marshall and Roberts Counties—10 miles northwest of Sisseton.
Snake Butte, Washabaugh County—Pine Ridge Reservation.

TENNESSEE

Arnold Engineering Development Center Natural Areas, Coffee County—Two noncontiguous tracts are 4½ miles south-southeast and 7 miles southeast of Manchester.
Big Bone Cave, Van Buren County—5 miles west-northwest of Spencer.
Cedar Glades Natural Area, Wilson County—Cedars of Lebanon State Forest, 10 miles south of Lebanon.
Conley Hole, Grundy County—2 miles southeast of Viola.
Cumberland Caverns (Higginbotham and Henshaw Caves), Warren County—5 miles east of McMinnville.
Dick Cove, Franklin County—2½ miles northwest of Sewanee.
Grassy Cove Karst Area, Cumberland County—9 miles southeast of Crossville.
Lost Sea (Craighead Caverns), Monroe County—5 miles southeast of Sweetwater.
May Prairie, Coffee County—3½ miles southeast of Manchester.
McAnulty's Woods, Hardeman County—Within city limits of Bolivar.
Piney Falls, Rhea County—2 miles north of Spring City.
Reelfoot Lake, Lake and Obion Counties—Near Tiptonville.
Savage Gulf, Grundy County—25 miles southeast of McMinnville.

TEXAS

Attwater Prairie Chicken Preserve, Colorado County—55 miles west of Houston.
Caverns of Sonora, Sutton County—16 miles southwest of Sonora.
Devil's Sinkhole, Edwards County—9 miles northeast of Rocksprings.
Dinosaur Valley, Somervell County—just west of Glen Rose.
Enchanted Rock, Llano and Gillespie Counties—12 miles southwest of Oxford.
Ezell's Cave, Hays County—within city limits of San Marcos.
Longhorn Cavern, Burnet County—Longhorn Cavern State Park, 11 miles southwest of Burnet.
Natural Bridge Caverns, Comal County—16 miles west of New Braunfels.

Odessa Meteor Crater, Ector County—10 miles southwest of Odessa.
Santa Ana National Wildlife Refuge, Hidalgo County—7 miles south of Alamo.

UTAH

Cleveland-Lloyd Dinosaur Quarry, Emery County—7 miles east of Cleveland.
Joshua Tree Natural Area, Washington County—10 miles southwest of St. George.

VERMONT

Barton River Marsh, Orleans County—3 miles south of Newport.
Camel's Hump, Chittenden and Washington Counties—Midway between Montpelier and Burlington.
Cornwall Swamp, Addison County—2 miles southeast of the village of Cornwall.
Franklin Bog, Franklin County—1 mile east-northeast of the village of Franklin.
Lake Willoughby Natural Area, Orleans County—Westmore Township.
Little Otter Creek Marsh, Addison County—2 miles north-northwest of Ferrisburg.
Molly Bog, Lamoille County—3½ miles northeast of the village of Stowe.

VIRGINIA

Butler Cave-Breathing Cave, Bath County—one-half mile north of Burnsville.
Charles C. Steirly Natural Area, Sussex County—2 miles west of the village of Dendron.
Grand Caverns, Augusta County—South of Grottoes.
Great Dismal Swamp, Nansemond County—20 miles west of Norfolk.
Luray Caverns, Page County—1½ miles west of the center of Luray.
Rich Hole, Rockbridge County—George Washington National Forest, 13 miles northwest of Lexington.
Seashore Natural Area—Virginia Beach, near Cape Henry.
Smoot Tract, King George County—5 miles north-northeast of the village of King George.

WASHINGTON

Ginkgo Petrified Forest, Kittitas County—29 miles east of Ellensburg.
Grand Coulee, Grant County—Between towns of Grand Coulee and Soap Lake.
Mima Mounds, Thurston County—West of Little Rock.
Nisqually Delta, Pierce and Thurston Counties—15 miles east of Olympia.
Point of Arches, Clallam County—10 miles south of Cape Flattery.
Steptoe Butte, Whitman County—50 miles south of Spokane.

WEST VIRGINIA

Big Run Bog, Tucker County—Monongahela National Forest, 7 miles east of Parsons.
Blister Run Swamp, Randolph County—Monongahela National Forest, 4 miles northwest of Durbin.
Canaan Valley, Tucker County—Center of site is 5 miles due east of Davis.
Cathedral Park, Preston County—4 miles west of U.S. 219, on U.S. 50.
Cranberry Glades Botanical Area, Pocahontas County—Monongahela National Forest, 5 miles northwest of Hillsboro.
Cranesville Swamp Nature Sanctuary, Preston County, W. Va., and Garrett County, Md.—9 miles north of Terra Alta, W. Va. (See also Maryland.)
Fisher Spring Run Bog, Tucker County—Monongahela National Forest, 11 miles southeast of Davis.
Gaudineer Scenic Area, Randolph and Pocahontas Counties—Monongahela National Forest, 5 miles north of Durbin.
Germany Valley Karst Area, Pendleton County—Between Riverton and Mouth of Seneca.
Greenbrier Caverns, Greenbrier County—North and south of Organ Cave.
Greenville Saltpeter Cave, Monroe County—One-fourth mile north of the town of Greenville.
Lost World Caverns, Greenbrier County—2 miles north of Lewisburg.
Sennett-Thorn Mountain Cave System, Pendleton County—One-half mile northwest of Moyers.
Shavers Mountain Spruce-Hemlock Stand, Randolph County—Monongahela National Forest, 7 miles northwest of Harman.
Swago Karst Area, Pocahontas County—3 miles west of Marlington.

WISCONSIN

Abraham's Woods, Green County—2 miles southwest of Albany.
Cedarburg Bog, Ozaukee County—4 miles west of Saukville.
Chippewa River Bottoms, Buffalo County—North of Wabasha, Minnesota.
Chiwaukee Prairie, Kenosha County—5 miles south of Kenosha.
Finnerud Forest Scientific Area, Oneida County—2 miles southwest of Minocqua.
Flambeau River Hemlock-Hardwood Forest, Sawyer County—Flambeau River State Forest, 20 miles southwest of Park Falls.
Kakagon Sloughs, Ashland County—2 miles north of the town of Odanah.
Ridges Sanctuary—Toft's Point—Mud Lake Area, Door County—center of site is 2½ miles northeast of the village of Bailey's Harbor.
Spruce Lake Bog, Fond du Lac County—Kettle Moraine State Forest, 2 miles northwest of the village of Dundee.
Summerton Bog, Marquette County—3 miles southeast of the village of Oxford.
Wyalusing Hardwood Forest, Grant County—Wyalusing State Park, 6 miles north of Bagley.

WYOMING

Bone Cabin Fossil Area, Albany County.
Como Bluff, Carbon and Albany Counties—5 miles east of Medicine Bow.
Crooked Creek Natural Area, Big Horn County—15 miles northeast of Lovell.
Lance Creek Fossil Area, Niobrara County—25 miles north of Lusk.
Two Ocean Pass, Teton County—On the Continental Divide in Teton National Forest.

[FR Doc.75-11549 Filed 5-2-75;8:45 am]

CAPE HATTERAS NATIONAL SEASHORE, NORTH CAROLINA

Barrier Island Environmental Management Policy, Environmental Impact Statement

In November 1974 the National Park Service completed and placed on public review an Environmental Assessment entitled "Cape Hatteras Shoreline Erosion Policy Statement." Public meetings were held in the vicinity of Cape Hatteras National Seashore in January 1975.

After an Environmental Review of the alternatives presented in the assessment and after public comment thereon, it became apparent that we would be dealing with a subject of wider scope than shoreline erosion and that the adoption of a policy would have a significant effect on the human environment. Therefore, the National Park Service will prepare a draft environmental impact statement on the following action:

Barrier Island Environmental Management Policy. Cape Hatteras National Seashore.

For information or submission of additional suggestions for consideration during preparation of the statement, please contact the Superintendent, Cape Hatteras National Seashore, P.O. Box 457, Manteo, North Carolina 27955. Telephone inquiries should be directed to the Superintendent, telephone 919-473-2113.

Copies of the Environmental Review may be obtained from the Superintendent, Cape Hatteras National Seashore or from the Regional Director, Southeast Regional Office, 3401 Whipple Avenue, Atlanta, Georgia 30344. It is anticipated that the draft Environmental Impact Statement will be available for review in late 1975.

DAVID D. THOMPSON, Jr.,
Regional Director,
Southeast Region.

[FR Doc.75-11627 Filed 5-2-75;8:45 am]

[Order No. 7, Amdt. 2]

SUPERINTENDENTS, ET AL., WESTERN REGION

Delegation of Authority

Western Region Order No. 7, approved March 3, 1972, and published in the FEDERAL REGISTER of March 28, 1972 (37 FR 6326), and Amendment No. 1, approved March 5, 1974, and published in the FEDERAL REGISTER of April 18, 1974 (39 FR 13903), are hereby amended. Section 2, paragraphs (f), (g), and (h) are hereby added to read as follows:

(f) *Chief, Arizona Archeological Center, Tucson, Arizona.* The Chief Arizona Archeological Center, Tucson, Arizona may execute, approve and administer contracts not in excess of $50,000 for supplies, equipment or services, including construction in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(g) *Procurement Officer.* The Procurement Officer, Western Regional Office, may execute, approve and administer contracts not in excess of $100,000 for supplies, equipment or services, including construction in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Procurement Officer in behalf of any area under the administration of the Western Regional Office.

(h) *Realty Specialists, Joshua Tree National Monument, Sequoia-Kings Canyon and Yosemite National Parks.* The Realty Specialists stationed at Joshua Tree National Monument, Sequoia-Kings Canyon National Park and Yosemite National Park are authorized to exercise authority with respect to the following:

(1) Approval and acceptance of options and offers to sell to the United States, lands, or interests in lands, within their respective areas, and to execute all necessary agreements and conveyances incident thereto when the amount involved does not exceed $150,000.00, and

which offer does not exceed the approved appraisal amount.

(2) Acceptance of deeds conveying to the United States, lands or interests in lands within their respective areas.

(NPS Order No. 77, 38 FR 7478, published March 22, 1973 as amended)

HOWARD H. CHAPMAN,
Regional Director,
Western Regional Office.

[FR Doc.75-11612 Filed 5-2-75;8:45 am]

Office of the Secretary

DIRECTOR, BUREAU OF LAND MANAGEMENT

Delegation of Authority

This notice, prepared for publication in the FEDERAL REGISTER as a matter which may have public interest, shall serve to inform all persons that pursuant to the memorandum of the Under Secretary, dated October 22, 1974, and the memorandum of the Deputy Under Secretary, dated January 21, 1975, the Director, Bureau of Land Management, has been authorized to dispose of gravel required for the construction of the Trans-Alaska Pipeline on a negotiated basis without limit as to the mineral value involved.

The above actions taken by the Under Secretary and Deputy Under Secretary are hereby approved and ratified.

ROGERS C. B. MORTON,
Secretary of the Interior.

APRIL 25, 1975.

[FR Doc.75-11585 Filed 5-2-75;8:45 am]

[INT FES 75-44]

PROPOSED TAMARAC WILDERNESS AREA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a final environmental statement for the Proposed Tamarac Wilderness Area, Becker County, Minnesota.

The proposal recommends that approximately 2,065 acres be designated as wilderness within the National Wilderness Preservation System.

Copies of the final statement are available for inspection at the following locations:

Regional Director
U.S. Fish and Wildlife Service
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

Refuge Manager
Rural Route
Rochert, Minnesota 56578

U.S. Fish and Wildlife Service
Office of Environmental Coordination
Room 2252
18th & C Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

Dated: April 28, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary
of the Interior.

[FR Doc.75-11584 Filed 5-2-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

COOPERATIVE FORESTRY RESEARCH ADVISORY BOARD AND ADVISORY COMMITTEE

Meeting

The Cooperative Forestry Research Advisory Board and the Cooperative Forestry Research Advisory Committee will meet June 2-4, 1975, at Olympia, Washington, at 1 p.m.

The meetings are open to the public and will be held in the Greenwood Motel.

The Advisory Board in separate meeting, will consider recommendations for the allocation of research funds.

The Advisory Committee, in separate meeting, will evaluate forestry research requirements and make suggestions for cooperative research activities.

In joint sessions the Board and Committee will review McIntire-Stennis research accomplishments and evaluate progress in planning systems to achieve coordinated, comprehensive forestry research programs.

The names of Board and Committee members and agenda are available upon request to the recording secretary of the Board, R. L. Lovvorn, USDA, CSRS, Washington D.C. 20250 or the recording secretary of the Committee, J. D. Sullivan, USDA, CSRS, Washington, D.C., 20250. Written statements may be filed with the Committee before or after the meeting.

R. L. LOVVORN,
Administrator.

[FR Doc.75-11689 Filed 5-2-75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A205]

INDIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in certain counties in Indiana as a result of various adverse weather conditions. The following chart shows the counties, natural disasters, and dates on which the disasters occurred:

INDIANA 1974

County	Excessive rainfall	Flooding	Drought	Frost and/or freeze	Hail
Adams	May 8 to 20		June 24 to Aug. 15	Sept. 28	Aug. 13.
Boone	May 7 to June 26	May 21 and June 22.	June 30 to Aug. 28.	Sept. 22 and Oct. 2 and 19.	
Jackson	Mar. 1 to June 1 (flooding from upstream).		July 1 to Aug. 3	Sept. 23 and 30 and Oct. 1, 2, and 3.	
Knox	May 1 to June 20	June 12 and 28	July 1 to Aug. 15	Sept. 25	
La Porte	Apr. 25 to May 20		June 23 to Sept. 12.	Sept. 15	
Monroe	Jan. 15 to June 20 (with flooding).		July 4 to Aug. 5	Sept. 18 to Oct. 1	
Owen	Apr. 15 to June 22		June 23 to Sept. 10.	Oct. 2	
Starke	Apr. 25 to May 20		June 23 to Sept. 12.	Sept. 15	

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Otis R. Bowen that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 20, 1975, for physical losses and January 22, 1976, 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 25th day of April, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-11617 Filed 5-2-75;8:45 am]

[Notice of Designation Number A206]

IOWA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Boone County, Iowa, as a result of a natural disaster consisting of a blizzard and freezing weather January 10, 11, and 12, 1975.

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 Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 20, 1975, for physical losses and January 22, 1976, 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 25th day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-11611 Filed 5-2-75;8:45 am]

[Notice of Designation Number A194]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Mississippi:

Clay Lowndes
Holmes

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall April 1 to May 31 and November 15 to December 31, 1974, drought July 15 to August 31, 1974, and an early frost October 3, 1974, in Clay and Lowndes Counties and excessive rainfall March 1 to June 30, 1974, and hail June 4 and 5, 1974, in Holmes County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William L. Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 16, 1975, for physical losses and January 19, 1976, 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 24th day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-11613 Filed 5-2-75;8:45 am]

[Notice of Designation Number A204]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Mississippi:

Copiah Winston
Washington

The Secretary has found that this need exists as a result of a natural disaster consisting of drought May 15 to August 28, 1974, and excessive rainfall September 1 to December 31, 1974, in Copiah County; excessive rainfall April 1 to June 15 and August 1 to September 30, 1974, and drought June 16 to July 31, 1974, in Washington County; and excessive rainfall March 2, 1974, to May 31, 1974, and drought June 10 to August 1, 1974, in Winston County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor William L. Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 20, 1975, for physical losses and January 22, 1976, 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 24th day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-11614 Filed 5-2-75;8:45 am]

[Notice of Designation Number A220]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Grant County, North Dakota, as a result of a natural disaster consisting of drought from June 1 to September 30, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 20, 1975, for physical losses and January 22, 1976, 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 28th day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-11615 Filed 5-2-75;8:45 am]

[Notice of Designation Number A203]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in certain counties in Texas, as a result of various adverse weather conditions. The following chart shows the counties, natural disasters, and dates on which the disasters occurred:

TEXAS

Childress County—Drought November 1, 1973, thru November 1, 1974. Windstorm June 15, 1974. Hailstorm May 24 and 28, June 3, 4, and October 1974.

Cottle County—Drought September 1, 1973, thru August 1, 1974 (with wind).

Jeff Davis County—Drought September 1, 1973, thru September 4, 1974. Excessive rainfall and flooding September 5 to October 15, 1974.

Johnson County—Drought December 15, 1973, thru September 10, 1974.

King County—Drought September 1, 1973, thru August 1, 1974 (with wind).

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than June 20, 1975, for physical losses and January 22, 1976, 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 25th day of April 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-11616 Filed 5-2-75;8:45 am]

Forest Service

AQUATIC WEED CONTROL

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Aquatic Weed Control, Apache-Sitgreaves National Forests, USDA–FS–FES(Adm) R3–74–01.

The environmental statement considers probable environmental effects of the proposed program.

The final environmental statement was transmitted to CEQ on April 28, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3028
12th & Independence Ave. SW.
Washington, D.C. 20250

USDA, Forest Service
Southwestern Region
517 Gold Ave. SW.
Albuquerque, New Mexico 87102

Apache-Sitgreaves National Forests
Federal Building
Springerville, Arizona 85938

Single copies are available upon request to the Forest Supervisor, Apache-Sitgreaves National Forests, Federal Building, Springerville, Arizona 85938; Regional Forester Southwestern Region, 517 Gold Avenue SW., Albuquerque, New Mexico 87102; and the Colorado Plateau Environmental Advisory Council, PO. Box 1389, Flagstaff, Arizona 86001. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

W. L. Evans,
Deputy Regional Forester, Resources, Region 3.

April 28, 1975.

[FR Doc.75–11664 Filed 5–2–75;8:45 am]

SOUTHERN CHILKAT STUDY AREA

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 on the Southern Chilkat Study Area, USDA–FS–DES (Adm) R–10–75–07.

This environmental statement concerns the presentation of five alternative courses of management for the Southern Chilkat Study Area.

This draft environmental statement was transmitted to the CEQ on April 28, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave. SW.
Washington, D.C. 20250

USDA, Forest Service
Alaska Region
Federal Office Building
Juneau, Alaska 99802

Forest Supervisor, Chatham Area
Tongass National Forest
Lloyd Center Building
Sitka, Alaska 99835

Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

A limited number of single copies are available upon request to Forest Supervisor Vincent N. Olson, Chatham Area, Tongass National Forest, Lloyd Center Building, Sitka, Alaska 99835.

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 Forest Supervisor Vincent N. Olson, Chatham Area, Tongass National Forest, Lloyd Center Building, Sitka, Alaska 99835. Comments must be received by June 27, 1975, in order to be considered in the preparation of the final environmental statement.

C. A. Yates,
Regional Forester, Alaska Region.

April 28, 1975.

[FR Doc.75–11665 Filed 5–2–75;8:45 am]

MANTI DIVISION GRAZING ADVISORY BOARD

Meeting

The Manti Division Grazing Advisory Board will hold its annual meeting on May 20, 1975.

The meeting will be held beginning at 2:00 p.m. in the City Hall at Ephraim, Utah.

The meeting agenda will cover the following specific topics:

1. Adaption of Constitution and By Laws for the Advisory Board.
2. Review of minor changes in 2200 section of Forest Service Manual.
3. Status of Land Use Planning on Manti-LaSal National Forest.
4. Expected Forest financing for fiscal year 1976.
5. Discussion of Permittee Responsibility in regards to maintenance of Range structural improvements.
6. Election of officers for 1975.

This meeting will be open to the public. To the extent time permits, persons may be permitted to comment on topics brought before the Board at any time during the discussion.

Persons desiring additional information on the meeting should contact Forest Supervisor Reed Christensen, Manti-LaSal National Forest, 350 East Main Street, Price, Utah 84501.

Dated: April 21, 1975.

Reed C. Christensen,
Forest Supervisor.

[FR Doc.75–11570 Filed 5–2–75;8:45 am]

Office of the Secretary

NATIONAL PLANT GENETICS RESOURCES BOARD

Determination

Notice is hereby given that the Secretary of Agriculture intends to establish a National Plant Genetics Resources Board for the purpose of advising the Secretary and leaders of the National Association of State Universities and Land Grant Colleges on actions and policies regarding the collection, maintenance, and utilization of plant genetic resources; the coordination of plant germ plasm collection plans among several national agencies and international organizations; the assessment of national needs and identification of high priority programs for conserving and utilizing plant genetic materials to minimize genetic vulnerability.

The Secretary has determined that the establishment of this Board is in the public interest in order to assure adequate supplies of food, feed, and fiber by minimizing the genetic vulnerability of crops.

The Board will meet twice a year and the findings will be reported in writing to the Secretary.

Comments on this proposed action may be directed to Dr. H. O. Graumann, Assistant Administrator, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, no later than May 20, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Assistant Administrator's office during regular business hours (7 CFR 1.27(b)).

This notice is given in compliance with Pub. L. 92/463.

Done at Washington, D.C., this 30th day of April 1975.

Joseph R. Wright, Jr.,
Assistant Secretary for Administration.

[FR Doc.75–11618 Filed 5–2–75;8:45 am]

Rural Electrification Administration

NORTH FLORIDA TELEPHONE CO., LIVE OAK, FLA.

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the FEDERAL REGISTER, September 16, 1974, (39 FR 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $14,000,000 to North Florida Telephone Company, Live Oak, Florida. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Harmon L. Gay, President, North Florida Telephone Company, PO. Box 550, Live Oak, Florida 32060.

To assure consideration, proposals must be submitted (within 30 days of the date of this notice) to Mr. Harmon L. Gay. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the North Florida Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 25th day of April, 1975.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.75–11690 Filed 5–2–75;8:45 am]

Soil Conservation Service

CROOKED CREEK WATERSHED, ALABAMA

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) issued on August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) issued on June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Floodwater Retarding Structures Nos. 4A and 5A of the Crooked Creek Watershed Project, Clay and Randolph Counties, Alabama.

The environmental assessment of this federal action indicates that the structures will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. W. B. Lingle, State Conservationist, Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830, has determined that the preparation and review of an environmental impact statement is not needed for these structures in this project.

The structures are a part of a project that concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement covered by the negative declaration include conservation land treatment supplemented by two floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
138 South Gay Street
Auburn, Alabama 36830

Requests for the negative declaration should be sent to the above address.

No administrative action on the proposal will be taken until May 20, 1975.

Dated: April 28, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–11666 Filed 5–2–75;8:45 am]

TUSCUMBIA RIVER WATERSHED, MISSISSIPPI AND TENNESSEE

Availability of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and Part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and Part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Tuscumbia River Watershed, Alcorn and Prentiss Counties, Mississippi and McNairy County, Tennessee.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. W. L. Heard, State Conservationist, Soil Conservation Service, USDA, Room 590, Milner Building, P.O. Box 610, Jackson, Mississippi 39205, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The remaining planned works of improvement as described in the negative declaration include conservation land treatment supplemented by six single purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Room 590, Milner Building
Jackson, Mississippi 39205

The negative declaration is available for single copy requests at this same address.

No administrative action on implementation of the proposal will be taken until May 20, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: April 28, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75–11667 Filed 5–2–75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

VESSELS ENGAGED IN OFFSHORE OIL AND GAS DRILLING OPERATIONS

Draft Environmental Impact Statement; Availability

Notice is hereby given that copies of the U.S. Department of Commerce Draft Environmental Impact Statement on the Maritime Administration Title XI—Vessels Engaged in Offshore Oil and Gas Drilling Operations will be filed with the Council on Environmental Quality and made available to the public on May 2, 1975. Copies of the statement will be available for public inspection at the following locations:

Maritime Administration, Office of Public Affairs, Room 3895, Department of Commerce, Washington, D.C. 20230.
Maritime Administration, Eastern Regional Office, 26 Federal Plaza, New York, N.Y. 10007.
Maritime Administration, Central Regional Office, 701 Loyola Avenue, New Orleans, La. 70152.
Maritime Administration, Western Regional Office, 450 Golden Gate Avenue, San Francisco, California 94102.

Any questions concerning this statement should be directed to George C. Steinman, Chief, Environmental Activities Group, (202) 967–5136 or Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967–4335, Persons desiring to file written comments should submit same to Dr. Galler prior to June 16, 1975.

The Draft Environmental Impact Statement entitled "Maritime Administration Title XI—Vessels Engaged in Offshore Oil and Gas Drilling Operations", refers to the guarantee of obligations (notes, bonds etc.) including interest, that are obtained in the private market by U.S. citizens for the construction in United States shipyards of off-

shore oil and gas drilling and service vessels (approximately 240 pages).

Dated: May 1, 1975.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-11860 Filed 5-2-75;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security," will hold a meeting from 9 a.m. to 4 p.m. on Tuesday, June 17, 1975 and Wednesday, June 18, 1975, in Room B-163, Building 222, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to continue drafting guidelines in four areas of computer systems security: information management; internal controls; teleprocessing and network control; and requirements.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Dr. Dennis K. Branstad, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3861).

Dated: April 29, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-11628 Filed 5-2-75;8:45 am]

National Oceanic and Atmospheric Administration

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE'S WORKING GROUP ON INTERNATIONAL OCEAN INVESTMENT CONDITIONS

Open Meeting Postponement

The planned May 22, 1975 meeting of the Marine Petroleum and Minerals Advisory Committee's Working Group on International Ocean Investment Conditions, of which notice was given on page 17190 of the FEDERAL REGISTER on April 17, 1975 (Vol. 40, No. 75, 40 FR 17190), has been postponed until June 26, 1975. The meeting will commence at 9:30 a.m. instead of 9:00 a.m.

Plans for the meeting remain the same as those announced on April 17, 1975, except for the change in date and time for convening.

R. L. CARNAHAN,
Acting Assistant Administrator for Administration, National Oceanic and Atmospheric Administration.

APRIL 29, 1975.

[FR Doc.75-11668 Filed 5-2-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FDA-225-75-4306]

ARTX TELECOMMUNICATION EQUIPMENT

Memorandum of Understanding With the Louisiana Health and Human Resources Administration, Division of Health

Correction

In FR Doc. 75-8335 appearing on page 15423 in the issue of Monday, April 7, 1975, in the first line of item III in the memorandun of understanding the word *"Subsequent"* should read *"Substance of"*.

BIOMETRIC AND EPIDEMIOLOGICAL METHODOLOGY ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Biometric and Epidemiological Methodology Advisory Committee.	May 21, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Charles Anello, D. Sc. (HFD-230), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4594.

Purpose. Advises the Commissioner of Food and Drugs concerning the extramural and intramural research in the area of epidemiological and biometric methodology and provides a resource of statistical consultants for FDA evaluation programs.

Agenda. Discussion of IUD registry proposal; the role of the committee; and quality assurance-industry submissions.

Agenda items are subject to change as priorities dictate.

Dated: April 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-11566 Filed 5-2-75;8:45 am]

[FAP 4B2934]

CINCINNATI MILACRON CHEMICALS, INC.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2934) has been filed by Cincinnati Milacron Chemicals Inc., West St., Reading, OH 45215, proposing that § 121.2566 *Antioxidants and/or stabilizers for polymers* be amended to provide for the safe use of 2-hydroxy-4-isooctoxy-benzophenone, known under the preferred Chemical Abstracts nomenclature as methanone, [2-hydroxy-4-(isooctyloxy)phenyl]phenyl, as a stabilizer for use in olefin polymers complying with § 121.2501 intended to contact foods of types identified in § 121.2526(c), Table 1, under categories I, IV-B, VII-B and VIII.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: April 18, 1975.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.75-11564 Filed 5-2-75;8:45 am]

FEDERAL-STATE COOPERATIVE PROGRAMS

Availability of Proposed Codification of Pasteurized Milk Ordinance and Interstate Milk Shippers Program

Notice is hereby given that a draft of the proposed regulations for pasteurized milk in interstate shipment under Parts 960 through 966 of Subchapter I—Federal-State Cooperative Programs, of Chapter I, Title 21 of the Code of Federal Regulations, is on display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

The proposed Federal regulations have maintained the basic principles of public health protection that have been the foundation for all editions of the recommended milk ordinances and codes issued by the Public Health Service, with changes made only in format and style and to reflect recent technical developments.

The proposed regulations, when published as a final order in the FEDERAL REGISTER, will modify or amend the procedures governing the Interstate Milk Shippers Program as well as the sanitary requirements under which Grade A milk and milk products are produced and processed.

Copies of the draft of the proposed regulation are being distributed to Federal, State and industry groups who will be most directly affected by the proposed regulation in order to provide an opportunity for their comment.

Other persons interested in obtaining copies of the draft of the proposed regulation should contact the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Persons interested in obtaining further information on the proposed regulation should contact the Chief, Dairy and Lipids Products Branch (HFF-415), Bureau of Foods, Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

Any person who wishes to submit comments (in quintuplicate) on the draft to the Hearing Clerk, or to meet with Food and Drug Administration officials, may do so on or before August 4, 1975. Shortly after that date, the proposed regulation, revised as appropriate, will be published in the FEDERAL REGISTER, and an additional 60 days will be provided for submission of comments.

Dated: April 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-11565 Filed 5-2-75;8:45 am]

PANEL ON REVIEW OF VIRAL VACCINES AND RICKETTSIAL VACCINES

Meeting Cancellation

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of April 16, 1975 (40 FR 17051), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act.

Notice is hereby given that the Panel on Review of Viral Vaccines and Rickettsial Vaccines scheduled for May 12 and 13, 1975, is canceled.

Dated: April 29, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-11567 Filed 5-2-75;8:45 am]

[Docket No. FDC-82]

POLYCHLORINATED BIPHENYLS (PCB'S) IN PAPER FOOD-PACKAGING MATERIAL

Presiding Administrative Law Judge for Public Hearing

In an order published in the FEDERAL REGISTER of March 12, 1975 (40 FR 11563), the Commissioner of Food and Drugs announced that a public hearing would be held on certain issues raised by objections to tolerances for polychlorinated biphenyls (PCB's) (21 CFR 122.10(a)(9)) established pursuant to section 406 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346). The order stated that written appearances were to be filed not later than April 11, 1975, and that the name of the presiding Administrative Law Judge would then be announced. The presiding Administrative Law Judge will be Horace H. Robbins.

Elsewhere in this issue of the FEDERAL REGISTER is a notice of Prehearing Conference, (40 FR 19514) issued by Judge Robbins, setting the conference for July 14, 1975, in the Hearing Room, Food and Drug Administration, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20852, beginning at 10 a.m.

Dated: April 29, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-11562 Filed 5-2-75;8:45 am]

[Docket No. FDC-82]

POLYCHLORINATED BIPHENYLS (PCB'S) IN PAPER FOOD-PACKAGING MATERIAL

Prehearing Conference

Elsewhere in this issue of the FEDERAL REGISTER is a notice (40 FR ____), issued by the Commissioner of Food and Drugs, naming Horace H. Robbins as the presiding Administrative Law Judge for the public hearing identified below.

In an order published in the FEDERAL REGISTER of March 12, 1975 (40 FR 11563), the Commissioner announced that a public hearing would be held on certain issues raised by objections to tolerances for polychlorinated biphenyls (PCB's) (21 CFR 122.10(a)(9)) established pursuant to section 406 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346).

Party and nonparty participants shall submit all direct evidence for the hearing record, including both testimony and documentary exhibits, in written form to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, not later than June 30, 1975.

A prehearing conference will be held on July 14, 1975, in the Hearing Room, Food and Drug Administration, Rm. 4A-35, 5600 Fishers Lane, Rockville, MD 20852, beginning at 10 a.m.

The prehearing conference will be held to further delineate the issues to be considered and to discuss specific procedures to be followed to assure expeditious resolution of the matter. Parties should thoroughly review the contents of the record on file in the office of the Hearing Clerk prior to the prehearing conference. The date of any oral hearing that is justified for purposes of cross-examination will be decided at the prehearing conference.

Dated: April 25, 1975.

HORACE H. ROBBINS,
Administrative Law Judge.

[FR Doc.75-11563 Filed 5-2-75;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on May 28, 1975 at the National Institute of Education, 1200 19th Street, NW., Washington, D.C. in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 3:30 p.m.

The National Council on Educational Research is established under section 405 (b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

This meeting will be open to the public except for the closed session. The tentative agenda includes:

9:30—Convene Open Session
9:30 to 9:40—Approval of Minutes of March 7 and April 4 Meetings
9:40 to 10:00—Director's Report
10:00 to 10:30—NCER Organization and Schedule
10:30 to 11:00—Report on Council members' communications and visits with Education Labs and Centers
11:00 to 12:30—FY 1976 Budget in Light of Congressional Action and special program alternatives
12:30 to 1:30—Luncheon
1:30 to 2:30—Observations of NIE Fellows about the Institute and Education R&D End Open Session
2:30 to 3:30—Executive Session
3:30—Adjourn

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below. Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least five days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, assure adequate seating arrangements, or to obtain summaries of this meeting and copies of any resolutions adopted by the Council at this meeting, interested persons are requested to contact Ms. Caroline Phillips, Executive Secretary, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research
National Institute of Education
Washington, D.C. 20208
202-254-7900

Dated: April 29, 1975.

EMERSON J. ELLIOTT,
Acting Director,
National Institute of Education.

[FR Doc.75-11620 Filed 5-2-75;8:45 am]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2-B, Organization and Functions, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to attain the purposes of the Billingual Education Act (Title VII of the Elementary and Secondary Education Act, as amended by Section 195 of the Education Amendments of 1974) by establishing an Office of Bilingual Education. Therefore, the statement published in the FEDERAL REGISTER on January 31, 1975 at 40 FR 4665 is amended by addition of the following new statement immediately after the statement following the Office of the Commissioner, Office of Career Education, to read as follows:

OFFICE OF BILINGUAL EDUCATION

The Office of Bilingual Education is responsible for administration of a program of assistance to develop and carry out bilingual education projects designed to meet the educational needs of students of limited English-speaking ability; i.e., students who have difficulty speaking and understanding instruction in the English language, and for administration of a bilingual education training program designed to strengthen bilingual-bicultural education programs by supporting training for teachers and trainers of teachers.

The statement published in the FEDERAL REGISTER on April 26, 1974 at 39 FR 14738 is amended by deletion, under the heading "Bureau of School Systems," of the heading "Division of Bilingual Education" and the statement following immediately thereafter.

Dated: April 28, 1975.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

[FR Doc.75-11583 Filed 5-2-75;8:45 am]

PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Biomedical Research Panel on May 26 and 27, 1975, in the conference room of the Panel's offices, 2401 E Street, NW., Suite 3100, Washington, D.C. 20506.

The meeting will be open to the public from 9 a.m. to 5 p.m. on May 26 and from 9 a.m. to 5 p.m. on May 27. The Panel will deal with issues pertaining to the studies previously identified by the Panel as being germane to its Congressional mandate. The morning of May 27 will be concerned with discussion of ongoing tasks and administrative issues that relate to the Panel's mandate.

Attendance by the public will be limited to space available.

All requests for information should be directed to Ms. Anne Ballard (301-496-7776), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Panel (301-496-5035), 2401 E Street, NW., Suite 3100, Washington, D.C. 20506.

Dated: April 24, 1975.

CHARLES C. LOWE,
Executive Director.

[FR Doc.75-11682 Filed 5-2-75;8:45 am]

Public Health Service

HEALTH RESOURCES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority Amendments

Part 7 (Health Resources Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (39 FR 1456, January 9, 1974), as amended, is amended to reflect the following changes under Section 7-B:

Organization and Functions. 1. The statement for the "Bureau of Health Services Research (7C00)" is amended by deleting the statement for the "Division of Regional Medical Programs (7C37)".

2. The statement for the "Bureau of Health Resources Development (7E00 through 7E43)" is deleted and the following statement is substituted:

Bureau of Health Manpower (7E00). Provides national leadership in coordinating, evaluating, and supporting the development and utilization of the Nation's health manpower. To this end the Bureau: (1) Assesses the Nation's health manpower supply and requirements and forecasts supply and requirements for future time periods under a variety of health resources utilization strategies; (2) collects and analyzes data and disseminates information on the characteristics and capacities of the Nation's health manpower production systems; (3) proposes modifications of or new Departmental legislation, policies, and programs related to health manpower development and utilization; (4) develops, tests, and demonstrates new and improved approaches to the development and utilization of health personnel within various patterns of health care delivery and financing systems; (5) administers Federal programs for targeted manpower development and utilization; (6) provides technical assistance, consultation, and special financial assistance to national, State and local agencies, organizations, and institutions for the development, production, utilization, and evaluation of health manpower; (7) provides linkage between Bureau headquarters and PHS Regional Office activities related to manpower education and utilization by providing training, technical assistance, and consultation to Regional Office staff; (8) coordinates its activities with the programs of other agencies within PHS, the Department, and in other Federal Departments and agencies concerned with health manpower development and health care services; (9) provides liaison and coordination with non-Federal organizations and agencies concerned with health manpower development and utilization; and (10) in coordination with the Office of International Health, PHS, serves as a focus for technical assistance activities in the international aspects of health manpower development, including the conduct of special international projects relevant to domestic health manpower problems.

Office of the Director (7E01). Provides leadership and direction for the programs and activities of the Bureau. Specifically: (1) Develops program objectives, alternatives, and policy positions consistent with broad administration guidelines; (2) evaluates program accomplishments; (3) develops and administers operating policies and procedures and provides assistance to Bureau constituents to achieve effectiveness and economy in the management of Bureau programs; (4) coordinates Bureau activities, with special emphasis on developing, implementing, and evaluating multidisciplinary programs for the education and utilization of the health professions and the development of an adequate and balanced health manpower supply, and on achieving an integrated approach to the planning, utilization, and deployment of the Nation's health manpower; (5) provides selected management services for the Bureau and carries out necessary coordination with respect to management services provided for the Bureau by the Office of the Administrator, HRA; (6) directs and coordinates Bureau activities carried out in support of Equal Employment Opportunity programs; (7) provides guidance and assistance to PHS Regional Offices in executing the Bureau's responsibilities for the efficient and effective conduct of decentralized grant and contract programs; and (8) provides information about Bureau programs to the general public, health professions associations, and other interested groups and organizations.

Office of Interdisciplinary Programs (7E03). Plans, coordinates and directs selected multidisciplinary or multidivisional health manpower development activities. Specifically: (1) Identifies Bureau activities that are interdisciplinary or multidivisional in nature and provides leadership for coordinated management; (2) provides Bureau direction to such programs, including interdisciplinary

education, remote site health professional education activities, and development of learning resources; and (3) coordinates Bureau programs in relation to equal access for health career opportunities.

Office of Program Support (7E05). Develops and administers policies and procedures to achieve effectiveness and economy in the management of Bureau programs. Specifically: (1) Guides, coordinates, and evaluates the administrative management aspects of Bureau programs; (2) promotes the application of improved management systems and practices; (3) provides specialized management services and consultation to Divisions and staff offices of the Bureau, including library services, records and correspondence management, office services, personnel management, equal employment opportunity services, and management analysis; (4) in cooperation with the Division of Financial Management, HRA, provides financial guidance and information to Bureau program managers in the operation of the Bureau's financial management system, including program policy interpretation in budget formulation and execution; and (5) coordinates administrative management aspects of the Bureau's contract activities.

Office of Program Development (7E15). Serves as the Bureau focus for program development activities to provide a coordinated approach for future-oriented Bureau policies and directives. Specifically: (1) Develops and carries out program planning and evaluation activities, including objectives, alternatives, policy positions, and assessment of program effectiveness; (2) coordinates the development of new legislative proposals from within the Bureau; and (3) develops and conducts manpower data collection and analysis appropriate for the Bureau and coordinates such collection and analysis performed in Bureau divisions and externally.

Office of Program Operations (7E17). Provides a Bureau focus for grant and contract policy and, in cooperation with the Office of Regional Operations, PHS, coordinates Bureau programs with PHS Regional Office operations. Specifically: (1) Develops and promulgates criteria, guidelines, and operating procedures for new and revised health manpower planning, development, and utilization programs; (2) facilitates and coordinates communications, technical assistance, training, and consultation between regional and headquarters operations; (3) serves as liaison between Bureau programs and HRA, Office of the Assistant Secretary for Health (OASH), and PHS regional interests; (4) provides technical, administrative, and management support for the Bureau's Health Professions Education Council; (5) provides direct technical and management assistance to PHS Regional Offices on all aspects of Health Professions and Nursing Student Assistance activities; and (6) provides financial management services to the Bureau and to PHS Regional Offices with respect to student loans and scholarships, including accounting and loan repayment functions.

Division of Medicine (7E13). (1) Provides the professional expertise and leadership required by the Bureau in carrying out its responsibilities for planning, coordinating, evaluating, and supporting development and utilization of the Nation's health manpower, with special emphasis on physicians, osteopaths, and closely associated assistants, particularly the physician assistant; (2) serves as a principal focus for these professions with regard to education, practice, and manpower research; (3) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of such personnel; (4) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationships between members of the health care team, their tasks, educational requirements, and training modalities; (5) maintain liaison with relevant health professional groups and others, including consumers, having common interests in the Nation's capacity to deliver health services; and (6) provides consultation and technical assistance to public and private organizations, agencies, and institutions, including agencies of the Federal Government and PHS Regional Offices, on all aspects of medical manpower relevant to the Division's functions.

Division of Dentistry (7E33). (1) Serves as a principal focus for dentistry with regard to dental education, practice, and manpower and service research; (2) provides the professional dental expertise and leadership required by the Bureau in carrying out its responsibilities for planning, coordinating, evaluating, and supporting development and utilization of the Nation's health manpower resources; (3) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of dental personnel, including dentists, dental hygienists, expanded function auxiliaries, dental assistants, and dental technicians; (4) conducts and supports programs to advance the health of individuals, families, and groups within the community through application of known measures for controlling dental diseases and disorders; (5) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationships between individual members of the health care team, their tasks, educational requirements, and related training modalities; (6) maintains liaison with health professional groups and others, including consumers, having common interests in the Nation's capacity to deliver dental services; and (7) provides consultation and technical assistance to public and private organizations, agencies, and institutions, including agencies of the Federal Government and PHS Regional Offices, on all aspects of dentistry relevant to the Division's functions.

Division of Nursing (7E35). (1) Serves as a principal focus for nursing with regard to nursing education, practice, and research; (2) provides the professional nursing expertise and leadership required by the Bureau in carrying out its responsibilities for planning, coordinating, evaluating, and supporting development and utilization of the Nation's health manpower resources; (3) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of nursing personnel, including registered nurses, practical or vocational nurses, and nursing aides; (4) assists State and local areas in planning, developing, and improving nursing services and educational programs; (5) conducts and supports programs related to the provision of nursing care to advance the health status of individuals, families, and communities; (6) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationships between individual members of the health care team, their tasks, education requirements, and related training modalities; (7) maintains liaison with health professional groups and others, including consumers, having common interests in the Nation's capacity to deliver nursing services; (8) fosters, supports, and conducts projects to expand the scientific base of nursing practice and role reformulation and to develop and incorporate new knowledge into practice and education; and (9) provides consultation and technical assistance to public and private organizations, agencies, and institutions, including the Federal Government and PHS Regional Offices, on all aspects of nursing relevant to the Division's functions.

Division of Associated Health Professions (7E37). (1) Provides the professional expertise and leadership required by the Bureau in carrying out its responsibilities for planning, coordinating, evaluating, and supporting the development and utilization of the Nation's health manpower in the fields of optometry, podiatry, pharmacy, veterinary medicine, public health, and the allied health professions and occupations; (2) serves as a principal focus for these professions and occupations with regard to education, practice, and manpower research; (3) supports and conducts programs with respect to the need for and the development, use, credentialing, and distribution of such personnel; (4) engages with other Bureau programs in cooperative efforts of research, development, and demonstration on the interrelationship between members of the health care team, their tasks, education requirements, and training modalities; (5) maintains liaison and carries out collaborative efforts with other Federal agencies and with other organizations and institutions in the fields of education, health service, and the health professions and sciences having a common interest in improving the Nation's capacity to deliver health services; and (6)

provides consultation and technical assistance to public and private organizations, agencies, and institutions, including agencies of the Federal Government and PHS Regional Offices, on all aspects of manpower relevant to the Division's functions.

3. Add the following immediately following the statement for the "Bureau of Health Manpower (7E00)".

Bureau of Health Planning and Resources Development (7F00). Provides national leadership and administration of a program of Federal, State, and areawide health planning and health delivery systems development. To this end the Bureau will: (1) Facilitate the creation of a nationwide network of local health systems agencies responsible for preparing and implementing plans to improve the health of the residents of their respective health service areas, to increase the accessibility, acceptability, continuity, and quality of health services in the areas, and to restrain increases in the costs of the areas' health services; (2) provide for the designation, and support the effective functioning, of State Health Planning and Development Agencies responsible for performing the State government's health planning and health delivery systems development activities and the coordination of the local Health Systems Agencies within the State's geographical boundaries through the aegis of the Statewide Health Coordinating Councils; (3) administer a program of financial assistance for State and local health planning and delivery systems development activities through a system of grants, contracts, loans and loan guarantees; (4) provide technical and other non-financial assistance and support to the planning agencies by conducting studies and analyses of health planning, health resources, and health delivery systems development, engendering improved health planning approaches, methodologies, policies and standards, and establishing multidisciplinary centers for health planning; (5) focus the use of resources for medical facilities construction on the highest priority needs and combine the administration of the facilities program at the State level with the administration of State health planning and health delivery systems development activities; (6) review grantee institutions to assure and enforce compliance with the requirements applicable to the receipt of assistance under the facilities construction and modernization portions of the program; (7) develop and apply performance standards, guidelines, and criteria for governing the structure, operation, and performance of the functions of the Health Systems Agencies and State Agencies; and (8) coordinate Bureau activities with the Office of the Assistant Secretary for Health (OASH), with the programs of PHS Agencies and other operating components within the Department, and with other Federal, State and local agencies and groups concerned with health planning, health resources, and health delivery systems development.

Office of the Director (7F01). Provides leadership and direction for the programs and activities of the Bureau. Specifically: (1) Coordinates the internal functions of the Bureau and its relationships with other national health programs; (2) develops program objectives, alternatives, and policy positions consistent with legislation and broad Administration guidelines; (3) develops and administers operating policies and procedures and, in consultation with the Office of Regional Operations, PHS, provides guidance and assistance to PHS Regional Office personnel who execute the Bureau's responsibilities and conduct, and assist in developing the Bureau's programs; (4) evaluates program accomplishments; (5) provides selected management services for the Bureau and coordinates them with management services provided for the Bureau by the Office of the Administrator, HRA; (6) serves as a principal contact and advisor to the Department, OASH, the Health Resources Administration and other PHS Agencies, the National Advisory Council on Health Planning and Development, and other parties concerned with matters relating to planning and development of health delivery systems; (7) directs and coordinates Bureau activities carried out in support of Equal Employment Opportunity programs; and (8) provides, through the Office of Communications, HRA, information about Bureau programs to the general public, health professions associations, and other interested groups and organizations.

Office of Policy Coordination (7F03). Serves as the Bureau Director's staff component for policy coordination. Specifically: (1) Insures that Bureau program policies and operating procedures are consistent with general HEW, PHS, HRA, and other Federal policies and requirements; (2) assists in the development, clearance, and issuance of such policies and procedures; (3) coordinates, performs analysis of, and assesses the impact of diverse program policy on the mission of the Bureau; (4) brings to the attention of the Bureau Director and executive staff policy issues which have not been resolved at lower levels; (5) assures that Bureau personnel are informed of policy evolution on a periodic basis; (6) serves as a Bureau focal point for communicating with PHS and other HEW components with regard to policy clearance; (7) reviews controlled correspondence for potential policy ramifications or impact, makes action assignments, follows up to assure timely and appropriate action, and maintains a schedule of pending requests for management uses; and (8) establishes and maintains central files for the Bureau.

Office of Evaluation and Legislation (7F05). Serves as the Director's primary staff unit and source of advice on program evaluation and legislative affairs. Specifically: (1) Prepares and directs the implementation of comprehensive program evaluation strategies to obtain needed evaluative data; (2) exercises leadership in formulating indices and measures for evaluating program progress and accomplishments; (3) works closely with the Bureau's data and information gathering activities to enhance their relevance and usefulness for evaluation purposes; (4) stimulates, oversees, and/or assists in the conduct of evaluation studies; (5) participates in the dissemination and implementation of evaluation findings and recommendations; (6) monitors health legislation affecting the Bureau's programs; (7) participates in the development of modifications in and extensions of the program's enabling legislation; and (8) provides leadership for task-oriented problem resolution at the discretion of the Director.

Office of Operations Monitoring (7F17). Provides, in close liaison with the Office of Regional Operations, PHS, a Bureau focal point for monitoring operational activities carried out through the PHS Regional Offices. Specifically: (1) Plans, directs, and coordinates the Bureau's monitoring and assessment programs; (2) participates in Bureau policy formulation by advising on the operational implications of the Bureau's plans and programs; (3) devises, controls, and operates the Bureau's management control and information systems; (4) collaborates with the program divisions to establish criteria, parameters, and content of information required for the effective monitoring of program operations; and (5) provides analysis of Regional operational problems and suggests solutions.

Office of Program Support (7F19). Plans, directs, and evaluates the administrative management support activities of the Bureau, and provides or acquires requisite management services and resources for the Bureau. Specifically: (1) Plans, directs, and coordinates those personnel management and training programs which meet the particular needs of the Bureau; (2) plans, directs, and coordinates property management and procurement programs; (3) conducts organization and management surveys and develops necessary systems and controls to maintain and further the organization and management practices of the Bureau; (4) in cooperation with the Division of Financial Management, HRA, provides financial guidance to Bureau program managers in the operation of the Bureau's financial management system, including program policy interpretation in budget formulation and execution, and preparation of program planning and budgetary support data; (5) serves as the Bureau focal point for the formulation of ADP policy and for the planning, development, and evaluation of ADP systems; (6) develops procedures for and maintains the Bureau's reports management system; (7) coordinates Bureau activities in management planning and prepares such documents as the forward plan, OPS, and Bureau contributions to higher level planning activities; (8) conducts Bureau management improvement programs; (9) participates with the Office of Evaluation and Legislation in program and

legislative planning to assure recognition of management and resource concerns; and (10) maintains close liaison with the Office of Operations and Management, HRA, and with other governmental agencies and outside groups.

Division of Agency Development (7F31). Provides a Bureau focus for the management and operational development of health systems agencies and State agencies. Specifically: (1) Serves as a central reference and problem resolving point to assist PHS Regional Office personnel in agency management and operational development; (2) prepares prototype plans of organization and operation of agencies; (3) prepares and provides for PHS Regional Office use various determinants and guides to meet the needs of a broad variety of agency situations and levels of development; (4) participates in the development and maintenance of agency performance standards and assessment criteria; (5) provides assistance to agencies through the PHS Regional Offices in the form of information, guides, and interpretations including, but not limited to: Guides to incorporation, revisions of by-laws, staffing patterns, personnel policies, organization models, administrative manuals, salary determinations, position descriptions, and agency policy and procedures; (6) serves as a consultative resource with respect to agency development matters as they relate to other program activities of the Bureau; (7) coordinates agency development activities closely with other program activities of the Bureau; and (8) participates in establishing Management Information System data sets and reporting criteria that are relevant to agency development and problem determination and resolution.

Division of Planning Methods and Technology (7F33). Provides a Bureau and national focal point for the development and dissemination of technical materials, planning approaches, methodologies, policies, standards, and guidelines for the use of health systems agencies, State agencies, and concerned parties in planning and developing health delivery systems to meet the public need. Specifically: (1) Develops and disseminates guidelines for the conduct of planning and specifies the minimum data needs for determining the health status of residents of health service areas, for determining the status of health resources and services, and for describing the use of such resources and services; (2) develops guidelines as a result of the concerns of and the priorities established by the National Advisory Council on Health Planning and Development; (3) establishes and maintains a National Health Planning Information Center; (4) coordinates the development of health service modeling efforts; (5) maintains close liaison with the National Center for Health Statistics, the Bureau of the Census, and other data generators; (6) participates with the Office of Regional Operations, PHS, in the development of PHS Regional Office staff expertise for providing guidance and assistance to agencies in the full range of planning technical assistance; (7) provides guidance to agencies and users with regard to statistical methods, research design, population estimation, and projection methodologies; and (8) plans, develops, and maintains a number of Centers for Health Planning to provide multidisciplinary assistance and materials to agencies for health delivery systems planning and development.

Division of Facilities Development (7F35). Serves as the Bureau focal point for PHS guidance and direction of facilities development activities and standard-setting for the construction, modernization, and expansion of health care facilities. Specifically: (1) Collaborates with the Division of Planning Methods and Technology in preparing and maintaining criteria and standards for facilities plans; (2) coordinates feasibility reviews and project approval requirements of section 242 of the National Housing Act and carries comparable responsibilities for direct loans and loan guarantees administered by DHEW; (3) maintains requisite liaison with DHEW, PHS, and other Federal departments and agencies regarding development of policies and guidelines; (4) provides leadership in the architectural, engineering, and equipment aspects of the health facilities construction program, conducts studies on design and construction requirements, and maintains liaison with State hospital associations and other professional organizations concerned with the design, construction, and equipping of health facilities; (5) participates in a variety of programs of analysis, evaluation, studies, and testing of data, formulae, and projections concerning the development and maintenance of health care facilities and their programs of technical and financial support; (6) collaborates with the Office of Operations Monitoring in providing guidance for the effective monitoring of facilities grants and loan programs conducted by PHS Regional Office personnel; (7) coordinates its activities with programs within the Bureau, HRA, PHS, DHEW, and other agencies and groups concerned with health care facilities; and (8) develops and maintains regulations, guidelines, and criteria for review and enforcement of institutional compliance with required assurances applicable to receipt of assistance under Title XVI of the PHS Act.

Division of Regulatory Activities (7F37). Functions as the focal point for all regulatory activities of health system agencies and State agencies. Specifically: (1) Creates and maintains standards for certificate of need and sec. 1122 agreements; (2) prepares or modifies criteria and guidelines for review and approval activities; (3) serves as a consultative resource regarding rate review practices, standards, and utilization; (4) collaborates with the Division of Planning Methods and Technology in priority setting and development of needed research by relaying trends and indicators revealed through analysis of review and approval activities; (5) develops programmatic guides prescribing conduct of regulatory activities of grantee agencies; (6) establishes and maintains systems for interpreting regulatory policy to PHS Regional Office staff and grantee agencies; (7) interprets and explains regulatory policies to PHS Agencies and other operating components within the Department, other Federal departments and agencies, and the public; (8) cooperates with PHS Agencies and other operating components of the Department and with other Federal departments and agencies in the development and operation of enforcement mechanisms for regulation; (9) reviews and assesses State and local regulatory programs employing regulatory concepts and mechanisms outside the purview of health planning and resources development legislation; (10) prepares and revises monitoring criteria for use by the Office of Operations Monitoring to insure that requisite information for regulatory assessment and evaluation are provided; (11) participates in executive staff considerations of policy or program changes which impact on regulatory activities; and (12) suggests State and Federal legislative actions which will further attainment of regulatory goals.

Dated: March 20, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-11582 Filed 5-2-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing Production and Mortgage Credit

[Docket No. N 75-310]

NATIONAL MOBILE HOME ADVISORY COUNCIL

Appointment of Members

Pursuant to the requirements of section 605 of Title VI of the Housing and Community Development Act of 1974 (Pub. L. 93-383) and the Federal Advisory Committee Act of 1972 (Pub. L. 92-463), the Secretary of Housing and Urban Development (the Secretary) has appointed a National Mobile Home Advisory Council.

The Secretary has appointed, in all, twenty-four members for the Council, 8 members from each of the 3 categories indicated: (a) Consumer organizations, community organizations, and recognized consumer leaders:

John L. Adams, President
Florida Coalition of Mobile Home Owners
Tampa, Florida

William Anderton, President
Utah Mobile Home Owners Association
Salt Lake City, Utah

Chet E. Biome
American Association of Retired Persons
National Retired Teachers Association
Dallas, Texas

Elmer Church, The Executive Board
United Mine Workers of America
Norton, Virginia

John B. Daily, President
Golden State Mobile Homeowners League
Garden Grove, California

Margaret Drury, Senior Staff
The Urban Institute
Washington, D.C.

Peter B. Maier, Director
Mobile Home Task Force
Center for Auto Safety
Washington, D.C.

Charles H. Mann, President
Federation of Mobile Home Owners of Florida
St. Petersburg, Florida

(b) The mobile home industry and related groups, including at least one representative of small business:

Donald A. Barrow, Vice President
Skyline Corporation
Elkhart, Indiana

Robert W. Burns, Vice President (Small Business Rep.)
Brewer Mobilehomes, Inc.
East Hartford, Connecticut

Albert Howard, Vice President
Foremost Insurance Company
Grand Rapids, Michigan

Joseph J. Morris, President
Champion Home Builders Company
Dryden, Michigan

James Printy, Director of Engineering
Coleman Company, Inc.
Wichita, Kansas

Daniel P. Riedel, Executive Vice President
Vindale Corporation
Dayton, Ohio

Michael P. Taranto, Coordinator to the President
Chickasha Mobile Homes, Inc.
Chickasha, Oklahoma

Robert H. Zelinske, Director of Corporate Engineering
Zimmer Homes Corporation
Pompano Beach, Florida

(c) Government agencies including, Federal, State and local governments:

Russell R. Bahr, Assistant Division Chief
Department of Housing and Community Development
Sacramento, California

Kern E. Church, Deputy Commissioner
Engineering Building Codes Division
Department of Insurance
Raleigh, North Carolina

Vernon L. Eder, Director
Manufactured Building Division
Administrative Building Council
Indianapolis, Indiana

C. Morgan Edwards, Chief
Division of Industrialized and Manufactured Housing
Department of Community Affairs
Harrisburg, Pennsylvania

Lee Melancon, Executive Administrator
Mobile Home Division
State Fire Marshall's Office
Baton Rouge, Louisiana

Corliss F. Nelson, Administrator
State Unified Standards Code for Mobile Homes
Bismarck, North Dakota

Betty Niven, Chairman
Oregon State Housing Council
Eugene Planning Board
Eugene, Oregon

Erik Thorne, Director
Division of Building Codes
Arizona State Building Commission
Phoenix, Arizona

(Sec. 7(d), Dept. of HUD Act, 42 U.S.C. 3535(d).)

Issued at Washington, D.C., on April 30, 1975.

DAVID DEWILDE,
Acting Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.75-11691 Filed 5-2-75;8:45 am]

Federal Disaster Assistance Administration

[Docket No. NFD-272; FDAA-461-DR]

KENTUCKY

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Kentucky, dated March 29, 1975, and amended on April 5, 1975, and April 14, 1975, is hereby further amended to include the following county among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 29, 1975:

The County of:

Marshall

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: April 29, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-11692 Filed 5-2-75;8:45 am]

[Docket No. NFD 271; FDAA-465-DR]

MICHIGAN

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on April 26, 1975, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Michigan resulting from severe storms, high winds, and flooding beginning about April 18, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Michigan.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Robert E. Connor, HUD Region V, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Michigan to have been adversely affected by this declared major disaster.

The Counties of:

Allegan	Kalamazoo
Barry	Lapeer
Berrien	Livingston
Calhoun	Macomb
Crawford	Oakland
Eaton	Saint Clair
Genesee	Shiawassee
Ingham	Van Buren
Ionia	

Dated: April 28, 1975.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-11693 Filed 5-2-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-100]

SIXTH STREET DRAWBRIDGE, MILE 76.8, MUSKINGUM RIVER AND MAIN STREET DRAWBRIDGE, MILE 77.3, MUSKINGUM RIVER

Proposed Repair and Conversion to Fixed Bridges; Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Second Coast Guard District, at 7 p.m., June 5, 1975 in the Gorsuch Room of the YWCA, 49 North Sixth Street, Zanesville, Ohio.

The purpose of the hearing is to consider applications dated April 2, 1975 from the Muskingum County Engineer, in behalf of the Board of Commissioners of Muskingum County, to repair the Sixth Street bascule drawbridge and the Main Street vertical lift drawbridge over the Muskingum River canal, both in Zanesville, Ohio, at mile 76.8 and 77.3 respectively.

The applications propose that this repair work will result in permanently immobilizing the movable navigation spans of these two bridges. This will result in a vertical clearance of 14.8 feet under the Sixth Street bridge and a vertical clearance of 12.9 feet under the Main Street bridge.

An Environmental Assessment has been prepared and circulated for comment by the Commander, Second Coast Guard District. The Coast Guard as lead agency, subsequent to this hearing, will prepare and circulate a Draft Environmental Impact Statement in accordance with the provisions of section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853).

This hearing will be held essentially to hear views and to gather information that may be available from the general public concerning the effect that the permanent immobilizing of the movable spans will have on Muskingum River navigation; however, all interested parties may present data, views, and comments orally or in writing at the public hearing concerning the impact of the

proposal on potential navigation development as well as impact on the environment.

The hearing will be informal and will be conducted by a representative of the Commander, Second Coast Guard District, who will make an opening statement presenting a brief summary of the project and announce the procedures for conducting the hearing. A transcript of the hearing will be made and anyone may purchase a copy of it from the Commander, Second Coast Guard District. Interested persons who are unable to attend the hearing may also participate in this procedure by submitting written comments, data, views, or arguments as they may desire on or before 19 June 1975. All submissions should be directed to the Commander, Second Coast Guard District, Federal Building, 1520 Market Street, St. Louis, Missouri 63103. Each communication received within the time specified will be fully considered and evaluated before final action is taken.

After the time established for the submission of comments by the interested parties, the Commander, Second Coast Guard District, will forward the record including all written submissions and his recommendations with respect to the proposed bridge project, to the Commandant (G-WBR), U.S. Coast Guard, Washington, D.C. The Commandant will thereafter make a final determination with respect to the proposed project.

(33 U.S.C. 525; 42 U.S.C. 4321, et seq.; 49 U.S.C. 1651(b)(2), 1653(f), 1655(g)(6)(C); 40 CFR Part 1500; 49 CFR 1.45(a)(4), 1.46(c)(10)).

Dated: April 25, 1975.

R. L. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-11626 Filed 5-2-75;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On May 20 and 21, 1975, the National Highway Safety Advisory Committee will hold open meetings at the Quality Inn-Pentagon City, 300 Army-Navy Drive, Arlington, Virginia, and at the DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The following meetings are subject to the approval of the Secretary or his designee.

On May 20 at 9 a.m. at the Quality Inn-Pentagon City Hotel in the Capital Ballroom-West the Advisory Committee will meet with the following agenda:

Report of Executive Subcommittee.
Effects of Energy Shortage on Highway Safety—Status Report.
Briefing on Implementation of National 55 mph Speed Limit.

At 10 a.m. on May 20 at the Quality Inn-Pentagon City Hotel in the Capital Ballroom-West there will be a joint meeting of the Highway Environment Subcommittee and the Vehicle Subcommittee with the following agenda:

Discussion of Implementation of National 55 mph Speed Limit.
Highway Safety Construction—Status of Past Recommendations:
  TOPICS.
  Elimination of State Matching Fund Requirement.
Counter Report on Implementation of Highway Safety Improvement Program.
Review of Committee's Positions on Heavier Truck Legislation:
  Update on Heavier Truck Safety.
  DOT Response to Committee's Positions.
  Status of Proposals to Revise Economic Trucking Regulations.
New Business.
Future Meetings.

At 1 p.m. on May 20 at the Quality Inn-Pentagon City Hotel in the Arlington North Room the Driver Subcommittee will meet with the following agenda:

Review of Pedalcyclist Safety Standard.
Status of Programs to Encourage "Voluntary Safety Restraint Usage":
  Discussion of Draft "Procedures for Organization and Implementation of a Safety Belt Campaign.
  Update on Australian and French Experience with Safety Belt Law.
New Business.
Future Meetings.

At 3 p.m. on May 20 at the Quality Inn-Pentagon City Hotel in Parlor A the Task Force on Adjudication will meet with the following agenda:

Role of Judicial Education in Traffic Courts and Highway Safety: Liaison with American Bar Association.
Status of Humrro Report: "Diagnostic Assessment Techniques for Identifying Driver Problems".
New Business.
Future Meetings.

On May 21 at 9 a.m. at the DOT Headquarters Building in Room 2232 the full Committee will meet with the following agenda:

Opening Remarks and Swearing In of New Members.
Remarks and Introduction of New Committee Chairman.
Subcommittee Reports:
  Task Force on Adjudication.
  Highway Environment.
  Vehicle.
  Driver.
  State-Federal Relations.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: April 29, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-11556 Filed 4-30-75;10:37 am]

1971-1973 MERCURY CAPRI WINDSHIELD WIPER ARM SHAFT, AND MOTOR FAILURES

Rescheduling of Public Proceeding

Pursant to section 152 of the National Traffic and Motor Vehicle Safety Act of 1966, as amended (Pub. L. 93-492, 88 Stat. 1470; October 27, 1974), 15 U.S.C. 1412, the Associate Administrator, Motor Vehicle Programs, has made an initial determination that a defect relating to motor vehicle safety exists with respect to failures of windshield wiper arms, shafts, and motors in 1971-1973 Mercury Capri automobiles imported by the Ford Motor Company, in that such failures can result in immediate impairment of driver visibility in adverse weather, creating an unreasonable risk of accidents.

A public proceeding initially set for May 6, 1975 (40 FR 15930) has been rescheduled at the request of Ford Motor Company for 10:00 a.m., Thursday, May 15, 1975, in room 6332, Department of Transportation Headquarters, 400 Seventh Street, SW., Washington, D.C. 20590. The proceeding will afford Ford Motor Company an opportunity to present data, views, and arguments to establish that an alleged defect with respect to windshield wiper arms, shafts and motors in 1971-73 Mercury Capri automobiles does not exist or does not relate to motor vehicle safety.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Nancy Martus, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, Tel. (202) 426-2850, before the close of business (4:15 p.m.) on May 12, 1975. A transcript will be kept and exhibits may be accepted. There will be no cross examination of witnesses.

The agency's investigative file regarding this matter is available for public inspection during regular working hours (7:15 a.m.—4:15 p.m.) in the Technical Reference Division, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 152, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority to 49 CFR 1.51, 49 CFR 501.8)

Issued on May 1, 1975.

FRANCIS ARMSTRONG,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.75-11831 Filed 5-2-75;8:45 am]

Office of the Secretary

JOHN J. WILSON, INC. AND JOHN J. WILSON

Proposed Sanction Action

Notice is hereby given that, pursuant to section 209 of Executive Order 11246, as amended, it is proposed that an order be issued to cause the cancellation, termination or suspension of any existing Federally-assisted construction contracts, government contracts or subcontracts, as defined in 41 CFR 60-1.3, with John J. Wilson, Incorporated, 3731 Branch Avenue SE., Washington, D.C. and to cause the ineligibility for future Federally-assisted contracts, government contracts or subcontracts of John J. Wilson, Incorporated and any successor entities which include John J. Wilson as a principal owner or manager, and John J. Wilson, individually.

The action is being proposed because John J. Wilson, Inc., a subcontractor, failed to achieve the 25 percent minimum minority manhour goal for the plumber trade during December 1973 on its Washington, D.C. area construction projects as required by the Washington Plan. The prime contracts were awarded by the Washington Metropolitan Area Transit Authority (WMATA) and funded by the Urban Mass Transportation Administration, and are subject to the Washington Plan.

As stated in the letter notice of this proposed action issued to John J. Wilson, individually and as President, John J. Wilson, Incorporated:

The applicable regulations, 41 CFR 60-1.26(b)(2), provide that no order for the cancellation or termination of existing contractors or subcontracts or for debarment from further contracts or subcontracts shall be made without affording the contractor an opportunity for a hearing. You therefore have fourteen (14) days from receipt of this notice to mail to the undersigned an answer to this notice together with a request for a hearing which should be set forth in a paragraph separate from the remainder of the answer to this notice.

If at the end of 14 days no answer including a hearing request has been filed, or the answer does not raise issues of fact or law, steps will be taken to cancel, suspend or terminate or cause to be cancelled, suspended or terminated any one or more contracts or subcontracts, or parts thereof, held by the Company as prime contractor or subcontractor, and in addition steps will be taken to enter an order declaring the Company and any successor entities which include John J. Wilson as a principal owner or manager, and the designated individual ineligible for further contracts, subcontracts, or extensions or other modifications of existing contracts, until they have satisfied the Secretary of Labor that they have established and will carry out personnel and employment policies and practices in compliance with provisions of the equal employment clause and the Order.

The regulations also provide that, in the event the Company requests a hearing, its contracts and subcontracts may be suspended in the discretion of the Director, Office of Federal Contract Compliance, during the pendency of the hearing.

JAMES FRAZIER,
Director of Civil Rights.

APRIL 25, 1975.

[FR Doc.75-11590 Filed 5-2-75;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON INFORMAL ACTION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Informal Action of the Administrative Conference of the United States, to be held at 10:00 a.m., May 15, 1975 in the offices of the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

The Committee will meet to consider the work of two consultants. First, the Committee will discuss Professor Robert Hamilton's proposed recommendation on informal procedures. It will also devote some attention to Professor Hamilton's draft of instructions to consultants. Second, the Committee will discuss Professor Paul Verkuil's project on informal hearings of the sort required by "Goldberg v. Kelly."

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Michael Jay Singer, (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

APRIL 29, 1975.

[FR Doc.75-11663 Filed 5-2-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27669]

G. F. STEEDMAN HINCKLEY

Application for Disclaimer of Jurisdiction or Approval

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until May 19, 1975, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., April 29, 1975.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director, Bureau of Operating Rights.

[Docket No. 27669]

G. F. STEEDMAN HINCKLEY, CONTROL RELATIONSHIPS

ORDER OF APPROVAL

Issued under delegated authority. Application of G. F. Steedman Hinckley for disclaimer of jurisdiction or approval pursuant to section 408 of the Federal Aviation Act.

By application filed on March 26, 1975,[1] Mr. G. F. Steedman Hinckley requests that the Board disclaim jurisdiction or, alternatively, approve, without hearing pursuant to the third proviso of section 408 of the Federal Aviation Act of 1958, as amended (the Act), his acquisition of a 20 percent interest in two DC-9-31 aircraft and related equipment under a tenancy-in-common joint venture (Partners), while he owns in excess of 5 percent of the issued and outstanding capital stock of Overseas National Airways, Inc. (ONA), serves as chief executive officer and chairman of the board of directors of the air carrier, and holds a promissory note in the amount of $62,900 issued by the air carrier. The applicant has also filed a motion for expedited treatment of the application.

On December 31, 1974 Mr. Sanford P. Burnstein, pursuant to an aircraft purchase agreement, acquired, subject to a mortgage held by Bankers Trust Company, two McDonnell Douglas DC-9-31 aircraft (Federal Aviation Registration Numbers N-8988E and N-8989E), two spare Pratt and Whitney JT8D-7 engines, and associated equipment, appliances, instruments, and parts installed therein and thereon (the Equipment[2]) for a total purchase price of $5,150,000.[3] Thereupon, Mr.

[1] The application was supplemented by letters of Apr. 10, 11, 17, and 18, 1975.

[2] The Equipment is presently leased to Eastern Air Lines, Inc., pursuant to two leases which expire on Mar. 31, 1977 and Mar. 21, 1978, respectively.

[3] The sellers of the Equipment, also a tenancy-in-common investment group, are Messrs. Louis Marx, Jr., Dan W. Lufkin, Neil A. McConnell, Frederick A. Melhado, and Stanley R. Rawan Jr. (the Marx Group). In *Overseas National Airways, Inc., et al.*, orders 69-3-63, Mar. 18, 1969, and 69-4-87, Apr. 18, 1969, the Board approved the control relationships between the Marx Group and ONA, upon the acquisition by each member of the Marx Group of his respective interest in the same aircraft and related equipment as the Equipment herein.

Burnstein entered into an investor agreement with Mr. Hinckley, and three other individuals to participate with him as the Partners, in the ownership of the Equipment as tenants-in-common.[4]

Upon the exercise of an option to participate, granted by Mr. Burnstein, Mr. Hinckley will become one of the Partners in the investment group and receive a 20 percent tenancy-in-common interest in the joint venture ownership of the Equipment in consideration of a commitment to pay $60,000 to Mr. Burnstein. The investor agreement and Mr. Hinckley's option are subject to prior Board approval to the extent required. Mr. Hinckley's option will terminate after Board approval or on December 1, 1975, whichever is later.

The Partners' acquisition of the Equipment will be financed through a refinancing arrangement with Boulder Bank and Trust Company as agent for itself and Irving Trust Company, who will then become the mortgagees of the Equipment in the place of Bankers Trust Company.

No comments relative to the application have been received.

Applicant's request for a disclaimer raises a threshold question of jurisdiction of whether Mr. Hinckley's interest[5] as one of the Partners in the tenancy-in-common ownership of the Equipment constitutes a substantial portion of the properties of Mr. Burnstein, a person engaged in a phase of aeronautics within the meaning of section 408 of the Act. The Board has heretofore determined that an investment group formed to acquire and lease aircraft as tenants-in-common is a person engaged in a phase of aeronautics[6] and that 20 percent of the properties of a person engaged in a phase of aeronautics constitutes a substantial portion of its properties.[7] However, a further question relating to the Board's jurisdiction over the transaction herein is posed by Mr. Hinckley's relationship to ONA, *i.e.*, whether Mr. Hinckley is a person controlling an air carrier within the meaning of section 408 by reason of his ownership of an amount in excess of 5 percent of the issued and outstanding capital stock of the air carrier, his position as chairman of the board of directors and as chief executive officer, and the air carrier's indebtedness to him of $62,900. Mr. Hinckley's stockholding, being less than 10 percent of the voting stock of ONA, raises no presumption of control over the air carrier under section 408(f) of the Act.[8] Further, from information filed with the Board, it appears that Mr. Hinckley is not the largest single stockholder of the air carrier, nor the largest individual creditor of the air carrier while serving as an officer and/or director of the air carrier.[9] This issue would best be resolved, if necessary, by an evidentiary hearing. However, there is no need to resolve the jurisdictional question of whether Mr. Hinckley is a person controlling an air carrier since the applicant has submitted to the Board's jurisdiction and has requested approval pursuant to the third proviso of section 408 of the Act.

Upon considertaion, it is found that Mr. Hinckley's proposed purchase of a 20 percent interest in the Equipment as a tenant-in-common in the subject investment group, and the control relationship, if any, created thereby among Mr. Hinckley, the investment group Partners, and ONA, would not result in creating a monpoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to this proceeding. The transaction and the control relationships, to the extent created thereby, are similar to others heretofore approved by the Board.[10] Therefore, subject to conditions discussed below, it is not found that they will be inconsistent with the public interest.

The applicant herein has stated that there would be no objection to the imposition of a condition which would prohibit ONA from purchasing, leasing, or contracting to operate the Equipment herein without prior Board approval. However, in order to preclude potential conflicts of interest of significance that could arise by reason of the relationships herein among Mr. Hinckley, the Partners, and ONA, the suggested condition should be modified to prohibit any negotiation or transaction involving the purchase, lease, or contract to operate properties of either such person by the other without prior Board approval.[11] Further, should Mr. Hinckley or the investment group Partners, directly or in directly, engage in any additional activities which may be deemed independently as coming within the scope of section 408, further filings with the Board would be required. Jurisdiction over this proceeding will be retained.

It is also found, under the third proviso of section 408(b), that the purchase transaction herein and the control relationships, if any, created thereby, do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation within the meaning of the third proviso of section 408(b), do not result in creating a monopoly, and do not tend to restrain competition. Further, no person disclosing a substantial interest is presently requesting a hearing, and it is concluded, therefore, that the public interest does not require a hearing.

In view of the determination herein, applicant's motion for expedited treatment will be dismissed.

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished by the Board to the Attorney General not later than the day following such publication, both in accordance with the requirements of section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3 and 385.13, it is found that the foregoing transaction and, to the extent created thereby, the control relationships should be approved, to the extent necessary, under section 408(b) of the Act without a hearing, and that except to the extent granted herein, the application and all other motions and requests herein should be dismissed.[12]

Accordingly, it is ordered, That: 1. Subject to the conditions specified below, (1) the purchase by Mr. Hinckley of a 20 percent interest in the aircraft and related equipment described herein, as a tenant-in-common of the investment group Partners,[13] and (2) the control relationships among Mr. Hinckley, Partners, and ONA, as described herein, be and they hereby are approved, to the extent necessary, pursuant to section 408(b) of the Act;

2. Mr. Hinckley, Partners, and/or Overseas National Airways, Inc., shall enter into no negotiations or transactions involving the purchase, lease, or contract to operate the properties of each other without prior Board approval;

3. Jurisdiction is retained to reexamine the transaction and relationships approved herein, and from time to time to impose such additional and further conditions as may be deemed just and reasonable; and

4. Except to the extent granted herein, the application and all other motions and requests in docket 27669 be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective immediately, and the filing of such petitions shall not stay its effectiveness.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-11680 Filed 5-2-75;8:45 am]

[Docket Nos. 27111, etc.; Order 75-4-103 [1]]

GREATER PEORIA AIRPORT AUTHORITY ET AL.

Order Instituting an Investigation; Correction

Petition of The Greater Peoria Airport Authority and the Peoria Association of

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[4] Under the investor agreement the percentage of ownership by the Partners in the Equipment was agreed to be as follows: Mr. Burnstein, 55 percent; Mr. Hinckley, 20 percent; and Messrs. Charles N. Harris, Joseph Eaton, and Paul L. Sisk, 8⅓ percent each.

[5] Mr. Hinckley's application herein is regarded as indicating his intention to exercise his option to participate, and the application will be considered on that basis. See *Anthony Cosimano et al., Control Relationships*, order 75-2-89, Feb. 21, 1975.

[6] *Overseas National Airways, Inc., et al., supra.*

[7] *Resort Financing Case*, 26 C.A.B. 578, 582, 588 (1958), involving the purchase by Resort Airlines, Inc., of North Carolina, an air carrier, from its parent company, Resort Airlines, Inc., of Delaware, of one of five DC-4 aircraft.

[8] In *Novo Corporation*, order 72-3-71, Mar. 22, 1972, the Board found that ownership of 5.04 percent of an indirect air carrier, Wings and Wheels Express, Inc., did not constitute control.

[9] According to CAB Form 41 (Schedules G-41 and G-42) filed with the Board for the year ending Dec. 31, 1974, common stock ownership in amounts greater than Mr. Hinckley's (5.88 percent) are as follows: Mr. Marx, 25.86 percent; Mr. Dan W. Lufkin, 12.31 percent; and the Chase Manhattan Bank, N.A., 6.55 percent. Mr. Marx is also a director of ONA, and holds an indebtedness obligation of the air carrier in the amount of $1,795,900.

[10] *Overseas National Airways, Inc., et al., supra.*

[11] See *Purdue Aeronautics, Control by Shephens Inc.*, 48 C.A.B. 406 (1968).

[12] It is further found, pursuant to 14 CFR 385.6, that the action taken herein is governed by prior Board precedent and policy, and immediate action is required to permit the consummation of the refinancing arrangements without incurrence of additional expense by reason of delay thereof. Therefore, it is determined that filings of petitions for review of this order will not preclude this order from becoming effective immediately.

[13] An executed copy of the investor agreement is required to be filed with the Board within 30 days of the date of this order.

Commerce for a service investigation, Docket 27111; Applications of Continental Air Lines, Inc., Ozark Air Lines, Inc., for amendments of certificates of public convenience and necessity, Dockets 25654, 27262; The Peoria Service Investigation, Docket 27761.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of April, 1975.

Ordering paragraph 8 on page 10 should be amended to read:

8. Except to the extent granted herein, the petition of the Peoria parties in Docket 27111 be and it hereby is denied;

By the Civil Aeronautics Board.

Dated: April 24, 1975.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-11681 Filed 5-2-75;8:45 am]

[1] Published at 40 FR 18210, April 25, 1975.

[Docket No. 25280, Agreement C.A.B. 25082 R-1, R-2; Order 75-4-129]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority April 28, 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 carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names two additional specific commodity rates as set forth below, reflecting reductions from general cargo rates; and was adopted pursuant to unprotested notice to the carriers and promulgated in an IATA letter dated April 22, 1975.

Agreement CAB	Specific commodity item No.	Description and rate
25082:		
R-1	1475	Plants, 198 cents per kg., minimum weight 100 kgs. From Tel Aviv to New York.
R-2	4816	Data Processing Systems [1] 311 cents per kg., minimum weight 100 kgs. 243 cents per kg., minimum weight 500 kgs. 231 cents per kg., minimum weight 1,000 kgs. From New York to Tehran.

[1] See applicable tariffs for complete commodity descriptions.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That: Agreement C.A.B. 25082 is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purpose of tariff publications: *Provided further,* That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-11577 Filed 5-2-75;8:45 am]

[Docket No. 26494; Agreement C.A.B. 24944; Order 75-4-137]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Denying Petition Regarding North Atlantic Air Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1975.

By petition filed April 10, 1975, Iberia, Lineas Aereas De Espana, S.A. (Iberia) requests reconsideration of Order 75-3-101 dated March 27, 1975 insofar as it disapproved the proposed affinity and incentive group fares to Spain and Portugal effective May 1, 1975. An answer opposing Iberia's petition for reconsideration has been filed by the member carriers of the National Air Carrier Association.[1]

Upon due consideration, the Board concludes that Iberia's petition for reconsideration raises no new issues[2] not previously considered by the Board or otherwise warrants a departure from our disapproval of the affinity/incentive group fares proposed between the United States and Spain and Portugal in Order 75-3-101.[3]

Accordingly, it is Ordered, That: The petitions for reconsideration of Order 75-3-101 filed by Iberia, Lineas Aereas De Espana, S.A. and Transportes Aereos Portugueses, S.A.R.L. are denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.75-11678 Filed 5-2-75;8:45 am]

[1] Transportes Aereos Portugueses, S.A.R.L. (TAP) has also filed a petition for reconsideration, accompanied by a motion to receive an otherwise unauthorized document which is granted. TAP argues that disapproval of the fares will adversely affect tourism to Portugal and that the fares are economically justified.

[2] Iberia contends that the filing of the IATA agreement constituted a filing consistent with the terms of the U.S.-Spain bilateral agreement; that consistent with the terms of that agreement the U.S. authorities were required to advise their Spanish counterparts, no later than March 15, 1975, of their dissatisfaction with the fares in question; and that since no such notification was made the fares received tacit approval which renders the Board's disapproval ineffective. However, under the provision of the bilateral, an IATA agreement clearly does not constitute a rate filing.

[3] The Board recognizes that this action leaves the carriers with no affinity group fares effective May 1 and is accordingly prepared to grant short-notice permission to file such fares at the Montreux level.

[Docket No. 21866-4; Order 75-4-138]

DOMESTIC PASSENGER-FARE INVESTIGATION, PHASE 4—JOINT FARES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1975.

By petition filed March 21, 1975, Northwest Airlines, Inc. (Northwest) requests that the Board issue an order to show cause proposing it limit the cost-based divisions of joint-fare revenues to mandatory joint fares only. Northwest seeks modification of paragraph 6 of the Phase 4—Joint-Fare opinion (Order 74-12-108, December 27, 1974) which requires that: "Divisions of all joint fares * * * shall be based on the relative costs for the distances flown by each carrier participating in the interline carriage." It is Northwest's contention that requiring cost-based divisions of all joint fares will unduly restrict the development of new joint fares and disrupt many existing joint-fare arrangements. The carrier alleges that this would occur because of varying circumstances existing with regard to important discount fares such as joint group fares, joint military fares, joint inclusive tour basing fares, and a number of other joint promotional fares.

Northwest states that a carrier many

times will not voluntarily agree to a joint discount fare where it is experiencing good load factors with higher-yielding fares. In such instances, in order to provide a joint fare, it is necessary to divide revenues so that carrier's yield will not be impaired by the joint discount fare. Northwest states that numerous cases exist where the carriers are able to negotiate alternative divisions of revenues, and with the influx of many new discount fares, it will be even more important to keep such options open in order to permit meaningful competition with such fares. Northwest alleges that the absence of this flexibility will be detrimental both to the carriers and to passengers who will be precluded from being able to avail themselves of a discount fare where there are convenient connecting services.

Finally, Northwest states that it believes that the restrictive effect of requiring cost-based divisions of all joint fares was both unforeseeable and unintended by the Board, and this issue was never focused upon the parties during the course of developing the record in these proceedings. Northwest, therefore, requests that ordering paragraph 6 of the Phase 4 decision be modified to exclude nonmandatory joint fares from the cost-based revenue division formula required by that order.

Supporting answers have been filed by American, Continental, Delta, Eastern, and Trans World Airlines.[1] A jointly filed answer also supportng Northwest's proposal was filed by Frontier, Piedmont, and Texas International.

American, like Northwest, believes the parties and the Board failed to fully consider this issue during the course of the joint-fare proceedings, and concurs in Northwest's belief that many passengers will be foreclosed from having the opportunity to utilize a promotional fare if cost-based divisions must apply to all joint fares. The other carriers express similar support of Northwest's petition.[2]

On the basis of the foregoing, the Board tentatively finds and concludes that ordering paragraph 6 of Order 74-12-108 shall be amended to read:

On and after April 29, 1975, division of the joint fares for the classes of service required by and enumerated in ordering paragraph 2 of this order (whether such fares are at or below the maximum levels prescribed in paragraph 1 of this order) for transportation of persons by the trunk and local service carrier parties to this investigation between points served by said carriers in the 48 contiguous states and the District of Columbia shall be based on the relative costs for the distances flown by each carrier participating in the interline carriage.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102, 204(a), 403, 404, and 1002 thereof,

It is ordered, That 1. Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and all other interested parties are directed to show cause why the Board should not adopt the foregoing findings and conclusions and take the actions proposed herein.

2. If there is any objection to the findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 20 days, after the date of service of this order.

3. This order shall be served upon the carriers listed in paragraph 1 above and upon all other parties to Docket 21866-4.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-11679 Filed 5-2-75;8:45 am]

[1] Western filed a telegram in support of Northwest's petition.

[2] Continental notes that it had sought reconsideration of Order 74-3-80 on this point, which the Board denied. However, the carrier states that in conjunction with the implementation of the DPFI orders it has only recently recognized the actual impact of cost-based divisions. See Order 74-12-108, p. 15.

Upon consideration of Northwest's petition, the answers filed in support thereof, and other relevant matters, the Board has tentatively determined to amend Order 74-12-108 insofar as it requires cost-based divisions of all joint fares. As Northwest indicates, the parties to this proceeding did not focus on the competitive impact that cost-based divisions of all joint fares might have on the offering of discount fares. It is apparent, however, that many discount joint fares will be jeopardized if the carriers have no flexibility with respect to dividing the revenues from these fares. In view of the adverse competitive impact this might produce on the carriers and the reduced availability of such fares to the public, we propose herein to limit cost-based divisions of joint fares to mandatory joint fares only.

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, May 28, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street NW., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-11636 Filed 5-2-75;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

APRIL 29, 1975.

On June 29, 1971, the United States Government concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a five-year period beginning on May 1, 1971. The agreement was amended in September 1973 (38 FR 32527).

Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories; within the aggregate limit, group limits on Categories 1-4, 5-27 and part of 64 (knit fabrics), and Categories 28-64 (excluding knit fabrics); and within both of the aforesaid limits, specific limits for Categories 9/10, 22/23, 26/27 and parts of 64, with sublimits on duck fabric (part of Category 26/27) and on zipper tapes (part of Category 64); and 30/31 for the agreement year beginning on May 1, 1975.

Accordingly, there is published below a letter of April 29, 1975, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning May 1, 1975, be limited to the designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance U.S. Department of Commerce.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

APRIL 29, 1975.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective May 1, 1975 and for the twelve-month period extending through April 30, 1976, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for Categories 1 through 4 shall be 12,960,995 pounds.

The overall level of restraint for Categories 5 through 27 and part of 64 (knit fabrics) shall be 50,625,835 square yards equivalent.

Within the overall level of restraint for Categories 5 through 27 and part of 64 (knit fabrics) the following specific levels of restraint shall apply:

Category	12-month level of restraints
9/10 ---------square yards--	16,007,645
22/23 ---------do----	17,110,145
26/27 and part of 64 (knit fabrics) --square yards--	17,508,045

(of which not more than 8,204,667 square yards shall be in duck fabric,[1] and not more than 759,692 square yards equivalent shall be in knit fabrics, T.S.U.S.A. Nos. 345.1020, 345.1040, 346.4560, 353.5014, and 359,1040).

[1] The T.S.U.S.A. Nos. for duck fabric are:
320---01 through 04,06,08
321---01 through 04,06,08
322---01 through 04,06,08
326---01 through 04,06,08
327---01 through 04,06,08
327---01 through 04,06,08
328---01 through 04,06,08

Within the overall level of restraint for Categories 5 through 27 and part of 64 (knit fabrics), each category without a specific level of restraint is subject to a consultation level of 738,729 square yards, pursuant to paragraph 7 of the bilateral agreement, as amended. If appropriate, future directions concerning these categories will be made to you by letter.

The overall level of restraint for Categories 28 through 63 and 64 (excluding knit fabrics) shall be 8,994,746 square yards equivalent.

Within the overall level of restraint for Categories 28 through 63 and 64 (excluding knit fabrics), the following specific levels of restaint shall apply:

Category	12-month level of restraint
30/31 ----------	2,851,293 numbers.
64 (excluding knit fabrics).[2]	739,874 pounds (of which not more than 475,632 pounds shall be in zipper tape, T.S.U.S.A. No. 347.3340).

[2] All of Category 64 except T.S.U.S.A. Nos. 345.1020, 345.1040, 346.4560, 353.5014, and 359.-1040.

Within the overall level of restraint for Categories 28 through 63, and 64 (excluding knit fabrics), each category without a specific level of restraint is subject to a consultation level of 517,109 square yards equivalent. If appropriate, future directions concerning these categories will be made to you by letter.

In carrying out this directive, cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Mexico and which have been exported to the United States prior to May 1, 1975, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1974 through April 30, 1975. In the event that any level of restraint for that period has been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico which provide, in part, that within the aggregate limit, the group limits for Group I and Group II may be exceeded by not more than 10 percent, and the limit on Group III may be exceeded by not more than 5 percent; within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.75-11559 Filed 5-2-75;8:45 am]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

URANIUM HEXAFLUORIDE

Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specifications, and Packaging

The Energy Research and Development Administration (ERDA) hereby rescinds the notice entitled "Uranium Hexafluoride: Charges, Enriching Services, Specifications, and Packaging: Revision" as published in the FEDERAL REGISTER on January 6, 1975 (40 FR 1117), (referred to herein as the notice).

The proposed increase in the transaction tails assay to 0.275 weight percent U-235 on July 1, 1976 discussed in the notice is hereby rescinded; the present 0.20 weight percent U-235 transaction tails assay will be continued until at least September 30, 1977. However, enrichment services customers and the uranium producing industry should continue to plan for an ultimate transaction tails assay of about 0.30 weight percent U-235 in 1981. Information on the transaction tails assays in the period between 1977 and 1981 will be issued as soon as ERDA completes further analyses of its enrichment services requirements.

Effective date. This notice is effective May 5, 1975.

Dated at Germantown, Md., this 30th day of April 1975.

JOSEPH L. SMITH,
Director of Procurement.

[FR Doc.75-11705 Filed 5-1-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 369-4]

DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS; NEW YORK

Public Hearing and Request for State Program Approval

A public hearing to consider the request of the State of New York for State Program Approval to participate in the National Pollutant Discharge Elimination System ("NPDES") permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments of the Federal Water Pollution Control Act, 33 U.S.C. 1251-1376 ("the Act") will be held on June 4, 1975, at 10 a.m., at the following address:

New York State Department of Conservation Building
50 Wolf Road
Conference Room 106 (1st Floor)
Albany, New York 12001

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency ("EPA") a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's Guidelines. To administer the NPDES program the State must have, among others: (1) The authority to issue permits which comply with all pertinent requirements of the Act, (2) the authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority which will ensure that the Administrator, the public, and any affected States and agencies are given notice of and opportunity for a public hearing with regard to each permit application. Also, the State must have and commit itself

to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's Guidelines establishing "State Program Elements Necessary for Participation in the NPDES" were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972, and appear at 40 CFR Part 124.

The State of New York has submitted a full and complete Request for State Program Approval and proposes that the New York State Department of Environmental Conservation, ("DEC") 50 Wolf Road, Albany, New York 12001 (518) 457-3446 operate the NPDES permit program for discharges into the navigable waters within the jurisdiction of the State, with the exception noted below, in accordance with the Act. Ogden R. Reid is Commissioner of the DEC.

The New York State Board on Electric Generation and Siting, ("the Board") located in the Department of Public Service, 55 Holland Avenue, Albany, New York, consisting of the Chairman of the Public Service Commission or his designee, the commissioner of the Department of Environmental Conservation or his designee, the commissioner of the Department of Health or his designee, the commissioner of the Department of Commerce or his designee and an ad hoc member appointed by the Governor, is authorized to issue a certificate of environmental compatibility and public need for the site preparation and construction of a major steam electric generating facility as defined in section 140 of New York State's Public Service Law. Therefore, as to these facilities, the Board, and not the DEC, will be the responsible entity for the initial issuance of NPDES permits in the form of such certificates. However, the Board is subject to all powers, duties, obligations and privileges normally required of the DEC in considering the granting of such certificates (Environmental Conservation Law 17-0323).

All interested persons wishing to attend, to comment upon, or to support or object to this State request are invited to attend the public hearing.

A three-member panel will preside over the hearing. The panel will consist of the Administrator of EPA or his representative, who will serve as the Presiding Officer, the Commissioner of the DEC or his representative, and the Regional Administrator of EPA-Region II or his representative.

Oral statements will be heard and considered, but, for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written materials so there will be time for all interested parties to be heard. Persons are encouraged to bring extra copies of their written statements for the use of the hearing panel and other interested persons.

The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted. The hearing record will be left open for a period of 10 days following the hearing to allow any person to submit additional written statements or to present views or evidence tending to rebut testimony presented during the hearing.

All interested persons may also comment upon the State submission by writing to the EPA-Region II Office, 26 Federal Plaza, New York, New York 10007. Such comments will be made available to the public for inspection and copying. All comments or objections received by June 14, 1975, or presented at the public hearing, will be considered by EPA before taking final action on the New York Request for State Program Approval.

The State's submission, related documents, and all comments received are on file and may be inspected and copied (at $.20 per page) at the EPA-Region II Office in New York, New York. The State's submission and related documents are also on file and may be inspected at the DEC Office at the above address in Albany, New York.

Copies of this notice are available upon request from the Public Affairs Division of EPA-Region II, (212) 264-2515.

Please bring the foregoing to the attention of persons you know would be interested in this matter.

ROBERT L. BAUM,
Acting Assistant Administrator for Enforcement.

[FR Doc.75-11704 Filed 5-1-75;8:45 am]

[FRL 369-2]

PESTICIDES

Institution of Enforcement Policy Statements

I. *1972 Amendments to the Federal Insecticide, Fungicide, and Rodenticide Act.* On October 21, 1972, the Federal Environmental Pesticide Control Act of 1972 (Pub. L. 92-516; 86 Stat. 973; 7 U.S.C. 136 et seq.) was signed by the President. This legislation amended the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (61 Stat. 163 (1947); amended at 78 Stat. 190 (1964); 7 U.S.C. 135 a-k; (hereinafter referred to as FIFRA)).

These amendments expanded the regulatory scope of pesticide control. They contained new substantive provisions regarding pesticide registration, and the registration of products sold only in intrastate commerce. They extended regulatory jurisdiction to provide a means to regulate the application or other use of pesticides. Since the enactment of the 1972 amendments, the Agency has issued regulations implementing many of the new substantive provisions of the Act.

The 1972 amendments also made additional enforcement tools available to the Agency. These include the authority to assess civil money penalties, to issue civil penalty warning citations, and to issue stop sale orders and stop use orders. Where necessary, the Agency has published rules of practice and other enforcement guidelines implementing the new enforcement powers authorized in FIFRA.

While pesticide enforcement activities have been conducted for some time by EPA and its predecessor agencies, the Agency feels that there is a need to inform the pesticide chemicals industry, the pest control industry, and the general public regarding the pesticide enforcement policies of the Agency, particularly those which have arisen out of the implementation of FIFRA as amended. Publication of these policy statements will increase the predictability of agency enforcement actions, establish enforcement precedent and will focus analysis within the Agency upon those questions regarding pesticide application or other use which are of general importance. It is anticipated that the further dissemination of the Agency's enforcement policies will result in additional compliance with the law by all segments of the pest control industry and by the general public.

II. *Scope of Pesticide Enforcement Policy Statement (PEPS).* The Agency hereby announces the initiation of a series of Pesticide Enforcement Policy Statements (PEPS). These PEPS are designed to inform those engaged in the formulation, distribution, sale, application or other use of pesticides, as well as interested segments of the general public, of the policies adopted by the Agency in the exercise of its prosecutorial discretion in the enforcement of FIFRA as amended. PEPS will be issued periodically by, and at the discretion of, EPA's Office of Enforcement. The Agency distinguishes between statements which define the Agency's regulatory jurisdiction and statements which report the Agency's exercise of prosecutorial discretion. Where an Agency statement defines the scope of FIFRA jurisdiction, the Agency shall inform the public by means of regulations promulgated by the Administrator of EPA. Where an Agency statement reports the exercise of its prosecutorial discretion, the Agency shall inform the public by means of published notices. This series of Pesticide Enforcement Policy Statements represents an exercise of prosecutorial discretion. Accordingly, each PEPS will be published in the "Notices" section of the FEDERAL REGISTER under the signature of the Assistant Administrator for Enforcement. If the Administrator promulgates regulations which affect matters contained in a prior PEPS, the Office of Enforcement will revoke or amend such PEPS to conform to such subsequent regulations.

Enforcement policies announced in this series of PEPS will remain in effect until amended or modified by subsequent published PEPS or by subsequent regulations promulgated by the Administrator. On or before October 22, 1976, the Agency shall have re-registered all of the pesticides registered prior to the passage of the 1972 amendments as well as all pesticides sold only in intrastate commerce. It shall be a part of this re-registration

process to incorporate on the approved label, where appropriate, the policies contained in these PEPS. As the contents of these PEPS are incorporated in the approved product label, such PEPS will be revoked or amended.

This series of enforcement policy statements is intended to address issues which are of national significance and which will not be expeditiously resolved through the Section 3 registration process. It shall not lessen the ability of a State to further regulate the sale or use of a pesticide under section 24(c) of the Act (7 U.S.C. 136 v. (c)). No PEPS will be issued to resolve a problem which clearly represents a "special local need" as provided in section 24(c) whether or not a state has implemented such a state registration program. The Office of Enforcement will not utilize the PEPS to preempt a State (authorized to do so by the Administrator) from registering a pesticide for a "special local need."

The series of PEPS will deal with all aspects of the pesticides enforcement program of the Agency. It is anticipated that the bulk of these policy statements will disseminate pesticide enforcement policy regarding (a) the registration of products sold only in intrastate commerce, (b) the implementation of enforcement remedies contained in the 1972 amendments, and (c) the regulation of the application and other use of pesticides.

This series of policy statements is intended to clarify and illuminate the Agency's policy regarding the enforcement of FIFRA. Accordingly, every effort will be made to provide clear and specific instructions to the reader as to the content and implementation of such policy. Where questions regarding the interpretation of Pesticide Enforcement Policy Statements arise, the Agency will adopt the rules of construction generally applied to statutory interpretation. The meaning of language used in a policy statement will reflect the definitions given to the words in everyday discourse or adopted by the Agency in the implementation of the Act. Passages will be interpreted to give effect to the passage so that no part of the PEPS will be inoperative, insignification, or void, and to insure consistency with the overall intent and objectives of the Agency in formulating and announcing the enforeement policy contained in the statement. Further, the Agency in interpreting these policy statements will apply an objective standard in giving those PEPS the meaning which would be assigned to them by an ordinarily prudent and reasonable man.

The Agency in enforcing these policy statements will apply a similar standard to determine that level of compliance and understanding normally associated with the actions of a prudent and reasonable man. The Agency recognizes the need to continue regulation of the pesticide industry and pesticide use, in particular, in a common sense manner. However, circumstances in which repeated and knowing abuse of this policy has occurred may require an appropriate enforcement response by the Agency. The Office of Enforcement intends to utilize the full range of enforcement tools in the regulation of these uses including minor Notices of Warning pursuant to section 9(c), civil penalty warning citations, civil penalty assessments, stop use orders, criminal prosecution and injunctive relief.

A. *Enforcement policy with regard to intrastate products.* Section 3(a) of FIFRA as amended established for the first time Federal jurisdiction over pesticides sold only in intrastate commerce. It is clear from the legislative history that this expansion of Federal jurisdiction was one of the most important aspects of the new legislation. The Senate Committee on Agriculture and Forestry noted in its first paragraph comparing the 1972 amendment with the prior legislation that:

> (FIFRA of 1947 does not) * * * regulate pesticides moving only in intrastate commerce.
>
> The amendments (to FIFRA) which is a registration and labeling law, would extend the regulation of pesticides to their manufacture and use, and Federal regulatory authorities would apply throughout the States, not just to the interstate commerce of pesticides [H. Rep. No. 92-511, 92d Cong. 1st Sess. 12 (1971)].

On January 9, 1973, the Administrator of EPA published in the FEDERAL REGISTER (39 FR 1142) a timetable for the implementation of the 1972 amendments. This document set forth the Agency's plan for implementing the amendments to the FIFRA, informed the public as to the date when specific provisions of the amendments became or would become effective, and indicated the general form and content that various regulations would take.

With regard to the implementation of the registration provision of the 1972 amendments, the Implementation Plan noted that (except with regard to cancelled or suspended products) that:

> (u)ntil such time as section 3 of (FIFRA as amended) is implemented, but no later than 2 years after its date of enactment, intrastate shipments will be allowed to the same extent as under prior law and will, until such time as section 3 is operable, be subject to regulation under State law (39 FR 1143).

The series of PEPS will disseminate the enforcement policy of the Agency as it pertains to the phased registration of intrastate products. The Agency has stated its view of the current enforceability against intrastate products of those statutory provisions of FIFRA which do not relate to the registration requirements of FIFRA as amended and which became effective upon enactment, or which have since been effectuated by regulations (39 FR 36973, 36975). During the implementation of the registration provisions of FIFRA as amended with respect to intrastate products, PEPS will be used to announce enforcement policy regarding questions involving the registration status of intrastate products or the applicability of particular sections of the Act to such products.

B. *Implementation of Enforcement Remedies.* The 1972 amendments contained new enforcement remedies not authorized in the prior legislation. Foremost among these are the provisions for administratively assessed civil money penalties, civil penalty warning citations, stop sale orders, and stop use orders. FIFRA as amended also expands the Agency's authority to petition a federal district court of competent jurisdiction to order the seizure for confiscation or condemnation of violative pesticide products (7 U.S.C. 136k(b)), or to specifically enforce and prevent and restrain violations to the Act (7 U.S.C. 136n(c)). These provisions represent important additions to the administrative powers of the Agency.

The provisions authorizing the use of these new remedies are deemed in the Implementation Plan to have become effective upon the enactment of the amendments. On July 31, 1974, EPA promulgated final rules of practice governing proceedings conducted in the assessment of civil penalties against persons alleged to be in violation of FIFRA (39 FR 276561). These rules of practice established procedures whereby persons alleged to have violated the Act may be given notice of the charges against him, and may receive an opportunity to request a public hearing regarding (1) the facts constituting the alleged violation, and (2) the appropriateness of the civil penalty which is proposed to be assessed. They established procedures for the conduct and final disposition of such actions. The Agency has also published Guidelines for the Assessment of Civil Penalties. These guidelines reveal the manner in which the Agency assigns specific dollar penalties against persons who violate specific statutory provisions (39 FR 27711).

Pesticide Enforcement Policy Statements will also be used to disseminate agency policy regarding the triggering of specific enforcement remedies, the procedures which the Agency will follow in applying such remedies, and the application of enforcement remedies which existed under the prior legislation (such as criminal penalties or notices of warning) to substantive provisions contained in the 1972 amendments.

C. *Expansion of Regulatory Jurisdiction to Control Pesticide Use.*—1. *Background.* In recent years people have become increasingly sensitive to the risks certain pesticides have inflicted upon man and his environment. The President noted in his 1971 environmental message, that "the use and misuse of pesticides has become one of the major concerns of all who are interested in better environment." In outlining the need for additional regulatory authority over pesticide use, the President stated that:

> (t)he administrative processes contained in the (current) law are inordinately cumbersome and time consuming, and there is no authority to deal with the actual use of pesticides. The labels approved under the Act specify the uses to which pesticides may be put, but there is no way to insure that the

label will be read or obeyed. The comprehensive strengthening of our pesticide control laws is needed (H.R. Rep. No. 92-511, 92nd Cong. (1971)).

A primary emphasis of the 1972 amendments was to expand the regulatory jurisdiction of the Federal government to include the regulation of pesticide use. The House Committee on Agriculture

> * * * found the greatest need for revision of existing law to be in the areas of strengthening regulatory controls on the uses and users of pesticide * * * (and) strengthening enforcement procedures to protect against misuse of these biologically effective materials; * * *
>
> The Committee has worked on each of these problems. (FIFRA 1972) imposes new controls and sanctions on both the uses and the users of pesticides. Old FIFRA is changed from a labeling to a regulatory program. New tools for restricting the introduction and dissemination of pesticides into the environment are given to the EPA. (H.R. Rep. No. 92-511, 92d Cong. 4 (1971)).

In a later report on FIFRA, as amended, the Senate Committee on Agriculture and Forestry mentioned as the first item in its Short Summary that: "The new bill (would) prohibit the use of any pesticide in a manner inconsistent with its labeling" (S. Rep. No. 92-838, 92d Cong., 2d Sess. 1 (1972)). It is also unlawful under the new bill to "use any pesticide which is under an experimental use permit contrary to the provisions of such permit". It is likewise unlawful to "violate any order issued under section 13 (stop use order)." These provisions appear in FIFRA sections 12(a)(2)(G), 12(a)(2)(H), and 12(a)(2)(I), respectively (7 U.S. 136 1(a)(2) (G), (H), and (I)). The Senate Committee on Agriculture and Forestry noted the fundamental nature of the expanded use regulation authorized by FIFRA 1972:

> Registration for specific uses under specified conditions, as well as directions for use, warnings and cautions, constitute the major means to control pesticide use under present law. But there is nothing in the present law requiring that those directions, warnings, and cautions be followed. The provisions of the bill requiring compliance with the labeling, providing for classifying pesticides for restricted use, in some cases requiring that they be applied by or under the supervision of a certified applicator, and in other cases requiring them to be subject to different regulatory restrictions are the key new authorities of the bill. (S. Rep. No. 92-838, 92 L Cong., 2d Sess. 21 (1972)).

2. *Scope of Use Regulation.* The term "use" in this document and in subsequent PEPS is to be broadly interpreted and applied. The term "use" shall refer to any practice or act of handling or release of a pesticide, or exposure of man or the environment to a pesticide.

The term "use pattern" means the manner in which a pesticide is applied or otherwise used, particularly when considering such factors as (a) the target pest, (b) the crop or animals treated, (c) the application site, and (d) the application technique and rate.

The definition of the terms "use" and "use pattern" will be further clarified in the series of Pesticide Enforcement Policy Statements.

3. *Regulation of Pesticide Use: Meaning of section 12(a)(2)(G).* Considerable thought has been given to the meaning of the word "inconsistent" as it is used in FIFRA as amended. The reports of the committees which drafted the Act evidence repeated attempts by Congress to define the term and to anticipate the administrative construction which would be applied by the Agency. In the Supplemental Report of the Senate Committee on Agriculture and Forestry, Senator Allen noted:

> On the day that this bill is enacted it will become illegal to use any pesticide in a manner that is inconsistent with the labeling. The Committee on Agriculture and Forestry worked with the Environmental Protection Agency over a period of some weeks to see if there was not a better word than "inconsistent" but was unable to solve this problem (Supplemental Report to S. Rep. No. 92-838 51 (1972)).

In its deliberations on the 1971 version of what became the 1972 amendments, the House Committee on Agriculture "* * * recognize(d) the need to apply the standard of use 'inconsistent' with respect to labeling in a common sense manner" (H.R. Rep. 92-511, 92d Cong. 1st Sess. 16 (1971)).

The Senate Committee on Agriculture and Forestry, while addressing the application of the term "use inconsistent with the label", noted that:

> This bill would regulate the use of a pesticide for the first time. * * * The Committee considered an amendment to the bill to assure that such use would be prohibited, but concluded that this was a matter which would have to be left to the good sense of the Administrator, the manufacturers, and the users. It is the hope of the Committee that by proper administration of the labeling and the labels approved by him, the Administrator will be able to make it clear to users that such uses are not prohibited (S. Rep. No. 92-838, 92d Cong. 2d Sess. 16 (1972)).

Congress ultimately determined that the regulation of pesticide use presented problems of sufficient detail and sophistication that the precise substance of standards regulating pesticide use should be left to the informed discretion of the agency administering the legislation. This congressional deference to the discretion of the administrative agency is common in circumstances which involve determinations of a detailed and precise nature; Congress routinely delegates to administrative agencies the responsibility of making such regulatory determinations within the standard which Congress articulates and consistent with that broad public policy which formed the impetus for the legislation in the first place.

4. *Implementation of section 12(a)(2)(G).* The Agency's Implementation Plan for effectuating the 1972 amendments noted that section 12(a)(2)(G) of FIFRA became effective on the date of enactment. With regard to the enforcement of Section 12(a)(2)(G), the Plan noted that:

> The Agency will entertain requests to issue pesticide use rulings on a case-by-case basis and furnish its interpretation of the Act. While such rulings will, after notice, be subject to revocation, they will assist the public in understanding the Agency's interpretation of the Act (39 FR 1142).

It is clear that discretion remains in the Agency to determine both whether a violation has occurred and whether an activity will subject a violator to enforcement liability. Mindful of the will of Congress in this matter and aware of its own public trust, the Agency has determined to treat these matters on a case-by-case basis, allowing the rule of reason to apply. It was the intent of the Administrator in instituting a case-by-case review of pesticide use cases to provide a mechanism for the development of a uniform national policy regarding the enforcement of section 12(a)(2)(G). This provision is the only provision of section 12 which was deemed to required specialized policy interpretation by the Agency.

In September 1974, the Office of Enforcement initiated the Pesticide Misuse Review Committee (PMRC) to review on a case-by-case basis all enforcement actions involving the misuse of a pesticide, and to address (by means of PMRC Advisory Opinions) general questions of pesticide use practice which require policy-level attention. The PMRC is comprised of personnel from the Agency's Office of Enforcement, Office of General Counsel and Office of Pesticide Programs.

The Secretary has appointed, in all, any use of a pesticide in contravention of its label provision is, strictly speaking, a violation of the FIFRA and may subject the violator to civil or criminal sanctions. Notwithstanding this narrow construction of section 12(a)(2)(G), the Agency recognizes that the FIFRA, including section 12(a)(2)(G), must be administered in a manner which will achieve compliance with the statutory mandate without placing unreasonable or unworkable burdens upon producers and users of pesticides. The Senate Committee on Agriculture and Forestry expressed the hope that by the "proper administration of the labeling requirements," by "administrative interpretations of the law" and by the "labels approved by him," the Administrator will be able to make it clear to users which pesticide uses are and are not allowed. (Supplemental Report, S. Rep. No. 92-838 92d Cong. 2d Sess, 51, (1972)). In the course of its implementation of the 1972 amendments, and as a result of its experience with the PMRC, the Office of Enforcement has recognized the need to better inform the public regarding pesticide enforcement policy, and the remedies available to regulate pesticide formulation, distribution, use and application.

This narrow construction of section 12(a)(2)(G) will continue to be reflected in the Agency's pesticide enforcement policy except insofar as explicit and well-defined exceptions to this narrow construction are enumerated in the series of PEPS announced in this document. The

Agency may, in the exercise of its prosecutorial discretion, announce in subsequent PEPS that specific pesticide applications or other uses which are not explicitly provided for on the approved product label may be performed without subjecting the applicator or user to prosecution.

III. *Solicitation of Public Comment.* The Pesticides Enforcement Policy Statements relate directly to internal Agency procedures and practice and constitute "interpretive rules" or "general statements of policy." As such, the Agency does not solicit public comment regarding matters published in this series of notices. However, interested persons may submit written comments regarding the policy set forth in this PEPS to the Pesticides Enforcement Division (EG 342), Office of Enforcement, Environmental Protection Agency, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the EPA and others interested in inspecting the document.

Dated: April 30, 1975.

ROBERT T. BAUM,
Acting Assistant Administrator for Enforcement.

[FR Doc.75-11711 Filed 5-2-75;8:45 am]

[FRL 369-3]

USE OF REGISTERED PESTICIDES AT LESS THAN LABEL DOSAGE RATE

Pesticide Enforcement Policy Statement No. 1

I. *Background.* On the U.S. Environmental Protection Agency published in the FEDERAL REGISTER a document entitled "Notice of the Institution of a Series of Pesticide Enforcement Policy Statements" (PEPS) (40 FR 19526). It was the Agency's purpose in instituting this series of Policy Statements to inform those engaged in the formulation, distribution, sale, application or other use of pesticides, as well as interested segments of the general public, of policies adopted by the Agency in the exercise of its prosecutorial discretion in the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (FIFRA). It was suggested in that notice that a large number of these Pesticide Enforcement Policy Statements would involve particular aspects of pesticide use.

These PEPS are prepared and published by EPA's Office of Enforcement. The series of PEPS, insofar as they may regard pesticide use, represent an application of the Agency's prosecutorial discretion. In exercising its prosecutorial discretion, the Agency strives to provide that level of control over regulated activities which is consistent with its public trust and its statutory mandate to protect man and the environment from the hazards associated with the formulation, distribution, sale, application or other use of pesticides.

In making enforcement policy determinations, the Office of Enforcement considers the regulatory purpose to be advanced by compliance with the labeling provisions, customary pesticide application or use practice, the weight of the equities under the totality of the circumstances, and the standard which was imposed by Congress for determining the appropriateness of particular applications or uses of a registered pesticide. This standard was described by the Senate Committee on Agriculture and Forestry when it noted that:

> (I)t is not the intention of the Committee to prohibit any use which is in no way harmful, and which has only beneficial effects on man and his environment (S. Rep. No. 92-838, 92 Cong. 2d Sess. 16 (1972)).

Whether a particular use is to be considered "beneficial" or "harmful" is a determination to be made by the Agency. It is presumed for enforcement purposes that the affirmative provisions of a product label which are accepted by the Agency in conjunction with the product's registration contain allowable uses for the product. Accordingly, an application or other use of a registered pesticide which is not affirmatively provided on the approved label may be considered to be a use of a registered pesticide "in a manner inconsistent with its labeling" and may subject the violator to civil or criminal sanctions.

The Office of Enforcement, in the exercise of its prosecutorial discretion, may determine that some uses or applications which are not affirmatively provided on the label are, nonetheless, to be allowed. The Agency has instituted the series of Pesticide Enforcement Policy Statements to provide public notice of instances in which deviations from the precise language of the product label will not subject the user to enforcement liability. It is understood that no deviation from the affirmative provisions of an approved label shall be allowed which is not explicitly countenanced in a published Pesticide Enforcement Policy Statement.

The legislative history of the 1972 amendments to FIFRA suggests that it was the intent of Congress to ensure that the Agency evaluate the meaning of the term "inconsistent with the label" in a common sense manner. The House of Representatives Committee on Agriculture specifically addressed this issue as it relates to the use of a registered pesticide at a dosage rate lower than that approved on the label:

> It is the intent of this definition that articles designated for general or restricted use may be used by a pesticide applicator at a lower dilution than that specified on the label. While it would obviously be dangerous to permit more concentrated solutions to be used, the Committee recognizes the need to apply the standard of use "inconsistent" with respect to labeling in a common sense manner. Thus for example the use of pesticide solutions in lower amounts for aerial spraying, when otherwise determined to be safe, should be permitted. (H.R. Rep. No. 92-511 92d Cong. 1st Sess., 16 (1971).)

In light of this legislative history, this policy statement regarding the application or use of a registered pesticide at less than the label dosage rate may appear to define the Agency's regulatory jurisdiction under FIFRA. This PEPS does not presume to define the Agency's regulatory jurisdiction, but rather represents the exercise of the Agency's prosecutorial discretion. It defines pesticide application or use practices which will (or will not) subject the user to prosecution, but does not define pesticide application or use practices which do (or do not) violate FIFRA section 12(a)(2)(G). If the Administrator subsequently promulgates regulations which interpret the scope of the Agency's regulatory jurisdiction, the Office of Enforcement will revoke or amend this PEPS to conform to subsequent regulations.

Recently, many persons have sought permission from the Agency to apply or use pesticides at lower dosage rates than those specified on their accepted labels. Such persons have inquired into the circumstances and conditions under which use at a lower dosage rate may, as a matter of prosecutorial discretion and legislative intent, be deemed to be consistent with the purposes and objectives of FIFRA as amended.

II. *Use of a registered pesticide at less than the label dosage.* The Agency has determined that an application or use of a registered pesticide at a lower dosage rate than that recommended on the accepted label will be permitted if such application or use (a) is recommended in writing by a knowledgeable expert, (b) is efficacious against the target pest, and has only beneficial effects to man and the environment, (c) is performed in accordance with all other label instructions and precautions, and (d) is not repeated at the low dosage rate so frequently as to result in a total pesticide dosage higher than that specified on the approved label.

This policy statement shall apply to the following areas of pesticide use: Agricultural pest control, animal pest control, forest pest control, right-of-way pest control, ornamental and turf pest control, seed treatment, aquatic pest control, industrial, institutional, structural and health related pest control, public health pest control, mosquito control, regulatory pest control, and demonstration and research pest control. Notwithstanding the above, the application or use at a lesser dosage rate of a rodenticide, termite control product or antimicrobial agent such as a disinfectant, sanitizer, or fungicide under any circumstances is prohibited. All of the limiting and defining provisions contained in the paragraphs which follow are an integral part of this policy statement.

III. *Applicability of the Pesticide Enforcement Policy Statement Regarding Lesser Dosages.*—A. *Recommendation of Knowledgeable Expert.* A pesticide applicator or user may apply a registered pesticide at a dosage rate less than that which appears on the accepted label only if the application or use is recommended in writing as safe and efficacious by a recognized expert in pest control practices. This recommendation may be made in a general statement or published document issued by an appropriate State or Federal official or as part of a program

developed by an independent and qualified pest management specialist. This written recommendation must be in the possession of the applicator or user prior to the application or use, and must be made available to an official representative of the Agency upon request.

Recognized authorities in the field of pest control are often employed by organizations such as State Cooperative Extension Services, Federal or State departments or agencies, State and Federal Public Health Services. Independent pest management specialists and pest management consultants are also considered to be competent to offer advice regarding dosage rates which will be safe and efficacious in particular environmental circumstances. These recommendations may be made through current scientific journals, textbooks, manuals, technical bulletins or by specific written instructions from a qualified person to the individual.

Responsibility for the safe and efficacious use of the pesticide and for full compliance with the terms of this Pesticide Enforcement Policy Statement may rest with either the user or the recommending expert, or both, as the equities of the circumstance may require. It must be recognized, however, that the Agency has neither assessed nor approved the efficacy of the pesticide application or use at a lower dosage rate.

B. *Product Efficacy and Harmful Effects.* The Agency will construe any application or use at less than the label dosage which his inefficacious or which is in any way harmful to man or the environment to be a use inconsistent with the labeling as prohibited in the Act. Enforcement action will be taken on a case-by-case basis for such violators where repeated abuse of this policy or continued harm to man or the environment has occurred.

An application or use is inefficacious if it results in the control of substantially fewer pests than is normally associated with pesticide use in comparable environmental circumstances or than is intended. The efficacy of any particular pesticide application or use may depend upon the genetic composition of the target pest, pest population dynamics, environmental circumstances, geographic and climatic factors, and the presence of beneficial insects or other organisms.

C. *Directions for Use and Other Precautionary Labeling.* Acceptability of a lesser dosage rate in no way alters or modifies any other label provision or direction for use. Label provisions which must be complied with at all times (regardless of the application dosage rate) include but are not limited to statements regarding product mixing, loading and preparation, application methods, reentry standards, protective clothing or equipment, product and container transportation, storage, and disposal, warning statements, and the minimum application interval before harvest.

No label instruction which affirmatively prohibits use of a lesser dosage dosage may be violated. A pesticide application at a dosage rate which contradicts a specific label minimum dosage rate will be considered to be a violation of the Act.

While dosage rates less than the label levels are considered acceptable, any application or use of any registered pesticide at a dosage rate above the label level is strictly prohibited and will subject the user to criminal or civil penalties. In situations where target pests can no longer be controlled with label recommended levels because of pest resistance or other reasons, it will be necessary for the registrant to petition the Agency for an appropriate amendment of the registered labeling. This action is necessary (1) to ensure that proposed increases in label dosages are properly evaluated in respect to human or environmental hazards as required by the amended FIFRA or (2) to determine if the proposed actions may violate tolerance regulations for food or feed crops established under authority of the Federal, Food, Drug and Cosmetic Act (FFDCA).

D. *Total Pesticide Dosage.* This policy which allows the use of lesser dosages in no way permits the application or use (by frequent or repeated applications) of a greater total quantity of pesticide within a period of time where specified on the approved label.

E. *Under-Formulation by Registrant or Producer.* This policy which allows the use of a lesser dosage in no way condones an under formulation of the pesticide product by the pesticide producer. The allowable formulation of the registered product and the required statement of active ingredients on the label is not affected by this policy statement.

IV. *Duration of Pesticide Enforcement Policy Statement.* This Pesticide Enforcement Policy Statement will remain in effect until amended or modified by subsequent published PEPS or by regulations promulgated by the Administrator. The Agency will evaluate the policy announced herein to determine those areas of pesticide use or those classes of pesticide products in which problems arise. Revocation of the permission to use lesser dosages in specific situations may result from a determination by the Agency that such application or use is either inefficacious or harmful to man or the environment.

V. *Public Comment.* The PEPS relate directly to internal Agency procedures and practice and constitute "interpretive rules" or "general statements of policy". As such, the Agency does not solicit public comment regarding matters published in this series of notices. However, interested persons may submit written comments regarding the policy set forth in this PEPS to the Pesticides Enforcement Division, (EG 342), Office of Enforcement, Environmental Protection Agency, Washington, DC, 20460. Three copies of the comments should be submitted to facilitate the work of the EPA and others interested in inspecting the document.

Dated: April 30, 1975.

ROBERT T. BAUM,
Acting Assistant Administrator for Enforcement.

[FR Doc.75-11712 Filed 5-2-75;8:45 am]

[FRL 367-6; OPP-32000/239]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before July 7, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 7, 1975.

Dated: April 23, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-32000/239)

EPA File Symbol 8590-UAA. Agway Inc., Fertilizer-Chemical Div., Box 1333, Syracuse NY 13201. AGWAY GARDEN SPRAY CONCENTRATE. Active Ingredients: Pyrethrins 1.0%; Piperonyl Butoxide, Technical (Equivalent to 8.0% of (butylcarbityl) (6-propylpiperonyl) ether and to 2.0% of related compounds) 10.0%; Petroleum Distillate 79.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 32273-R. Behr Process Corp., Box 1287, Santa Ana CA 92703. BEHR WOOD PRESERVATIVE NO. 91. Active Ingredients: Pentachlorophenol 4.5%; Other Chlorophenols 0.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24.

EPA File Symbol 34224-RN. Chemrite Corp., 12000 S. Daphne Ave., Hawthorne CA 90250. CR-316 SANIRITE. Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Sodium metasilicate 3.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 1.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA Reg. No. 677-313. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. BRAVO 6F FUNGICIDE. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 54.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 3658-UL. The Dolphin Paint & Chemical Co., 922 Locust St., Toledo OH 43603. 9132 RED VINYL ANTIFOULING BOTTOM PAINT. Active Ingredients: Cuprous Oxide 52.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM22.

EPA Reg. No. 352-342. E. I. Du Pont De Nemours & Co. (Inc.), 7056 Du Pont Bldg., Wilmington DE 19898. LANNATE METHOMYL INSECTICIDE SMALL GRAINS. Active Ingredients: Methomyl S-Methyl N-[(methylcarbamoyl)oxy] thioacetimidate 90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use. PM12.

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE PEPPERS. Active Ingredients: Methomyl S-Methyl N-[(methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use. PM12.

EPA Reg. No. 352-370. E. I. Du Pont De Nemours & Co. (Inc.). LANNATE L METHOMYL INSECTICIDE TOMATOES. Active Ingredients: Methomyl S-Methyl N-[methylcarbamoyl)oxy] thioacetimidate 24%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Additional use. PM12.

EPA File Symbol 11694-TE. Dymon, Inc., 3401 Kansas Ave., Kansas City KS 66106. CONTACT. Active Ingredients: Pyrethrins 0.30%; Piperonyl butoxide, technical (Equivalent to 0.48% (butylcarbityl) (6-propylpiperonyl) ether and 0.12% related compounds) 0.60%; N-Octyl bicycloheptene dicarboximide 1.00%; Petroleum distillate 8.10%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 4816-394. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. ROACH & ANT LIQUID SPRAY. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical (Equivalent to 0.21% of (butylcarbityl) (6-propylpiperonyl) ether and to 0.052% related compounds) 0.262%; Petroleum Distillate 90.206%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional use. PM12.

EPA File Symbol 24909-I. Knapp Chemical Co., 5227 East Pine Ave., Fresno CA 93727. KNAPP ROACH CONTROL INSECTICIDE AEROSOL. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical (Equivalent to 0.8% of (butylcarbityl) (6-propylpiperonyl) ether and 0.2% of related compounds) 1.0%; Silica Gel 4.0%; Petroleum Distillate 4.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 4476-TA. Morton Pharmaceuticals, Inc., 1625 N. Highland St., Memphis TN 38108. MORTON FLEA SPRAY. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.024%; Other cube resins 0.048%; Petroleum distillate 0.224%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA File Symbol 1706-RUA. Nalco Chemical Co., 6216 W. 66th Place, Chicago, IL 60638. NALCO 2532 MICROORGANISM CONTROL CHEMICAL. Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 12.5%; bis(tri-n-butyltin) oxide 2.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM31.

EPA File Symbol 4029-EO. Oil Specialties & Refining Co., Inc., 18 Bridge St., Brooklyn NY 11201. CRAWLING AND FLYING INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.15%; Piperonyl Butoxide, Technical (Equivalent to 1.2% of (butylcarbityl) (6-propylpiperonyl) ether and to 0.3% of related compounds) 1.50%; Petroleum Distillate 98.35%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 11525-3. Peterson/Puritan Inc., Hageler Ln., Danville IL 61832. P/P INSECTICIDE NO. 2. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic Petroleum hydrocarbons 0.332%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional use. PM17.

EPA File Symbol 655-LGG. Prentiss Drug & Chemical Co., Inc., 363 Seventh Ave., New York NY 10001. PRENTOX DPBM CONCENTRATE #4425. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.46%; Other related compounds 0.04%; Pyrethrins 2.00%; Piperonyl Butoxide, Technical (Equivalent to 3.2% (Butylcarbityl) (6-propylpiperonyl) Ether and 0.8% related compounds) 4.00%; N-octyl bicycloheptene dicarboximide 4.00%; Petroleum Distillates 89.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 1159-ROT. Seacoast Laboratories, Inc., PO Box 157, East Brunswick, NJ 08816. TWIN LIGHT MULTI-PURPOSE SPRAY. Active Ingredients: Carbaryl (1-Naphthyl N-methyl-carbamate) 10.0%; Malathion (0,0-Dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 8.0%; Folpet N-(Trichloromethylthio) Phthalimide 14.5%; 1, 1-Bis (Chlorophenyl)-2,2,2-Trichloroethanol 1.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM13.

EPA File Symbol 6720-ELN. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa, FL 33601. SMCP ABATE 2% GRANULAR INSECTICIDE. Active Ingredients: 0,0,0',0'-tetramethyl 0,0'-thiodi-p-phenylene phosphorothioate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 6720-EUI. Southern Mill Creek Products Co., Inc. SMCP ABATE 1% GRANULAR (SAND). Active Ingredients: 0,0,0'0'-tetramethyl 0,0'-thiodi-p-phenylene phosphorothioate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 6720-EUO. Southern Mill Creek Products Co., Inc. SMCP ABATE 1% GRANULAR (CELATOM). Active Ingredients: 0,0,0',0'-tetramethyl 0,0'-thiodi-p-phenylene phosphorothioate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 6720-EUT. Southern Mill Creek Products Co., Inc. SMCP ABATE 5% GRANULAR INSECTICIDE. Active Ingredients: 0,0,0',0'-tetramethyl 0,0'-thiodi-p-phenylene phosphorothioate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM15.

EPA File Symbol 944-RT. Veterinary Dept., Winthrop Labs., Div. of Sterling Drug Inc., 90 Park Ave., New York, NY 10016. SEBBATIX INSECTICIDAL SHAMPOO FOR DOGS AND CATS. Active Ingredients: Pyrethrins 0.05%; Piperonyl butoxide, technical (Equivalent to 0.096% (butylcarbityl) (6-propylpiperonyl) ether and 0.024% related compounds) 0.12%; N-octyl bicycloheptene dicarboximide 0.20%; Essential oils 0.50%; Petroleum Distillate 0.28%. Method of Support: Application proceeds under 2(c) of interim policy. PM17.

EPA Reg. No. 148-590. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. MALATHION E-8. Active Ingredients: Malathion (0,0-Dimethyl dithiophosphate of diethyl mercaptosuccinate) 82.00%; Xylene 1.60%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Additional claims added. PM16.

[FR Doc.75-11495 Filed 5-2-75;8:45 am]

FEDERAL MARITIME COMMISSION

INTERNATIONAL PASSENGER SHIP ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California, and 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 May 26, 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 application for extension of an approved agreement filed by:

William J. Armstrong
Secretary General (Acting)
International Passenger Ship Association
17 Battery Place, Suite 631
New York, New York 10004

Agreement No. 9856-3 is an application by the International Passenger Ship Association to extend approval of its agreement for an unlimited period from June 22, 1975.

The International Passenger Ship Association is a conference of steamship lines engaged in passenger operations.

The stated purpose of the Association is to foster steamship passenger operations in the best practicable conditions, to maintain friendly cooperation among the Member Lines, to discuss and if agreed by the Member Lines to establish and maintain equitable fares, to regulate rates of commission, to co-ordinate action, harmonize policies and regulate conditions generally for or in connection with the passenger operations of the Member Lines.

Dated: April 30, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-11660 Filed 5-2-75;8:45 am]

NEW YORK FREIGHT BUREAU (HONG KONG)

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 May 26, 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:

Charles F. Warren, Esq.
1100 Connecticut Avenue NW.
Washington, D.C. 20036

Agreement No. 5700-22 is an application on behalf of the member lines of the New York Freight Bureau (Hong Kong) to extend the presently approved intermodal authority, as set forth in Article 6 of the conference agreement, for a period of eighteen months beyond July 23, 1975. Under the extended authority applied for, it is provided that if the conference does not exercise the intermodal tariff publishing authority granted within the first twelve (12) months of the said extended period, the member lines may publish their own intermodal tariffs thereafter. However, should the conference file its own intermodal tariff after the elapse of said twelve-month period and the member lines do likewise, the conference tariff would supersede the member lines intermodal tariffs only to the extent that origins, destinations and tariff commodity descriptions are the same.

Dated: April 29, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-11661 Filed 5-2-75;8:45 am]

SACRAMENTO-YOLO PORT DISTRICT AND CARGILL OF CALIFORNIA, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, NY., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 26, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. John J. Hamlyn, Jr.
Downey, Brand, Seymour & Rohwer
555 Capitol Mall
Sacramento, California 95814

Agreement No. T-21-4, between the Sacramento-Yolo Port District and Cargill of California, Inc. (Cargill), modifies the basic agreement which provides for the lease to Cargill of a grain terminal facility at Sacramento, California. The purpose of the modification is to increase the monthly rental as well as the required minimum tonnage for the 5-year period ending June 30, 1980.

Dated: April 30, 1975.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-11662 Filed 5-2-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. R-411, RM74-4]

ADVANCE PAYMENT PROGRAM FOR GAS EXPLORATION, DEVELOPMENT AND PRODUCTION

Order in Compliance With Court Mandate Instituting Investigation

APRIL 28, 1975.

Pursuant to the Natural Gas Act, particularly sections 4, 5 and 8, 10, 14 and 16 thereof, and the Administrative Procedure Act, 5 U.S.C. 553, the Commission hereby institutes an investigation of the Commission's advance payments program. We are taking this action to comply with the mandate of the United States Court of Appeals for the District of Columbia Circuit, in "Public Service Commission of the State of New York v. Federal Power Commission, —— U.S. App. D.C. ——, —— F.2d ——" (Case Nos. 73-1338 and 74-1301, decided January 14, 1975) wherein the Court remanded the record related to Order Nos. 465 and 499 to the Commission with instructions to make further findings, and secure further comments, data, and relevant evidence, with respect to four basic areas to determine the validity of the Commission's action in extending the advance payments program for one year in Order No. 465, and for two years in Order No. 499.[1] Specifically, the Court held that (1) the data presented by the Commission in Order Nos. 465 and 499 as justification for its extensions and expansions of the advance payment programs did not provide an adequate basis

[1] We have refrained from instituting this investigation prior to this date because our request that the Solicitor General seek Supreme Court review of the Court's decision in this case was not acted upon by the Solicitor General until very recently.

for determining whether the program's gas supply enhancing objectives were satisfactorily met at an acceptable level of ultimate economic cost to the consumers, (2) the Commission held failed to consider the effect of other methods of enhancing capital formation including those implemented by it since the institution of the advance payment prosumers, (2) the Commission had failed focus on the difference between the need for and effect of onshore and offshore advances, and (4) had inadequately considered the treatment to be given to advances which result in the acquisition of working interests by pipelines or their production affiliates.

In order to comply with the Court's mandate, we propose the following procedure. In Appendix A to this order, we have compiled a list of all natural gas pipelines subject to our jurisdiction who, to our knowledge, have made advance payments to producers under our advance payment program. We shall make all such pipelines parties respondents to this investigation and require them by June 15, 1975, to complete and return to us the questionnaire attached as Appendix B [2] to this order. This questionnaire is similar to the Form 102 used to gather data for the evaluations conducted prior to the issuance of Order No. 465 and Order No. 499 with the significant exception, inter alia, that it will require a breakdown of proven and probable reserves on a contract by contract basis.

When the Commission has received the completed questionnaires, we shall compile them and notice them for comments. At that time we shall also make all of the producers, who have received advances from the pipelines (as indicated on the questionnaires) respondents to this proceeding, and require them, as well as the pipelines listed in Appendix A, to file comments, data, sworn prepared testimony, exhibits and/or whatever information the respondents may consider to be appropriate on each and every advance payment agreement to which the respondent is a party.[3] The comments should be directed to, inter alia, the following Commission inquiries:

(1) How much of the proven and probable reserves related to the particular advance payment agreement would not have been forthcoming to the interstate market but for the advance?

(2) If the advance was a necessary factor in securing the dedication of the reserves to the interstate market, was it due to (1) the fact that the producer had insufficient capital available from alternate sources to undertake the necessary exploration, development, and production activity or (2) competitive pressure from other prospective purchasers or (3) other reasons. If due to competitive pressure from other purchasers or other reasons, specify.

(3) In addition to the information requested in question 2, all producer respondents shall indicate regarding each advance received, what alternate sources of capital were available at the time the particular advance was made by the pipeline and why such sources were not sufficient, absent the advance, to ensure exploration, development and production of the tract covered by the advance payment agreement, and to ensure the dedication and delivery to the interstate market of the proven and probable reserves attributable to the advance payment agreement. In discussing alternate sources of capital, specific reference shall be made to the exact source of the alternate capital; i.e. was the capital generated by the national rate prescribed in Opinion No. 699-H, issued December 4, 1974 in Docket No. R-389-B; by the optional pricing procedure set forth in Order No. 455, 48 FPC 218 (1972); by special relief from area rate provisions such as "George Mitchell, et al.," Opinion No. 649; or by other provisions or from other sources.

(4) All respondents shall indicate what portion of gas that would have eventually been forthcoming to the interstate market without advance payments, such as gas from offshore areas, actually reached the market sooner as a result of the particular advance than it would have absent the advance payment. In this regard, what is a reasonable estimate of the time saved as a result of the program's speeding of capital formation? [4]

(5) All respondents shall comment upon the rationale set forth in Order Nos. 465 and 499 for permitting rate base treatment for advances resulting in the acquisition of a working interest by a pipeline or a pipeline affiliated producer. Also, comments shall be filed as to whether the benefits from a working interest should be retained in whole or in part by the pipeline or credited to the pipeline's cost of service. The advisability of rate base treatment of advances resulting in the acquisition of working interest by a pipeline or a pipeline affiliated producer should also be discussed in light of the Commission's policy, prescribed in Order No. 441, of crediting to cost of service the benefits of economic interests other than working interests.[5]

In responding to questions 1 through 5, the respondents shall file such documentation as essential to support their responses to these questions. In addition to requiring the aforementioned respondents to submit responses to the previously mentioned questions, we also invite all interested parties,[6] including members of our staff to file comments concerning the issues raised by the Court's opinion, and discussed in the instant order, as well as any other issues relevant to the Commission's advance payment program in relation to capital commitment for required exploration and development.

Furthermore, we shall also provide for responding comments to ensure that all parties have adequate opportunity to present their views in this proceeding. The dates for initial and reply comments shall be set by further order of the Commission.

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

Arkansas Louisiana Gas Company
Post Office Box 1734
Shreveport, Louisiana 71151

Cascade Natural Gas Corporation
1707 Security Life Building
Denver, Colorado 80202

Cities Service Gas Company
First National Building
Oklahoma City, Oklahoma 73125

Colorado Interstate Gas Company
P.O. Box 1087
Colorado Springs, Colorado 80901

Columbia Gas Transmission Corporation
20 Montchanin Road
Wilmington, Delaware 19807

Consolidated Gas Supply Corporation
445 West Main Street
Clarksburg, West Virginia 26301

Consolidated Natural Gas Limited
1300 Elveden House
717-7th Avenue, SW.
Calgary, Alberta
TZP 023

El Paso Natural Gas Company
El Paso, Texas 79978

Kansas-Nebraska Natural Gas Company, Inc.
300 North St. Joseph Avenue
Hastings, Nebraska 68901

Kentucky West Virginia Gas Company
Second National Bank Building
Ashland, Kentucky 41101

Lone Star Gas Company
301 S. Harwood Street
Dallas, Texas 75201

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[2] Filed as part of the original document.

[3] If the advance payment agreement covers more than one prospect, the responses shall further be broken down on a prospect by prospect basis.

[4] In light of the detail required in the questionnaire and in the comments, we shall be able to determine which advances are attributable to offshore areas and which to onshore areas and thus evaluate the different factors relevant to each category.

[5] For purposes of clarification we hereby restate the following definition of "working interest" and economic interest other than working interests," which were originally set forth in Order No. 441:

Working Interest—An interest embodying operating rights and/or the right to share in production or revenues from the producing venture, so that its receipt of production or revenues will increase as the production or revenues from the producing venture increase, without any termination of such right to receive production or revenues after the return of the amount of any related advance payment.

Economic Interests—All interests other than a working interest.

[6] To this end, we are sending a copy of this order to, and shall place on our mailing list, all parties included in the list of governors, state public service commissions, state resource agencies and interested federal agencies compiled by the Commission Secretary in Docket No. RM74-25, notice of proposed rulemaking, Policy With Respect To Certification of Pipeline Transportation Agreements.

McCulloch Interstate Gas Corporation
10880 Wilshire Blvd.
Los Angeles, California 90024

Michigan Wisconsin Pipe Line Company
One Woodward Avenue
Detroit, Michigan 48226

Mid Louisiana Gas Company
P.O. Box 1707
Shreveport, Louisiana 71166

Mississippi River Transmission Corp.
9900 Clayton Road
St. Louis, Missouri 63124

Montana-Dakota Utilities Co.
400 North Fourth Street
Bismarck, North Dakota 58501

Mountain Fuel Supply Company
180 East First South
P.O. Box 11368
Salt Lake City, Utah 84111

Natural Gas Pipeline Company of America
122 South Michigan Avenue
Chicago, Illinois 60603

Northern Natural Gas Company
2223 Dodge Street
Omaha, Nebraska 68102

Pacific Gas Transmission Company
245 Market Street
San Francisco, California 94106

Panhandle Eastern Pipe Line Company
3000 Bissonnet Avenue
P.O. Box 1642
Houston, Texas 77001

Southern Natural Gas Company
P.O. Box 2563
Birmingham, Alabama 35202

Tennessee Gas Pipeline Company
P.O. Box 2511
Houston, Texas 77001

Texas Eastern Transmission Corporation
Texas Eastern Building
Shreveport, Louisiana 71130

Texas Gas Transmission Corporation
3800 Frederica Street
Owensboro, Kentucky 42301

Transcontinental Gas Pipe Line Corporation
3100 Travis Street
P.O. Box 1396
Houston, Texas 77001

Transwestern Pipeline Company
921 Main at McKinney
P.O. Box 2521
Houston, Texas 77001

Trunkline Gas Company
P.O. Box 1642
Houston, Texas 77001

United Gas Pipe Line Company
1500 Southwest Tower
Houston, Texas 77002

Washington Gas Light Company
1100 H Street, NW.
Washington, D.C. 20005

Eastern Shore Natural Gas Company
201 E. Main Street
Salisbury, Maryland 21801

Northwest Pipeline Corporation
Post Office Box 1526
Salt Lake City, Utah 84110

[FR Doc.75-11654 Filed 5-2-75;8:45 am]

[Docket No. RP74-92]

ALGONQUIN GAS TRANSMISSION CO.

Further Postponement of Hearing

APRIL 25, 1975.

On April 24, 1975, Staff Counsel filed a motion to postpone the hearing date fixed by order issued June 28, 1974, as most recently modified by notice issued February 25, 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 hearing date in the above matter is postponed until May 27, 1975, at 2 p.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-11638 Filed 5-2-75;8:45 am]

[Docket No. RP74-61; PGA 75-3]

ARKANSAS LOUISIANA GAS CO.

Order Accepting PGA Rate Increase To Recover Balance of Deferred Gas Cost Account, Suspending Same, Granting Intervention, and Establishing Hearing Procedures

APRIL 28, 1975.

On March 17, 1975 Arkansas Louisiana Gas Company (Arkla) tendered for filing Fifth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1 to become effective May 1, 1975. The filing was made pursuant to the purchased gas adjustment (PGA) provisions of Arkla's tariff in order to reflect a change in Arkla's deferred cost adjustment pursuant to section 13 of the General Terms and Conditions of the above-mentioned Tariff.

Arkla's PGA increase is reflective of two items: (1) A 0.2¢ per Mcf decrease in the current cost of purchased gas, and (2) a 12.09¢ per Mcf initial surcharge to recover the balance in its deferred gas cost account.

The filing was noticed on March 27, 1975, with protests and petitions to intervene due on or before April 9, 1975. On April 4, 1975 the City of Winfield, Kansas (Winfield) filed a Petition to Intervene alleging it is not possible to judge the correctness of Arkla's proposed 12.09¢ per Mcf surcharge without more explanatory data, and requesting a hearing.

Pursuant to a Staff data request of March 25, 1975, Arkla, on April 7, 1975, filed additional information to show the computation of the balance in its deferred account. The amount claimed in Arkla's filing does indeed appear to be the sum of the monthly differences between the amounts actually paid for gas and the amounts reflected in Arkla's rates. However, the data submitted, although consistent with Order No. 452-A, is by accounts rather than by individual purchases.

Upon review of this filing and the material submitted subsequent thereto, we find that the proposed purchased gas adjustment has not been shown to be sufficiently supported by the tendered data. We will therefore suspend the proposal for one day and set the matter for hearing with the anticipation that particular emphasis will be given by all parties to the derivation of the deferred gas cost account by individual purchase.

The Commission finds. It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the purchased gas adjustment contained in Arkla's revised tariff sheet proposed in this docket and that the tendered tariff sheet be suspended as hereinafter provided.

The Commission orders. (A) Pursuant to authority of the Natural Gas Act, particularly section 4 thereof, and the Commission's rules and regulations (18 CFR Ch. I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the proposed purchased gas adjustment in Arkla's Fifth Revised Tariff Sheet to its FPC Gas Tariff, First Revised Volume No. 1 shall be held commencing on September 23, 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.

(B) Pending a hearing and a decision thereon, Arkla's proposed Fifth Revised Tariff Sheet, is accepted for filing as of March 17, 1975, and suspended for one day, the use thereof deferred until May 2, 1975, subject to refund.

(C) On or before August 12, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before August 26, 1975. Any rebuttal evidence by Arkla shall be served on or before September 9, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) The above mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-11639 Filed 5-2-75;8:45 am]

[Docket No. E-9092]

ARKANSAS MISSOURI POWER CO.

Conference on Rates and Charges

APRIL 28, 1975.

Take notice that on May 7, 1975, a conference of all parties to intervene in these proceedings and the Commission Staff will be held in the Commission's Conference Room No. 8402, at 825 North Capitol Street NE., Washington, D.C., at 9:30 a.m., e.s.t.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Arkansas-Missouri's proposed changes to its Resale Service Rate Schedule R–1 and its Transmission Service Rate Schedule W–1, and any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

Copies of this notice are being mailed this date to all jurisdictional customers and interested State commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–11640 Filed 5–2–75;8:45 am]

[Docket No. RP75-62]

CITIES SERVICE GAS CO.

Extension of Procedural Dates

APRIL 25, 1975.

On April 18, 1975, Cities Service Gas Company filed a motion to extend the procedural dates fixed by order issued April 1, 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's and supporting intervenor's testimony, June 9, 1975.
Hearing, July 15, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–11641 Filed 5–2–75;8:45 am]

[Docket No. CP75-299]

CITIES SERVICE GAS CO.

Petition for Declaratory Order

APRIL 28, 1975.

Take notice that on March 7, 1975, Cities Service Gas Company (Cities), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP75–299 a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order to determine (1) whether W. D. Greenshields (Greenshields) and W. D. Greenshields, Inc. (Greenshields, Inc.), have dedicated gas delivered to Cities to interstate commerce and thus must obtain Commission permission and approval to abandon such delivery; and (2) whether Greenshields, Inc., is required to obtain a certificate of public convenience and necessity for such delivery, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Cities states that on November 19, 1971, it entered into a long-term contract with Greenshields and Greenshields, Inc., covering gas produced from one well in the northeast quarter of Section 29, Township 19 North, Range 1 West, Payne County, Oklahoma. Deliveries under this contract were commenced on January 19, 1972, at a base price of 22 cents per Mcf of gas subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, with an annual escalation of 1 cent per Mcf.

Cities states that on January 17, 1974, it entered into a separate contract with Greenshields and Greenshields, Inc., for the purchase of additional gas from wells not covered by the November 19, 1971, contract. It is stated that this new contract contemplated a 180-day emergency purchase and subsequent one-year purchase by Cities pursuant to § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70) because of emergency gas supply conditions then existing, and expected to continue, on Cities' pipeline system. Deliveries under this contract were to begin after notice to Cities and were to be through the same meter and at the same delivery point used for delivery of gas covered by the November 19, 1971, contract, at a base price of 45 cents per Mcf of gas, subject to Btu adjustment.

Cities claims that since gas volumes continued to be delivered to Cities at the meter with neither interruption nor more significant volume changes than had been experienced in the past, it believed that the gas delivered was from the one well covered by the November 19, 1971, contract. Cities states that on May 20, 1974, Greenshields inquired of Cities why he was not receiving the January 17, 1974, contract rate for gas he was delivering to Cities and advised Cities for the first time that all of the gas which was delivered to Cities after the January 17, 1974, contract was negotiated was delivered pursuant to said contract and that the well covered by the November 19, 1971, contract was depleted.

Cities alleges that Greenshields not only failed to advise Cities it was receiving gas pursuant to the 180-day emergency purchase agreement, but he also failed to notify the Commission of the initiation of the emergency sales as required by § 157.29 of the Commission's regulations. In addition, Commission Order 491–D, issued March 1, 1974, in Docket No. RM74–3, terminated the 180-day emergency sale procedures effective March 15, 1974. Because of the above factors, Cities states the parties determined that the January 17, 1974, contract should be renegotiated to comply with the Commission's rules and regulations in effect in May, 1974. However, Cities states that, despite numerous attempts, the parties have been unable to negotiate a new contract.

Cities maintains that it has continued, since January 17, 1974, to receive gas from Greenshields and Greenshields, Inc., from wells covered by the January 17, 1974, contract and, thus, gas deliveries to Cities have continued even beyond the 180-day emergency period envisioned by the January 17, 1974, contract. Cities alleges, however, that neither Greenshields nor Greenshields, Inc., has applied for a limited-term certificate or other certificate to continue the sale. Cities states that this gas comes from eight wells, seven of which are completely owned by Greenshields and the eighth is owned 25 percent by Greenshields, Inc., and 75 percent by Greenshields. Cities claims that, while negotiations continue on a new contract, Cities has paid for this continued flow of gas based upon the rate in the November 19, 1971, contract, and Greenshields and Greenshields, Inc., have accepted such payments.

Finally, Cities alleges that Greenshields has been granted a small producer certificate by order issued March 24, 1972, in Docket No. CS72–553, but that Greenshields, Inc., has neither applied for nor been granted a certificate of public convenience and necessity for the aforementioned gas deliveries.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 15, 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.75-11642 Filed 5-2-75;8:45 am]

[Docket Nos. RP75-35, etc.]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC. ET AL.

Order Granting Interventions, Severing Docket From Consolidated Proceedings, and Severing and Granting Withdrawal of Complaint From Consolidated Proceedings

APRIL 28, 1975.

Consolidated Edison Company of New York, Inc., Complaint, v. Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Respondent, Docket Nos. RP75-35, et al.; The Berkshire Gas Company, Complainant, v. Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Respondent, Docket No. RP75-64; Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Docket No. RP74-24.

By order of February 14, 1975, in the instant docket, the Commission consolidated for hearing and decision the complaints of Consolidated Edison Company of New York, Inc. (Con Ed), Orange and Rockland Utilities, Inc. (O&R), Knoxville Utilities Board, et al., and The Public Service Commission of the State of Tennessee (Knoxville), and Pennsylvania Gas and Water Company (Penn Gas); construed Alabama-Tennessee Natural Gas Company's (Alabama-Tennessee) and General Motors Corporation's (GM) filings as complaints under the Natural Gas Act, and consolidated Alabama-Tennessee's and GM's filings with the aforementioned complaints for hearing and decision. By order of March 14, 1975, in response to motions filed by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and Knoxville to dismiss Knoxville's complaint, the Commission, inter alia, severed Knoxville's complaint (Docket No. RP75-43) from the consolidated proceedings in Docket Nos. RP75-35, et al., and dismissed same. Additionally, in the March 14 order, the Commission consolidated for hearing and decision Berkshire Gas Company's (Berkshire) complaint (filed in Docket No. RP75-64) with the other proceedings in Docket Nos. RP75-35, et al., and directed Berkshire to file testimony and evidence in support of its complaint at the start of the hearing on March 25, 1975.

Petitions to intervene in these consolidated proceedings, have been filed by the Knoxville Utilities Board, et al.,[1] Con Ed, Hooker Chemicals and Plastics Corporation, Stauffer Chemical Company, and Chattanooga Gas Company. A notice of intervention was filed by the Public Service Commission of the State of Tennessee.

Con Ed states in its petition to intervene that it "* * * is uncertain as to whether or not Docket No. RP74-24 remains a consolidated docket within these proceedings * * *" We believe that our order of March 14, 1975, answered Con Ed's question, for we stated therein that, "Our order of February 14, 1975, in the instant proceeding was designated in Docket No. RP74-24, et al., our reference to that docket was solely for the purpose of denying GM's petition to reopen the proceedings in Docket No. RP74-24." (at p. 2; emphasis supplied). It was not our intent, with the issuance of our February 14 order, nor is it now, to include within the scope of these consolidated proceedings those issues raised in Docket No. RP74-24. Our reference to Docket No. RP74-24 in the February 14 order was twofold, (1) to deny GM's January 24, 1975, motion which requested the Commission to, inter alia, reinstate Tennessee's prior base period pendente lite, and reopen the record in Docket No. RP74-24; and (2) to point out that the issue raised by GM's filing, i.e. the proper base period for Tennessee to utilize in the implementation of its curtailment plan, is an issue in the instant proceeding. In any event the record in Docket No. RP74-24 is closed, and we do not believe that any useful purpose would be served by raising and considering in this proceeding the issues already raised and briefed in Docket No. RP74-24. Accordingly, to avoid further confusion, we shall herewith sever Docket No. RP74-24 from these consolidated proceedings. GM shall remain as a party to this proceeding and any testimony or evidence offered herein shall be considered in light of the foregoing discussion. Additionally, any party who petitioned to intervene in Docket No. RP74-24, et al., shall remain a party to this consolidated proceeding, and need not file an additional petition to intervene.

On March 31, 1975, Berkshire filed with the Commission, in Docket No. RP75-64, a "Notice of Withdrawal of Complaint". Berkshire states that its withdrawal is filed pursuant to § 1.11(d) of the Commission's rules of practice and procedure. As grounds for its withdrawal Berkshire states that the parties to Docket Nos. RP75-35, et al., have agreed that Tennessee may make the requested corrections in Berkshire's end-use data, effective as of and since April 1, 1975, subject to the following conditions: (1) that Berkshire agrees to subject all of its end-use data to such future verification procedures as may be established for the end-use data of all Tennessee customers; and (2) that Berkshire agrees to repay any volumes that may ultimately be determined to have been improperly reclassified from priority-of-service 3 to priority-of-service 2.

Under § 1.11(d) of the Commission's rules of practice and procedure the withdrawal of a pleading after the commencement of hearing requires the Commission's express permission. As such, a "Notice of Withdrawal" will not lie at this stage of the proceeding. However, since Berkshire has complied in all other respects with the requirements of § 1.11(d) we shall, (1) sever Berkshire's complaint from these consolidated proceedings, and (2) construe Berkshire's filing to be a request to withdraw its complaint from this consolidated proceeding and grant same. Additionally, any party who filed a petition to intervene in Docket No. RP75-64, shall remain a party to the consolidated proceedings, and need not file an additional petition to intervene.

The Commission finds. (1) Good cause exists to sever the complaint of the Berkshire Gas Company, filed in Docket No. RP75-64 on February 12, 1975 from these consolidated proceedings, and grant Berkshire's request to withdraw same.

(2) Good cause exists to sever Docket No. RP74-24 from these consolidated proceedings.

(3) The intervention of the above-named petitioners may be in the public interest.

The Commission orders. (A) The complaint of the Berkshire Gas Company, filed in Docket No. RP75-64 and consolidated into Docket Nos. RP75-35, et al., by Commission order of March 14, 1975, is hereby severed from these consolidated proceedings, and Berkshire's request to withdraw its complaint from this consolidated proceeding is hereby granted.

(B) Docket No. RP74-24 is hereby severed from the consolidated proceedings in Docket Nos. RP75-35, et al.

(C) The above-named parties are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene: *And provided, further,* That the admission of such petitioners shall not be construed by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-11643 Filed 5-2-75;8:45 am]

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[1] Knoxville Utilities Board is comprised of the following private and municipal gas companies: Athens Utilities Board, Citizens Gas Utility District, Cookeville Gas Department, The Elk River Public Utility District, Etowah Utilities Department, Fayetteville Gas System, Gallatin Natural Gas System, Harriman Utility Board, Knoxville Utilities Board, Hawkins County Utility District, Lenoir City Utilities Board, Lewisburg Gas Department, Loudon Utilities Board, Madisonville Gas System, First Utility District of Maury County, Middle Tennessee Utility District, Rockwood Natural Gas Company, Marion Natural Gas System, Sweetwater Board of Public Utilities, Jefferson-Cocke County Utility District, Sevier County Utility District, Volunteer Natural Gas Company, and United Cities Gas Company.

[Docket No. E-9294]

DETROIT EDISON CO.

Order Granting Motion To Reject and Allowing Intervention

APRIL 28, 1975.

On February 28, 1975, Detroit Edison Company (Company) tendered for filing proposed increases in rates to seven wholesale customers within the State of Michigan. The proposed effective date for the increases was April 1, 1975. Notice of the filing was issued on March 11, 1975. By order issued March 27, 1975, the Commission accepted the proposed rate increases for filing and suspended the use of the proposed rates for sixty days.

On March 21, 1975, Southeastern Michigan Rural Electric Cooperative, Inc. (Southeastern), Thumb Rural Electric Cooperative, Inc. (Thumb), Michigan Municipal Cooperative Power Pool (Power Pool), the City of Crosswell, Michigan (Crosswell), and the Village of Sebewaing, Michigan (Sebewaing) filed timely petitions to intervene. On March 27, 1975, Consumers Power Company (Consumers) filed an untimely petition to intervene. The above-named parties are all wholesale customers of the Company. Accordingly, we find that the above-named petitioners have sufficient interest in these proceedings to warrant their intervention.

In addition, Southeastern and Thumb have filed a motion to reject the filing in this case as it affects Southeastern and Thumb. Southeastern and Thumb base their motion on the rule of Mobile-Sierra[1] which requires that the Commission reject a filing which is inconsistent with a contract to which the filing party is a party.[2] Southeastern and Thumb rely on the following language, which is contained in both of their respective contracts, to show that each of their respective contracts is still in force:

CONTRACT TERM

The rates established herein shall be effective from and after May 1, 1972.

Contract Term is for an initial period of two years extending thereafter from month to month until terminated by mutual consent or on twelve months written notice by either party which may be given at any time after the end of the first year.

Southeastern and Thumb state that since neither have been given twelve months writen notice, both of their contracts remain in force.

Southeastern and Thumb then state that the currently effective contracts do not permit unilateral rate increases by the Company. The Company disagrees and relies on the following language:

It is expressly understood that the rates, charges and rules for wholesale electric service to the Cooperative are subject to the jurisdiction and order of the Michigan Public Service Commission and are subject to change from time to time by order issued from said Commission. A copy of this Agreement will be filed with the Michigan Public Service Commission.

Southeastern and Thumb point out that similar language was held not to allow unilateral rate increase filings in Richmond, supra.

The Company responds by stating that the issue of the meaning of the disputed language has already been litigated and decided in our Order in a previous Company case, Docket No. E-7687, issued January 21, 1972. The Company states that Thumb and Southeastern should not be allowed to relitigate this issue. Even if the issue is relitigated, the Company states that the disputed language is sufficiently distinguishable from the language interpreted in Richmond, supra, to warrant a different result.

However, it does not appear that we must decide whether we should reverse ourselves on this language, because, the parties have amended the contracts to delete the language. In both of the contracts under consideration the language appeared under the caption "Contract Term". In the amendments to the contract filed with the Settlement Agreement which terminated Docket No. E-7687, the following language appeared in the Company's rate schedule FPC No. 4 (Thumb):

Delete the following existing provisions of * * * "Contract Term" and substitute the following as indicated * * *

The following language appeared in the Company's rate schedule FPC No. 14 (Southeastern):

Delete all existing provisions of * * * "Contract Term" and substitute respectively therefore the following * * *

The new language substituted in both contracts is identical:

The rates established herein shall be effective from and after May 1, 1972.

Contract Term is for an initial period of two years extending thereafter from month to month until terminated by mutual consent or on twelve months written notice by either party which may be given at any time after the end of the first year.

This Argument is offered with acceptance conditional upon approval of the Administrator of the Rural Electrification Administration or his delegate.

It is clear that the language which the Commission found allowed the Company to make a unilateral rate increase filing is no longer a part of either contract. It was deleted and no comparable language was inserted in its place. We are left with a fixed-rate contract with no provision allowing a unilateral application for change in rates by the Company. Moreover, since no notice of termination has been given, the contract is still in force. Therefore, the filing in this docket must be rejected for the two customers who have so moved, and we shall amend our prior order in this docket to that extent.

The Commission finds. (1) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding.

(2) The contracts under which the Company serves Southeastern and Thumb are contracts with no provision allowing either party to unilaterally change or seek to change the rates under which service is rendered.

(3) Southeastern and Thumb's motion to reject should be granted.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; *And Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring and procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) Southeastern and Thumb's motion to reject the Company's filing as it affects them is hereby granted.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-11644 Filed 5-2-75;8:45 am]

[Docket No. RP72-134; PGA75-9A]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

APRIL 28, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on April 22, 1975 tendered for filing two revised tariff sheets which it designated as "Corrected Thirteenth Revised Sheet No. 3A" and as "Corrected Thirteenth Revised PGA-1," to its FPC Gas Tariff, Original Volume No. 1. The tendered sheets are proposed to become effective on May 1, 1975. Eastern Shore requests that the two revised tariff sheets be accepted for filing as a substitution for the similarly numbered tariff sheets which is tendered for filing on April 2, 1975, and it states that a prior correction filing tendered on April 14, 1975 should be discarded.

Eastern Shore states that the increase reflected by Rate Schedule E-1—Excess Gas Service—, as previously tendered for filing, was incorrectly computed, and that

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[1] United Gas Pipe Line Company v. Mobile Service Company, 350 U.S. 332 (1956); F.P.C. v. Sierra Pacific Power Company, 350 U.S. 348 (1956).

[2] See Richmond Power and Light v. F.P.C., 481 F.2d 490 (1973) where the Court stated: "the rule of Mobile-Seirra and Memphis[3] is refreshingly simple: The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid." (footnote omitted).

the corrected sheets now reflect the proper amount of increase for that rate schedule.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and to interested State commissions.

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 May 14, 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.75-11645 Filed 5-2-75;8:45 am]

[Docket No. E-8997]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Filing of Stipulation and Agreement

APRIL 28, 1975.

Take notice that on April 22, 1975, Iowa-Illinois Gas and Electric Company (Iowa-Illinois) tendered for filing a Stipulation and Agreement in the above-referenced docket and moved the Commission for the approval of same and to terminate proceedings in this docket.

The Stipulation and Agreement provides for a total annual increase of $154,929 in revenues from Iowa-Illinois' sole jurisdictional customer Sherrand Power System of Orion, Illinois, rather than 195,750 originally proposed.

Copies of the Stipulation and Agreement are on file with the Commission and are available for public inspection. Any person desiring to comment upon matters contained in this Stipulation and Agreement should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before May 15, 1975. Comments will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-11646 Filed 5-2-75;8:45 am]

[Docket No. RP74-23]

NORTHWEST PIPELINE CORP.

Notice Denying Extension of Time

APRIL 25, 1975.

On April 21, 1975, Northwest Pipeline Corporation filed a motion to extend the date for filing briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued August 28, 1974, in the above-designated matter. The dates were most recently extended by notice issued March 31, 1975. On April 23, 1975, Mobil Oil Corporation filed an answer in opposition to the above motion.

Upon consideration, notice is hereby given that the above motion is denied.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-11647 Filed 5-2-75;8:45 am]

[Docket No. RP75-92]

OKLAHOMA NATURAL GAS GATHERING CORP.

Proposed Increase in Rates

APRIL 25, 1975.

Take notice that on April 21, 1975, the Oklahoma Natural Gas Gathering Corporation (Gathering), tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1. Gathering states that this increase in its jurisdictional rates is in the amount of 2.39 cents per Mcf and results in an annual increase in jurisdictional revenues of $316,471.

Gathering states that copies of this filing were mailed to its jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests 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 May 9, 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.75-11648 Filed 5-2-75;8:45 am]

[Docket Nos. RP71-119, RP74-31-27]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Petition for Extraordinary Relief

APRIL 25, 1975.

Take notice that on April 18, 1975, Columbia Brick and Tile Co. (Columbia Brick) filed a petition for temporary and permanent extraordinary relief from the natural gas curtailments imposed by Panhandle Eastern Pipe Line Company (Panhandle) on Columbia Brick's plant at Columbia, Missouri. Columbia Brick is a direct interruptible customer of Panhandle and claims that its aforementioned plant has a proven production capacity in excess of 6,000,000 bricks per year. Columbia Brick in its petition requests that it be afforded relief that would permit it to take up to 1,000 Mcf on a daily basis and up to 12,358 Mcf on a monthly basis. It further requests that the first 500 Mcf of this volume be considered as being firm and placed in 467-B category No. 2 and that the second 500 Mcf per day remain in category No. 3. The preponderance of the relief gas requested by Colonial Brick will be consumed to process clay, dry green brick and to fire the brick to completion in the kilns.

The curtailment projections reflected by Columbia Brick in its petition for extraordinary relief, predicated upon Panhandle's estimates, indicate that it will be completely curtailed during November and December 1975 and for the first four months of 1976.

Columbia Brick also notes that in 1974 its natural gas cost for the year was $44,000 and that this was 16.93 percent of its cost of goods produced. It alleges that its projected propane cost, assuming the necessity for it to consume propane due to the unavailability of natural gas, would be $255,000 per year or 49.76 percent of its cost of goods produced. A comparable cost for fuel oil would be $165,000 per year or 43.53 percent of its cost of goods produced. Columbia Brick asserts that this significant increase in cost would likely bring about the complete shutdown of its operation.

The latter company therefore requests that it be afforded relief on a temporary basis pending hearing on its request for permanent relief in order to avert irreparable harm.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said petition 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 on or before May 8, 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 in accordance with the Commission's Rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-11649 Filed 5-2-75;8:45 am]

[Docket No. RM74-12]

PELTO OIL CO.

Order Denying Exemption From Filing Requirements

APRIL 28, 1975.

On March 14, 1975, Pelto Oil Company (Pelto) petitioned the Commission for a

declaratory order relieving it of the filing requirements of Order No. 521.[1] In its petition Pelto noted that although it had made jurisdictional sales in excess of 1.0 Bcf in 1974 and would, therefore, be required to file under Order No. 521 for that period, Pelto had transferred nearly all its jurisdictional producing properties to unaffiliated companies, as a result of which Pelto asserted that its jurisdictional sales would be less than 1.0 Bcf for 1975, meaning Pelto would not have to file for the year 1975. Pelto contended that it should not have to bear the burden of filing when other similarly situated producers, those with less than 1.0 Bcf in annual jurisdictional sales, would not have to file. Pelto also stated that Order No. 521 did not make it clear whether the sales made in 1974 or 1975 governed the reporting requirements. It was also noted in the petition that Pelto became a division of Southdown Inc. (Southern) in 1974.

Order No. 521–B [2] had been issued subsequent to the Pelto petition, and that order made it clear that affiliated companies, such as Pelto and Southdown, would file as a single entity for each year in which their total annual jurisdictional sales exceeded 1.0 Bcf. Therefore, Southdown would be required to file for 1974 and the Pelto petition was moot. The Secretary of this Commission in a letter issued April 1, 1975, in response to Pelto's petition, pointed out the effect of Order No. 521–B.

On April 9, 1975, Pelto filed a request for reconsideration. In its request Pelto stated that the only jurisdictional sales attributable to Southdown would be those by Pelto.[3] For this reason Pelto asserted that its request for exemption be reconsidered. Essentially, Pelto reiterated the reasons expressed in its original petition, with the addition that Pelto contends that the burden of having to file only for one year, 1974, is excessive.

The analysis of Pelto in this respect is incorrect because Pelto will also be required to file during 1975 since it is the total annual jurisdictional sales in the prior year that determine into which of the three categories of reporting companies a producer falls. Since Pelto cannot establish prior to the end of 1975 that its jurisdictional sales for that year will not be in excess of 1.0 Bcf, Pelto must also file for 1975.

We deny Pelto's request for an exemption from filing under Order No. 521. Pelto made jurisdictional sales in excess of 1.0 Bcf for the year 1974 and is, therefore, required to file for that period regardless of other developments, including the allegation that changed circumstances will not, according to Pelto, require it to file in 1975. The burden on Pelto to file for the 1974 period is no greater than on any other company that sold in excess of the 1.0 Bcf limit, and since Pelto must also file for 1975, the assertion of a one-time only reporting burden is invalid.

The Commission orders. The request of Pelto for reconsideration and petition for declaratory order relieving Pelto from the filing requirements of Order No. 521 is denied. Since the deadlines for filing for the 1974 period and the first quarter of 1975 have both expired, Pelto or its parent Southdown, whichever is applicable, is directed to comply with the provisions of Order No. 521, as amended by Order No. 521–B, within thirty (30) days of the issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-11650 Filed 5-2-75;8:45 am]

[1] Order No. 521, Order Establishing Data Collection System to Investigate Rates Charged For Nonjurisdictional Sales Of Natural Gas By Natural Gas Companies Subject To The Jurisdiction of the Federal Power Commission, Docket No. RM74-12, —— FPC —— (issued January 9, 1975).

[2] Order No. 521-B, Order Clarifying Order No. 521 And Denying Rehearing, Docket No. RM74-12, —— FPC —— (issued March 17, 1975).

[3] Pelto states that at the time of the original petition it was a division of Southdown, but since that time Pelto has been reincorporated as a wholly owned subsidiary of Southdown.

[Docket Nos. E-7795, E-7989]

PHILADELPHIA ELECTRIC CO.

Order Referring Motions to Presiding Administrative Law Judge and Scheduling Prehearing Conference

APRIL 28, 1975.

The Commission has before it three motions of the Borough of Lansdale, Pennsylvania. The first of these filed March 12, 1975 "Motion by the Borough of Lansdale to compel the disclosure of requested documents withheld by the Philadelphia Electric Company for an extension of time to prepare intervenors testimony" [Sic]; and the second, a motion filed on March 28, 1975, a "Motion by the Borough of Lansdale, Pennsylvania for an extension of procedural dates." The third, filed April 14, styled "Application for Rehearing and Reconsideration and Motion for Expedited Ruling . . ." requests that the Commission "expeditiously rule" on the first two, and that "the procedural dates" of our order of March 19, 1975, "be extended . . . 30 days for submission of intervenor's case from the receipt of the data requested.

Our order of March 19, reserved ruling on the first motion, required service of intervenors testimony on April 8, 1975, company rebuttal, April 22, 1975, and set the matter for hearing May 6, 1975.

Also pending is a motion by Philadelphia, filed April 7, 1975, "for referral to Presiding Administrative Law Judge, and scheduling of prehearing conference".

On November 22, 1972, we denied Lansdale's motion to reject a rate filed by Philadelphia. On appeal by Lansdale, the United States Court of Appeals for the District of Columbia Circuit reversed our order and remanded the case for further proceedings.[1] In compliance with the mandate of the Court of Appeals we issued on June 4, 1974, an order requiring that Philadelphia immediately submit for filing with the Commission its contract with Lansdale of November 12, 1971, determining the rates in the November 12 contract as currently effective and ordering a hearing to be held pursuant to section 206(a) of the Federal Power Act to determine whether or not the rate schedule contained in the 1971 agreement is in the public interest. We ordered that hearing be held on this matter on November 26, 1974.

On October 4, 1974, Lansdale filed a motion requesting the Commission to require Philadelphia to conform to the Commission's allegedly applicable regulations governing the filing of prepared testimony and supportive material. By our order of November 26, 1974, we denied that motion pointing out that Philadelphia had filed herein a presentation that is in substantial compliance with the regulations of the Commission. On December 26, 1974, Lansdale filed a motion for rehearing and clarification. Our order of January 17, 1975, denied that motion.

We are now again faced with motions for additional information and change of procedural dates which would result in further delay in this proceeding if granted. We conclude that due to the complexity and number of the requests by Lansdale the most expeditious manner in which to handle this matter is to refer it to a Presiding Administrative Law Judge to be disposed of in accordance with the procedures set forth in § 1.26 of the Commission's rules and regulations. We shall schedule a prehearing conference wherein all issues related to Lansdale's motion can be raised and argued.

The Commission finds. Good cause exists to refer Lansdale's motions to a Presiding Administrative Law Judge and to schedule a prehearing conference as herein ordered and conditioned.

The Commission orders. (A) Lansdale's Motions of March 12, 1975, March 27, and April 4, 1975, are hereby referred to a Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge in accordance with the Commission's Rules and Regulations.

(B) That portion of our order of March 19, 1975, herein, which set this matter for hearing on May 6, 1975 is vacated. A prehearing conference shall be held at 10 a.m. on May 6, 1975 (10 a.m., e.d.t.), at the Federal Power Commission, Washington, D.C. 20426, wherein all issues related to Lansdale's motions shall be raised and discussed.

(C) The Presiding Administrative Law Judge shall set a date for hearing on this matter no later than 30 days from the conclusion of the prehearing conference.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-11651 Filed 5-2-75;8:45 am]

[1] Borough of Lansdale, Pennsylvania v. F.P.C., D.C. Cir. Nos. 73-1031 and 73-1649, decided March 15, 1974.

[Docket No. CI75-199]

SUN OIL CO.

Postponement of Hearing

APRIL 25, 1975.

On April 22, 1975, Sun Oil Company filed a motion for reconsideration of the order issued April 2, 1975, in the above-designated matter.

Notice is hereby given that the hearing date in the above matter is postponed until May 13, 1975, at 10 a.m., (e.d.t.), pending Commission action on the motion.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-11652 Filed 5-2-75;8:45 am]

[Rate Schedule No. 45]

TEXACO INC.

Rate Change Filing

APRIL 25, 1975.

Take notice that the producer listed in the Appendix attached below has filed a proposed increased rate to the applicable new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to this sale is listed in the Appendix below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any 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
Apr. 14, 1975...	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	45	Mountain Fuel Supply Co..	Rocky Mountain.

[FR Doc.75-11657 Filed 5-2-75;8:45 am]

[Docket Nos. RP75-3, RP74-48]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Further Extension of Procedural Dates and Scheduling Prehearing Conference

APRIL 25, 1975.

On April 21, 1975, Transcontinental Gas Pipe Line Corporation filed a motion to defer the procedural dates fixed by order issued August 30, 1975, as most recently modified by notice issued March 27, 1975, in the above-designated matter, and to convene a prehearing conference. 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:

Prehearing conference, May 6, 1975 (10 a.m., e.d.t.).
Service of intervenor's testimony on unsettled issues, May 26, 1975.
Service of company rebuttal on unsettled issues, June 13, 1975.
Hearing, June 24, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-11653 Filed 5-2-75;8:45 am]

FEDERAL RESERVE SYSTEM

CITICORP

Proposed Acquisition of Amfac Credit Corporation

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Amfac Credit Corporation, Los Angeles, California. Notice of the application was published on October 25, 1974, in the San Francisco Chronicle/Examiner, the Los Angeles Times, the San Jose News, The Sacramento Bee, The Press, and The Sun-Telegram, newspapers circulated in the counties of San Francisco, Los Angeles, San Jose, Sacramento, Riverside, and San Bernardino, and on October 28, 1974, in the San Diego Union, The Fresno Bee, The Republican, and the Oakland Tribune, newspapers circulated in the counties of San Diego, Fresno, and Alameda.

Applicant states that the proposed subsidiary would engage in the activities of making consumer installment personal loans, purchasing consumer installment sales finance contracts, making commercial loans, issuing consumer thrift certificates (through an industrial loan subsidiary of Amfac, chartered under the California Industrial Loan Law), and acting as agent for the sale of consumer credit life and credit accident and health insurance and consumer credit property and casualty insurance, related to the extensions of credit by the Applicant. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 29, 1975.

Board of Governors of the Federal Reserve System, April 25, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-11631 Filed 5-2-75;8:45 am]

CITICORP

Proposed Acquisition of West Coast Credit Corporation

Citicorp, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of West Coast Credit Corporation, Seattle, Washington. Notice of the application was published on October 25, 1974, in The Seattle Times, The Wenatchee World, the Tri-City Herald, the Yakima Herald-Republic, and the Spokesman-Review/Spokane Daily Chronicle, newspapers circulated in the counties of King, Chelan, Benton, Yakima, and Spokane all within the state of Washington.

Applicant states that the proposed subsidiary would engage in the activities of making consumer installment personal loans, purchasing consumer installment sales finance contracts, and acting as broker for the sale of consumer credit life and credit accident and health insurance and consumer credit property and casualty insurance, related to the extensions of credit by the Applicant. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects,

such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 28, 1975.

Board of Governors of the Federal Reserve System, April 24, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-11571 Filed 5-2-75;8:45 am]

COMMERCE FINANCIAL CORP.

Acquisition of Bank

Commerce Financial Corporation, Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of American State Bank, Fort bank that has not yet opened for business. bank that has not yet opended for business. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 16, 1975.

Board of Governors of the Federal Reserve System, April 25, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-11572 Filed 5-2-75;8:45 am]

COUNTRY AGENCIES & INVESTMENTS, INC.

Order Approving Acquisition of Additional Shares of Bank

Country Agencies & Investments, Inc., Odessa, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for prior approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire an additional 25.33 percent of the voting shares of Bank of Odessa, Odessa, Missouri ("Bank"). Applicant presently owns 24.9 percent of the voting shares of Bank.

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 application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(a)).

Applicant owns approximately 58 percent of the voting shares of one bank,[1] Commercial Bank of Oak Grove, Oak Grove, Missouri ("Oak Grove Bank"), with aggregate deposits of approximately $8 million, representing .05 percent of total deposits in commercial banks in Missouri.[2] Acquisition of the additional voting shares of Bank (deposits of approximately $22 million) would increase Applicant's share of commercial bank deposits in Missouri by approximately .15 percent and would not have an appreciable effect upon the concentration of banking resources in Missouri. Bank is the only bank located in Odessa and is the largest of the 10 competing banks in Lafayette County banking market. Applicant's subsidiary, Oak Grove Bank, and Bank are located 10 miles apart, but they compete primarily in two separate banking markets. Although each bank derives some deposit overlap from the primary service area of the other, such deposit overlap is not considered significant. It appears that no significant amount of existing competition would be eliminated as a result of the proposal, and in view of the long-standing common control, through a common director and common shareholders of Applicant and Bank, it appears also that no meaningful potential competition would be eliminated. Accordingly, on the basis of the record, it is concluded that competitive considerations are consistent with approval of the application.

A principal of Applicant has ownership interests in a one-bank holding company in Kansas City, Missouri and another one-bank holding company in Prairie Village, Kansas. The subsidiary banks of these holding companies, as well as Applicant's subsidiary bank, are located in other banking markets and do not compete with Bank.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its present subsidiary, and Bank are regarded as satisfactory and consistent with approval of the application. Although Applicant's acquisition of additional shares of Bank would not alter the banking services offered by Bank, the considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that the proposed increase in ownership of Bank would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order, nor (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

APRIL 24, 1975.

[FR Doc.75-11669 Filed - -75;8: am]

COUNTRY AGENCIES & INVESTMENTS, INC.

Order Approving Acquisition of Additional Shares of Bank

Country Agencies & Investments, Inc., Odessa, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for prior approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire an additional 26.50 percent of the voting shares of La Monte Community Bank, La Monte, Missouri ("Bank"). Applicant presently owns 23.65 percent of the voting shares of Bank.

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 application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(a)).

Applicant owns approximately 58 percent of the voting shares of one bank,[1] Commercial Bank of Oak Grove, Oak Grove, Missouri ("Oak Grove Bank"), with aggregate deposits of approximately $8 million, representing .05 percent of total deposits in commercial banks in Missouri.[2] Acquisition of the additional voting shares of Bank (deposits of approximately $4 million) would not significantly increase Applicant's share of commercial bank deposits nor have an appreciable effect upon the concentration of banking resources in Missouri. Bank is the only bank located in La Monte and is the sixth largest of the seven banks which comprise the Pettis County banking market. Applicant's subsidiary, Oak Grove Bank, and Bank are located 50 miles apart in separate banking markets. In addition, some degree of common control through a common director and common shareholders has existed for a number of years between Applicant and Bank. Thus, it appears that no existing competition would be eliminated as a result of consummation of the proposal. Accordingly, on the basis of the record, it is concluded that consummation of the proposal would not have significant adverse effects on existing or potential competition in any relevant area.

[1] In addition Applicant owns interests of less than 25 percent in 6 other banks in the State.

[2] All banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through March 31, 1975.

A principal of Applicant has ownership interests in a one-bank holding company in Kansas City, Missouri and another one-bank holding company in Priairie Village, Kansas. The subsidiary banks of these holding companies, as well as Applicant's subsidiary bank, are located in other banking markets and do not compete with Bank.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its present subsidiary, and Bank are regarded as satisfactory and consistent with approval of the application. Although Applicant proposes no change in the management or present services to be offered by Bank, it plans to maintain longer banking hours, and to erect new banking quarters. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It has been determined that the proposed increase in ownership of Bank would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made before (a) the thirtieth calendar day following the effective date of this order, nor (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of Kansas City, pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

APRIL 24, 1975.

[FR Doc.75-11670 Filed 5-2-75;8:45 am]

FARMERS STATE CORP.

Formation of Bank Holding Company

Farmers State Corporation, Mountain Lake, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 93.4 percent of the voting shares of Farmers State Bank of Mountain Lake, Mountain Lake, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Farmers State Corporation, Mountain Lake, Minnesota has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Willis D. Schroeder Insurance Agency, d/b/a Farmers State Insurance Agency, Mountain Lake, Minnesota. Notice of the application was published on April 3, 1975 in the Mountain Lake Observer/Butterfield Advocate, a newspaper circulated in Mountain Lake, Minnesota.

Applicant states that the proposed subsidiary would engage in general insurance agency activities from the premises of Farmers State Bank of Mountain Lake in a community having a population of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 28, 1975.

Board of Governors of the Federal Reserve System, April 24, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-11575 Filed 5-2-75;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 87.4 per cent or more of the voting shares of Central Bank and Trust Co., Farmers Branch, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 28, 1975.

Board of Governors of the Federal Reserve System, April 24, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-11576 Filed 5-2-75;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 87.8 per cent or more of the voting shares of First Greenville National Bank, Greenville, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 28, 1975.

Board of Governors of the Federal Reserve System, April 24, 1975.

[SEAL] ROBERT SMITH, III,
Assistant Secretary of the Board.

[FR Doc.75-11577 Filed 5-2-75;8:45 am]

FIRST FINANCIAL GROUP OF NEW HAMPSHIRE, INC.

Order Approving Acquisition of Bank

First Financial Group of New Hampshire, Inc. (formerly The Manchester Corporation), Manchester, New Hampshire, 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 (less directors' qualifying shares) of the successor by merger to Colonial Trust Company, Nashua, New Hampshire ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

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 Federal Reserve Bank of Boston 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, the second largest banking organization in the State, has one banking subsidiary, The Manchester Bank,

[1] In addition, Applicant owns interests of less than 25 percent in 6 other banks in the State.

[2] All banking data are as of June 30, 1974, and reflect holding company formations and acquisitions approved through March 31, 1975.

Manchester, New Hampshire ("Manchester Bank"), the largest commercial bank in the State with deposits of $153.3 million, representing approximately 11.6 per cent of the total deposits in commercial banks in New Hampshire.[1] The acquisition of Bank would increase Applicant's share of the total commercial bank deposits in the State by less than one percentage point and would not result in a significant increase in the concentration of banking resources in New Hampshire.

Bank ($12.8 million in deposits) is the fifth largest of six commercial banks in the Nashua banking market[2] and controls approximately 4.5 per cent of total deposits in commercial banks in that market. Manchester Bank and Bank's closest offices are separated by 19 miles, and it appears that each bank competes primarily in separate but adjacent banking markets. Accordingly, no meaningful existing competition would be eliminated by consummation of the proposed transaction. Although Applicant is viewed as a likely *de novo* entrant into the Nashua banking market, this Reserve Bank views the proposed acquisition as a foothold entry which would not appear to foreclose entry into this market by other bank holding companies and which is likely to result in some deconcentration of the Nashua banking market through the introduction of an additional strong, direct competitive force. Accordingly, consummation of the proposed acquisition would not have a significant adverse effect on potential competition in the Nashua banking market. The Federal Reserve Bank of Boston finds that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and Manchester Bank are regarded as satisfactory. The financial and managerial resources and future prospects of Bank are not entirely satisfactory at the present time but are expected to show a marked improvement as a result of Bank's affiliation with Applicant. Applicant has committed that, upon consummation of the proposal, it would make a substantial contribution of funds to increase Bank's capital position and would provide additional experienced personnel to augment Bank's management. This Reserve Bank regards these commitments as significant and believes that financial and managerial factors lend substantial weight toward approval of the application.

Affiliation with Applicant would enable Bank to draw upon Applicant's resources and expertise and thereby offer expanded and improved services to its customers. It is expected that enabling Bank's customers to obtain these services through Bank would result in Bank's becoming a more attractive banking alternative and a strong competitor in the Nashua banking market. Convenience and needs factors lend some weight toward approval of the application. It is this Reserve Bank's judgment that, under the circumstances of this case, consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board.

By order of the Federal Reserve Bank of Boston, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective April 22, 1975.

[SEAL] FRANK E. MORRIS,
President.

[FR Doc.75-11578 Filed 5-2-75;8:45 am]

[1] All banking data are as of June 30, 1974, unless otherwise noted, and reflect holding company formations and acquisitions approved through December 31, 1974.

[2] The Nashua banking market is approximated by the nine towns in the Nashua RMA. Market share data are as of June 30, 1973.

FIRST NATIONAL CORPORATION OF OAK BROOK

Order Approving Formation of Bank Holding Company

First National Corporation of Oak Brook, Oak Brook, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank and Trust Company of Oak Brook, Oak Brook, Illinois ("Brook").

Notice of the receipt 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 application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating company with no subsidiaries, was recently organized for the purpose of becoming a bank holding company through the acquisition of Bank (deposits of $16.8 million).[1] Upon consummation of the transaction, Applicant will become the 484th largest banking organization in Illinois, with 0.03 percent of total State commercial bank deposits. Since the application contemplates a restructuring of the ownership of Bank from individuals to a corporation owned by the same individuals, consummation of the transaction would have no significantly adverse effects on competition in any relevant area.

A principal of Applicant is a director of a company which proposes to become a bank holding company with respect to a bank located in Bank's market area. Both banks hold an insignificant share of market deposits, are separated by a number of alternative and intervening banking facilities, and do not appear to compete with each other to a meaningful degree. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will depend initially upon those of Bank, are considered satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also regarded as being consistent with approval. It has been determined that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the 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 Chicago, pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective April 24, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-11579 Filed 5-2-75;8:45 am]

[1] All deposit data are as of June 30, 1974.

UNITED JERSEY BANKS

Proposed Acquisition of United Jersey Credit Life Insurance Company

United Jersey Banks, Princeton, New Jersey, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of United Jersey Credit Life Insurance Company, Phoenix, Arizona. Notice of the application was published on April 9, 1974 in The Trenton Evening Times, a newspaper circulated in Trenton, New Jersey, and on April 16, 1974, in the Arizona Weekly Gazette, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage *de novo* in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance issued in connection with extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the

public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 29, 1975.

Board of Governors of the Federal Reserve System, April 25, 1975.

[SEAL] ROBERT SMITH, III,
Asssistant Secretary of the Board.

[FR Doc.75-11671 Filed 5-2-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 10, May 20 and 21, 1975, from 8:30 a.m. to 3:30 p.m., Room 2247, GSA Center, Auburn, Washington 98002. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the following:

Portland, Oregon, U.S. Custom House Restoration.
Portland, Oregon, Term Contract.
Seattle, Washington, Term Contract.

Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

DAVID L. HEAD,
Regional Administrator.

[FR Doc.75-11581 Filed 5-2-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice No. (75-31)]

LIFE SCIENCES COMMITTEE

Meeting

The NASA Life Sciences Committee will meet on June 10-11, 1975, at the Headquarters of the National Aeronautics and Space Administration, Washington, D.C. 20546. The meeting will be held in Room 5026 of Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20546. Members of the public will be admitted on a first come first served basis, up to the seating capacity of the room, which is about 60 persons.

The NASA Life Sciences Committee serves in an advisory capacity only. In this capacity it is concerned with man in relation to space travel and habitation, with exobiology, with other life forms, and including: Physiology, behavior, clinical aerospace medicine, microbiology, radiobiology, biochemistry, nutrition and food technology, biology of gravity and rhythms, and biotechnology. The current Chairman is Dr. G. Donald Whedon. There are 14 members.

The following list sets forth the approved agenda and schedule for the June 10-11, 1975 meeting of the Life Sciences Committee. For further information, please contact Dr. Walton L. Jones: Area Code 202, 755-2342.

JUNE 10, 1975

Time	*Topic*
1330-1345	Administrative. (Purpose: Subjects being discussed will include topics such as final approval of previous committee minutes; report on results of Space Program Advisory Council Meeting and activities.)
1345-1415	NASA's occupation medicine program. (Purpose: To discuss the nature of this program with the objective of gaining committee comments.)
1415-1445	Apollo/Soyuz test project briefing. (Purpose: To brief the committee on the nature and status of the Apollo/Soyuz Test Project.)
1445-1530	Report on Mars return sample workshop. (Purpose: (1) To brief the committee on the Mars Return Sample Workshop activities and report, and (2) to solicit comments and advice of the LSC members.)
1530-1545	Proposed methods to provide Life Sciences advice on planetary biology program to the Office of Space Sciences and to the Physical Sciences Committee for fair competitive consideration. (Purpose: (1) To present for discussion potential solutions to the proposition of increased life science input to the Office of Space Sciences and the Physical Sciences Committee, and (2) to solicit comments and advice of the LSC members.)
1545-1600	General discussion. (Purpose: To formulate position on issues discussed during the day.)

JUNE 11, 1975

0830-0915	Aeronautical man-vehicle technology program. (Purpose: (1) To brief the committee on the aeronautical life sciences program, and (2) to solicit comment and advice of the LSC members.)
0915-1000	Skylab follow-up mineral balance bed rest study. (Purpose: To discuss plans and formulate recommendations for a Skylab follow-up mineral balance bed rest study to validate bed rest as an analogue to spaceflight.)
1000-1030	Status of U.S. experiments to be flown on the 1975 Soviet biological satellite. (Purpose: To brief the committee on the nature and status of this program.)
1030-1045	Review of applications committee activities. (Purpose: To inform the LSC of the Applications Committee meeting attended by the LSC liaison member.)
1045-1200	Life sciences announcement of opportunity briefing. (Purpose: To inform the LSC of the Life Sciences Announcement of Opportunity to be released in May and to solicit comments and advice of the members.)
1330-1430	Life sciences objectives for the eighties. (Purpose: (1) To inform the LSC of the new research management structure, the new initiatives proposed for FY77, (2) to discuss the program and identify issues, and (3) to solicit recommendations for Life Sciences Objectives for the eighties.)
1430-1500	Level of support to life sciences programs. (Purpose: To formulate recommendations on the level of support required for the Life Sciences Programs as recommended above for the eighties.)
1500-1600	General discussion. (Purpose: To formulate position on issues discussed during meeting.)

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

APRIL 29, 1975.

[FR Doc.75-11637 Filed 5-2-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Dockets Nos. 50-440, 50-441]

CLEVELAND ELECTRIC ILLUMINATING CO., ET AL. (PERRY NUCLEAR POWER PLANT, UNITS 1 AND 2)

Reconstitution of Board

John B. Farmakides, Esq., was Chairman of the Atomic Safety and Licensing Board established for the above proceeding. Because he is transferring to the Atomic Safety and Licensing Appeal Panel, Mr. Farmakides is unable to continue his service on this Board.

By order of the Commission, John M. Frysiak, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, has been appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.704 of the Commission's rules of practice, as amended.

Dated at Bethesda, Md., this 29th day of April 1975.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.75-11552 Filed 5-2-75;8:45 am]

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this antitrust proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
John B. Farmakides, Member
Richard S. Salzman, Member

Dated: April 28, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-11553 Filed 5-2-75;8:45 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT (COOPER NUCLEAR STATION)

Order for Modification of License

I. Nebraska Public Power District (the Licensee) is the holder of Facility Operating License No. DPR-46 which authorizes operation of the Cooper Nuclear Station (the Cooper Station or the facility) at steady-state reactor core power levels not in excess of 2381 megawatts thermal (rated power). The facility is a boiling water reactor (BWR) located at the Licensee's site near Brownville in Nemaha County, Nebraska.

II. 1. By telephone calls on April 17, 18 and 21, 1975, and by letter of April 22, 1975,[1] the NRC Staff was informed by the General Electric Company (GE) that fuel inspections in a foreign BWR had revealed significant wear and some cracking of several zircaloy fuel channel boxes. The discovery of this damage had been preceded by anomalous signals of certain incore neutron detector instruments. The NRC Staff has tentatively concluded that damage to the fuel element channel boxes and the anomalous instrument readings may be due to vibration of the instrument tubes, produced by coolant flow through bypass holes in the reactor lower core support plates. To determine whether or not any BWRs within the United States could be subject to similar damage, GE notified the operators of eleven United States plants having a similar design that utilized bypass holes in the reactor lower core support plate and asked that they inspect the incore neutron detector instrument readings from the traversing incore probe. GE was informed, and subsequently informed the NRC Staff at a meeting held on April 24, 1975, that anomalous readings, similar to those experienced in the foreign reactor, were found at the Cooper Station.

2. The fuel bundles of BWRs are encased in square zircaloy tubes known as channel boxes which separate parallel coolant flow paths in the core, provide guide surfaces for the motion of control rods, protect fuel bundles during handling, and provide load support during transient loadings that may result from operational abnormalities and accident conditions. The incore instrumentation in which the anomalous readings were found is located in the zone between channel box assemblies known as the bypass region. Flow in this region is provided by clearance between the lower tie plate and the channel box assembly and, in eleven reactors, is also provided by bypass flow holes in the lower core support plate. As noted, it is believed that the channel box damage experienced at the foreign reactor may be the result of vibration of the instrument tube which, in turn, was caused by flow through the bypass holes.

3. Of the operating BWRs in the United States having a design which utilizes bypass holes, only the Cooper Station has reported anomalous readings from the traversing incore probe which are indicative of damage or cracking of the channel box. With this indication of possible damage existing in the core, further operation under similar conditions may lead to further core damage and, if continued, may result in an unsafe condition.

4. In late 1973 and early 1974, similar channel box damage was observed in the Vermont Yankee Nuclear Power Station, in the Pilgrim Nuclear Power Station, and in a foreign reactor. In those instances, excessive vibrations of certain temporary control curtains, which at that time were also located in the bypass region between the channel boxes a few inches from the instrument tubes, had caused the channel box damage. In connection with the Vermont Yankee and Pilgrim facilities, tests at a GE flowtest facility demonstrated that the vibration of the control curtains in the bypass region resulting from flow through bypass flow holes was substantially reduced at flow conditions of approximately 50 percent full flow.[2]

5. Recently, the Licensee, at GE's request, operated the Cooper Station for a short period of time at a limited flow of about 55% of full core flow. Under these conditions, the anomalies in the TIP trace were no longer observed, substantiating the belief derived from earlier experience that, at flows of approximately 50 percent of full core flow, the flow through the bypass holes was reduced sufficiently to substantially reduce excessive vibration of the instrument thimbles located in the bypass region. This, in turn, should reduce further channel box damage.

6. Further tests are being conducted by GE, and additional studies and investigations by GE and others are underway, including further inspection of the condition of the core in the foreign reactor. Nonetheless, as an interim measure, while these further data are being developed, in order to minimize the possibility of any further damage to the fuel channel boxes at the Cooper Station, the NRC Staff has concluded that core flow should not be allowed to exceed 50 percent of design flow. This, in turn, will require facility power to be reduced to approximately 50 percent of full power. Operation at this power level will provide assurance of facility safety while further data are being developed.

7. The Licensee has agreed that it will not operate the facility at core power levels exceeding 50 percent of rated power or core flow rates exceeding 50 percent of design flow rate without prior written approval of the NRC. The NRC Staff believes that the Licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

III. Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR-46 is hereby amended by adding the following new provision:

By reason of the circumstances outlined in the Order of Modification of License, dated April 26, 1975, the Licensee shall not operate the facility at core power levels exceeding 50 percent of rated power or core flow rates exceeding 50 percent of design flow rate without prior written approval of the Director, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Md., this 26th day of April, 1975.

Respectfully submitted,

BENARD C. RUSCHE,
Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-11554 Filed 5-2-75;8:45 am]

[Docket Nos. 50-237 and 50-249]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 9 and 7 to Facility Operating License Nos.

[1] Copies of this letter are being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and the Commission's Local Public Document Room, Auburn Public Library, 1118 15th Street, Auburn, Nebraska.

[2] See Safety Evaluation by the Directorate of Licensing, U.S. Atomic Energy Commission, Relating to Channel Box Wear in the Vermont Yankee Nuclear Power Station (Docket No. 50-271) and the Pilgrim Nuclear Power Station (Docket No. 50-293) dated October 26, 1973. Copies of this document are being placed for public inspection in the public document rooms identified in footnote 1 above.

DPR–19 and DPR–25 (respectively) issued to the Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Dresden Units 2 and 3 located in Grundy County, Illinois. These amendments are effective as of their date of issuance.

The amendments incorporate a provision in the Technical Specifications which allows bypassing the Rod Worth Minimizer for performing low power physics tests to demonstrate shutdown margins, in accordance with the licensee's request dated April 11, 1975.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments is not required since these amendments do not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for these amendments dated April 11, 1975, (2) Amendment Nos. 9 and 7 to License Nos. DPR–19 and DPR–25, with Change Nos. 35 and 24, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Morris Public Library at 604 Liberty Street in Morris, Illinois 60451. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 23d day of April 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75–11631 Filed 5–2–75;8:45 am]

[Docket No. 50–289]

METROPOLITAN EDISON CO., JERSEY CENTRAL POWER AND LIGHT CO., AND PENNSYLVANIA ELECTRIC CO.

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–50 issued to Metropolitan Edison Company, Jersey Central Power and Light Company and Pennsylvania Electric Company (the licensees), for operation of the Three Mile Island Nuclear Station, Unit 1 located in Dauphin County, Pennsylvania.

The amendment would modify the Technical Specifications to incorporate revised Rod Withdrawal Limit Curves that decrease the worth (calculated neutron absorbing capability) of the worst hypothetical ejected control rod in accordance with the licensees' application for amendment dated April 16, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By June 4, 1975 the licensees may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts, Trowbridge & Madden, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated April 16, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania 17126. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 1st day of May, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75–11880 Filed 5–2–75;9:42 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SOCIAL PSYCHOLOGY

Meeting

The Advisory Panel for Social Psychology will hold a meeting on May 22 and 23, 1975, beginning at 9 a.m. in Rm. 517 at 1800 G Street NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations concerning support of research proposals in the area of social psychology. This Panel functions in accordance with the Federal Advisory Committee Act, Pub. L. 92–463.

This meeting will be closed to the public since the Panel will be reviewing 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 February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For additional information about this Panel, please contact Dr. Roland W. Radloff, Program Director, Rm. 205, Social Psychology Program, National Science Foundation, Washington, D.C. 20550, telephone 202/632–5714.

FRED K. MURAKAMI,
Committee Management Officer.

APRIL 30, 1975.

[FR Doc.75–11633 Filed 5–2–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

AMERICAN STATISTICAL ASSOCIATION ADVISORY COMMITTEE ON STATISTICAL POLICY

Public Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the American Statistical Association Advisory Committee on Statistical Policy to be

held in Room 10104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on May 16, 1975 at 10 a.m.

The purpose of the meeting is to hear remarks from the Deputy Associate Director for Statistical Policy on recent actions which affect the Federal statistical system. The Committee will hear reports on and give counsel on confidentiality, social indicators, the Employment Cost Index, and the statistical planning process. The Committee will also discuss their future role and additional tasks. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3836.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75-11587 Filed 5-2-75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 30, 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.

Requests for extension which appear to raise no significant issues 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

ENVIRONMENTAL PROTECTION AGENCY

Cadmium Questionnaire, single-time, males living in Dallas, Tex., Dick Eisinger, 395-4716.

VETERANS ADMINISTRATION

Correlates of Locus of Reinforcement Control in Community Residents, VA Members and VA Employees, 10-81(514), 10-83(514), 10-84(514), other (see SF-83), community residents, VA members and employees, Hall, George, 395-4697.

DEPARTMENT OF COMMERCE

Bureau of the Census, Institutional, Administrative, Resident and Family Questionnaires, SIP-1, SIP-2, SIP-3, SIP-4, single-time, facility administrators and staff members, Reese, B. F., 395-5630.

DEPARTMENT OF JUSTICE

Departmental and other:
LEEP System Note Control Log, LEEP-12, quarterly, universities and colleges, Caywood, D. P., 395-3443.
LEEP Rebate Credit Form, LEEP-9, on occasion, universities and colleges, Caywood, D. P., 395-3443.

REVISIONS

MANPOWER ADMINISTRATION

WIN Information System Manual, MA5-95, monthly, employment security offices for WIN applications, Strasser, A., 395-3880.

DEPARTMENT OF COMMERCE

Bureau of the Census, Annual Housing Survey SCHSA Sample, AHS 51, annually, households, Sunderhauf, M. B., 395-4911.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Financial Status Report, PHS 5154, on occasion, State and Local government grantee, Caywood, D. P., 395-3443.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Cumulative Quarterly Progress Report—Aging, OS-9-75, quarterly, grantee agency, Lowry, R. L., 395-3772.

DEPARTMENT OF THE TREASURY

Departmental and other, Bank Deposits in Minority Bank Cities, MBDP-1A, quarterly, Government agencies, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-11812 Filed 5-2-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1134]

ALABAMA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alabama as a major disaster area following severe storms and flooding, beginning about April 9, 1975, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following counties: Coffee, Conecuh, Covington, Dale, Escambia, Geneva, Monroe and adjacent affected areas. Adjacent areas include only counties within the State for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
908 South 20th Street
Birmingham, Alabama 35205

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than June 23, 1975. EIDL applications will not be accepted subsequent to January 23, 1976.

Dated: April 25, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-11589 Filed 5-2-75;8:45 am]

[Application No. 05/05-5104]

TOWER VENTURES, INC.

Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Tower Ventures, Inc. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1975).

The officers and directors are as follows:

Ray J. Graham, President and Director, Sears Tower, Chicago, Illinois 60684.
Stanley C. Piket, Vice President, General Manager and Director Sears Tower, Chicago, Illinois 60684.
Lloyd S. McClelland, Secretary, Sears Tower, Chicago, Illinois 60684.
Paul G. Belo, Treasurer, Sears Tower, Chicago Illinois 60684.
A. Dean Swift, Director, Sears Tower, Chicago, Illinois 60684.
Charles F. Bacon, Director, Sears Tower, Chicago, Illinois 60684.
Grover A. DuBose, Director, Sears Tower, Chicago, Illinois 60684.
Vincent J. Graham, Director, Sears Tower, Chicago, Illinois 60684.
George F. Tidmarsh, Director, Sears Tower, Chicago, Illinois 60684.
Arthur Medow, Assistant Secretary, Sears Tower, Chicago, Illinois 60684.
Sears, Roebuck and Co., Sole Stockholder, Sears Tower, Chicago, Illinois 60684.

The applicant with its principal place of business located at Sears Tower, 38th Floor (B SC 38-50), Chicago, Illinois 60684, will begin operations with $505,000 of paid-in capital and surplus. All of the issued and outstanding stock of the applicant consisting of 1,010 shares of common stock will be owned by Sears, Roebuck and Co., a large public company.

As a small business investment company operating under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Any person may, on or before May 20, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chicago, Illinois.

Dated: April 25, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-11588 Filed 5-2-75;8:45 am]

[Proposed License No. 03/03-0119]

HOUSING CAPITAL CORP.

Application for a License

An Application for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (Act), (15 U.S.C. 661 et seq.), has been filed by Housing Capital Corporation (the Applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.201 (1975).

The National Corporation for Housing Partnerships (NCHP) and the National Housing Partnership (NHP) are private organizations created by the Congress, under Title IX of the Housing and Urban Development Act of 1968, "to stimulate the production by private enterprise of low and moderate income housing." NCHP, the sole corporate general partner of NHP, is the administrative arm of NHP. NCHP and NHP have raised over $50 million capital from some 270 major financial and corporate institutions in the country. The direction of NCHP and NHP is entrusted to NCHP's 15-man Board of Directors, three of whom are appointed by the President of the United States with the advice and consent of the Senate. NCHP and NHP report directly to the President of the United States once a year.

In order to further carry out their legislative mandate, NCHP and NHP have caused to be formed Housing Capital Corporation, the Applicant. The Applicant is a private corporation and no federal or state government revenues are utilized or to be utilized.

The officers and directors of the Applicant are as follows:

Name	*Title*
George W. DeFranceaux, McDaniel, Md. 21647.	Chairman and director.
George M. Brady, Jr., 29 Cherry St., Chevy Chase, Md. 20015.	President and director.
Sidney Friedberg, 1832 24th St., Washington, D.C. 20009.	Executive vice president.
E. Thomas Stoddard, 10902 Dowerhouse Ct., Upper Marlboro, Md. 20870.	Senior vice president-finance and treasurer.
James F. Cunningham, 1111 Arlington Blvd., Arlington, Va. 22209.	Assistant treasurer.
John F. Bartlett, 5912 Ramsgate Rd., Bethesda, Md. 20016.	Secretary.
Leon N. Weiner, 4 Denny Rd., Wilmington, Del. 19809.	Director.
Raymond A. Watts, 1633 26th St., Santa Monica, Calif. 90404.	Do.

The proposed officers and directors of the Applicant are also officers and directors of NCHP and NHP.

The principal office of the Applicant will be at Suite 700, 1133 Fifteenth Street, NW., Washington, D.C. 20005, however, no state or regional limitations on operations are contemplated.

The Applicant has authorized 1,500,000 shares of $1 par value Common Stock. Capitalization will take place in two stages. Stage I, the Applicant will begin operations with initial private capital of $750,000 obtained through the sale of 75,000 shares of Common Stock to NHP. Stage II, the Applicant anticipates raising additional private capital of approximately $9,300,000, from a public offering. The Applicant will take appropriate action to offer 930,000 shares of its $1 par value Common Stock at an issue price of $10 per share. The offering is planned for August 1975. It is anticipated the shares will be sold in units of $10,000. There will be no staged payments or restrictions on resale. It is expected that most investors will be knowledgeable about (and often directly involved in) the housing industry. National banks, and state banks so authorized, will be sought as potential investors. The Applicant has requested the approval of the Federal Home Loan Bank Board for participation by federally insured savings and loan associations directly or through investments by wholly or partially owned service corporations.

The Applicant's plan of operations is designed to achieve the greatest degree of national impact in its efforts to restore and maintain the viability of small members of the real estate industry. The investment policy of the Applicant is to provide venture capital to eligible small builders. No investments will be made in land development companies or other entities that only hold land for speculation. NHP and NCHP will serve as Investment Advisors to the Applicant and may provide Management Services to portfolio concerns of the Applicant.

NHP will participate in all investments made by the Applicant out of its initial capital on a basis of 25 percent to 50 percent of the total funds required by the small concern if the investment involves multifamily rental housing. NCHP will make similar investments where sales housing is involved. The terms of the joint financings by the Applicant and its associates will be pari passu. The cumulative combined investments of NHP and NCHP on this basis will not exceed $1 million. The Applicant will later purchase from NHP and NCHP at their cost, 80 percent of the investments made by NHP and NCHP during Stage I at the time sufficient funds become available out of the public offering proceeds of Stage II. After the Applicant has purchased 80 percent of the investments acquired by NHP or NCHP during Stage I, NHP will continue to participate in all investments made by the Applicant in multifamily rental housing at the predetermined rate of 10 percent and NCHP will continue to participate in all investments made by the Applicant in sales housing at the predetermined rate of 20 percent, to the extent of funds available to NHP and NCHP for this purpose.

It is the intention of the Applicant to reserve 10 percent of the proceeds of its public offering to capitalize a 301(d) Licensee. The 301(d) Licensee will have an investment policy identical to that of the Applicant, except that its investments will be made exclusively in small construction concerns which will contribute to a well-balanced national economy by assisting or facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

The Applicant requested that SBA grant an exemption to the percent limitation on the investments of the Applicant in Major Group 15 and Industry Numbers 6531, 6541 and 6552 of the Standard Industrial Classification Manual imposed under § 107.101(c) (1) and (2) of SBA rules and regulations. It is the intention of the Applicant that such exemption will in no way preclude it from making lawful investments in other eligible small business concerns.

SBA conditionally approved the Applicant investing up to 100 percent of its funds in eligible small business concerns classified in Major Group 15 and Industry Numbers 6531, 6541 and 6552 of the Standard Industrial Classification Manual predicated on the expectation that the Applicant will have a public offering, planned in August 1975, so that the Applicant would have private capital of approximately $10 million. This is a one time exemption to § 107.101(c) (1) and (2) of SBA rules and regulations, based on the fact that NCHP and NHP are entities created in the public interest and for a national purpose.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed management, and the probability of successful operations of the Applicant under their management, including adequate profitability and financial soundness in accordance with the Act and SBA rules and regulations.

Any person may on or before May 15, 1975, submit to SBA written comments on the Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Washington, D.C.

Dated: May 1, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-11811 Filed 5-2-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Meetings and Agenda

Correction

In FR Doc. 75-11100, appearing on page 18623 in the issue of Tuesday, April 29, 1975, make the following correction.

The meeting of the Committee on Occupational Health and Safety Statistics on Wednesday, May 21, was erroneously indicated as scheduled to meet at 1:30 p.m. The meeting will be held on Wednesday, May 21 at 9:30 a.m.

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture and its subcommittees as noted herein, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet in Washington, D.C. The Subcommittee on Ladders and Noise will meet on May 15, 1975, and the entire Committee will meet on May 16, 1975. All meetings will take place in Conference Room B of the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., Washington, D.C. at 8:30 a.m. each day. The meetings will be open to the public and all interested parties are encouraged to attend.

On May 15, the Ladders Subcommittee will complete its recommendations on orchard ladders and will thus complete its entire recommendation on ladders. The Noise Subcommittee will review information received and proceed toward the development of a recommendation on noise for agriculture. On May 16, the full Committee will receive reports from the subcommittees. It is anticipated that the full committee will vote on final recommendations on ladders. Additional agenda items within the scope of the Committee charter may be added as priorities dictate.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business May 12, 1975. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Committee Chairman for his consideration.

Communications and questions about the proceeding should be addressed to:

Ms. Jeanne W. Ferrone
Committee Management Officer
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, NW., Room 200
Washington, D.C. 20210
Phone: 202/961-2248, 2487

All materials which have been submitted to, or developed by, the Committee since the beginning of its deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

NOTE: Unforeseen difficulties in establishing the agenda for the above noticed meeting have made it impossible to give the required 15 days' advance notice of such meeting.

Signed at Washington, D.C., this 29th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-11817 Filed 5-2-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 758]

ASSIGNMENT OF HEARINGS

APRIL 30, 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.

MC 119789 Sub 233, Caravan Refrigerated Cargo, Inc., now being assigned July 7, 1975 (1 day) at New York, N.Y., in a hearing room to be designated later.

MC 52579 Sub 143, Gilbert Carrier Corp., now being assigned July 8, 1975 (1 day) at New York, N.Y. in a hearing room to be designated later.

MC 140360, Spinelli Bros. Trucking, Inc., now being assigned July 9, 1975 (1 day) at Philadelphia, Pennsylvania, in a hearing room to be designated later.

MC 91811 Sub 13, Milton K. Morris, Inc., now being assigned July 10, 1975 (2 days) at Philadelphia, Pennsylvania, in a hearing room to be later designated.

MC 30237 Sub. 27, Yeatts Transfer Company, now assigned July 9, 1975 at Washington, D.C. is cancelled, and transferred to Modified Procedure.

MC 127616 Sub 20, Savage Trucking Company, Inc., now assigned July 22, 1975, at Washington, D.C. is postponed indefinitely.

MC 16513 Sub 6, Reisch Trucking & Transportation Co., Inc., now being assigned July 7, 1975 (2 days), at New York, N.Y.; in a hearing room to be designated later.

MC 130271, Patrick Tours and Travel, Inc., now being assigned July 9, 1975 (3 days), at New York, N.Y.; in a hearing room to be designated later.

MC 126276 Sub 106, Fast Motor Service, Inc., now being assigned July 21, 1975 (2 days) at New York, N.Y., in a hearing room to be later designated.

MC 130279, Four Winds Travel, Inc., now being assigned July 23, 1975 (3 days) at New York, N.Y., in a hearing room to be later designated.

MC-F-12338, Riteway Express, Inc.—Purchase A. Knorr's Express, Inc. and MC 1668 (Sub-No. 6) (G), Riteway Express, Inc., now being assigned July 8, 1975 (4 days) at New York, N.Y.; in a hearing room to be designated later.

MC-C-8433, Rochester Carting Co.—Revocation of Certificates, now being assigned July 14, 1975 (1 day) at Buffalo, N.Y.; in a hearing room to be designated later.

MC 108531 Sub 17, Blue Bird Coach Lines, Inc., now being assigned July 15, 1975 (1 day) at Buffalo, N.Y.; in a hearing room to be designated later.

MC 54534 Sub 7, Grand Island Transit Corporation, now being assigned July 16, 1975 (3 days) at Buffalo, N.Y.; in a hearing room to be designated later.

MC 135797 Sub 32, J. B. Hunt Transport, Inc., application dismissed.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.75-11695 Filed 5-2-75;8:45 am]

[Finance Docket No. 27872]

CHICAGO, ROCK ISLAND & PACIFIC RAIL COMPANY

Reorganization

APRIL 30, 1975.

(1) By notice published in the FEDERAL REGISTER on April 9, 1975 (39 FR Page 16156) the Commission called for public comments regarding proposed emergency car service orders requiring operation of the Chicago, Rock Island & Pacific Railroad Company by other railroads in the event the Chicago, Rock Island & Pacific discontinues operations. Comments were required to be submitted by no later than April 30, 1975. The Iowa Commerce Commission has requested that the due date for public comments be extended to May 15. In view of the improved financial condition of the Rock Island and the enormous public interest in the Rock Island situation, the Commission has decided to extend the due date for filing comments to May 14, 1975.

Comments (original and one copy) should be submitted informally, in writing to:

Director, Office of Proceedings
Interstate Commerce Commission
Washington, D.C. 20423

(2) Several mistakes in our original notice of April 9 should be noted.

(a) Local switching service in the Fort Worth, Texas, area is proposed to be operated by the Frisco Railroad rather than by the Fort Worth & Denver.

(b) No service is proposed over the Rock Island branch line between Enid and Warren, Oklahoma.

(c) The Chicago, West Pullman and Southern Railroad Company, in addition to the Belt Railway Company of Chicago and the Chicago Short Line, has also expressed interest in operating that portion of the Rock Island's South Chicago Branch extending from a junction point near Burnside Yard south to the start of the joint industries (at 119th Street) line near Port Calumet.

Issued in Washington, D.C., April 30, 1975.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11698 Filed 5-2-75;8:45 am]

[Notice 282]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 30, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 112(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 May 20, 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-75648. By order of April 18, 1975, the Motor Carrier Board approved the transfer to Coach Travel Unlimited, Inc., Justice, Ill., of the operating rights in Certificate No. MC 136147 (Sub-No. 1) issued July 18, 1973, to Valley Transit Corp., Justice, Ill., authorizing the transportation of passengers and their baggage, and express, and newspapers, in the same vehicle with passengers, between Chicago, Ill., and Joliet, Ill., serving all intermediate points, and between Chicago, Ill., and Aurora, Ill., serving the intermediate points of Cicero, Berwyn, Riverside, Brookfield, LaGrange, LaGrange Park, Western Springs, Hinsdale, Clarendon Hills, Westmont, Downers Groves, Isle, and Naperville, Ill., and further authorizing the conduct of incidental charter operations. James R. Madler, Room 1608, 1255 Sandburg Terrace, Chicago, Ill. 60610, attorney for applicants.

No. MC-FC-75726. By order of April 22, 1975, the Motor Carrier Board approved the transfer to Montreal South Shore Transit Commission, Longueuil, Quebec, Canada, of the operating rights in Certificate No. MC 124825 issued October 10, 1963 to Chambly Transport, Inc., Greenfield Park, Quebec, Canada, authorizing the transportation of passengers and their baggage, in round trip charter operations beginning at Ports of Entry on the United States-Canada Boundary line located in Michigan, New York, Vermont, New Hampshire, and Maine, and ending at Ports of Entry located along the southern United States-Canada Boundary line, and extending to points in the United States, except Alaska and Hawaii. Roger Leblond, 100 Place Charles Lemoyne, Longueuil, Quebec, Canada, representative for applicants.

No. MC-FC-75761. By order of April 16, 1975, the Motor Carrier Board approved the transfer to Trucking Service, Inc., Carlinsville, Ill., of the operating rights in Certificate No. MC-134078 issued January 28, 1971, to C & J Transport, Inc., Gillespie, Ill., authorizing the transportation of glass containers and closures therefor, and fiberboard boxes, from the plantsite and facilities of Obear-Nester Glass Company at Lincoln, Ill., to points in Wisconsin, Illinois, Indiana, Ohio, Kentucky, Tennessee, Iowa, Missouri, and the Lower Peninsula of Michigan. Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701, attorney for applicants.

No. MC-FC-75787. By order of April 22, 1975, the Motor Carrier Board approved the transfer to Export Alloys Corp., Freeport, N.Y., of the operating rights in Permit No. MC 136710 (Sub-No. 2) issued December 3, 1974 to Frank W. Evans, Jr., doing business as Export Alloys, Freeport, N.Y., authorizing the transportation of non-ferrous scrap metals, in containers, from specified points and areas in Connecticut, Massachusetts, New Jersey, New York and Rhode Island to Monaca and Josephtown, Pa. Kenneth R. Davis, 121 S. Main St., Taylor, Pa., 18517, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11696 Filed 5-2-75;8:45 am]

[Notice 283]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 5, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, (49 CFR Part 1132):

No. MC-FC-75793. By application filed March 20, 1975, GEORGE H. GOLDING, INC., 5879 Marion Drive, Lockport, NY 14094, seeks temporary authority to lease the operating rights of DRESSING TRANSPORT, INC., 683 Lake Street, Wilson, NY 14172, under section 210a(b). The transfer to GEORGE H. GOLDING, INC., of the operating rights of DRESSING TRANSPORT, INC., is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.75-11697 Filed 5-2-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

APRIL 29, 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), 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 May 15, 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 3246 (Sub-No. E1) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: MASTERTON TRANSFER CO. INC., 3000 Pennsylvania Ave., Warren, Pa. Applicant's representative: Ronald W. Malin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, machinery parts, iron* and *steel tanks, furnaces, boilers, steel shelving*, and *factory equipment*, (except commodities requiring special equipment and commodities in bulk); 3. (b) between points in Chautauqua and Cattaraugus Counties, N.Y., on the one hand, and, on the other, points in Massachusetts, Connecticut and Rhode Island, (c) between points in Pennsylvania within 120 miles of Warren, Pa., (except those in Pennsylvania situated on and south of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 422 to junction U.S. Highway 19 thence along U.S. Highway 422 to junction U.S. Highway 19 thence along U.S. Highway 19 to junction Pennsylvania Highway 488 near Portersville, Pa. thence along Pennsylvania Highway 488 via Prospect, Pa. to junction U.S. Highway 422, thence along U..S Highway 422 to junction U.S. Highway 22, and thence along U.S. Highway 22 to junction U.S. Highway 220 in Duncansville, Pa., and thence on and west of the line extending along U.S. Highway 220 from junction U.S. Highway 22 to Duncansville, Pa. to the Pennsylvania-Maryland State line, on the one hand, and, on the other, points and places in Illinois and Michigan. The purpose of this filing is to eliminate the gateways marked with asterisks above. The purpose of this filing is to expande the territorial destination in part 3 (b) and (c) and the remainder is correct.

No. MC 8768 (Sub-No. E3), filed May 15, 1974. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, Kenner, La. 70062. Applicant's representative: Donald Goldwasser (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods*, as defined by the Commis-

sion: (1) between points in California, on the one hand, and, on the other, points in New York east of U.S. Highway 9 and south of New York Highway 55; (2) between points in California, on the one hand, and, on the other, points in Vermont; (3) between points in Arizona, on the one hand, and, on the other, points in Virginia; (4) between points in Arizona, on the one hand, and, on the other, points in Delaware; (5) between points in Arizona, on the one hand, and, on the other, points in Pennsylvania; (6) between points in Arizona, on the one hand, and, on the other, points in New Jersey; (7) between points in Arizona, on the one hand, and, on the other, points in New York; (8) between points in Arizona, on the one hand, and, on the other, points in Connecticut and Rhode Island; (9) between points in Arizona, on the one hand, and, on the other, points in Vermont; (10) between points in Arizona, on the one hand, and, on the other, points in New Hampshire; (11) between points in Arizona, on the one hand, and, on the other, points in Maine; (12) between points in New Mexico west of U.S. Highway 85, on the one hand, and, on the other, points in Tarrant and Dallas Counties, Tex.; (13) between points in New Mexico south of U.S. Highway 82 and east of U.S. Highway 85, on the one hand, and, on the other, points in Missouri; (14) between points in New Mexico, on the one hand, and, on the other, points in Illinois; (15) between points in New Mexico, on the one hand, and, on the other, points in Arkansas; (16) between points in New Mexico, on the one hand, and, on the other, points in Tennessee; (17) between points in New Mexico, on the one hand, and, on the other, points in Mississippi; (18) between points in New Mexico, on the one hand, and, on the other, points in Alabama; (19) between points in New Mexico, on the one hand, and, on the other, points in Florida; (20) between points in New Mexico, on the one hand, and, on the other, points in South Carolina; (21) between points in New Mexico, on the one hand, and, on the other, points in North Carolina; (22) between points in New Mexico, on the one hand, and, on the other, points in Virginia; (23) between points in New Mexico, on the one hand, and, on the other, points in West Virginia; (24) between points in New Mexico, on the one hand, and, on the other, points in Maryland; and (25) between points in New Mexico, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateways of Georgia in (1), (2), and (4) thru (11); Tennessee in (3); Electra, Tex. in (13) thru (22), and (24); and Electra, Tex., and Virginia in (23) and (25).

No. MC 8768 (Sub-No. E4), filed May 15, 1974. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, Kenner, La. 70062. Applicant's representative: Donald Goldwasser (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, (1) between points in New Mexico, on the one hand, and, on the other, points in Pennsylvania south of U.S. Highway 422 and east of Interstate Highway 83; (2) between points in New Mexico, on the one hand, and, on the other, points in New Jersey; (3) between points in New Mexico, on the one hand, and, on the other, points in Rhode Island; (4) between points in New Mexico, on the one hand, and, on the other, points in Connecticut; (5) between points in New Mexico, on the one hand, and, on the other, points in Massachusetts; (6) between points in New Mexico, on the one hand, and, on the other, points in Vermont; (7) between points in New Mexico, on the one hand, and, on the other, points in New Hampshire; (8) between points in New Mexico, on the one hand, and, on the other, points in Maine; (9) between points in Oklahoma on and west of U.S. Highway 281 and south of U.S. Highway 62, on the one hand, and, on the other, points in Tennessee; (10) between points in Oklahoma on and south of U.S. Highway 62 and west of U.S. Highway 281, on the one hand, and, on the other, points in Illinois; (11) between points in Oklahoma on and south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, Abilene, Austin, Corpus Christi, El Paso, Fort Worth, Houston, Lampassas and San Antonio, Tex.; (12) between Oklahoma City, Okla., on the one hand, and, on the other, Abilene, Austin, Corpus Christi, Lampassas, Lubbock and San Antonio, Tex.; (13) between points in Oklahoma on and west of U.S. Highway 81 and Oklahoma City, on the one hand, and, on the other, points in Louisiana south of U.S. Highway 190; (14) between points in Oklahoma on and south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in Mississippi; (15) between points in Oklahoma on and south of U.S. Highway 62 and west of U.S. Highway 281, on the one hand, and, on the other, points in Alabama; (16) between points in Oklahoma on and west of U.S. Highway 77, on the one hand, and, on the other, points in Florida; (17) between points in Oklahoma on and west of U.S. Highway 81, on the one hand, and, on the other, points in Georgia; (18) between points in Oklahoma on and west of U.S. Highway 281 and south of Interstate Highway 40, on the one hand, and, on the other, points in South Carolina; (19) between points in Oklahoma on and south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in North Carolina; (20) between points in Oklahoma on and west of U.S. Highway 281 and south of Interstate Highway 40, on the one hand, and, on the other, points in Virginia; (21) between points in Oklahoma on and west of U.S. Highway 281 and south of U.S. Highway 66, on the one hand, and, on the other, points in Washington, D.C.; (22) between points in Oklahoma on and south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in Philadelphia, Pa.; (23) between points in Oklahoma on and south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in Delaware; (24) between points in Oklahoma on and south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in Maryland; and (25) between points in Oklahoma on and west of U.S. Highway 77 and south of U.S. Highway 66, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of Electra, Tex., and Maryland–(1), (3), (b), E(22); Electra, Tex., and New York–(4), (5), (7), E(8); Electra, Tex., and Virginia–(23); and Elecrta, Tex.,–(2), (9)–(21), (24), E(25).

No. MC 8768 (Sub-No. E5), filed May 15, 1974. Applicant: SECURITY VAN LINES, INC., P.O. Box 830, Kenner, La. 70062. Applicant's representative: Donald Goldwasser (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; (1) between points in Oklahoma south of U.S. Highway 66 and west of U.S. Highway 77, on the one hand, and, on the other, points in New York; (2) between points in Oklahoma west of U.S. Highway 77, and south of U.S. Highway 66, on the one hand, and, on the other, points in Connecticut; (3) between points in Oklahoma west of U.S. Highway 77 and south of U.S. Highway 66, on the one hand, and, on the other, points in Rhode Island; (4) between points in Oklahoma south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in Massachusetts; (5) between points in Oklahoma south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in Vermont; (6) between points in Oklahoma south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in New Hampshire; (7) between points in Oklahoma south of U.S. Highway 66 and west of U.S. Highway 281, on the one hand, and, on the other, points in Maine; (8) between points in Texas, on the one hand, and, on the other, points in Pennsylvania; (9) between points in Texas, on the one hand, and, on the other, points in Delaware; (10) between points in Texas south of Texas Highway 44 and east of U.S. Highway 77, on the one hand, and, on the other, points in West Virginia; (11) between points in Louisiana south of U.S. Highway 190 and east of U.S. Highway 167, on the one hand, and, on the other, points in Ohio east of U.S. Highway 23; (12) between points in Louisiana, on the one hand, and, on the other, points in Ohio east of Louisiana Highway 21; (13) between points in Louisiana, on the one hand, and, on the other, points in West Virginia; (14) between points in Louisiana, on the one hand, and, on the other, points in Delaware; (15) between points in Louisiana, on the one hand, and, on the other, points

in Pennsylvania; (16) between points in Mississippi, on the one hand, and, on the other, points in Delaware; (17) between points in Mississippi south of U.S. Highway 80, on the one hand, and, on the other, points in Pennsylvania; (18) between points in Mississippi south of U.S. Highway 80, on the one hand, and, on the other, points in West Virginia; (19) between points in Mississippi south of U.S. Highway 80, on the one hand, and, on the other, points in Ohio east of Ohio Highway 83; (20) between points in Alabama, on the one hand, and, on the other, points in Delaware; (21) between points in Alabama, on the one hand, and, on the other, points in Pennsylvania south of U.S. Highway 422 and east of Interstate Highway 83; (22) between points in Alabama, on the one hand, and, on the other, points in Ohio east of Alabama Highway 11 and north of U.S. Highway 224; (23) between points in Alabama south of U.S. Highway 78, on the one hand, and, on the other, points in West Virginia; (24) between points in Florida, on the one hand, and, on the other, points in West Virginia; (25) between points in Palm Beach, Broward, and Dade Counties, Fla., on the one hand, and, on the other, Detroit, Mich.; and (26) between points in Florida, on the one hand, and, on the other, points in Ohio north of U.S. Highway 35. The purpose of this filing is to eliminate the gateways of: Electra, Tex., in (1); Electra, Tex., and Maryland in (2)–(5); Electra, Tex., and New York in (6) and (7); Maryland in (8) and (21); Virginia in (9)–(20), (22)–(24), and (26); and New York in (25).

No. MC 21170 (Sub-No. E187), filed February 3, 1975. 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: *Canned goods*, restricted to such commodities as are dealt in by retail, wholesale, or chain grocery stores, (A) between points in Illinois on and south of U.S. Highway 80 and on and north of U.S. Highway 36, on the one hand, and, on the other, points in that part of Minnesota on or west of a line beginning at the United States-Canada International Boundary line extending along County Highway 18 to junction Minnesota Highway 169, thence along Minnesota Highway 169 to junction U.S. Highway 53, thence along U.S. Highway 53 to junction Minnesota Highway 33, thence along Minnesota Highway 33 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Iowa State line; (B) between points in Illinois on and north of U.S. Highway 80, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the United States-Canada International Boundary line extending along Minnesota Highway 72 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 46, thence along Minnesota Highway 46 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction unnumbered highway near Ball Club, thence along unnumbered highway to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction unnumbered highway at Emily, thence along unnumbered highway to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction unnumbered highway near Rice, thence along unnumbered highway to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateways of Sac City, Storm Lake, La-Porte City, Garrison, and Shellsburg, Iowa, and Vinton, Iowa and points within 15 miles thereof.

No. MC 21170 (Sub-No. E194), filed February 3, 1975. 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: *Feed*, restricted to such commodities as are dealt in by wholesale, retail, or chain grocery stores, (A) from Chicago, Ill., (1) to points in Kansas on and east of U.S. Highway 81, (2) to points in that part of Missouri on, north and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction Missouri Highway 87, thence along Missouri Highway 87 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Kansas State line; (B) from Forest Park, Ill., (1) to points in Kansas on and east of U.S. Highway 81, (2) to points in that part of Missouri on, north and west of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 63 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction County Road K, thence along County Road K to junction County Road N, thence along County Road N to junction County Road MM, thence along County Road MM to junction County Road M, thence along County Road M to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Missouri-Kansas State line; (C) from Burlington, Wis., (1) to points in Kansas on and east of U.S. Highway 81, (2) to points in Missouri on and north of U.S. Highway 50 which are west of U.S. Highway 63. The purpose of this filing is to eliminate the gateways of Martelle, Iowa and points within 25 miles thereof.

No. MC 21170 (Sub-No. E195), filed February 3, 1975. 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: *Non-frozen canned, and preserved processed foodstuffs* (except meats), from Sunman, Ind., to points in that part of Iowa on and south of a line beginning at the Illinois-Iowa State line extending along U.S. Highway 218 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction unnumbered highway near Promise City, thence along unnumbered highway to junction Iowa Highway 97 near Russell, thence along Iowa Highway 97 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Iowa Highway 92, thence along Iowa Highway 92 to the Iowa-Nebraska State line, restricted to traffic originating at the facilities of Naas Foods at Sunman, Ind. The purpose of this filing is to eliminate the gateway of Collinsville, Ill.

No. MC 30280 (Sub-No. E93) (Correction), filed January 20, 1975, published in the FEDERAL REGISTER March 25, 1975. Applicant: WATKINS CAROLINA EXPRESS, 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: *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, and those injurious or contaminating to other lading, between Danville, Va., on the one hand, and, on the other, points in that part of South Carolina on and west of a line beginning at the South Carolina-North Carolina State line, thence along South Carolina Highway 18 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction South Carolina Highway 773, thence along South Carolina Highway 773 to junction South Carolina Highway 391, thence along South Carolina Highway 391 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction South Carolina Highway 68, thence along South Carolina Highway 68 to Yemassee, S.C., thence along U.S. Highway 21 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of (1) Mayfield, N.C., (2) Charlotte, N.C., and (3) Spartansburg, S.C. The purpose of this correction is to correct the gateway.

No. MC 31462 (Sub-No. E324) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: PARAMOUNT MOV-

ERS, 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 Missouri to points in the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., or any point within 50 miles thereof, and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof. The purpose of this correction is to include the origin point.

No. MC 43963 (Sub-No. E3), filed April 13, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels*, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils, which because of size and weight, require specialized handling or riggings; (1) from points in Burnett, Douglas, Washburn, Bayfield, Ashland, Iron, Price, Vilas, Oneida, Forest, Florence, Marinette, Oconto, and Door Counties, Wis., points in Polk County on and west of U.S. Highway 8 and points in Menominee County on and east of Wisconsin Highway 55, to points in Lake, Cook, Kane, and Du Page Counties, Ill., points in De Kalb Counties, Ill., on and south of Illinois Highway 38, points in Mason County, Ill., on and east of Illinois Highway 97, and points in Morgan County, Ill., on and east of U.S. Highway 67, and points in Illinois south and east of a line beginning at the Indiana-Illinois State line and extending along the northern boundaries of Will, Kendall, La Salle, and Marshall Counties, Ill., and thence along the western boundaries of La Salle, Marshall, Woodford, Tazewell, Logan, Menard, Sangamon, Macoupin, and Jersey Counties, Ill., to the Missouri-Illinois State line, and points in Indiana on and north of U.S. Highway 40; and (2) from points in Wisconsin on and north of a line beginning at Lake Michigan, thence along the southern boundary lines of Kewaunee, Brown, Outagamie, Shawano, Langlade, Lincoln, Taylor, Chippewa, Barron, and Polk Counties to the Minnesota-Wisconsin State line, to points in that part of Illinois on, east, and south of a line beginning at the lake shore of Michigan, thence along Illinois Highway 64 to the western boundary of Kane County, thence along the western boundary lines of Kane, Kendall, and Grundy Counties, thence along the southern boundary line of Grundy County to U.S. Highway 66, thence along U.S. Highway 66 to the northern boundary of McLean County, thence along the northern and western boundary of McLean, Logan, Sangamon, Macoupin, and Madison Counties to the Missouri-Illinois State line, and points in Indiana on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 43963 (Sub-No. E4), filed April 11, 1975. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. 46405. Applicant's representative: James C. Hardman, Suite 2108, 33 N. LaSalle St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel-angles, bars, channels, conduits, fencing, flooring, joists, lath, mesh, piling, pipe, parts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing and wire in coils*, which because of size or weight require specialized handling or rigging, from points in Adams, Waushara, Winnebago Calumet, Manitowoc, Marquette, Green Lake, Fond du Lac, Sheboygan, Columbia, Dodge, Washington, Ozaukee, Jefferson, Waukesha, Milwaukee, Rock, Walworth, Racine, and Kenosha Counties, Wis., points in Dane County, Wis., on and east of U.S. Highway 51 to points in Piatt, Moultrie, Shelby, Fayette, Madison, Bond, St. Clair, Clinton, Washington, Marion, Jefferson, Monroe, Randolph, Perry, Jackson, Union, and Alexander Counties, Ill., and points in Indiana on and north of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 44761 (Sub-No. E3), filed February 3, 1975. Applicant: LEE BROS., 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: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in the Chicago, Ill., Commercial Zone as defined by the Commission, and points in Illinois within 10 miles of Chicago, not included within the Commercial Zone, on the one hand, and, on the other, points in that part of Ohio on, south and east of a line beginning at the Indiana-Ohio State line extending along U.S. Highway 40 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Ohio Highway 229, thence along Ohio Highway 229 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Ohio Highway 39, thence along Ohio Highway 39 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 183, thence along Ohio Highway 183 to junction Ohio Highway 171, thence along Ohio Highway 171 to junction Ohio Highway 43, thence along Ohio Highway 43 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 644, thence along Ohio Highway 644 to junction Ohio Highway 518, thence along Ohio Highway 518 to junction Ohio Highway 45, thence along Ohio Highway 45 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 7, thence along Ohio Highway 7 to junction Ohio Highway 154, thence along Ohio Highway 154 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Dayton, Ohio.

No. MC 61403 (Sub-No. E28) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER April 14, 1975. 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, (b) between those points in Louisiana on and south of a line beginning at the Louisiana-Texas State line and extending along Louisiana Highway 6 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line, thence along the Mississippi-Louisiana State line to U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 190, thence along U.S. Highway 190 to the Mississippi-Louisiana State line, on the one hand, and, on the other, those points in Michigan on and east of a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 27 to junction Interstate Highway 75, thence along Interstate Highway 75 to the United States-Canada International Boundary line, and those points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 68 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Ohio-Michigan State line (Kingsport, Tenn.)*; (d) between those points in Louisiana on and south of a line beginning at the Texas-Louisiana State line and extending along U.S. Highway 190 to junction U.S. Highway 171, thence along U.S. Highway 171 to junction Louisiana Highway 14, thence along Louisiana Highway 14 to junction Louisiana Highway 27, thence along Louisiana Highway 27 to Calcasieu Pass, on the one hand, and, on the other, those points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along South Carolina Highway 72 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 601, thence along U.S. Highway 601 to the North Carolina-South Carolina State line; (3) *Liquid acids* and *liquid chemicals*, in bulk, in tank vehicles, from the plant site of American Cyanamid Company at Avondale, La., to points in Ohio, Michigan, Wisconsin, Minnesota, and those in Iowa on, east, and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 169 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 junc-

tion Iowa Highway 141, thence along Iowa Highway 141 to junction Interstate Highway 29, thence along Interstate Highway 29 to the Iowa-South Dakota State line, and those in North Dakota and South Dakota on and east of U.S. Highway 85 (Sheffield, Ala.)*; and (4) *Liquid acids*, in bulk, in tank vehicles, from the plant site of American Cyanamid Company at Avondale, La., to points in Wisconsin, Minnesota, those in Iowa on, east, and north of a line beginning at the Iowa-Missouri State line and extending along U.S. Highway 169 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 Iowa Highway 141, thence along Iowa Highway 141 to junction Interstate Highway 29, thence along Interstate Highway 29 to the Iowa-South Dakota State line, and those in North Dakota and South Dakota on and east of U.S. Highway 85 (Marshall, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the territorial description in (1)(b) and (3) above and to include (4). The remainder of this letter-notice remains as previously published.

No. MC 63417 (Sub-No. E42), filed June 4, 1974. Applicant: BLUE RIDGE TRANSFER CO., INC., 1814 Hollins Rd. NE., Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 Fifteenth St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Nichols, S.C., to points in Virginia north and west of Southampton, Nansemond, and Isle of Wight Counities, The purpose of this filing is to eliminate the gateway of Stanleytown, Va.

No. MC 76262 (Sub-No. E3) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER March 24, 1975. Applicant: WEIR-COVE MOVING & STORAGE CO., 4224 Freedomway Cove Station, Weirton, W. Va. 26062. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate* and *iron and steel products*, in truckload lots (except in bulk and except commodities requiring special equipment), (2) between points in that part of Harrison, Marion, Monongalia, Marshall, Ohio, Brooke, and Hancock Counties, W. Va., located on and north of U.S. Highway 50, and on and west of U.S. Highway 19, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at Cincinnati, Ohio, thence along U.S. Highway 22 to Lancaster, thence along Ohio Highway 37 to junction Ohio Highway 16 to Coshocton, thence along Ohio Highway 36 to junction U.S. Highway 22, and thence along U.S. Highway 22 to Steubenville, Ohio. The purpose of this filing is to eliminate the gateway of Weirton, W. Va. The purpose of this partial correction is to correct the territorial description in (2) above. The remainder of this letter-notice remains as previously published.

No. MC 83539 (Sub-No. E14) (Partial correction), filed May 30, 1974, published in the FEDERAL REGISTER December 10, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce St., Dallas, Tex. 75208. Applicant's representative: Kenneth Week (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (4) *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment (a) between points in Washington on and west of U.S. Highway 97, on the one hand, and, on the other, points in Wisconsin on, south and east of a line beginning at the Wisconsin-Michigan State line and extending along U.S. Highway 8 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Wisconsin-Minnesota State line (points in Montana on and west of a line extending north and south through Dupuyer and Butte, Mont., South Dakota, Iowa, and Illinois)*; (b) between points in South Dakota on and west of U.S. Highway 81 and points on and south of U.S. Highway 212, on the one hand, and, on the other, points in Virginia (points within a 50 mile radius of Nashville, Tenn., points in Kansas and Philadelphia, Pa.). Restriction: The authority granted in (4) above is subject to the condition that the carrier shall not engage in the stringing or picking up of pipe along main or trunk pipeline rights-of-way, other than in the transportation, stringing or picking up of pipe (1) in connection with river crossings of pipelines and (2) in connection with the operation, repair and maintenance of pipelines. The purpose of this filing is to eliminate the gateways marked with asterisks above. The purpose of this partial correction is to include the descriptions in (4) above.

No. MC 84212 (Sub-No. E1), filed May 20, 1974. Applicant: DORN'S TRANSPORTATION, INC., Railroad Avenue, Ext. (Colonie), Albany, N.Y. 12205. Applicant's representative: G. M. Handy (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between points in Massachusetts on and west of Interstate Highway 91, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of Barre, Mass.

No. MC 88368 (Sub-No. E72), filed May 15, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 11901 Cartwright Ave., Grandview, Mo. 64030. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. 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 on and east of a line beginning at the Tennessee-Alabama State line near Elkmont Springs, Tenn., and extending along U.S. Highway 31 to Nashville, Tenn., thence along Interstate Highway 65 to the Tennessee-Kentucky State line to points in Arkansas in, south, and west of Phillips, Monroe, Prairie, White, Faulkner, Van Buren, Searcy, and Boone Counties (Florence, Ala.)*; (2) from points on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 231 to Fayetteville, Tenn., thence along U.S. Highway 50 to Tullahoma, Tenn., thence along U.S. Highway 55 to McMinnville, Tenn., thence along U.S. Highway 705 to Sparta, Tenn., thence along U.S. Highway 70 to Crossville, Tenn., thence along U.S. Highway 127 to the Tennessee-Kentucky State line (Florence, Ala., Gadsden, Ala., and Valdosta, Ga.)*; (3) from points in Tennessee to points in Florida in, east, and south of Gadsden and Wakulla Counties (Florence, Ala., Gadsden, Ala., Valdosta, Ga., and Palestine, Ala.)*; (4) from points in and east of McNairy, Hardin, Decatur, Perry, Humphreys, Houston, and Stewart Counties, Tenn., to points in Louisiana (Florence, Ala.)*; (5) from points in and west of Hamilton, Sequatchie, Grundy, Coffee, Rutherford, Davidson, Cheatham, and Montgomery Counties, Tenn., to points in Maine in, north, and east of Franklin, Somerset, Penobscot, and Hancock Counties (Valley Head, Ala., Bledsoe, Ky., Steubenville, Ohio, Philadelphia, Pa., Lawrence, Mass., and Hazel Green, Ala.)*.

(6) From points in and west of Hamilton, Marion, Coffee, Bedford, Marshall, Maury, Hickman, Humphreys, Benton, and Henry Counties, Tenn., to points in Maine (Valley Head, Ala., Bledsoe, Ky., Steubenville, Ohio, Philadelphia, Pa., Lawrence, Mass., and Ardmore, Ala.)*; (7) from points in and east of Lawrence, Maury, Williamson, Davidson, and Sumner Counties, Tenn., to points in Mississippi (Florence, Ala.)*; (8) from points in and east of Wayne, Lewis, Maury, Williamson, Davidson, and Sumner Counties, Tenn., to points in South Dakota (Florence, Ala., Corinth, Mass., Jefferson City, Mo., Harlan, Iowa, and Trenton, Mo.)*; (9) from points in Tennessee to points in Texas in El Paso County and points in and north of Deaf Smith, Randall, Armstrong, Donley, and Collinsworth Counties (Arkansas City, Kans.)*; (10) from points in Tennessee on and east of Interstate Highway 65 to points in Texas on, north, and west of a line beginning at the Texas-Oklahoma State line near Denison, Tex., and extending along U.S. Highway 75 to Dallas, Tex., thence along U.S. Highway 80 to the Texas-New Mexico State line (Florence, Ala., Corinth, Mass., Cooter, Mo., Idabel, Okla., and Arkansas City, Kans.)*; and (11) from points in and east of McNairy, Chester, Henderson, Carroll, and Henry Counties, Tenn., to points in Cherokee County, Tex.

(Florence, Ala., Pontotoc, Miss., and Shreveport, La.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 95540 (Sub-No. E154), filed April 22, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California, to points in Maryland, except Baltimore. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E247), filed April 28, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Baltimore, Md., to those points in Kansas on and south of a line beginning at the Colorado-Kansas State line and extending along Kansas Highway 96 to junction Kansas Highway 27, thence along Kansas Highway 27 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Spaulding and Pike Counties, Ga.

No. MC 95540 (Sub-No. E263), filed May 3, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from all points in California to all points in New York except the New York Commercial Zone and Nassau and Westchester Counties. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E307), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Montcalm County, Mich., to points in North Carolina. The purpose of this filing is to eliminate the gateway of Crozet, Va.

No. MC 95540 (Sub-No. E317), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tifton, Ga., to points in Utah. The purpose of this filing is to eliminate the gateways of points in Tennessee.

No. MC 95540 (Sub-No. E350), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from those points in California, on and south of a line beginning at the Pacific Ocean and extending along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 36, thence along California Highway 36 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction unnumbered highway, thence along unnumbered highway to the California-Nevada State line, to points in New Jersey. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC 95540 (Sub-No. E354), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, GA. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, from points in New Jersey to points in Oklahoma. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E366), filed May 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts*, and *pineapples*, when moving in the same vehicle and at the same time with bananas, from those points in New Jersey on and south of a line beginning at the Atlantic Ocean and extending along U.S. Highway 40/322 to junction New Jersey Highway 552, thence along New Jersey Highway 522 to junction New Jersey Highway 47. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC 95540 (Sub-No. E368), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty veneer* and *fibre boxes, baskets*, and *crates*, from Bogalusa, La., to those points in Ohio on and east of a line beginning at the Ohio-Kentucky State line and extending along U.S. Highway 62 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 423, thence along Ohio Highway 423 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Dothan, Ala.

No. MC 95540 (Sub-No. E456), filed May 16, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Milford, Pa., to those points in Texas on and south of a line beginning at the Louisiana-Texas State line and extending along Texas Highway 21 to junction Texas Highway 103, thence along Texas Highway 103 to junction Texas Highway 7, thence along Texas Highway 7 to junction Interstate Highway 45, thence along Interstate Highway 45 to junction Texas Highway 164, thence along Texas Highway 164 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 Texas Highway 158, thence along Texas Highway 158 to junction Texas Highway 181, thence along Texas Highway 181 to junction Texas Highway 115, thence along Texas Highway 115 to junction Texas Highway 128, thence along Texas Highway 128 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss.

No. MC 95540 (Sub-No. E484), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from those points in Delaware on and south of a line beginning at the New Jersey-Delaware State line and extending along Delaware Highway 8 to junction U.S. Highway 44, thence along U.S. Highway 44 to the Chesapeake Bay, to those points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Oklahoma Highway 132, thence along Oklahoma Highway 132 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the

gateways of points in Pike and Spaulding Counties, Ga.

No. MC 95540 (Sub-No. E710) (Correction), filed May 22, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, not frozen, in mixed loads with citrus products, not canned, and not frozen, in vehicles equipped with mechanical refrigeration, from those points in Florida on and east of a line beginning at the Gulf Coast and extending along U.S. Highway 98 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Florida-Georgia State line, to those points in Texas on and north of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction Texas Highway 19/24, thence along Texas Highway 19/24 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction Texas Highway 121, thence along Texas Highway 121 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 67, thence along U.S. Highway 67 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Park Highway 170, thence along Park Highway 170 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Doraville, Ga. The purpose of this correction is to describe properly the origin territory.

No. MC 95540 (Sub-No. E714) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New York on and east of a line beginning at the New Jersey-New York State line and extending along U.S. Highway 9W to junction U.S. Highway 202, thence along U.S. Highway 202 to junction Interstate Highway 684, thence along Interstate Highway 684 to junction Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line, to those points in Arizona on and south of Interstate Highway 10. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to include the destination points.

No. MC 95540 (Sub-No. E715) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 1 to junction New Jersey Highway 33, thence along New Jersey Highway 33 to the Atlantic Ocean, to those points in New Mexico on and south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 62/180 to junction New Mexico Highway 529, thence along New Mexico Highway 529 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to supply a description of the destination area which inadvertently omitted in the prior publication.

No. MC 95540 (Sub-No. E716) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in North Carolina on and east of a line beginning at the Georgia-South Carolina State line and extending along U.S. Highway 17 to junction North Carolina Highway 50, thence along North Carolina Highway 50 to the Atlantic Ocean, to those points in Colorado on and west of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 160 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Colorado Highway 31, thence along Colorado Highway 31 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Colorado Highway 13/789, thence along Colorado Highway 13/789 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to supply a description of the destination area which was inadvertently omitted in the previous publication.

No. MC 95540 (Sub-No. E717) (Correction), filed May 21, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along South Carolina Highway 905 to junction U.S. Highway 701, thence along U.S. Highway 701 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 21, thence along U.S. Highway 21 to the Atlantic Ocean, to those points in Oklahoma on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 277/281 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line, and points on or west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 287 to junction U.S. Highway 287/385, thence along U.S. Highway 287/385 to the Oklahoma-Colorado State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to include a description of the destination area which was omitted inadvertently in the prior publication.

No. MC 95540 (Sub-No. E720) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER April 3, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in South Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along Interstate Highway 95 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, to those points in Louisiana on and southeast of a line beginning at the Louisiana-Mississippi State line and extending along Louisiana Highway 26 to junction Louisiana Highway 21, thence along Louisiana Highway 21 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Louisiana-Texas State line. The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to include the destination points.

No. MC 95540 (Sub-No. E744) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER April 7, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from those points in New Jersey on and south of a line beginning at the Delaware-New Jersey State line and extending along Interstate Highway 295 to junction New Jersey Highway 49, including Deepwater, thence along New Jersey Highway 49 to junction New Jersey Highway 50, thence along New Jersey Highway 50 to junction County Road 585, thence along County Road 585 to the Atlantic Ocean, to Las Vegas, Nev.

The purpose of this filing is to eliminate the gateways of Jacksonville, Fla., and Gulfport, Miss. The purpose of this correction is to extend the destination points.

No. MC 95540 (Sub-No. E746) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER April 7, 1975. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, 5299 Roswell Rd. NE., Suite 212, Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, not frozen, in mixed loads with citrus products, not canned, and not frozen, in vehicles equipped with mechanical refrigeration, from those points in Florida on and east of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 221 to junction Florida 361, thence along Florida Highway 361 to the Gulf of Mexico, to those points in Texas on and north of a line beginning at the Texas-Arkansas State line and extending along U.S. Highway 59 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Texas Highway 16, thence along Texas Highway 16 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction County Road 42, thence along County Road 42 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 29, thence along Texas Highway 29 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 290, thence along U.S. Highway 290 to junction Interstate Highway 10/U.S. Highway 80, thence along Interstate Highway 10 to the United States-Mexico International Boundary line. The purpose of this filing is to eliminate the gateway of Doraville, Ga. The purpose of this correction is to complete the destination points.

No. MC 95540 (Sub-No. E747), filed October 2, 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 bakery products*, from the facilities of Chef-Pierre, Inc., at or near Traverse City, Mich., to points in California, Arizona, and New Mexico. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 95540 (Sub-No. E749), filed October 4, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the facilities of Chef-Pierre, Inc., at or near Traverse City, Mich., to those points in Nevada on and south of a line beginning at the Utah-Nevada State line and 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, and points in Utah on and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 50 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 21, thence along Utah Highway 21 to the Utah-Nevada State line. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 95540 (Sub-No. E750), filed October 4, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the facilities of Chef-Pierre, Inc., at or near Traverse City, Mich., to those points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line and extending along Oklahoma Highway 83 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 270, thence along U.S. Highway 270 to junction Oklahoma Highway 1, thence along Oklahoma Highway 1 to junction Oklahoma Highway 7, thence along Oklahoma Highway 7 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 95540 (Sub-No. E781), filed November 17, 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: *Bananas*, from Gulfport, Miss., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateways of Century, Fla., and Newburgh, N.Y.

No. MC 107107 (Sub-No. E13) (Correction), filed June 2, 1974, published in the FEDERAL REGISTER March 12, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 425, Opa Locka, Fla. 33054. Applicant's representative: Ford W. Sewell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida to points in South Carolina, North Carolina, Virginia, Maryland, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Glynn and Chatham Counties, Ga. (except Savannah, Ga.). The purpose of this correction is to eliminate restrictions and to extend elimination point.

No. MC 107403 (Sub-No. E97), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in New Jersey north of New Jersey Highway 33, and Camden, Edgewater, and Dundee, N.J., to points in Ohio and West Virginia (except points in West Virginia in Mercer and McDowell Counties and those points in West Virginia within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of Butler, Pa., and Pittsburgh, Pa.

No. MC 107403 (Sub-No. E292), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (nonflammable), except petroleum products and coal tar products, in bulk, from points in Pennsylvania within 150 miles of Monongahela, Pa., to points in Alabama. The purpose of this filing is to eliminate the gateway of Point Pleasant, W. Va.

No. MC 107403 (Sub-No. E311), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in West Virginia within 150 miles of Monongahela, Pa., that are west of U.S. Highway 219, to points in New York. The purpose of this filing is to eliminate the gateway of Natrium, W. Va.

No. MC 107403 (Sub-No. E439), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Baton Rouge, La., and points in the Louisiana Parishes of Iberville and West Baton Rouge, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania and Virginia (except the Counties of Buchanan, Dickenson, Scott, Russell, Smyth, Washington, and Wise). The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 107403 (Sub-No. E453), filed May 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's represent-

ative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Ohio (except Columbus) to points in Maine and New Hampshire. The purpose of this filing is to eliminate the gateway of Newark and Boonton, N.J.

No. MC 107403 (Sub-No. E596), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Noninflammable liquids*, in bulk, in tank vehicles (except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and except wine, cider, vinegar, milk, road oil, coal tar, coal tar products), from the New York Counties of Chautauqua, Cattaraugus, Allegany, Steuben, Chemung, and Schuyler, to points in Maine. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 107515 (Sub-No. E522), filed January 27, 1975. 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: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in Fulton, Cobb, Clayton, De Kalb, Fayette, Henry Gwinnett, Douglas, and Rockdale Counties, Ga., to all points in Wisconsin, Ohio, Minnesota, Michigan, Iowa, and to points in Illinois on or north of U.S. Highway 50, those in Indiana on, north, or east of Indiana State Highway 64, and those in Missouri on or north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 107515 (Sub-No. E534), filed January 27, 1975. 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: (1) *Meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk, in vehicles equipped with mechanical refrigeration), from New Riegel and Carey, Ohio, to Los Angeles, Calif.; (2) *Frozen meats, meat products, meat by-products* (edible), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk), from New Riegel and Carey, Ohio, to points in California on, south, or west of a line beginning at the United States-Mexico International Boundary line extending along Interstate Highway 5 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 395 at Escondido, thence along U.S. Highway 395 to junction Interstate Highway 10 at Colton, thence along Interstate Highway 10 to the Pacific Ocean. Restriction: Authority in (1) and (2) above is restricted to the transportation of traffic originating at the plantsite and warehouse facilities of Riegel Provisions Co., at New Riegel and Carey, Ohio. The purpose of this filing is to eliminate the gateway of Atlanta and any point in Tennessee.

No. MC 107515 (Sub-No. E566), filed January 27, 1975. 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: (1) *Frozen foods*, (except imported frozen meats) except commodities in bulk, in vehicles equipped with mechanical refrigeration, from Norfolk, Va. to California, Oregon, Washington, Idaho, Utah, Montana, Wyoming, Colorado, Nevada, Arizona, and New Mexico. (2) *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in the *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Norfolk, Va. (except imported frozen meats) and from Smithfield, Va., to points in California, Oregon, and Washington. (3) *Frozen edible meats, meat products and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk from Smithfield, Va., to the destination points in (1) above. (4) *Frozen foods*, from Richmond, Va., to the destination points in (1) above. (5) *Meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk in vehicles equipped with mechanical refrigeration, from Richmond, Va., to the destination points in (2) above. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.-Va.

No. MC 107515 (Sub-No. E570), filed January 27, 1975. 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: *Cheese*, in vehicles equipped with mechanical refrigeration, from Atlanta, Albany, Columbus, Griffin, Macon, and Montezuma, Ga., and points within 10 miles of Atlanta, Ga., and points within 5 miles of Albany, Griffin, Macon, and Montezuma, Ga., to California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 107515 (Sub-No. E592), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), in vehicles equipped with mechanical refrigeration, from Cook and Will Counties, Ill., and Lake County, Ind., to points in that portion of New Mexico on or south of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 66 to junction New Mexico Highway 129, thence along New Mexico Highway 129 to junction New Mexico Highway 104, thence along New Mexico Highway 104 to junction New Mexico Highway 3, thence along New Mexico Highway 3 to junction New Mexico Highway 75, thence along New Mexico Highway 75 to junction New Mexico Highway 76, thence along New Mexico Highway 76 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction New Mexico Highway 126, thence along New Mexico Highway 126 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction U.S. Highway 550 at Aztec, thence along U.S. Highway 550 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 107515 (Sub-No. E599), 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 Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, except commodities in bulk, in vehicles equipped with mechanical refrigeration, from points in Cook County, Ill., to points in Texas on and south of a line beginning at the Texas-Louisiana State line and extending over Interstate Highway 20 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction State Highway 31, thence over State Highway 31 to Corsicana, thence over State Highway 22 to Hamilton, thence over State Highway 36 to junction U.S. Highway 67, thence over U.S. Highway 67 to junction State Highway 158, thence over State Highway 158 to junction U.S. Highway 80, thence over U.S. Highway 80 to Texas-New Mexico State line, from Hammond and Gary, Ind., to points in Arkansas on and south of U.S. Highway 82 and points in Texas on and south of U.S. Highway 80, from points in Du Page, Will, and Lake Counties, Ill., to points in Texas on and south of a line beginning at the U.S.-Mexico border and extending over U.S. Highway 67 to junction U.S. Highway 84, thence over U.S. Highway 84 to Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 107515 (Sub-No. E600), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT, P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned meats, meat products and meat byproducts and dairy products* as described in sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from the plantsite of Swift & Co. in Rochelle, Ill., to points in Texas on and south of a line beginning at the Texas-Louisiana border and Interstate Highway 10, over Interstate Highway 10 to junction U.S. Highway 290, thence over U.S. Highway 290 to junction U.S. Highway 67, thence over U.S. Highway 67 to U.S.-Mexico border at or near Presidio, Tex. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 110420 (Sub-No. E24), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. 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: (A) *Tallow*, in bulk, in tank vehicles, from points in Iowa to Downingtown, Pa.; (B) *Tallow*, in bulk, from points in Iowa to Green Bay, Wis.; and (C) *Tallow*, in bulk, in tank vehicles, from points in Iowa to Lititz, Pa. The purpose of this filing is to eliminate the gateways of Milwaukee, Wis., and Chicago, Ill.

No. MC 111401 (Sub-No. E25), filed May 14, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Kansas on and east of U.S. Highway 77 to points in Arizona, New Mexico on and south of U.S. Highway 66, and Texas on and south of U.S. Highway 66 and on and west of U.S. Highway 83, with no transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Cushing and Cleveland, Okla.

No. MC 111401 (Sub-No. E30), filed May 12, 1974. Applicant: GROENDYKE TRANSPORT, INC., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum* and *petroleum products* (except liquefied petroleum gas as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles), from points in Texas on and north of U.S. Highway 66 to points in Missouri, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Borger, Tex.

No. MC 113855 (Sub-No. E163), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* and *tractor excavating, grading*, and *loading attachments*, other than farm tractors, from Wichita and Hutchinson, Kans., to points in Montana on and north of U.S. Highway 2; Boundary County, Idaho, Washington. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak., or Gwinner, N. Dak.

No. MC 113855 (Sub-No. E174), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Street sweeping machines* (except commodities which because of size or weight require the use of special equipment or special handling), in flatbed trailers only, (A) from points in Maine, Vermont, New Hampshire, Connecticut, Massachusetts, Rhode Island, to points in New Mexico; and (B) from points in New Jersey, New York and Delaware, to points in New Mexico (except south and east of U.S. Highway 54). The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 113855 (Sub-No. E177), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulldozers, tractors* (not including truck tractor), *mining machinery, airpowered locomotives, scrapers, filter machines, power loading and unloading machinery*, and attachments for and parts of the specified commodities, moving with but not necessarily belong to the particular units being transported, which is either (1) commodities, the transportation of which, because of size or weight, require 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 by reason of size or weight require special equipment, or (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 transported on trailers, from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, to points in Alaska. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 113855 (Sub-No. E178), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulldozers, tractors* (not including truck tractors), *scrapers, power loading and unloading machinery* used in road construction, in flatbed trailers only, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Massachusetts, North Carolina, New York, Rhode Island, South Carolina, Virginia, to points in Alaska. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., and Salt Lake City, Utah.

No. MC 113855 (Sub-No. E179), filed May 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulldozers, tractors* (not including truck tractors), *scrapers, power loading and unloading mining machinery* used in new construction, road building, earth moving, excavating, loading, maintenance, logging and mining, from Aurora, Matoon, Deerfield, Quincy, Peoria, Decatur, Joliet, and Springfield, Ill., to points in Alaska. The purpose of this filing is to eliminate the gateway of Salt Lake City, Utah.

No. MC 114457 (Sub-No. E48), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in Missouri (except points in Atchison, Holt, Buchanan, Andrew, Nodaway, Worth, Gentry, and De Kalb Counties), to points in Montana (except points in Big Horn and Powder River Counties). The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E49), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in Illinois to points in North

Dakota. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E50), filed May 24, 1974. Applicant: DART TRANSIT CO., 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in Illinois to points in Montana. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E51), filed May 24, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (except commodities in bulk), from points in that part of Missouri in and east of Scotland, Knox, Shelby, Monroe, Audrain, Boone, Cole, Osage, Maries, Phelps, Texas, and Howell Counties, to points in that part of South Dakota in and north of Lawrence, Meade, Haakon, Stanley, Hughes, Hyde, Buffalo, Jerauld, Sanborn, Miner, Lake, and Moody Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E54), filed May 31, 1974. Applicant: DART TRANSIT CO., 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from points in that part of Wisconsin in and west of Pierce, St. Croix, Barron, Sawyer, and Ashland Counties, to points in Missouri. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E55), filed May 31, 1974. Applicant: DART TRANSIT CO., 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in that part of North Dakota in and east of Rolette, Towner, Ramsey, Nelson, Griggs, Barnes, Ransom, and Sargent Counties, to points in that part of Kansas in and east of Brown, Jackson, Wabaunsee, Lyon, Greenwood, Elk, and Chautauqua Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E56), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories*, and *materials* and *supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight, require the use of special equipment), when moving in mixed loads with metal containers, from points in that part of Wisconsin in and west of Jackson, Clark, Marathon, Lincoln, Oneida, and Vilas Counties, to points in Louisiana. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E57), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, accessories*, and *materials* and *supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from points in Wisconsin in and north of Crawford, Richland, Iowa, Dane, Jefferson, Waukesha, and Milwaukee Counties, to points in Texas in and west of Clay, Jack, Palo Pinto, Erath, Hamilton, Coryell, Lampasas, Burnet, Williamson, Travis, Bastrop, Caldwell, Gonzales, De Witt, Victoria, and Calhoun Counties. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E58), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in that part of Kansas in and east of Brown, Jackson, Shawnee, Wabaunsee, Lyon, Greenwood, Elk, and Chautauqua Counties, to points in that part of North Dakota in and east of Rolette, Towner, Ramsey, Nelson, Griggs, Barnes, Ransom, and Sargent Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E59), filed May 31, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in Polk, Burnett, and Douglas Counties, Wis., to points in Illinois in and south of Whiteside, Ogle, De Kalb, Kane, and Cook Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E60), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in South Dakota (except points in Gregory, Brule, Aurora, Charles Mix, Douglas, Davison, Hanson, Hutchinson, Bon Homme, McCook, Minnehaha, Turner, Clay, Lincoln, Yankton, and Union Counties), to points in Illinois in and east of Winnebago, Ogle, Lee, Bureau, Marshall, Woodford, McLean, De Witt, Macon, Christian, Montgomery, Bond, Clinton, Washington, Perry, Franklin, Saline, and Pope Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E65), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from Omaha, Nebr., to Green Bay and Eau Claire, Wis. The purpose of this filing is to eliminate the gateway of Chanhassen, Wis.

No. MC 114457 (Sub-No. E68), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from Modivi, Wis., to Hutchinson, Kans., Fargo and Minot, N. Dak., Sioux Falls, Aberdeen, and Rapid City, S. Dak., and Grand Island, Lincoln, Scottsbluff, and North Platte, Nebr. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E69), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in Wisconsin (except points in Douglas County) to points in Montana. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E72), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk),

from Kansas City, Mo., to Fargo, N. Dak. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E73), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in Wisconsin in and north of La Crosse, Monroe, Juneau, Adams, Waushara, Winnebago, Calumet, and Manitowoc Counties, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E74), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in North Dakota to points in Illinois. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E78), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in Montana to points in Illinois. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E81), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from points in Wisconsin (except points in Douglas, Bayfield, Ashland, Iron, Sawyer, Washburn, Burnett, and Polk Counties), to points in North Dakota. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E82), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal canned goods containers* and (2) *container ends, accessories*, and *materials* and *supplies* used in connection with the manufacture and distribution of metal containers from points in Wisconsin (except points in Douglas, Bayfield, Ashland, Iron, Sawyer, Washburn, Burnett, and Polk Counties), to points in North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E85), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal canned goods containers* and (2) *container ends, accessories*, and *materials* and *supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from points in Wisconsin in and north of Trempeleau, Jackson, Wood, Portage, Waupaca, Outagamie, Brown, and Kewaunee Counties, to points in Kansas. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E86), filed June 4, 1974. Applicant: DART TRANSIT CO., 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal canned goods containers* and (2) *Container ends, accessories*, and *materials* and *supplies* used in the connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight, require the use of special equipment), when moving in mixed loads with metal containers, from points in South Dakota (except points in Gregory, Brule, Aurora, Charles Mix, Douglas, Davison, Hanson, Hutchinson, Bon Homme, McCook, Minnehaha, Turner, Clay, Lincoln, and Union Counties), to points in Illinois in and east of Winnebago, Ogle, Lee, Bureau, Marshall, Woodford, McLean, De Witt, Macon, Christian, Montgomery, Bond, Clinton, Washington, Perry, Franklin, Saline, and Pope Counties. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E88), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except dairy products and meat), from points in Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Worth, Mitchell, Howard, Sioux, O'Brian, Clay, Palo Alto, Hancock, Cerro Gordo, Floyd, Chickasaw, Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Franklin, Butler, Bremer, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Grundy, Black Hawk, Monona, Crawford, Carroll, Greene, Boone, Story, Marshall, Harrison, Shelby, Audobon, Guthrie, Dallas, Polk, Cass, Pottawattamie, and Adair Counties, Iowa, to points in Pennsylvania in and east of Bradford, Lycoming, Union, Snyder, Juniata, Perry, Cumberland, and Adams Counties, points in New York in and east of St. Lawrence, Jefferson, Oswego, Cayuga, Tompkins, and Tioga Counties, and points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Minnesota (except Minneapolis).

No. MC 114457 (Sub-No. E91), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except dairy products and meat), from Sioux Falls, S. Dak., to points in Ohio, Pennsylvania, West Virginia, Kentucky, Nebraska, Connecticut, Delaware, Indiana, the Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Minnesota (except Minneapolis).

No. MC 11457 (Sub-No. E92), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal Canned goods containers* and (2) *container ends, accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers from points in Montana to points in Illinois. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E93), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods* (except commodities in bulk), from Omaha, Nebr., to points in Wisconsin in and north of Trempeleau, Eau Claire, Clark, Wood, Portage, Waupaca, Outagamie, Brown, and Door Counties. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114632 (Sub-No. E1), filed March 30, 1975. Applicant: APPLE LINES, INC., P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel building sections and building pan-*

els, and iron and steel prefabricated structural components; (a) from Chicago Heights, Ill., to points in Montana, Colorado, and Kansas; and (b) from points in Montana, Colorado, and points in Kansas on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Atlantic, Iowa.

No. MC 115322 (Sub-No. E114), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries*, from points in Maine to Pikeville, Ky. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E127), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from North East, Pa., to points in Georgia, Alabama, Mississippi, South Carolina, and Tennessee (except Lake, Obion, Weakley, Henry, Houston, Humphreys, Benton, Carroll, Gebson, Dyer, Stewart, Crockett, and Lauderdale Counties, Tenn.). The purpose of this filing is to eliminate the gateways of Winchester, Va., and Inwood, W. Va.

No. MC 115322 (Sub-No. E144), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from points in Erie County, Pa., and Chautauqua County, N.Y., to points in Mississippi, Alabama, Florida, South Carolina, and Tennessee (except Lake, Obion, Weakley, Henry, Houston, Humphreys, Benton, Carroll, Gibson, Dyer, Stewart, Crockett, and Lauderdale Counties, Tenn.). The purpose of this filing is to eliminate the gateways of Winchester, Va., and Inwood, W. Va.

No. MC 115322 (Sub-No. E173), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries*, from points in Maine to the District of Columbia. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E174), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except grape juice in bulk), from Westfield, N.Y., to points in Georgia, Alabama, Mississippi, South Carolina, and Tennessee (except points in Lake, Obion, Weakley, Henry, Houston, Humphreys, Benton, Carroll, Gibson, Dyer, Stewart, Crockett, and Lauderdale Counties, Tenn.). The purpose of this filing is to eliminate the gateways of Winchester, Va., and Inwood, W. Va.

No. MC 115322 (Sub-No. E175), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries*, from points in Maine to Cumberland, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E179), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries*, from points in Maine to points in Florida. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115322 (Sub-No. E194), filed January 27, 1975. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James Wilson, 13th & Pennsylvania Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries*, from points in Maine to Baltimore, Md. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 115841 (Sub-No. E24), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. 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: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of George A. Hormel and Company, at or near Bureau, Ill., to points in Virginia, restricted to the transportation of traffic originating at the plantsite of George A. Hormel and Company at or near Bureau, Ill. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 115841 (Sub-No. E54), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. 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: *Agricultural commodities* as defined in section 203(b)(6) of the Interstate Commerce Act, when transported at the same time and in the same vehicle with commodities subject to economic regulation (otherwise authorized), in vehicles equipped with mechanical refrigeration, (1) from New Orleans, La., to points in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of Nashville, Tenn. (2) From Gulfport, Miss., to points in California, Connecticut, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, South Carolina, Washington, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of points in Tennessee or Birmingham, Ala. (3) From Mobile, Ala., to points in California, Connecticut, Massachusetts, New Jersey, Oregon, South Carolina, Washington, and Atlanta, Ga. The purpose of this filing is to eliminate the gateway of points in Tennessee or Birmingham, Ala.

No. MC 115841 (Sub-No. E55), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods*, in packages, in vehicles equipped with mechanical refrigeration, from King of Prussia, Pa., to points in that part of Alabama located on and west of a line beginning at the Georgia-Alabama State line, thence along Interstate Highway 59 to junction Interstate Highway 65, thence along Interstate Highway 65 to Mobile, Ala., points in Tennessee on and west of U.S. Highway 231, and points in Louisiana, restricted to the transportation of shipments originating at the facilities of Stouffer Foods, Division of Litton Industries at King of Prussia, Pa. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 115841 (Sub-No. E56), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods*, from the plantsite of the Frozen Food Division of the Pet Milk Company at Chickasha, Okla. to points in Maine, New Hampshire, and Vermont. The purpose of this

filing is to eliminate the gateway of Swedesboro, N.J.

No. MC 115841 (Sub-No. E57), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods*, from points in Tennessee to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Swedesboro, N.J.

No. MC 115841 (Sub-No. E58), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, CORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods*, from Atlanta, Ga., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., and Swedesboro, N.J.

No. MC 115841 (Sub-No. E59), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, CORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods*, from Golden Meadow, Hammond, Independence, Morgan City, New Orleans, Ponchatoula, and Violet, La., Biloxi, Gulfport, Ocean Springs, and Bay St. Louis, Miss., and Birmingham, Folley, Mobile, and Montgomery, Ala., to points in Maine, New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateway of Swedesboro, N.J.

No. MC 115841 (Sub-No. E60), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION CORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods, dairy products*, as defined by the Commission, *meats, meat products, and meat by-products*, as defined by the Commission, and *fresh fruits and vegetables*, as encompassed in foodstuffs, from points in North Carolina to points in Illinois, Indiana, Kentucky, Michigan, and Ohio.

No. MC 115841 (Sub-No. E61), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION CORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods* (except frozen fruits, frozen berries, and frozen vegetables within the meaning of section 7(c) of the Transportation Act of 1958) and *frozen fruits, frozen berries*, and *frozen vegetables*, when moving in mixed loads with frozen foods in vehicles equipped with mechanical refrigeration, from points in North Carolina to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Memphis, Tenn.

No. MC 115841 (Sub-No. E62), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION CORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods*, except frozen fruits, vegetables, and berries, in vehicles equipped with mechanical refrigeration, from points in North Carolina to points in Iowa and points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

No. MC 115841 (Sub-No. E63), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION CORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods* (except frozen fruits, frozen berries, and frozen vegetables, within the meaning of section 7(c) of the Transportation Act of 1958), and *frozen fruits, frozen berries, and frozen vegetables*, when moving in mixed loads with frozen foods (presently authorized), in containers in vehicles equipped with mechanical refrigeration as encompassed in foodstuffs, from King of Prussia, Pa., to points in Arkansas, Oklahoma, and Texas, restricted to the transportation of shipments originating at the facilities of Stouffer Foods, Division of Litton Industries at King of Prussia, Pa. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Memphis, Tenn.

No. MC 115841 (Sub-No. E64), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as irregular routes, transporting: *Frozen foods, meats, meat products, and meat by-products, and dairy products*, as defined by the Commission, and *fresh fruits and vegetables*, as encompassed in foodstuffs, in vehicles equipped with mechanical refrigeration, from points in North Carolina on and west of U.S. Highway 52 to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 115841 (Sub-No. E65), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. 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: *Frozen foods*, as encompassed in foodstuffs, from Boston, Mass., to points in Arkansas, California, Texas, Missouri, Oklahoma, Oregon, Washington, points in Kansas on and west of U.S. Highway 81 and points in Georgia on and west of Interstate Highway 75. Restriction: Authority herein to points in Arkansas, Kansas, Oklahoma, and Texas are restricted to shipments of frozen foods and frozen fruits, frozen berries, and frozen vegetables, when moving in mixed loads with frozen foods. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., or Nashville, Tenn., or Memphis, Tenn., or Chattanooga, Tenn.

No. MC 115841 (Sub-No. E66), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Alabama 35202. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits* and *frozen vegetables*, as encompassed in frozen foods and foodstuffs, in vehicles equipped with mechanical refrigeration, from Fairport, Ontario and Webster, N.Y., to points in Alabama, Arkansas, California, Georgia, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., or Chattanooga, Tenn., or Nashville, Tenn., or Jackson, Tenn., or Memphis, Tenn.

No. MC 115841 (Sub-No. E67), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries*, and *frozen vegetables*, in vehicles equipped with mechanical refrigeration, from points in Maryland on and east of U.S. Highway 1 to points in Arkansas, California, Florida, Louisiana, Mississippi, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Ala. or Atlanta, Ga.

No. MC 115841 (Sub-No. E83), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. 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: *Meats, meat products,* and *meat by-products* and *articles distributed by meat packinghouses,* as described in section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, as encompassed in foodstuffs, from points in North Carolina to points in Missouri. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

No. MC 115841 (Sub-No. E84), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Shephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products,* and *meat by-products, dairy products,* and *articles distributed by meat packinghouses,* unfrozen (except liquid commodities, in bulk and in tank vehicles), 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, and *frozen foods* and *candy* and *foodstuffs,* in vehicles equipped with mechanical refrigeration, when moving in mixed loads with meats, meat products, and meat by-products, and articles distributed by meat packinghouses, unfrozen, 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, frozen foods and candy (otherwise authorized), as encompassed in prepared foods, from Pittsburgh, Pa., to points in Georgia. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 115841 (Sub-No. E85), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: *Bakery products, meats* (except canned meats), and *dairy products,* restricted against the transportation of said commodities when frozen, in vehicles equipped with mechanical refrigeration, from points in North Carolina to points in Kansas and Nebraska. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E102), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INCORPORATED, P.O. Box 10327, Birmingham, Ala. 35202. 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: (1) *Cheese products,* and (2) *Meats, meat products,* and *meat by-products* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the warehouses utilized by Armour and Co,. and Klarer of Kentucky, Inc., at Indianapolis, Ind., to points in that part of California located on and south of a line beginning at the Nevada-California State line, thence along Interstate Highway 40 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 152, thence along California Highway 152 to the Pacific Ocean. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E103), filed June 4, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. 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: (1) *Cheese products,* and (2) *meats, meat products,* and *meat by-products,* as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from Evansville and Washington, Ind., to points in California and points in Arkansas on and south of Interstate Highway 40, restricted to the transportation of shipments originating at the plantsites of Armour and Company at Washington, Ind., and the warehouse utilized by Armour and Company and Klarer of Kentucky, Inc., at Evansville, Ind. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., or Nashville, Tenn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-11694 Filed 5-2-75;8:45 am]

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PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low-Income Housing

■

SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM—EXISTING HOUSING

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-308]

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM—EXISTING HOUSING

The Department of Housing and Urban Development (HUD) gave notice on January 23, 1975 at 40 FR 3733 that it was amending Title 24 of the Code of Federal Regulations by adding a new Part 1275 to Chapter, effective as of January 1, 1975.

HUD is renumbering all parts of Chapter VIII. The regulations below change from Part 1275 to Part 882. All reference below are to the new part numbers.

Part 882 sets forth the essential elements of the Housing Assistance Payments Program for Existing Housing, including the roles and responsibilities of HUD, public housing agencies (PHAs), Owners and Eligible Lower- and Very Low-Income Families, the basis for determining the amount of housing assistance payments, and the prescribed contracts.

Proposed regulations for the section 8 Existing Housing Program were published for comment on December 10, 1974. However it was necessary to limit the comment period to fifteen days because of the statutory requirement that the regulations be made effective as of January 1, 1975. In the January 23, 1975 publication of the final regulations HUD solicited additional comments for a period of 30 days.

HUD has received 12 responses to the January 23, 1975 publication. All comments were carefully considered and changes have been made to the regulations, as set forth below, based on these and earlier comments. A discussion of the principal changes and of the more recurrent and significant comments is set forth below. It includes comments submitted in response to the December 10, 1974 publication and the January 23, 1975 publication.

1. To facilitate understanding and referencing, §§ 1275.103 (Basic Policies) and 1275.207 (Project Operation) have been renumbered to give separate section numbers to the paragraphs within them. (See §§ 882.103–882.120 and §§ 882.207–882.216, respectively.)

2. Several comments pertained to other regulations. For example, comments concerning Fair Market Rents pertain to the regulations relating to such rents, 24 CFR Part 888. Similarly, comments concerning computation of income for purposes of determining eligibility and amount of Gross Family Contribution pertain to the regulations concerning these determinations, 24 CFR Part 889.

3. Section 882.101(b), relating to conversion to section 8 of section 23 housing projects has been modified so that, subject to the prior rights of owners under leases entered into under section 23: (a) Orderly conversion of all such housing to section 8 is encouraged; (b) the extent to which leases for section 23 existing housing may be continued, renewed and extended prior to conversion with respect to occupied units is clarified; (c) increases in rents and/or operating costs for occupied units may be funded only through elimination of units authorized under section 23 but not leased and section 23 Annual Contributions Contract (ACC) amounts may not be increased, except under special circumstances as authorized by HUD; and (d) the submission of a conversion plan to HUD formerly required from the PHA has been eliminated. Comments questioned the necessity and the statutory authority for the conversion provisions. HUD has concluded that a conversion provision is necessary so that assistance with respect to the leasing of existing housing can be provided by HUD and the PHAs in a consistent and efficient manner and that such assistance will be provided in accordance with the most recent expression of Congressional policy.

4. A new § 882.101(b)(6) has been added to clarify the status of section 23 Existing Housing projects for which ACC Lists were approved by December 31, 1974, but ACCs were not executed as of that date.

5. Some comments recommended that the amount of housing assistance payments for units vacated in violation of the provisions of the Lease or tenancy agreement be increased from 80 to 100 percent of the Contract Rent for the vacated unit. Some challenged the legal authority of HUD to limit the payments and others stated that Owners would be discouraged from making their units available to Families assisted under the section 8 program without 100 percent coverage. In the regulations published on January 23, 1975, HUD responded to similar prior comments by increasing the percentage from 70 to 80. Section 8(c)(4) of USHAct does not require assistance payments for vacated units, but only authorizes such payments as permissible. Therefore HUD should attempt to implement this provision with the least amount of Federal expenditure. HUD has concluded that a further increase would reduce the incentive of the Owner to rerent the vacant unit and is not necessary for purposes of a sufficient incentive for leasing to assisted Families.

6. Section 882.106(a), which sets forth the circumstances under which the Fair Market Rent may be exceeded by up to 20 percent for a designated area, has been modified to require that in addition to the other requirements, such higher rents must be determined by the Assistant Secretary for Housing Production and Mortgage Credit to be reasonable in relation to the prevailing rents in the designated area for available modest housing taking into account quality, amenities, facilities, and maintenance and management services.

7. Section 822.108(a), concerning Contract Rent adjustments, has been modified to provide that if the Owner is unable to obtain the required certification from the Family that the unit is in Decent, Safe, and Sanitary Condition and that the Owner is otherwise in compliance with the Lease, the Owner may submit to the PHA a statement explaining why he was unable to obtain such certification and, in such case, the PHA will determine whether he is entitled to the adjustment.

8. Several comments objected that the definitions of "large family" and "very large family," as used in § 882.114 for purposes of identifying those Families for whom housing assistance payments will equal the difference between 15 percent of gross income and the Gross Rent, is too restrictive. The term "large family" is defined as a family which includes six or more minors (other than head of household or the spouse) and the term "very large family" is defined as a family which includes eight or more such members. The comments indicated concern that Families which do not fall within one of these defined categories may be required to pay 25 percent of their gross income toward Gross Rent. This concern, is based upon a misunderstanding. HUD has published separate interim regulations covering the determination of Gross Family Contribution (see 40 FR 15541; 24 CFR Part 889). These regulations provide for allowances based on the number of minors (and other factors) to be deducted from the Family's income and for determining the amount of contribution by applying a percentage (25 percent) to the income after making this deduction. Consequently, the amount of the required Gross Family Contribution will take into account the number of minors. The minimum amount will be 15 percent of the Family income before allowances. Many Families which do not fall within one of the categories for which a 15 percent contribution rate is required by the USH Act, will qualify for the 15 percent rate under this method. Therefore, HUD has limited the definitions of Families who automatically qualify for the 15 percent rate to those in extremely difficult circumstances. HUD believes that this method provides the needed flexibility for differences in size of Family, is administratively feasible, and responsive to the statutory requirements.

9. Many comments objected to § 882.117(b), the provision which prohibits the PHA which is responsible for administering the Contract from contracting with the Owner to perform management and maintenance services with respect to the unit covered by the Contract. This prohibition is retained in order to avoid the conflict of interest which would exist if the entity which is the Contract administrator, and therefore responsible for enforcement of compliance with management and maintenance requirements, were itself the entity whose compliance must be evaluated and enforced. This provision has been modified, however, to clarify that: (a) If the Owner and the PHA wish to enter into such a management contract, they may do so provided that the Housing Assistance Payments Contract with respect to the housing involved is admin-

istered by another PHA or by HUD (or an entity acting on behalf of HUD); and (b) if no other PHA is able and willing to administer the Contract, HUD will do so or will designate another entity to do so on its behalf (see §§ 882.117(b) and 882.121(c)).

10. One comment argued that the establishment of Fair Market Rents for Recently Completed Housing at 75 percent of the Fair Market Rents for new construction, as provided in § 882.120, is inadequate. It should be noted however that (a) the Fair Market Rents for new construction reflected anticipated increases during the period of construction and (b) where approved by HUD, these Fair Market Rents may be exceeded by 10 percent or for certain designated areas, by 20 percent, as provided in § 882.106(a). Section 882.120(a) has been modified to provide that HUD will invite applications by appropriate PHAs for an Existing Housing Program for Recently Completed Housing, which may but need not be included as part of an Application for other housing assisted under this part.

11. Section 882.203, the provision relating to invitations for Existing Housing Program applications, has been modified so that HUD, in lieu of publishing such an invitation, will send a copy of the invitation to appropriate PHAs, the Governor, and the chief executive officers of appropriate government entities as well as to trade journals, news media, minority organizations and fair housing groups.

12. In response to a comment which expressed concern that a family determined to be ineligible for a Certificate of Family Participation might not be promptly notified of this fact and of their right to request a hearing concerning the determination, § 882.209(f) has been revised to provide explicitly that such notification be prompt. A Finding of Inapplicability with respect to the National Environmental Policy Act of 1969 has been made with respect to these regulations. A copy of this Finding is available for public inspection during regular business hours in the office of the Rules Docket Clerk, Room 10245, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

These regulations are effective May 6, 1975.

Accordingly, 24 CFR Part 882 is hereby amended to read as follows:

Subpart A—Applicability, Scope and Basic Policies

Sec.
882.101 Applicability and scope.
882.102 Definitions.
882.103 "Finders-Keepers" policy.
882.104 Annual contributions.
882.105 Housing Assistance Payments to Owners.
882.106 Initial Contract Rents.
882.107 Term of ACC, lease, and housing assistance payments contract.
882.108 Rent adjustments.
882.109 Housing quality standards.
882.110 Types of housing.
882.111 Equal Opportunity requirements.
882.112 Security and utility deposits.
882.113 Establishment of income limit schedules; 30 percent occupancy by Very Low Income-Families.
882.114 Establishment of amount of Housing Assistance Payments.
882.115 Shopping incentive credit to family for savings of Government Assistance Payments.
882.116 Responsibilities of the PHA.
882.117 Responsibilities of the Owner.
882.118 Responsibility of the Family.
882.119 Single ACC.
882.120 Recently completed housing.
882.121 Direct HUD administration of programs under this part.

Subpart B—Project Development and Operation

882.201 Allocations of contract authority to field offices.
882.202 Determination of number and types of units to be assisted.
882.203 Invitations for existing housing program applications.
882.204 Submission of application.
882.205 Processing of applications.
882.206 Annual Contributions Contract; schedule of leasing.
882.207 Public notice to Lower-Income Families; waiting list.
882.208 Activities to encourage participation by owners and others.
882.209 Certificates of Family participation.
882.210 Request for lease approval.
882.211 Maintenance, operation and inspections.
882.212 Reexamination of Family Income, composition, and extent of exceptional medical or other unusual expenses.
882.213 Overcrowded unit.
882.214 Adjustment of allowance for utilities and other services.
882.215 Eviction.
882.216 Inapplicability of Low-Rent Public Housing model lease and grievance procedures.
882.217 HUD review of contract compliance.
882.218 PHA reporting requirements. [Reserved].

APPENDICES

NOTE: Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD Existing Housing Handbook.

I. Annual contributions contract.
II. Housing assistance payments contract.
III. Certificate of family participation.
IV. Request for lease approval.
V. Agency determination with respect to request for lease approval.
VI. Required lease provisions.
VII. Prohibited lease provisions.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b), U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); sec. 8, U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart A—Applicability, Scope and Basic Policies

§ 882.101 Applicability and scope.

(a) *General.* (1) The policies and procedures contained herein are applicable to the making of Housing Assistance Payments on Behalf of Eligible Families leasing Existing Housing pursuant to the provisions of section 8 of the U.S. Housing Act of 1937 ("Act").

(2) For the purpose of this part, "Existing Housing" means housing that is in Decent, Safe, and Sanitary condition except that it does not include housing: (i) Which is covered by an Agreement to Enter into Housing Assistance Payments Contract or by a Housing Assistance Payments Contract under Part 800, 801, 880, or 881 of this chapter, or (ii) which is owned by the PHA administering the ACC under this part, or (iii) which is subsidized under other provisions of the Act. Occupancy of housing which requires repairs in order to be made Decent, Safe, and Sanitary may be assisted under this Part only after such repairs have been made. (See also § 882.210(d).)

(b) *Conversion of Section 23 Housing Projects.* (1) No HUD policy or procedure shall affect prior rights of an owner under a lease entered into under section 23 of the Act.

(2) PHAs are encouraged to develop plans for the orderly conversion of their section 23 housing to the section 8 program.

(3) Conversions should be accomplished so as to preclude the eviction of families receiving assistance under the section 23 program.

(4) Housing under ACCs implementing the HUD Experimental Housing Allowance Program shall not be subject to the provisions of this paragraph (b).

(5) With respect to section 23 housing other than new construction and substantial rehabilitation:

(i) Where section 23 housing is to be converted to section 8, HUD will, to the extent of available contract authority, approve one section 8 unit for each section 23 unit converted. Where section 23 units are not converted, the following provisions of this paragraph (b)(5) shall apply.

(ii) Any increases in rents and/or operating costs for occupied units must be funded by the elimination of units authorized under the section 23 ACC but not leased; section 23 ACC amounts shall not be increased, except under special circumstances as authorized by HUD.

(iii) No leases for additional units shall be entered into.

(iv) Lease renewals and extensions may be entered into with respect to occupied units only, but the terms of such lease renewals may not extend beyond June 30, 1978, except under special circumstances as authorized by HUD, and then only until June 30, 1979.

(6) Section 23 Existing Housing projects for which ACCs were approved, but not executed, by December 31, 1974, shall be converted to section 8 (even if an ACC was executed subsequent to December 31, 1974), unless the PHA notifies HUD that it would prefer to retain the project under section 23. In the latter case, a section 23 ACC shall be executed, but the other provisions of this paragraph (b) shall be applicable.

§ 882.102 Definitions.

Allowance for Utilities and Other Services ("Allowance"). An amount determined by the PHA as an allowance for the cost of utilities (except telephone)

and charges for other services payable directly by the Family. Where the Family pays directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

Annual Contributions Contract ("ACC"). A written agreement between HUD and a PHA to provide annual contributions to the PHA to cover housing assistance payments and other expenses pursuant to the Act. (See Appendix I to this part.)

Certificate of Family Participation ("Certificate"). A certificate issued by the PHA declaring a Family to be eligible for participation in this program and stating the terms and conditions for such participation.

Congregate Housing. Housing in which some or all of the dwelling units do not have kitchen facilities and connected with which there is a central dining facility to provide meals for the occupants.

Contract. See definition of Housing Assistance Payments Contract.

Contract Rent. The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

Decent, Safe, and Sanitary. Housing is Decent, Safe, and Sanitary if the requirements of § 882.109 are met.

Eligible Family (Family). A family which qualifies as a Lower-Income Family and which meets the other requirements of the Act and this part. The term Family includes an elderly, handicapped, disabled, or displaced person and the remaining member of a tenant family as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments continues until the amount payable by the Family toward the Gross Rent equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in income or rents or other relevant circumstances during the term of the Contract.

Existing Housing. See § 882.101(a)(2).

Fair Market Rent. The rent, including utilities (except telephone), ranges and refrigerators, and all maintenance, management, and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately owned, existing, Decent, Safe, and Sanitary rental housing of modest (non-luxury) nature with suitable amenities. Separate Fair Market Rents shall be established for dwelling units of varying sizes (number of bedrooms) and types (e.g. elevator, non-elevator).

Gross Family Contribution. The portion of the Gross Rent payable by an Eligible Family (i.e., the difference between the amount of the Housing Assistance Payment payable on Behalf of the Family and the Gross Rent), before deduction of shopping incentive credit, where applicable.

Gross Rent. The Contract Rent plus any Allowance for Utilities and Other Services.

HCD Act. The Housing and Community Development Act of 1974.

Housing Assistance Payments Contract ("Contract"). A written contract between a PHA and an Owner for the purpose of providing housing assistance payments to the Owner on behalf of an Eligible Family. (See Appendix II to this part.)

Housing Assistance Payment on Behalf of Eligible Family. The amount of housing assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 882.114.)

HUD. The Department of Housing and Urban Development or its designee.

Income. Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

Lease. A written agreement between an Owner and an Eligible Family for the leasing of an Existing Housing unit in accordance with the Contract, which agreement is in compliance with the provisions of this part.

Local Housing Assistance Plan. A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan which contains the elements set forth in section 104(a)(4) of the HCD Act and which is approved by the Secretary as meeting the requirements of section 213 of that Act.

Lower-Income Family. A Family whose Income does not exceed 80 percent of the median Income for the area as determined by HUD with adjustments for smaller or larger Families, except that HUD may establish Income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low Incomes, or other factors.

Owner. Any person or entity, including a cooperative, having the legal right to lease or sublease Existing Housing.

Project Account. The account established and maintained in accordance with § 882.104.

Public Housing Agency ("PHA"). Any State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families.

Recently Completed Housing. See § 882.120.

Secretary. The Secretary of Housing and Urban Development.

Shopping Incentive Credit. See § 882.115.

Very Low-Income Family. A Family whose income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families.

§ 882.103 "Finders-keepers" policy.

(a) A holder of a Certificate of Family Participation shall be responsible for finding an Existing Housing unit suitable to the holder's needs and desires in any area within the PHA's jurisdiction. A holder of a Certificate may select the dwelling unit which the holder already occupies if the unit qualifies as Existing Housing. A PHA may provide assistance in finding units for those Families who, because of age, handicap, or other reasons, are unable to locate approvable units and shall provide such assistance where the Family alleges that discrimination is preventing it from finding a suitable unit. Any such assistance shall be in accordance with the PHA's approved equal opportunity housing plan (see § 882.204(e)).

(b) Neither in the provision of assistance to any Family in finding units nor by any other action shall the PHA directly or indirectly reduce the Family's opportunity to choose among the available units in the housing market.

§ 882.104 Maximum total ACC commitment and project account.

(a) Maximum Total ACC Commitment. The maximum total annual contribution that may be contracted for in the ACC for Existing Housing shall not exceed the total of the Fair Market Rents for all the units plus a fee for the regular costs of PHA administration. HUD-approved preliminary costs shall be payable out of this total.

(b) Project Account. A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(1) Housing assistance payments;

(2) The amount of the fee for regular PHA costs of administration; and

(3) Other costs specifically authorized or approved by the Secretary.

(c) In addition, the ACC will provide that HUD will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to assure availability of funds to cover increases in housing assistance payments on a timely basis as a result of increases in Contract Rents or decrease in Family Incomes.

§ 882.105 Housing assistance payments to owners.

(a) *General*. Housing assistance payments shall be paid to an Owner in accordance with his Contract for the dwelling unit under lease by an Eligible Family. These housing assistance payments will cover the difference between the Contract Rent and the portion of said rent payable by the Family as determined in accordance with HUD-established schedules and criteria. No section 8 assistance may be provided with respect to

any unit occupied by an Owner; however, cooperatives are considered rental housing rather than owner-occupied housing for this purpose.

(b) *Vacated Units.* (1) If an Eligible Family vacates its unit in violation of the provisions of the Lease or tenancy agreement, the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days or the expiration or other termination of the Lease or tenancy agreement, whichever comes first; *Provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct; *And provided further,* That if the vacancy is the result of action by the Owner, the Owner shall not receive any payment under this paragraph if his action was in violation of the Lease or the Contract or any applicable law or if the Owner failed to comply with § 882.215.

(2) The Owner shall not be entitled to any payment under this paragraph (b) unless he: (i) Immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy, (ii) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit and (iii) has not rejected any eligible applicant except for good cause acceptable to the PHA.

(3) The Owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph (b) to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 882.112).

§ 882.106 Initial contract rents.

(a) *Fair Market Rent Limitation.* For any Existing Housing unit, the sum of the Contract Rent and any Allowance for Utilities and Other Services shall not exceed the applicable Fair Market Rent, except that such Fair Market Rent may be exceeded by up to 10 percent if the PHA certifies that such higher rent meets the test of reasonableness in paragraph (b), specifies the factor(s) on which the certification is based, and HUD approves. Upon request by the PHA, the Fair Market Rent may be exceeded by up to 20 percent in a designated area, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan, and that such higher rents are reasonable in relation to the prevailing rents in the designated area for available modest housing taking into account quality, amenities, facilities, and maintenance and management services.

(b) *Reasonableness of Rents.* In any case, the PHA shall determine and so certify that the Contract Rent for the dwelling unit for which it approves a Lease does not exceed a rent that is reasonable in relation to the location, quality, amenities, facilities, and management and maintenance services of the unit.

§ 882.107 Term of ACC, lease, and housing assistance payments contract.

(a) *Term of ACC.* The term of the ACC shall be for five years.

(b) *Term of Lease and of Housing Assistance Payments Contract.* The Lease shall be for not less than one year nor more than three years but may contain a provision permitting termination upon 30 days advance written notice by either party. The term of the Contract shall be for the term of the Lease; *Provided,* That if a Family continues in occupancy after the expiration of the term on the same terms and conditions as the original Lease (or changes thereto which have been approved by the PHA and incorporated in the Contract where appropriate), the Contract shall continue in effect for the duration of such tenancy subject to the limitation in the next sentence. The specified Contract and Lease term, including specified renewal options, if any, and any continuation of tenancy beyond the Lease term shall in no case exceed three years or extend beyond the term of the ACC pertaining to the Contract and the Lease. This limitation shall not preclude the execution of a new Lease and Contract for the dwelling unit.

§ 882.108 Rent adjustments.

(a) Contract Rents shall be adjusted as provided in paragraphs (a)(1) and (2) of this section upon request to the PHA by the Owner, provided that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease. The Owner's request for an adjustment shall be accompanied by a certification signed by the Owner and the Family that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease. If the Owner is unable to obtain the Family's signature on the certification, he shall submit a statement explaining why he was unable to obtain such signature, and in such case the PHA will determine whether he is entitled to an adjustment under this section. Subject to the foregoing, adjustments of Contract Rents shall be as follows:

(1) *Annual Adjustments.* An adjustment as of any anniversary date of the Lease not to exceed the percentage of change in the applicable published Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family): *Provided,* That the Owner has the legal right to terminate the tenancy as of such anniversary date.

(2) *Special Adjustments.* A special adjustment, subject to HUD approval, effective as of the date when the Owner has the legal right to terminate the tenancy, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in paragraph (a)(1) of this section. The Owner shall submit financial statements to the PHA which clearly support the increase.

(b) *Overall Limitation.* Notwithstanding any other provisions of this Part, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the PHA (and approved by HUD, in the case of adjustments under paragraph (a)(2)) of this section.

§ 882.109 Housing quality standards.

Housing used in this program shall meet the Performance Requirements set forth in this section. In addition, the housing shall meet the Acceptability Criteria set forth in this section except for such variations as are proposed by the PHA and approved by HUD. Local climatic or geological conditions or local codes are examples which may justify such variations.

(a) *Sanitary Facilities.*—(1) *Performance Requirement.* The dwelling unit shall include its own sanitary facilities which are in proper operating condition, can be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(2) *Acceptability Criteria.* A flush toilet in a separate, private room, a fixed basin with hot and cold running water, and a shower or tub with hot and cold running water shall be present in the dwelling unit, all in proper operating condition. These facilities shall utilize an approved public or private disposal system.

(b) *Food Preparation and Refuse Disposal.* (1) *Performance Requirement.* The dwelling unit shall contain suitable space and equipment to store, prepare, and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary.

(2) *Acceptability Criteria.* A cooking stove or range, a refrigerator of appropriate size for the unit, and a kitchen sink with hot and cold running water shall be present in proper operating condition within the unit. The sink shall drain into an approved public or private system. Adequate space for the storage, preparation and serving of food shall be provided. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including fa-

cilities for temporary storage where necessary (e.g., garbage cans).

(c) *Space and Security.*—(1) *Performance Requirement.* The dwelling unit shall afford the Family adequate space and security.

(2) *Acceptability Criteria.* A living room, kitchen area, and bathroom shall be present; and the dwelling unit shall contain at least one sleeping room or living/sleeping room of appropriate size for each two persons. Exterior doors and windows accessible from outside the unit shall be lockable.

(d) *Thermal Environment*—(1) *Performance Requirement.* The dwelling unit shall have and be capable of maintaining a thermal environment healthy for the human body.

(2) *Acceptability Criteria.* The dwelling unit shall contain safe heating and/or cooling facilities which are in proper operating condition and can provide adequate heat and/or cooling to each room in the dwelling unit appropriate for the climate to assure a healthy living environment. Unvented room heaters which burn gas, oil or kerosene are unacceptable.

(e) *Illumination and Electricity*—(1) *Performance Requirement.* Each room shall have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of occupants. Sufficient electrical sources shall be provided to permit use of essential electricial appliances while assuring safety from fire.

(2) *Acceptability Criteria.* Living and sleeping rooms shall include at least one window. A ceiling or wall type light fixture shall be present and working in the bathroom and kitchen area. At least two electric outlets, one of which may be an overhead light, shall be present and operable in the living area, kitchen area, and each bedroom area.

(f) *Structure and Materials*—(1) *Performance Requirement.* The dwelling unit shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment.

(2) *Acceptability Criteria.* Ceilings, walls and floors shall not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure shall be firm and the roof shall be weathertight. The exterior wall structure and exterior wall surface shall not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in safe and operating condition.

(g) *Interior Air Quality*—(1) *Performance Requirement.* The dwelling unit shall be free of pollutants in the air at levels which threaten the health of the occupants.

(2) *Acceptability Criteria.* The dwelling unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

(h) *Water Supply*—(1) *Performance Requirement.* The water supply shall be free from contamination.

(2) *Acceptability Criteria.* The unit shall be served by an approved public or private sanitary water supply.

(i) *Lead Based Paint*—(1) *Performance Requirement.* (i) The dwelling unit shall be in compliance with HUD Lead Based Paint regulations, Part 35 of this title, issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801, and the Owner shall provide a certification that the dwelling is in accordance with such HUD Regulations.

(ii) If the property was constructed prior to 1950, the Family upon occupancy shall have been furnished the notice required by HUD Lead Based Paint regulations and procedures regarding the hazards of lead based paint poisoning, the symptoms and treatment of lead poisoning and the precautions to be taken against lead poisoning.

(2) *Acceptability Criteria.* Same as Performance Requirement.

(j) *Access*—(1) *Performance Requirement.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties, and the building shall provide an alternate means of egress in case of fire.

(2) *Acceptability Criteria.* The dwelling unit shall be useable and capable of being maintained without unauthorized use of other private properties. The building shall provide an alternate means of egress in case of fire (such as fire stairs or egress through windows).

(k) *Site and Neighborhood*—(1) *Performance Requirement.* The site and neighborhood shall be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants.

(2) *Acceptability Criteria.* The site and neighborhood shall not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards.

(l) *Sanitary Condition*—(1) *Performance Requirement.* The unit and its equipment shall be in sanitary condition.

(2) *Acceptability Criteria.* The unit and its equipment shall be free of vermin and rodent infestation.

(m) *Congregate Housing.* The foregoing standards shall apply except for paragraph (b) of this section, Food Preparation and Refuse Disposal. In addition, the following standards shall apply:

(1) The unit shall contain a refrigerator of appropriate size.

(2) The central dining facility (and kitchen facility, if any) shall contain suitable space and equipment to store, prepare and serve food in a sanitary manner, and there shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

§ 882.110 Types of housing.

(a) Any type of Existing Housing may be utilized under this part, including, but not limited to, existing FHA insured, section 202 direct loan, Farmers Home Administration insured or direct loan, or VA guaranteed properties; or properties held by the Secretary; or properties sold by the Secretary on which he has taken back a purchase money mortgage. (But see paragraph (c) of this section.)

(b) Congregate Housing may be utilized for eligible elderly, handicapped, disabled or displaced families and individuals. The Fair Market Rent for Congregate Housing shall be the same as for 0- and 1-bedroom units (as appropriate) of the same structure type, and the Contract Rent shall not include the cost of providing and serving food.

(c) In any section 221(d)(3) below market interest rate (BMIR), section 202, or section 236 project: (1) Units receiving assistance under section 23 or rent supplement programs may continue to receive such assistance, and (2) units not receiving such assistance may receive section 8 assistance only after approval by the Assistant Secretary for Housing Production and Mortgage Credit and the Assistant Secretary for Housing Management on a case by case basis. In granting such approvals, the number of units assisted under section 8 (together with any section 23 and/or rent supplement units) will generally be limited to 20 percent of the units in each such project.

(d) For any section 221(d)(3) BMIR, section 202, or section 236 unit, the housing assistance payment shall be the amount by which the rent payable by the Eligible Family under section 23 or section 8 is less than the subsidized rent (which subsidy shall not be reduced on account of any section 23 or section 8 assistance).

(e) In no event may any occupant receive the benefit of more than one of the following: rent supplement, section 23 housing assistance, or section 8 housing assistance.

§ 882.111 Equal opportunity requirements.

Participation in this program requires compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063 and all rules, regulations, and requirements issued pursuant thereto. The PHA shall comply with section 3 of the Housing and Urban Development Act of 1968 and all applicable rules, regulations, and requirements.

§ 882.112 **Security and utility deposits.**

(a) An Owner may require a Family to pay a security deposit in an amount equal to the amount payable by the Family toward one month's Gross Rent. If a Family vacates the unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the Family has provided a security deposit, and it is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any unpaid rent. If a Family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

(b) In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

(c) Families shall be expected to obtain the funds to pay security and utility deposits, if required, from their own resources and/or other private or public sources.

§ 882.113 **Establishment of income limit schedules; 30 percent occupancy by very low-income families.**

(a) HUD will establish schedules of Income limits for determining whether families qualify as Lower-Income Families and Very Low-Income Families.

(b) Each PHA shall so administer its Existing Housing program under this part, including the issuance of a sufficient number of Certificates to Very Low-Income Families, so that at least 30 percent of the Families for whom Leases are approved by the PHA are Very Low-Income Families. However, in connection with periodic reexamination of Family Income, the PHA shall ascertain whether at least 30 percent of all the assisted Families are Very Low-Income Families, and where the percentage is lower than 30 percent, the PHA shall thereafter use its best efforts in connection with subsequent issuance of Certificates of Family Participation to achieve at least a 30 percent level.

§ 882.114 **Establishment of amount of housing assistance payments.**

The amount of Housing Assistance Payment on Behalf of Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (a) no less than 15 percent nor more than 25 percent of the Family's Income and (b) the Gross Rent, taking into consideration the Income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large Very Low-Income Family or a very large Lower-Income Family or a Family with exceptional medical or other unusual expenses, the amount of the housing assistance payment shall be the difference between 15 percent of the Family's Income and the Gross Rent. The term large Family means a Family which includes six or more minors (other than the head of the Family or spouse). The term very large Family means a Family which includes eight or more minors (other than the head of the Family or spouse). The amount of the housing assistance payment shall be adjusted, where appropriate, to reflect the Shopping Incentive Credit pursuant to § 882.115.

§ 882.115 **Shopping incentive credit to family for savings of government assistance payments.**

(a) As an incentive to Families to find the most economical Decent, Safe, and Sanitary housing suitable to their needs and approvable under this Part, if a Family selects a unit (other than a unit receiving the benefit of Federal, State or local subsidy) for which the Owner's proposed Contract Rent plus any applicable Allowance is below the applicable Fair Market Rent, the Family will be given credit (Shopping Incentive Credit) by a reduction in its required monthly Gross Family Contribution.

(b) The amount of the monthly Shopping Incentive Credit shall be the dollar amount equal to that percentage of the Gross Family Contribution which the Rent Savings is of the Fair Market Rent. The Rent Saving is the amount by which the Fair Market Rent (1) exceeds the approved Contract Rent (plus any applicable Allowance), or (2) exceeds the initially proposed Contract Rent (plus any applicable Allowance), if that be higher than the approved Contract Rent (plus any applicable Allowance).

§ 882.116 **Responsibilities of the PHA.**

In administering its ACC with HUD, the PHA (subject to review or audit by HUD) shall be responsible for the following:

(a) Publication and dissemination of information concerning the availability and nature of housing assistance for Lower-Income Families;

(b) Public invitation of Owners to make dwelling units available for leasing by Eligible Families and development of working relationships and contacts with landlords and appropriate associations and groups;

(c) Receipt and review of applications for Certificates of Family Participation and maintenance of a waiting list in accordance with this part;

(d) Issuance of Certificates of Family Participation to Eligible Families;

(e) Notification of families determined to be ineligible;

(f) Provision to each Certificate holder of basic information on applicable housing quality standards and inspection procedures, search for and selection of housing, landlord and tenant responsibilities, and basic program rules including the operation of the Shopping Incentive Credit;

(g) Determination of amounts of Gross Family Contributions and Shopping Incentive Credits, if any;

(h) Determination of amounts of housing assistance payments;

(i) Review of and action on Requests for Lease Approval;

(j) Making of housing assistance payments;

(k) Reexaminations of Family Income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Gross Family Contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(l) Redeterminations of amount of rent payable by the Family and amount of housing assistance payment in accordance with HUD-established schedules and criteria as a result of an adjustment by the PHA of any applicable Allowance for Utilities and Other Services;

(m) Inspections prior to leasing and inspections at least annually to determine that the units are maintained in Decent, Safe, and Sanitary condition, and notifications to Owners and Families of PHA determinations;

(n) Authorization of evictions (see § 882.215);

(o) Administration and enforcement of Contracts with Owners and taking of appropriate actions in case of noncompliance or default; and

(p) Compliance by the PHA with equal opportunity requirements.

§ 882.117 **Responsibilities of the owner.**

(a) The Owner shall be responsible (subject to review or audit by the PHA or HUD) for performing all of his obligations under the Contract and Lease. The Owner's responsibilities shall include but not be limited to:

(1) Performance of all management and renting functions;

(2) Payment for utilities and services (unless paid directly by the Family);

(3) Performance of all ordinary and extraordinary maintenance;

(4) Collection of Family rents;

(5) Preparation and furnishing of information required under the Contract; and

(6) Compliance by the Owner with equal opportunity requirements.

(b) Any Owner may contract with any private or public entity to perform for a fee the services required by paragraph (a) of this section, *provided* that such contract shall not shift any of the Owner's responsibilities or obligations: *And provided further*, That no such contract may be entered into with an entity which is responsible for administration of the Housing Assistance Payments Contract. If the Owner and a PHA wish to enter into a management contract, they may do so: *Provided*, That the Housing Assistance Payments Contract with respect to the housing involved is administered by another PHA or by HUD or an entity acting on behalf of

HUD. If no other PHA is able and willing to administer the Contract, HUD will do so or will designate an entity to do so on its behalf, pursuant to § 882.121(b).

§ 882.118 Responsibility of the Family.

A Family receiving housing assistance under this program shall be responsible for fulfilling all its obligations under the Certificate of Family Participation issued to it by the PHA and under the Lease with the Owner.

§ 882.119 Single ACC.

(a) All of the Existing Housing units administered by a PHA under the Housing Assistance Payments Program shall be assigned a single project number and shall be administered under a single ACC Part I.

(b) In the event that a PHA applies for additional Existing Housing units, the units, if approved, shall be incorporated into a revised Part I of the ACC which shall cover the PHA's entire Housing Assistance Payments Program for Existing Housing. The revised Part I shall be for a new term for the aggregate number of units starting with the date of execution of the revised ACC Part I. When the PHA applies for additional units, it shall specify the number of years for which the aggregate number of units is needed and shall demonstrate such need. On the basis of such showing, HUD shall determine whether the new term for the aggregate number of units shall be five years or such lesser number of years as HUD may find to be justified. The maximum annual contribution of the revised project shall be the sum of (1) the maximum annual contribution for the project prior to the revision, plus (2) the amount approved for the additional units which shall be computed on the basis of the current Fair Market Rents.

§ 882.120 Recently completed housing.

(a) Until December 31, 1975, HUD may take the actions authorized by this paragraph (a) for any area in which HUD determines that new construction or substantial rehabilitation is justified (see §§ 880.103 and 881.103 respectively) but that there are one or more projects of newly constructed or substantially rehabilitated housing completed subsequent to December 31, 1972 ("Recently Completed Housing"), with substantial vacancies of extended duration. For any such area, HUD may, for a specified maximum number of units:

(1) Establish Fair Market Rents for such Recently Completely Housing at 75 percent of the Fair Market Rents for new construction then in effect; and

(2) Invite applications to be submitted to HUD by December 31, 1975, by the appropriate PHA or PHAs for an Existing Housing Program for Recently Completed Housing, which may but need not be included as a part of an Application for other housing assistance under this part.

(b) The approval of such an application shall authorize the PHA to (1) publicize the availability of such Fair Market Rents for the specified number of units of Recently Completed Housing, (2) invite Owners of such projects to submit evidence that their units qualify as Recently Completed Housing, and (3) inform holders of Certificates of Family Participation of the locations of such Housing and of the applicable Fair Market Rents.

(c) All provisions of this part, not specifically modified by this section, shall be applicable to Housing under this section.

§ 882.121 Direct HUD administration of programs under this part.

(a) If, after sending the invitations required by § 882.203, no application is received by HUD, by the deadline date, for operation of an Existing Housing Program in the area, or if the only applications received are not approvable, the HUD field office shall make such further inquiry, including advice and offer of assistance, as in its judgment may result in the submission of an approvable application by a PHA.

(b) If, on the basis of such further inquiry and all other pertinent information available to the HUD field office, HUD determines that there is no PHA organized or that there is no PHA able and willing to implement the provisions of this part for an area, HUD (or an entity acting on behalf of HUD) may, pursuant to section 8(b)(1) of the Act, enter into Contracts with Owners and perform the functions otherwise assigned to PHAs under this Part with respect to such area.

(c)(1) If one or more Owners wish to contract for the management of their housing by the PHA which is administering the ACC for that area under this part, and the PHA is willing to do this, or if the PHA owns housing which is suitable for utilization under this part, HUD shall ascertain whether there is another PHA able and willing to enter into an ACC and administer the program under this part with respect to housing which is managed or owned by the first PHA. If so, such an ACC may be entered into, and the housing covered thereby shall be excluded from the ACC with the first PHA.

(2) If on the basis of inquiry and all other pertinent information available to the HUD field office, HUD determines there is no PHA able and willing to administer an ACC with respect to housing managed or owned by the first PHA, HUD (or another entity acting on behalf of HUD) may, pursuant to section 8(b)(1) of the Act, enter into Contracts with the Owners and perform the functions otherwise assigned to PHAs under this part with respect to such housing.

Subpart B—Project Development and Operation

§ 882.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the Section 8 Housing Assistance Payments Program for metropolitan areas and for nonmetropolitan areas in conformance with section 213(d) of the HCD Act.

§ 882.202 Determination of number and types of units to be assisted.

Each field office shall, after considering the contents of any Local Housing Assistance Plan and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing.

§ 882.203 Invitations for existing housing program applications.

(a) *Sending of Invitation.* The HUD field office shall initiate implementation of its program with respect to Existing Housing by sending invitations for Existing Housing program applications, for the area(s) for which applications are desired, in accordance with a schedule established by the field office. The invitation shall be sent on the same day to appropriate PHAs, to the Governor, and to the chief executive officers of the appropriate counties, municipalities, or other governmental entities or public bodies which are authorized to engage in or assist in the development or operation of low-income housing. In addition, HUD shall promptly send copies of the invitation to trade journals, news media (including minority media), minority organizations involved in housing and community development, and fair housing groups. Additional copies of the invitation shall be available in the HUD field office.

(b) *Contents of Invitation.* The invitation shall indicate: (1) That applications may be submitted by public housing agencies (i.e., any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing), (2) the maximum number of units, (3) the geographic area, (4) the deadline for submission of applications (which shall be at least 30 but not more than 60 calendar days after the date invitations are sent as provided in the second sentence of paragraph (a) of this section), (5) the fact that application and other forms and copies of program regulations may be obtained from the field office, (6) the fact that if no application is received by the deadline date, HUD may determine to carry out the Existing Housing program directly, pursuant to section 8(b)(1) of the Act, and (7) such other basic information as the field office may specify.

§ 882.204 Submission of application.

The application for an Existing Housing program shall be submitted by a PHA to the HUD field office. Advice and assistance in the preparation of the application are available from the HUD field office. The application shall be in the form and in accordance with the instructions prescribed by HUD and shall:

(a) Indicate the types of Existing Housing (e.g., elevator, non-elevator)

likely to be utilized in the proposed program and whether authorization for the use of Recently Completed Housing is desired (see § 882.120).

(b) Indicate the total number of units expected to be utilized by unit size (i.e., one bedroom units, two bedroom units, etc.) and the approximate number of units to be for occupancy by elderly, handicapped, or disabled.

(c) Demonstrate that the program requested in paragraph (b) of this section is consistent with the applicable Local Housing Assistance Plan, or, in the absence of such a Plan, that the proposed program is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped, disabled, large Families and those displaced or to be displaced) residing in or expected to reside in the community.

(d) Demonstrate that the applicant qualifies as a Public Housing Agency and is legally qualified and authorized to participate in the proposed section 8 Existing Housing program for the area in which the Existing Housing program is to be carried out and include in such demonstration (1) the relevant enabling legislation, (2) any rules and regulations adopted or to be adopted by the agency to govern its operations, and (3) a supporting opinion from the agency counsel.

(e) Include an equal opportunity housing plan which shall set forth the PHA's policies and procedures for encouraging the participation of Owners of units in areas other than low-income or minority concentrated areas, for advertising, and for making known to families who might be eligible for assistance the opportunity for applying for Certificates of Family Participation and the PHA's policies and procedures (including preferences and priorities, if any) for issuance of such Certificates. Such plan shall be in conformance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968 and Executive Order 11063 and shall include policies, if any, for carrying out its responsibilities for rehousing displaced Families.

(f) Include a statement that the housing quality standards to be used in the operation of the program will be as set forth in § 882.109 or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

(g) Include the proposed schedule of Allowances for Utilities and Other Services with a justification of the amounts proposed.

(h) Include a proposed schedule specifying the number of units to be leased by the end of each three-month period, for purposes of § 882.206(c).

§ 882.205 Processing of applications.

(a) *Initial Screening of Applications.* Promptly after receipt of an application, the HUD field office will check whether or not the application is complete. If an application is incomplete, the PHA will be so notified and will be given until the deadline date or, if necessary, a reasonable time thereafter within which to complete the application.

(b) *Notice to Unit of General Local Government.* Within 10 days of receipt of each completed application by the HUD field office, the field office will forward, under cover of a letter in the prescribed form, a copy of such application to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed Existing Housing program is to be carried out. The cover letter will invite a response within 30 days.

(c) *Evaluation of Applications.* HUD may begin its evaluation immediately upon receipt of the application, but no final decision of approval or disapproval of the application may be made until after the deadline for receipt of applications or the end of the opportunity for response referred to in paragraph (b) of this section, whichever is later. Each application will be evaluated by HUD on the basis of all pertinent factors under this Part, including comments, if any, received during the comment period from the unit of general local government. If there are two or more approvable applications for a program for a particular area, HUD shall determine on what basis to distribute the units among such applicants, or if it determines that such distribution is not feasible, HUD shall determine which application shall be approved.

(d) *Disapproval, Conditional Approval, or Approval of Applications.* If an application is disapproved, HUD shall notify the applicant by letter indicating in detail the reasons for disapproval. If an application can be approved only if certain changes are made, HUD shall notify the applicant by letter stating that the application can be approved if the PHA adopts, within a reasonable time as determined by HUD, the changes required by HUD. If an application is approved, the applicant shall be sent a notification of application approval.

§ 882.206 Annual contributions contract; schedule of leasing.

(a) *Transmittal of ACC.* After the HUD field office has prepared the ACC, shown as Appendix I to this part, the ACC shall be transmitted to the PHA for execution by the PHA. The letter of transmittal shall advise the PHA that, after the ACC has been executed by the PHA, it shall be returned to HUD together with the PHA's estimates of its financial requirements on the prescribed forms.

(b) *Execution of ACC by HUD.* After receipt of the PHA-executed ACC and the accompanying financial estimates, HUD shall review the estimates and, if approved, shall execute the ACC. HUD then shall transmit a fully executed copy of the ACC together with a leasing schedule in accordance with paragraph (c) of this section.

(c) *Schedule of Leasing.* The ACC shall include a provision relating to expeditious leasing of units under the program. HUD will review the PHA-proposed schedule specifying the number of units that are expected to be leased by the end of each three-month period, and will make such changes as it may deem appropriate. In its transmittal of the ACC to the PHA, HUD will include the HUD-approved schedule. This schedule will be established so as to implement HUD policy that all units in a section 8 Existing Housing program of 100 units or more must be leased by Eligible Families within 12 months. In the case of smaller programs, a shorter time period may be established by HUD. HUD may reduce the number of units and/or the amount of the annual contributions commitment if, in the determination of HUD, the PHA fails to demonstrate a good faith effort to adhere to this schedule or fails to adhere to the schedule for other reasons which justify a reduction in the number of units or changes in unit size.

§ 882.207 Public notice to lower-income families; waiting list.

(a) *Public Notice to Lower-Income Families.* Promptly after receiving the executed ACC, and thereafter as may be necessary, the PHA shall make known to the public through publication in a newspaper of general circulation as well as through minority media and other suitable means, the availability and nature of housing assistance for lower-income families (including assistance with respect to units already occupied by the families) and the notice shall inform such families where they may apply for Certificates of Family Participation.

(1) The notice shall also state that occupants of housing assisted under the Act (including leased housing and housing occupied with assistance under the section 23 Housing Assistance Payments Program), applicants on waiting lists for any such housing, and holders of Certificates of Family Participation for such housing must apply specifically if they wish to be considered for a Certificate of Family Participation under this part. In addition, the notice shall state that such applicants for Certificates will not lose their place on the public housing waiting list.

(2) Such notice shall be made in accordance with the PHA's HUD-approved equal opportunity housing plan and with the HUD guidelines for fair housing requiring the use of the equal housing opportunity logotype, statement, and slogan, emphasizing outreach to families not otherwise expected to apply. The PHA shall send to the appropriate HUD field office a statement of the methods used and a copy of the published notice and other material.

(b) *Waiting List.* The PHA shall establish and maintain a waiting list for applicants for Certificates of Family Participation under this Part. If an applicant is determined by the PHA to be eligible but the PHA has determined pursuant to § 882.209(a)(3) that it cannot issue any more Certificates, the PHA shall place such Family on this waiting list and notify the Family of this fact

and of the approximate date that a Certificate may be issued, insofar as such date can reasonably be determined.

(c) *Suspension of Taking of Applications.* If the number of Families on the PHA's waiting list for Certificates of Family Participation is such that there is no reasonable prospect that additional applicants could be issued Certificates within the next year, the PHA may determine to suspend the taking of further applications, and in such case the PHA shall not be required to take the actions specified in paragraph (a) of this section. Any such determination by the PHA shall be publicly announced in the same manner as provided in paragraph (a) of this section and shall be effective as of the date stated in such announcement.

§ 882.208 Activities to encourage participation by owners and others.

(a) The PHA shall invite Owners, through publication in a newspaper of general circulation as well as through minority media and other suitable means, to make dwelling units available for leasing by Eligible Families, and in doing so, the PHA shall encourage the participation of Owners of units in areas other than low-income or minority concentrated areas. Such invitation shall be made in accordance with the PHA's HUD-approved equal opportunity housing plan, and with the HUD advertising guidelines for fair housing requiring the use of the equal housing opportunity logotype, statement, and slogan. The PHA shall publicize the needs of the program in such ways as to reach a maximum number of Owners and real estate brokers.

(b) The PHA shall also (1) request the field office to furnish it with a list of Secretary-held properties available for rent, to be included in the Certificate Holder's Packet, (2) develop working relationships with local Owners and real estate broker associations, (3) establish contact with civic, charitable, or neighborhood organizations which have an interest in housing for low-income families, and public agencies concerned with obtaining housing for displacees, and (4) explain the provisions of the program, including equal opportunity requirements, to real estate, landlord, and other groups the members of which have dealings with low-income families or are interested in housing such families.

(c) The PHA shall send to the appropriate HUD field office a statement of the methods used in its activities under this section and a copy of the published notice and other material.

§ 882.209 Certificates of Family Participation.

(a) *Initial Determination of Family Eligibility.* (1) The PHA shall be responsible for determining eligibility for a Certificate of Family Participation, in accordance with schedules and criteria established by HUD, and for selecting Families for Certificates in accordance with the PHA's HUD-approved equal opportunity housing plan and the provisions of this part. If an Owner is the initial point of contact by an applicant who does not have a Certificate, he shall refer such applicant to the PHA.

(2) Every applicant for a Certificate shall complete and sign the form of application prescribed by HUD.

(3) The PHA shall maintain a system to assure that it will be able to honor all outstanding Certificates of Family Participation within its ACC authorization.

(4) PHA records on applicant and certified Families shall be maintained so as to provide HUD with racial, gender, and ethnic data.

(b) *Issuance of Certificate of Family Participation, and Certificate Holder's Packet.* If an applicant is determined by the PHA to be eligible and is selected for participation, he shall be given a Certificate of Family Participation (see Appendix III to this part) signed by the PHA. At the same time, the Family shall be given two Certificate Holder's Packets, each of which shall include:

(1) Request for Lease Approval (see Appendix IV to this part);

(2) Agency Determination with Respect to the Request for Lease Approval (see Appendix V to this part);

(3) Required Lease Provisions and Prohibited Lease Provisions (see Appendices VI and VII to this part);

(4) Booklet regarding lead based paint poisoning hazards, symptoms and precautions;

(5) The PHA's statement of housing quality standards and the forms for inspection of housing units and certification of compliance with those standards;

(6) "Your Housing Rights" (HUD-177-EO(2)) and "Fair Housing U.S.A." (HUD-63-EO(6)), both issued by the U.S. Department of Housing and Urban Development; and Equal Opportunity complaint form HUD-903-903A;

(7) Housing Assistance Payments Contract (see Appendix II to this part);

(8) A list of Secretary-held properties available for rent;

(9) Information concerning Recently Completed Housing, if any, including the locations of such housing and the applicable Fair Market Rents;

(10) Information as to the Gross Family Contribution, the Fair Market Rents appropriate for the Family size and composition, and the benefit of the Shopping Incentive Credit for rents below the Fair Market Rent;

(11) The PHA's schedule of Allowances for Utilities and Other Services; and

(12) Such other items as the PHA may determine should be included.

(c) *Briefing of Certificate Holders.* When a Family initially receives its Certificate of Family Participation, a full explanation of the following shall be provided to assist the Family in finding a suitable unit and to apprise the Family of its responsibilities and the responsibilities of the Owner (this may be done either in group or individual sessions; adequate opportunity shall be provided for Families to raise questions and to discuss the information provided):

(1) Family and Owner responsibilities under the Lease and Contract;

(2) How to find a suitable unit;

(3) Applicable housing quality standards and procedures for Family and Owner inspections and for their individual certifications of compliance with those standards;

(4) Significant aspects of the applicable State and local laws;

(5) Significant aspects of Federal, State and local fair housing laws; and

(6) Operation of the Shopping Incentive Credit.

(d) *Expiration and Extension of Certificate.* (1) The Certificate of Family Participation shall expire at the end of 60 days unless within that time the Family submits a Request for Lease Approval (Appendix IV to this part).

(2) If a Request for Lease Approval is submitted before expiration of the original Certificate but the Request is disapproved, the PHA shall determine whether sufficient time remains under the Certificate to give the Family a reasonable opportunity to find another unit. If the remaining time is determined to be insufficient, the PHA shall issue a new Certificate to the Family.

(3) If a Certificate expires or is about to expire (other than on the occassion of disapproval of a Request for Lease Approval described in paragraph (d)(2) of this section or extension or request pursuant to paragraph (e)(1) of this section), a Family may submit the Certificate to the PHA with a request for an extension. The PHA shall review with the Family the efforts it has made to find a suitable dwelling unit and the problems it has encountered and shall determine what advice or assistance might be helpful. If the PHA believes that there is a reasonable possibility that the Family may, with the additional advice or assistance, if any, find a suitable unit, the PHA may grant one or more extensions not to exceed a total of 60 days: *Provided, however,* That further extensions may be granted if the PHA specifically determines that the Family's failure to find a suitable unit is not due to the fault or lack of diligence of the Family. A determination by the PHA that no further extensions should be granted shall not preclude the Family from filing a new application for another Certificate.

(e) *Continued Participation When Assisted Family Moves.* (1) If an assisted Family notifies the PHA that it wishes to obtain another Certificate of Family Participation for the purpose of finding another dwelling unit, or that it has found another unit to which it wishes to move, the PHA shall (unless it does not have sufficient ACC authority for continued assistance to the Family) issue another Certificate or process a Request for Lease Approval, as the case may be, unless the PHA determines that the Owner is entitled to payment pursuant to § 882.112 on account of nonpayment of rent or other amount owed under the Lease, or that the Family has satisfied any such liability.

(2) If a Family wishes to move to another jurisdiction and qualifies under

paragraph (e)(1) of this section, the Family may obtain housing assistance in the jurisdiction to which it is moving, *provided*, That the Family obtains a Certificate of Family-Participation from the appropriate PHA. The appropriate PHA shall give the Family the same consideration as any other applicants, except that the PHA shall not deny the Family a Certificate on the ground that its Income is above the Income limits for admission in that jurisdiction.

(f) Families Determined by the PHA to be Ineligible. If an applicant is determined by the PHA to be ineligible on the basis of Income or family composition, or for any other reason, the PHA shall promptly notify the applicant by letter of the determination and the reasons therefor and the letter shall state that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant is ineligible, it shall so notify the applicant in writing. The procedures of this paragraph do not preclude the applicant from exercising its other rights if it believes it is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the notification letters, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

§ 882.210 Request for lease approval.

(a) *Submission of Request to PHA.* When a Family has found a unit it wants and the Owner is willing to lease, the Family shall submit to the PHA a Request for Lease Approval signed by the Owner of the unit and the Family, together with the Family's Inspection Report and the Owner's Inspection Report. At the same time, the Family shall submit a copy of the proposed lease, which shall contain all required provisions shown in Appendix VI to this part and shall be complete except for execution and entry of the portion of monthly rental which the Family shall be obligated to pay to the Owner.

(b) *Amount of Contract Rent to Owner.* (1) The PHA shall determine whether the requested Contract Rent is approvable in accordance with Sec. 882.106. If the Family is to pay directly for any of the utilities or services, the PHA shall determine the amount of the Allowance on account thereof. Inasmuch as the Fair Market Rents are established for a geographic area within which the rents for modest Decent, Safe, and Sanitary housing may vary substantially, the PHA shall make an analysis to determine the reasonable rent for the particular unit. If the requested Contract Rent plus any applicable Allowance is at or below the reasonable rent and at or below the Fair Market Rent, it may be approved.

(2) If the otherwise approvable Contract Rent to Owner plus the applicable Allowance, if any, is higher than the applicable Fair Market Rent, and if the PHA determines that such higher rent is justified, it shall request HUD approval in accordance with § 882.106.

(c) *Amount of Rent Payable by Family to Owner.* The amount of rent payable by the Family to the Owner shall be the amount of the Gross Family Contribution, or the amount of such Contribution less the amount of any Allowance for utilities and other services not to be provided by the Owner. If the Family is entitled to a Shopping Incentive Credit pursuant to § 882.115, the amount of the rent otherwise payable by the Family to the Owner shall be reduced by the amount of the Credit.

(d) *Decent, Safe, and Sanitary Condition of Unit.* (1) Before approving a Lease, the PHA shall inspect the unit for compliance with the PHA's housing quality standards as established in accordance with § 882.109, or cause it to be so inspected on the date on which the Owner indicates that the unit will be ready for inspection, or as promptly as possible thereafter.

(2) If there are defects or deficiencies which must be corrected in order for the unit to be Decent, Safe, and Sanitary, the Owner shall be advised by the PHA of the work required to be done. Before a Contract is executed, the unit must be reinspected to ascertain that the necessary work has been performed and that the unit is Decent, Safe, and Sanitary.

(3) A report for every inspection and reinspection under this paragraph (d) shall be prepared and maintained in the files of the PHA. Each such report shall specify (i) any defects or deficiencies which must be corrected in order for the unit to be Decent, Safe, and Sanitary, and (ii) any other defects or deficiencies, a record of which shall be maintained for use in the event of a subsequent claim by the Owner that they were caused during the period of occupancy by the Family.

(e) *Oversized Unit.* No otherwise acceptable unit shall be disapproved on the ground that it is too large for the Family: *Provided*, That the rent to Owner plus any Allowance does not exceed the Fair Market Rent for the smaller size unit as stated in the Family's Certificate.

(f) *Lease Requirements.*—(1) *Term of Lease.* The PHA shall determine that the term of Lease is consistent with § 882.107(b).

(2) *Required Provisions.* The Lease shall contain the required provisions specified in Appendix VI of this part and in Part I of the Housing Assistance Payments Contract.

(3) *Prohibited Provisions.* The Lease shall not contain any clause which falls within the classifications listed in Appendix VII to this part.

(g) *Approval of Lease and Execution of Related Documents.* If the PHA determines that a unit which an Eligible Family wishes to lease is in Decent, Safe, and Sanitary condition, that the rent is approvable, and that the proposed lease complies with the requirements of this Part, the PHA shall approve the lease, and shall notify the Owner and the Family of its determination utilizing Appendix V to this part. The Contract and Lease shall thereafter be executed by the appropriate parties. A copy of the notification shall be maintained in the PHA's files together with the original Request for Lease Approval and the inspection report(s) relating to the unit.

(h) *Disapproval of Lease.* If the PHA determines that the lease cannot be approved for any reason, including the condition of the unit, the PHA shall so notify the Owner and the Family using Appendix V to this part. A copy of this notification shall be maintained in the PHA's files together with the original Request for Lease Approval and the inspection report(s) relating to the unit.

§ 882.211 Maintenance, operation and inspections.

(a) *Maintenance and Operation.* The Owner shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(b) *Periodic Inspection.* In addition to the initial inspection provided under § 882.210(d)(1), the PHA will inspect or cause to be inspected each dwelling unit leased to an Eligible Family at least annually and at such other times as may be necessary to assure that the Owner is meeting his obligations to maintain the unit in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA will take into account complaints and any other information coming to its attention in scheduling inspections. All complaints by Families concerning compliance by the Owner with the PHA's housing quality standards shall be retained in the PHA's files for three years.

(c) *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments (even if the Family continues in occupancy) and termination of the Contract. If the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA determines to terminate the Housing Assistance Payments Contract, the PHA shall issue to the Family another Certificate of Family Participation.

§ 882.212 Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.

Reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the PHA at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the PHA of the amount of Gross Family Contribution and the amount of the housing assistance pay-

ment, all in accordance with schedules and criteria established by HUD.

§ 882.213 Overcrowded unit.

If the PHA determines that a dwelling unit is not Decent, Safe, and Sanitary by reason of increase in Family size, the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable.

§ 882.214 Adjustment of allowance for utilities and other services.

At least annually, the PHA shall determine whether there has been a substantial change in utility rates or other charge of general applicability, and whether an adjustment is required in the Allowance for Utilities and Other Services. If the PHA determines that an adjustment should be made, the PHA shall establish a schedule of adjustments taking into account size and type of dwelling units and other pertinent factors. The PHA shall then determine the amounts of adjustments to be made in the amount of rent to be paid by the affected Families and the amount of housing assistance payments to the Owners and shall notify the Owners and Families accordingly.

§ 882.215 Eviction.

The Owner shall not evict any Family unless the Owner complies with the requirements of local law, if any, and of this section. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the PHA's authorization for an eviction; accordingly, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of the notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

§ 882.216 Inapplicability of low-rent public housing model lease and grievance procedures.

Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are not applicable to the Section 8 Housing Assistance Payments Program under this part.

§ 882.217 HUD review of contract compliance.

HUD will review project operations at such intervals as it deems necessary to ensure that the Owner and the PHA are in full compliance with the terms and conditions of the Contract and the ACC. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

§ 882.218 PHA reporting requirements.

[Reserved]

APPENDIX I—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM MASTER SECTION 8 ANNUAL CONTRIBUTIONS CONTRACT #_____

This Annual Contributions Contract (ACC) is entered into on the _____ day of _____, 19__, (the date of execution by the Government) by and between the United States of America (herein called the "Government"), pursuant to the United States Housing Act of 1937, as amended (42 U.S.C. 1437, *et seq.*), herein called the "Act", and the Department of Housing and Urban Development Act (42 U.S.C. 3531), and _____ (herein called the "PHA"), which is a "public housing agency" as defined in the Act. In consideration of the mutual covenants hereinafter set forth, the parties hereto agree as follows:

0.1 *Project or Projects.* The PHA is undertaking to provide Decent, Safe, and Sanitary housing for Families (as defined in Section 2.1) pursuant to section 8 of the Act by means of Housing Assistance Payments Contracts ("Contracts") with Owners (as defined in Section 2.1). Such undertaking may involve an agreement for the use of housing to be constructed ("New Construction"), an agreement for the use of existing housing to be substantially rehabilitated ("Substantial Rehabilitation"), or the use of existing housing without substantial rehabilitation ("Existing Housing"). In each instance, the numbers and sizes of dwelling units with respect to which a certain maximum Annual Contributions commitment is made shall constitute a Project hereunder and shall be identified by a stated Project number.

0.2 *Part I and Part II of this Annual Contributions Contract.* (a) Certain provisions of the ACC, principally those which are specifically applicable to a designated Project, are contained in Part I. Separate forms of Part I are used for different types of Projects (i.e., New Construction, Substantial Rehabilitation, and Existing Housing). A separate Part I, on the applicable form thereof, has been executed with respect to each Project hereunder, and each such Part I, so executed, constitutes a part of this ACC.

(b) The remaining provisions of this ACC, which are applicable to all Projects hereunder, are contained in Part II, which, although not separately executed, constitutes a part of this ACC.

0.3 *Fiscal Year.* Except for the first Fiscal Year of each Project, there shall be one Fiscal Year for all Projects hereunder. Such established Fiscal Year shall be the 12-month period ending _____ of each calendar year. The first Fiscal Year for each Project shall be as provided in the Part I applicable to such Project.

0.4 *Schedule of Projects.* Attached to this Master Section 8 ACC, as Attachment A, is a list identifying each ACC Part I and ACC Part I amendment by project number, date, and ACC List number and date.

PHA: _____
By: _____
Date: _____
The Government
By: _____
Date: _____

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM ANNUAL CONTRIBUTIONS CONTRACT

PART I

EXISTING HOUSING PROJECT NO. _____

Effective Date _____

[Date of execution by the Government of this ACC Part I]

ACC List Number and Date _____

1.1 *The Project.* The PHA proposes to enter into Housing Assistance Payments Contracts ("Contracts") with respect to the following numbers and sizes of existing dwelling units:

Size of unit	*Number of units*

The PHA, to the maximum extent feasible, shall enter into Contracts in accordance with the numbers and sizes of units specified above. The PHA shall not enter into any Contract or take any other action which will result in a claim for an Annual Contribution in respect to the Project in excess of the total amount or any sublimitation stated in Section 1.4(a).

1.2 *Authorization of Actions by PHA.* In order to carry out the Project, the PHA is authorized to (a) enter into Housing Assistance Payments Contracts, (b) make housing assistance payments on behalf of Families, and (c) take all other necessary actions all in accordance with the forms, conditions and requirements prescribed or approved by the Government; Provided, however, that neither the PHA nor the Government shall assume any obligation beyond that provided in Contracts in the form approved by the Government.

1.3 *Term of ACC, Lease and Contract.*

Term of ACC.

(a) The term of this ACC shall be five years.

Term of Lease and Contract.

(b) The term of each Lease shall be for not less than one year nor more than three years, but the Lease may contain a provision permitting termination upon 30 days advance written notice by either party. The term of each Contract shall be for the term of the Lease, provided that if a Family continues in occupancy after the expiration of the term on the same terms and conditions as the original Lease (or changes thereto which have been aproved by the PHA and incorporated in the Contract where appropriate), the Contract shall continue in effect for the duration of such tenancy subject to the limitation in the next sentence. The specified Contract and Lease term, including specified renewal options, if any, and any continuation of tenancy beyond the Lease term shall in no case exceed three years or extend beyond the term of this ACC. This limitation shall not preclude the execution of a new Contract and Lease for the dwelling unit.

1.4 *Annual Contributions.* (a) Notwithstanding any other provisions of this ACC

(other than paragraph (c) of this Section) or any provisions of any other contract between the Government and the PHA, the Government shall not be obligated to make any Annual Contribution or any other payment with respect to any Fiscal Year in excess of:

(1) $---------- per year for housing assistance payments under Contracts; or

(2) $---------- per year for other Project Expenditures; or

(3) A total of $---------- per year for all Project Expenditures in respect to the Project;

Provided, however, that these amounts shall be reduced commensurately with any reduction in the number of units or changes in unit size under any provision of this Act.

(b) Subject to the maximum dollar limitations in paragraph (b) of this Section, the Government shall pay for each Fiscal Year an Annual Contribution to the PHA in respect to the Project in an amount equal to the sum of the following (subject to reduction by the amount of any Project Receipts other than Annual Contributions, which Receipts shall be available for Project Expenditures):

(1) The amount of housing assistance payments payable during the Fiscal Year (see Section 1.5) by the PHA pursuant to the Contract, as authorized in Section 1.2.

(2) The allowance, in the amount approved by the Government, for preliminary costs of administration.

(3) The allowance, in the amount approved by the Government, for the regular costs of administration, including costs of Government-required audits of Owners and the PHA.

(c)(1) A project account will be established and maintained by the Government, as a specifically identified and segregated account, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act. To the extent funds are available in said account, the Annual Contribution for any Fiscal Year may exceed the maximum amounts stated in paragraph (a) of this Section by such amount, if any, as may be required for increases reflected in the estimates of required Annual Contribution applicable to such Fiscal Year as approved by the Government in accordance with Section 2.11 below.

(2) The Government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to assure availability of funds to cover increases in housing assistance payments on a timely basis as a result of increases in Contract Rents or decreases in Family incomes.

(d) The Government will make periodic payments on account of each Annual Contribution upon requisition therefor by the PHA in the form prescribed by the Government. Each requisition shall include certifications by the PHA that housing assistance payments have been or will be made only:

(1) In accordance with the provisions of the Contracts.

(2) With respect to units which the PHA has inspected or caused to be inspected, pursuant to Section 2.4 of Part II of this ACC, within one year prior to the making of such housing assistance payments.

(e) Following the end of each Fiscal Year, the PHA shall promptly pay to the Government, unless other disposition is approved by the Government, the amount, if any, by which the total amount of the periodic payments during the Fiscal Year exceeds the total amount of the Annual Contribution payable for such Fiscal Year in accordance with this Section.

1.5 *Fiscal Year.* The Fiscal Year for the Project shall be the Fiscal Year established by Section 0.3 of this ACC: *Provided, however,* That the first Fiscal Year for the Project shall be the period beginning with the effective date of this ACC Part I and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum Annual Contribution in Section 1.4(a) may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.6 *Periodic Adjustment of Contract Rents.* Each Contract may provide for periodic adjustments in the Contract Rents chargeable by the Owner and commensurate increases in amounts of housing assistance payments in accordance with the applicable Government regulations.

1.7 *Equal Opportunity Housing Plan.* The PHA, in disseminating information concerning the availability and nature of the housing assistance, inviting Owners to make dwelling units available for leasing by Families, and issuing Certificates of Family Participation, shall comply with its HUD-approved equal opportunity housing plan.

1.8 *Expeditious Carrying Out of Project.* The PHA shall proceed expeditiously with the Project. If the PHA fails to proceed expeditiously, the Government, by notice to the PHA, may reduce its obligation hereunder with respect to the Project to the number and size of dwelling units under Contracts with Owners as of the date of receipt of such notice by the PHA, with a corresponding reduction in the maximum amounts of Annual Contributions specified in Section 1.4(a).

1.9 *Prior ACCs Superseded.* This Part I supersedes prior ACC Parts I, if any.

PHA: ----------
By: ----------
Date: ----------
The Government.
By: ----------
Date: ----------

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

TERMS AND CONDITIONS CONSTITUTING PART II OF AN ANNUAL CONTRIBUTIONS CONTRACT BETWEEN PUBLIC HOUSING AGENCY AND THE UNITED STATES OF AMERICA

2.1 *Definitions.* (a) "Families" means lower-income Families (including "Very Low-Income Families") and includes Families consisting of a single person in the case of Elderly Families and Displaced Families and includes the remaining member of a tenant family.

(b) "Elderly Families" means Families whose heads (or their spouses), or whose sole members, are persons who are at least 62 years of age or are under a disability as defined in section 223 of the Social Security Act or in section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or are handicapped. The term Elderly Families includes two or more elderly, disabled, or handicapped individuals living together, or one or more such individuals living together with another person who is determined under regulations of the Secretary of Housing and Urban Development ("Secretary") to be a person essential to their care or well being.

(c) "Displaced Families" means Families displaced by governmental action, or Families whose dwellings have been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(d) "Lower-Income Families" means Families whose Incomes do not exceed 80 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish Income limits higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction costs, unusually high or low family Incomes, or other factors.

(e) "Very Low-Income Families" means Families whose Incomes do not exceed 50 percent of the median Income for the area, as determined by the Secretary with adjustments for smaller and larger families.

(f) "Income" means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary.

(g) "Owner" means the person or entity, including a cooperative, with which the Agreement and Contract are entered into.

(h) "Rent" or "rental" mean, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(i) "Project Receipts" with respect to each Project means the Annual Contributions payable hereunder and all other receipts, if any, accruing to the PHA from, out of, or in connection with such Project.

(j) "Project Expenditures" with respect to each Project means all costs allowable under Section 1.4(b), Part I of this ACC, with respect to such Project.

(k) "Substantial Default" means the occurrence of any of the events listed in Section 2.16.

2.2 *Lower-Income Housing Use; Compliance with Act and Regulations.* The PHA shall use the Annual Contribution solely for the purpose of providing Decent, Safe, and Sanitary dwellings for Families in compliance with all applicable provisions of the Act and all regulations issued pursuant thereto.

2.3 *Eligibility and Amount of Housing Assistance Payments.* (a) The PHA shall comply with the Income limits established by the Government, and with the requirements of the Government pursuant to section 8(c)(7) of the Act that at least 30 percent of the Families assisted in all its Projects under its Master Section 8 ACC shall be Very Low-Income Families.

(b) The PHA shall comply or assure compliance with the schedules and criteria established by the Government with respect to the amounts of housing assistance payments made on behalf of Families.

(c) The PHA shall make or cause to be made periodic reexaminations of the Income, composition, and extent of exceptional medical or other unusual expenses of Families for whom housing assistance payments are being made, for the purpose of confirming or adjusting, in accordance with the applicable schedules established by the Government, the amount of rent payable by the Family and the amount of housing assistance payment.

(d) The PHA shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling unit on ground of changes of general applicability. If the PHA determines that an adjustment should be made, the PHA shall prescribe the amount of the adjustment and notify the Owner accordingly, and the PHA shall cause the Owner to make a corresponding adjustment in the amount of rent to be paid by the affected Family and the amount of housing assistance payment.

(e) Prior to the approval of eligibility of a Family by the PHA or the Owner, as the case may be, and thereafter on the date established for each reexamination of the status of such Family, the PHA or the Owner, as the case may be, shall review or cause to be reviewed a written application, signed by a responsible member of such

Family, which application shall set forth all data and information necessary for a determination of the amount, if any, of housing assistance payment which can be made with respect to the Family.

2.4 *Inspections.* (a) The PHA shall require, as a condition for the making of housing assistance payments, that the Owner maintain the assisted dwelling units and related facilities in Decent, Safe, and Sanitary condition.

(b) The PHA shall inspect or cause to be inspected dwelling units and related facilities prior to commencement of occupancy by Families, and thereafter at least annually, adequate to assure that Decent, Safe, and Sanitary housing accommodations are being provided and that the agreed-to services are being furnished.

2.5 *Nondiscrimination in Housing.* (a) The PHA shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act and the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion, or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program or be otherwise subjected to discrimination. The PHA shall, by contractual requirement, covenant, or other binding commitment, assure the same compliance on the part of any subgrantee, contractor, subcontractor, transferee, successor in interest, or other participant in the program or activity, such commitment to include the following clause:

"This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the (contractor or other) to comply therewith inures to the benefit of the United States, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the (contractor or other)."

(b) The PHA shall incorporate or cause to be incorporated into all Housing Assistance Payments Contracts a provision requiring compliance with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations issued pursuant thereto.

(c) The PHA shall not, on account of creed or sex, discriminate in the sale, leasing, rental, or other disposition of housing or related facilities (including land) included in any Project or in the use of occupancy thereof, nor deny to any Family the opportunity to apply for such housing, nor deny to any eligible applicant the opportunity to lease or rent any dwelling in any such housing suitable to its needs. No person shall automatically be excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

2.6 *Equal Employment Opportunity.* (a) The PHA shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The PHA shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, creed, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(b) (1) The PHA shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Ch. 60, which is to be performed pursuant to this contract, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(A) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, creed, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the PHA setting forth the provisions of this Equal Opportunity clause.

(B) The contractor will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(C) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the PHA advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(D) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(E) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Government and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(F) In the event of the contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(G) The contractor will include the portion of the sentence immediately preceding Paragraph (A) and the provisions of Paragraphs (A) through (G) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; *Provided, however*, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(2) The PHA agrees that it will assist and cooperate actively with the Government and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Government and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

(3) The PHA further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and Federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.7 *Training, Employment, and Contracting Opportunities for Businesses and Lower Income Persons.* (a) The project assisted under this ACC is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the Project area and contracts for work in connection with the Project be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the Project.

(b) Notwithstanding any other provision of this ACC, the PHA shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this ACC. The requirements of said regulations include but are not limited to development and implementation of an affirmative action plan for utilizing business concerns located within or owned in substantial part by persons residing in the area of the Project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations in all contracts for work in connection with the Project. The PHA certifies and agrees that it is under no contractual or other disability which would prevent it from complying with these requirements.

(c) Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this ACC shall be a condition of the Federal financial assistance provided to the Project, binding upon the PHA, its successors and assigns. Failure to fulfill these requirements shall subject the PHA, its contractors and subcontractors, its successors, and assigns to the sanction specified by this ACC and to such sanctions as are specified by 24 CFR 135.135.

(d) The PHA shall incorporate or cause to be incorporated into any contract pursuant to this contract such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Housing and Urban Development Act, as amended. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and regulations.

2.8 *Cooperation In Equal Opportunity Compliance Reviews.* The PHA shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.9 *Clean Air Act and Federal Water Pollution Control Act.* The PHA shall incorporate or cause to be incorporated, into any contract for construction or substantial rehabilitation, such clause or clauses as are required by the Government for compliance with the regulations issued by the Environmental Protection Agency pursuant to the Clean Air Act, as amended, the Federal Water Pollution Control Act, as amended, and Executive Order 11738. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.10 *Labor Standards.* The PHA shall incorporate or cause to be incorporated into any contract for construction or substantial rehabilitation of nine or more dwelling units, such clause or clauses as are required by the Government for compliance with its regulations issued pursuant to the Copeland Act, the Davis-Bacon Act, and the Contract Work Hours and Safety Standards Act. The PHA shall cooperate with the Government in the conducting of compliance reviews pursuant to said Acts and Regulations.

2.11 *Estimates of Required Annual Contribution.* The PHA shall from time to time submit to the Government estimates of required annual contribution at such times and in such form as the Government may require. All estimates and any revisions thereof submitted under this Section shall be subject to Government approval.

2.12 *Insurance and Fidelity Bond Coverage.* For purposes of protection against hazards arising out of or in connection with the administrative activities of the PHA in carrying out the Project, the PHA shall carry adequate (a) comprehensive general liability insurance, (b) workmen's compensation coverage (statutory or voluntary), (c) automobile liability insurance against property damage and bodily injury (owned and non-owned), and (d) fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

2.13 *Books of Account and Records; Reports.*

(a) The PHA shall maintain complete and accurate books of account and records, as may be prescribed from time to time by the Government, in connection with the Projects, including records which permit a speedy and effective audit, and will among other things fully disclose the amount and the disposition by the PHA of the Annual Contributions and other Project Receipts, if any.

(b) The books of account and records of the PHA shall be maintained for each Project as separate and distinct from all other Projects and undertakings of the PHA, except as authorized or approved by the Government.

(c) The PHA shall furnish the Government such financial, operating, and statistical reports, records, statements, and documents at such times, in such form, and accompanied by such supporting data, all as may reasonably be required from time to time by the Government.

(d) The Government and the Comptroller General of the United States, or his duly authorized representatives, shall have full and free access to the Projects and to all the books, documents, papers, and records of the PHA that are pertinent to its operations with respect to financial assistance under the Act, including the right to audit, and to make excerpts and transcripts from such books and records.

(e) The PHA shall incorporate or cause to be incorporated in all Contracts the following clauses:

PHA AND GOVERNMENT ACCESS TO PREMISES AND OWNER'S RECORDS

"(1) The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA and the Government.

"(2) The Owner shall permit the PHA or the Government or any of their duly authorized representatives, to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments."

(f) The PHA shall be responsible for engaging and paying the auditor for the making of audits as required by the Government, but the PHA shall be compensated under this ACC for the cost of such audits.

2.14 *General Depositary Agreement and General Fund.* (a) The PHA shall maintain one or more agreements, which are herein collectively called the "General Depositary Agreement," in the form prescribed by the Government, with one or more banks (each of which shall be, and continue to be, a member of the Federal Deposit Insurance Corporation selected as depositary by the PHA. Immediately upon the execution of any General Depositary Agreement, the PHA shall furnish to the Government such executed or conformed copies thereof as the Government may require. No such General Depositary Agreement shall be terminated except after 30 days notice to the Government.

(b) All monies received by or held for account of the PHA in connection with the Projects shall constitute the General Fund.

(c) The PHA shall, except as otherwise provided in this ACC, deposit promptly with such bank or banks, under the terms of the General Depositary Agreement, all monies constituting the General Fund.

(d) The PHA may withdraw monies from the General Fund only for (1) the payment of Project Expenditures, and (2) other purposes specifically approved by the Government. No withdrawals shall be made except in accordance with a voucher or vouchers then on file in the office of the PHA stating in proper detail the purpose for which such withdrawal is made.

(e) If the PHA (1) in the determination of the Government, is in Substantial Default, or (2) makes or has made any fraudulent or willful misrepresentation of any material fact in any of the documents or data submitted to the Government pursuant to this ACC or in any document or data submitted to the Government as a basis for this ACC or as an inducement to the Government to enter into this ACC, the Government shall have the right to require any bank or other depositary which holds any monies of the General Fund, to refuse to permit any withdrawals of such monies; Provided, however, that upon the curing of such Default the Government shall promptly rescind such requirement.

2.15 *Pooling of Funds under Special Conditions and Revolving Fund.* (a) The PHA may deposit under the terms of the General Depositary Agreement monies received or held by the PHA in connection with any other housing project developed or operated by the PHA pursuant to the provisions of any contract for annual contributions, administration, or lease between the PHA and the Government.

(b) The PHA may also deposit under the terms of the General Depositary Agreement amounts necessary for current expenditures of any other project or enterprise of the PHA, including any project or enterprise in which the Government has no financial interest: *Provided, however,* That such deposits shall be lump-sum transfers from the depositaries of such other projects or enterprises, and shall in no event be deposits of the direct revenues or receipts of such other projects or enterprises.

(c) If the PHA operates other projects or enterprises in which the Government has no financial interest, it may, from time to time, withdraw such amounts as the Government may approve from monies on deposit under the General Depositary Agreement for deposit in and disbursement from a revolving fund provided for the payment of items chargeable in part to the Projects and in part to other projects or enterprises of the PHA: *Provided, however,* That all deposits in such revolving fund shall be lump-sum transfers from the depositaries of the related projects or enterprises and shall in no event be deposits of the direct revenues or receipts.

(d) The PHA may establish petty cash or change funds in reasonable amounts, from monies on deposit under the General Depositary Agreement.

(e) In no event shall the PHA withdraw from any of the funds or accounts authorized under this Section 2.15 amounts for the Projects or for any other project or enterprise in excess of the amount then on deposit in respect thereto.

2.16 *Defaults by PHA and/or Owner—*(a) *Rights of Owner if PHA Defaults under Agreement or Contract.* (The provisions of this paragraph (a) shall not apply to any Existing Housing Project.)

(1) In the event of failure of the PHA to comply with the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

(2) In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding,

or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason, the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder. Where the Government so determines, it may assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

(3) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(a) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(4) The provisions of this Section 2.16(a) are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment. If the Owner and the assignees are not in default, they may, in order to enforce the performance of these provisions, (i) demand that the Government, after notice to the PHA giving it a reasonable opportunity to take corrective action, make a determination whether a Substantial Default exists under paragraph (a)(1) or (a)(2) of this Section, (ii) if the Government determines that a Substantial Default exists, demand that the Government take the actions authorized in paragraph (a)(1) or (a)(2) to carry out the obligations of the PHA to the Owner, and (iii) proceed against the Government by suit at law or in equity.

(5) The provisions of paragraphs (a)(1), (3) and (4) of this Section shall be included in the Agreement and the provisions of paragraphs (a)(2), (3) and (4) of this Section shall be included in the Contract.

(b) *Rights of Government if PHA Defaults Under ACC, Agreement, or Contract.* (1) If the PHA defaults in the observance or performance of the provisions of Section 2.4; fails to comply with its obligations under any duly issued Certificate of Family Participation in accordance with its terms; fails to comply with the requirements of Sections 2.5, 2.6, 2.7 or 2.8; defaults in the performance or observance of any other term, covenant, or condition of this ACC or of any term, covenant, or condition of any Contract or Agreement; fails, in the event of any default by the Owner, to enforce its rights under the Agreement or Contract by way of action to achieve compliance to the satisfaction of the Government or to terminate the Agreement or Contract in whole or in part, as directed by the Government; or fails to comply with the applicable provisions of the Act and all regulations issued pursuant thereto; the Government may, after notice to the PHA giving it a reasonable opportunity to take corrective action, determine that the occurrence of any such event constitutes a Substantial Default hereunder as to the Project. Upon the occurrence of a Substantial Default with respect to any Project, the PHA shall, if the Government so requires, assign to the Government all of its rights and interests under the Agreement or Contract, including any funds, and the Government shall continue to pay Annual Contributions with respect to dwelling units covered by Housing Assistance Payments Contracts in accordance with the terms of this ACC and of such Contracts until reassigned to the PHA.

(2) All rights and obligations of the PHA assumed by the Government pursuant to this Section 2.16(b) will be returned as constituted at the time of such return (i) when the Government is satisfied that all defaults have been cured and that the Project will thereafter by administered in accordance with all applicable requirements, or (ii) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

(c) *Rights of PHA and Government if Owner Defaults under Contract. (New Construction and Substantial Rehabilitation Projects.* For New Construction and Substantial Rehabilitation projects, the Contract shall contain the following provisions:

"a. A default by the Owner under this Contract shall result if:

"(1) The Owner has violated or failed to comply with any provisions of, or obligation under, this Contract or of any Lease; or

"(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

"b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

"c. (The provisions of this paragraph c shall apply only if the PHA is the lender.) Notwithstanding any other provisions of this Contract, in the event the Government determines that the Owner is in default of his obligations under the Contract, the Government shall have the right, after notice to the Owner and the PHA giving them a reasonable opportunity to take corrective action, to abate or terminate housing assistance payments and recover overpayments in accordance with the terms of the Contract. In the event the Government takes any action under this Section, the Owner and the PHA hereby expressly agree to recognize the rights of the Government to the same extent as if the action were taken by the PHA. The Government shall not have the right to terminate the Contract except by proceeding in accordance with Section 2.16(b) of the ACC."

(d) *Rights of PHA if Owner Defaults under Contract (Existing Housing Projects).* For Existing Housing projects, the Contract shall contain the following provisions:

"a. A default by the Owner under this Contract shall result if:

"(1) The Owner has violated or failed to comply with any provisions of, or obligation under, this Contract or of any Lease; or

"(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

"b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

2.17 *Remedies Not Exclusive and Non-Waiver of Remedies.* The availability of any remedy provided for in this ACC or in the Contract shall not preclude the exercise of any other remedy under this ACC or the Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.18 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.* (a) Neither the PHA nor any of its contractors or their subcontractors shall enter into any contract, subcontract, or arrangement, in connection with any Project, in which any member, officer, or employees of the PHA, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the PHA was activated, or any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project during his tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee of the PHA, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to the PHA and such disclosure is entered upon the minutes of the PHA, the PHA, with the prior approval of the Government, may waive the prohibition contained in this subsection: *Provided, however,* That any such present member, officer, or employee of the PHA shall not participate in any action by the PHA relating to such contract, subcontract, or arrangement.

(b) The PHA shall insert in all contracts entered into in connection with any Project or any property included or planned to be included in any Project, and shall require its contractors to insert in each of its subcontracts, the following provisions:

"No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or any proceeds or benefits arising therefrom."

(c) The provisions of the foregoing subsections (a) and (b) of this Section 2.18 shall not be applicable to the General Depository Agreement, or utility service the rates for which are fixed or controlled by a governmental agency.

2.19 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this ACC or to any benefits which may arise therefrom.

APPENDIX II—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, HOUSING ASSISTANCE PAYMENTS CONTRACT

EXISTING HOUSING PART I

This Housing Assistance Payments Contract ("Contract") is entered into by and between _____, the person or entity having the legal right to lease the unit ("Owner"), and _____ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6). The PHA is acting pursuant to an Annual Contributions Contract with the Government dated _____, 19____, with respect to Project No. _____ ("ACC") (see Section 2.3 of this Contract).

The Owner and the PHA agree as follows:

1.1 *Family to be housed; PHA assistance.*

a. *Family to be Housed.* The Contract Unit is to be leased by the Owner, under a PHA-approved lease ("Lease"), to the following Lower-Income Family ("Family") for use and occupancy by such Family solely as a private dwelling:

_____
(Name of family)

b. *PHA Assistance and Contract Unit.* In order to enable the Family to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act, the PHA agrees to make housing assistance payments on behalf of the Family for the following described dwelling unit ("Contract Unit"):

_____

c. *Term of Contract.* The term of this Contract shall be ____ years (the term of the Lease, not to exceed three years) beginning on _____, 19__, (the effective date of the Lease) and ending _____, 19__; *Provided, however,* That if the Family continues in occupancy, after the expiration of the term, on the same terms and conditions as the original Lease, the Contract shall continue in effect for the duration of such tenancy, but in no case for a total term of more than five years.

1.2 *Amount of Contract Rent and Family Portion.*

a. *Amount of Contract Rent.* The lease rental for the unit ("Contract Rent") is $_____ per month.

b. *Family Portion of Rent.*

(1) The monthly amount the Family is required to pay toward the Contract Rent is $_____.

(2) If there are any utilities or services payable directly by the Family, the amount in paragraph b(1) was computed as follows:

(i) Monthly amount Family must pay toward Gross Rent (Gross Family Contribution less Shopping Incentive Credit, if any) $_____.

(ii) Less: PHA-determined Allowance for utilities and services payable directly by the Family $_____.

(iii) Equals: amount payable by Family toward Contract Rent $_____.

(3) If the amount in line (2)(ii) is greater than the amount in line (2)(i), enter the amount of such excess $_____.

The Owner agrees to pay the Family this monthly amount, on behalf of the PHA, upon receipt of funds from the PHA for that purpose, and the Owner shall furnish the PHA, upon request by it, with evidence of such payment.

(4) The amounts set forth in this paragraph b shall be subject to change by reason of changes in the Family income, composition, or extent of exceptional medical or other unusual expenses, or in the Allowance for Utilities and Other Services or in the Contract Rent, as determined by the PHA, effective as of the date stated in a notification of such change by the PHA to the Family and Owner.

c. *PHA Not Obligated for Family Portion of Rent.* Neither the PHA nor the United States of America ("Government") has assumed any obligation whatsoever for the portion of the rent payable by the Family or for the satisfaction of any claim by the Owner against the Family other than in accordance with Section 1.7 of this Contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of the Family in accordance with this Contract.

1.3 *Housing Assistance Payments.*

a. *Amount.* The PHA will pay on behalf of the Family a housing assistance payment equal to the difference between the Contract Rent and the portion of said rent by the Family.

b. *Conditions for Payment.* Housing assistance payments shall be made by the PHA to the Owner, under the terms and conditions of this Contract, only for the period during which the Contract Unit is leased or occupied by the Family during the term of the Contract (see Section 1.1c), except as provided in paragraphs c and d of this Section.

c. *Payment for Vacated Unit.* (1) If the Family vacates its unit in violation of the provisions of the Lease or tenancy agreement, the Owner shall receive housing assistance payments in the amount of 80 percent of the Contract Rent for a vacancy period not exceeding 60 days or the expiration or other termination of the Lease or tenancy agreement, whichever comes first: *Provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 80 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct: *And provided further,* That if the vacancy is the result of action by the Owner, the Owner shall not receive any payment under this paragraph c if the action was in violation of the Lease or the Contract or any applicable law. (See Section 1.5.)

(2) The Owner shall not be entitled to any payment under this paragraph c unless he (i) immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy, (ii) has taken and continues to take all feasible actions to fill the vacancy including, but not limited to, contacting applicants on his waiting list, if any, requesting the PHA and other appropriate sources to refer eligible applicants and advertising the availability of the unit, and (iii) has not rejected any eligible applicant except for good cause acceptable to the PHA.

(3) The Owner shall not be entitled to housing assistance payment with respect to vacant units under this paragraph c to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.7).

d. *Owner's Monthly Requests for Payments.* (1) The Owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (i) The name of the Family and the address and number, if any, of the unit leased by the Family and whether the unit is vacant; (ii) the Contract Rent for the unit for which the Owner is claiming payments; (iii) the amount of rent payable by the Family leasing the unit (or, where applicable, the amount to be paid the Family in accordance with Section 1.2b(3)); and (iv) the total amount of housing assistance payments requested by the Owner.

(2) Each of the Owner's monthly requests shall contain a certification by him that to the best of his knowledge and belief (i) the dwelling unit is in Decent, Safe, and Sanitary condition, (ii) all the other facts and data on which the request for funds is based are true and correct, (iii) the amount requested has been calculated in accordance with the provisions of this Contract and is payable under the Contract, and (iv) none of the amount claimed has been previously claimed or paid.

(3) If the Owner has received an excessive payment, the PHA, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(4) The Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

1.4 *Maintenance, operation and inspection.*

a. *Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Unit and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in the Lease. If the PHA determines that the Owner is not meeting any of these obligations, the PHA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection.* (1) Prior to occupancy of the unit by the Family, the Owner and the Family shall inspect the unit and each shall furnish a report and certification of the condition of the unit, on the form prescribed by the PHA. By executing this Contract, the Owner certifies that to the best of his knowledge and belief and in accordance with the criteria provided in the PHA-prescribed form, the unit is in Decent, Safe, and Sanitary condition on the date of execution.

(2) The PHA shall inspect or cause to be inspected the Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy of the unit) as may be necessary to assure that the Owner is meeting his obligation to maintain the unit in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections, and shall notify the Owner and the Family of its determinations.

c. *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain the dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments (even if the Family continues in occupancy) and termination of the Contract. If the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA determines to terminate the Contract, the PHA shall issue to the Family another Certificate of Family Participation.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The PHA shall promptly notify the Family of any such abatement.

e. *Overcrowded Unit.* If the PHA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of increase in Family size, the Family and the PHA shall try to find an acceptable unit as soon as possible. If an acceptable unit is found that is available for occupancy by the Family, and the Lease with the first Owner can be terminated in accordance with its terms, the Contract with the first Owner shall be terminated and housing assistance payments shall be made available to the Family for occupancy in the acceptable unit. Housing assistance payments will not be terminated unless the Family rejects without good reason the offer of a unit which the PHA judges to be acceptable.

1.5 *Eviction.* The Owner shall not evict the Family unless the Owner complies with the requirements of local law, if any, and of this Section. The Owner shall give the Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Owner. The Owner must obtain the PHA's authorization for an eviction; accordingly, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Family may, within the same time period, present its objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Owner and the Family of its determination within 20 days of the date of notice to the Family, whether or not the Family has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

1.6 *Owner-Family Lease.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

"The following additional Lease provisions are incorporated in full in the Lease between _____ (Lessor) and _____ (Lessee) for the following dwelling unit: _____. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

"a. The total rent shall be $_____ per month.

"b. Of the total rent, $_____ shall be payable by the Public Housing Agency (PHA) as housing assistance payments on behalf of the Lessee and $_____ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, in accordance with HUD established schedules and criteria; or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification of the Lessee.

"c. The Lessor shall provide the following utilities: (Specify)

"d. The Lessor shall provide maintenance and services as follows:

(1) The Lessor shall maintain the dwelling unit and all equipment provided therewith, as well as common areas, facilities and equipment provided for the use and benefit of the Lessee, in compliance with the Housing Quality Standards on the basis of which this Lease was approved by the Public Housing Agency, and the Lessor shall respond in a reasonable time to calls by the Lessee for services consistent with said obligation. Where applicable (as in case of multiunit buildings), such maintenance with respect to common areas, facilities and equipment shall include cleaning; maintenance of lighting and equipment; maintenance of grounds, lawns and shrubs; and removal of snow and ice. Where security equipment and services are to be provided by Lessor they are as follows: (Specify, or state "None").

(2) Extermination services shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: (Specify, or state "No schedule").

(3) Repainting shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: (Specify, or state "No schedule").

"e. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor. Because the Lessor must obtain the PHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of notice to the Lessee, whether or not the Lessee has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

"f. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

"g. This Lease has been signed by the parties on the condition that the PHA will promptly execute a Housing Assistance Payments Contract with the Lessor. Accordingly, this Lease shall not become effective unless the PHA has executed such Contract by the first day of occupancy specified in the Lease.

"Lessor _____
By _____
Date _____
Lessee _____
Date _____"

1.7 *Security Deposits.* (This section is applicable only if the Owner has required the Family to pay a security deposit.)

a. The Family has paid the Owner a security deposit in an amount equal to the amount payable by the Family toward one month's Gross Rent. If the Family vacates the unit, the Owner, subject to State and local law, may utilize the deposit as reimbursement for any unpaid rent or other amount owed under the Lease. If the amount of the security deposit is insufficient for such reimbursement, the Owner may claim reimbursement from the PHA, not to exceed an amount equal to the remainder of one month's Contract Rent. Any reimbursement under this section shall be applied first toward any unpaid rent. If the Family vacates the unit owing no rent or other amount under the Lease, or if such amount is less than the amount of the security deposit, the Owner shall refund the full amount or the unused balance, as the case may be, to the Family.

b. In those jurisdictions where interest is payable by the Owner on security deposits, the refunded amount shall include the amount of interest payable. The Owner shall comply with all State and local laws regarding interest payments on security deposits.

1.8 *Rent adjustments.* a. Contract Rents shall be adjusted as provided in paragraphs a (1) and (2) of this Section upon request to the PHA by the Owner, provided that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease. The Owner's request for an adjustment shall be accompained by a certification signed by the Owner and the Family that the unit is in Decent, Safe, and Sanitary condition and that the Owner is otherwise in compliance with the terms of the Lease. If the Owner is unable to obtain the Family's signature on the certification, he shall submit a statement explaining why he was unable to obtain such signature, and in such case the PHA will determine whether he is entitled to an adjustment under this Section. Subject to the foregoing, adjustments of Contract Rents shall be as follows:

(1) An adjustment as of any anniversary date of the Lease not to exceed the percentage of change in the applicable published Fair Market Rent (with appropriate reduction in the adjustment where utilities are paid directly by the Family), provided that the Owner has the legal right to terminate the tenancy as of such anniversary date.

(2) A special adjustment, subject to Government approval, effective as of the date when the Owner has the legal right to terminate the tenancy, to reflect increases in the actual and necessary expenses of owning and maintaining the unit which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., assessments, and utilities not covered by regulated rates), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by the annual adjustments provided for in paragraph a (1). The Owner shall submit financial statements which clearly support the increase.

b. Notwithstanding any other provisions of this Contract, adjustments as provided in paragraph a shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the PHA (and approved by the Government, in case of adjustments under paragraph a(2)).

1.9 *Rent redetermination after adjustment in allowance for utilities and other services.* In the event that the Owner is notified of a PHA determination making an adjustment in the Allowance for Utilities and Other Services applicable to the Contract Unit, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the Family and the amount of housing assistance payment.

1.10 *Entire agreement.* This Contract, including Part II hereof, contains the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. No changes in this Contract shall be made except in writing signed by both the Owner and the PHA.

1.11 *Owner's warranty of legal capacity.* The Owner warrants that he has the legal

right to execute this Contract and to lease the dwelling unit covered by this Contract.

PHA _____
By _____
(*Official title*)
Date _____

Owner _____
By _____
(*Official title*)
Date _____

PART II

2.1 *Nondiscrimination in Housing.* a. Neither the Owner nor the PHA shall, in the selection or approval of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in or be denied the benefits of the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88-352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the ground of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq., issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to the benefit of the Government, the said Department, and the PHA, any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Cooperation in Equal Opportunity Compliance Reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.3 *Annual Contributions Contract.* a. The PHA has entered into an Annual Contributions Contract, identified in the introductory paragraph of this Contract, under which the Government will provide financial assistance to the PHA pursuant to Section 8 of the Act, for the purpose of making housing assistance payments, which ACC shall be provided by the PHA to the Owner upon request.

b. The PHA hereby pledges such annual contributions payable under Section 1.4(a)(1) of Part I of the ACC to the payment of housing assistance payments pursuant to this and other Housing Assistance Payments Contracts entered into as a part of said Project.

2.4 *PHA and Government Access to Premises and Owner's Records.* a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA or the Government.

b. The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests to the PHA for housing assistance payments.

2.5 *Rights of PHA if Owner Defaults.* a. A Default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA shall notify the Owner, with a copy to the Government, of (1) the nature of the default, (2) the actions required to be taken and the remedies to be applied on account of the default (including actions by the Owner to cure the default, and, where appropriate, abatement of housing assistance payments in whole or in part and recovery of overpayments), and (3) the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall have the right to terminate this Contract in whole or in part or to take other corrective action to achieve compliance, in its discretion or as directed by the Government.

2.6 *Remedies not exclusive and non-waiver of remedies.* The availability of any remedy under this Contract or the ACC shall not preclude the exercise of any other remedy under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.7 *Disputes.* a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the PHA and Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the field office director a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this Section; *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.8 *Interest of Members, Officers, or Employees of PHA, Members of Local Governing Body, or Other Public Officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the Project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the Project during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.9 *Interest of Member of or Delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.10 *Nonassignability.* a. The Owner agrees that he has not made, and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract, or any of his interest therein, except with the prior consent of the PHA. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the PHA promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request written consent of the PHA in regard thereto.

c. For the purpose of this section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX III—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

CERTIFICATE OF FAMILY PARTICIPATION

1. *Certification.* The undersigned Public Housing Agency ("Agency") hereby certifies that the Family headed by _____ is authorized to participate in the Section 8 Housing Assistance Payments Program of this Agency. Under this program, the Agency makes housing assistance payments on behalf of participating Families toward their rents to Owners of Decent, Safe, and Sanitary dwelling units selected by the Families.

2. *Dwelling Unit.* If the Family finds a dwelling unit meeting its space requirements and otherwise suitable to its needs, which is in Decent, Safe, and Sanitary condition, the Family should submit to the Agency the Request for Lease Approval, together with the required inspection reports and a proposed lease. Prior to approval of the proposed lease,

the Agency will inspect the dwelling unit or cause it to be inspected.

3. *Lease Rent.* The monthly rental provided in the Lease must be determined by the Agency to be reasonable; and generally this rent, plus the Allowance approved by the Agency for any utilities and services payable directly by the Family, may not exceed the Fair Market Rents for a _____ bedroom dwelling unit, which are $_____ for elevator buildings and $_____ for non-elevator buildings.

4. *Family Portion of Rent.* (a) Under the rules and regulations of the Housing Assistance Payments Program, the Family will be obligated to pay $_____ toward the monthly lease rental; however, this amount will be reduced (1) by any Allowance for utilities and services to be paid directly by the Family, and (2) by any Shopping Incentive Credit as described in paragraph (b) immediately below. Any such reduction will be reflected in the amount payable by the Family as specified in the Lease.

(b) As an incentive to the Family to find the most economical housing suitable to its needs, if the Family selects a dwelling unit (other than a unit receiving the benefit of Federal, State or local subsidy) for which the proposed monthly lease rental plus any applicable Allowance is below the applicable Fair Market Rent, the Family will be given a Shopping Incentive Credit by a reduction in the amount it must pay toward rent and utilities (Gross Family Contribution). The amount of this credit will be that percentage of the Gross Family Contribution which the Rent Saving is of the Fair Market Rent. The Rent Saving is the amount by which the Fair Market Rent (i) exceeds the monthly lease rental (plus any applicable Allowance) approved by the Agency, or (ii) exceeds the initially proposed lease rental (plus any applicable Allowance).

(c) The amount which the Family is required to pay toward rent and utilities is subject to change by reason of changes in Family income, composition, and extent of exceptional medical or other unusual expenses and changes in the Allowance for Utilities and Other Services and the Contract Rent.

5. *Agency Portion of Rent.* Pursuant to a Housing Assistance Payments Contract with an Owner, the Agency will pay to the Owner on behalf of the Family an amount equal to the difference between the Family portion of the rent to the Owner and the monthly lease rental.

6. *Agency Approval of Lease.* (a) After receipt of a Request for Lease Approval, the Agency will notify the Owner and the Family whether or not the proposed lease is approvable. This notification will be given within _____ working days from the date of availability for inspection as stated in the Request for Lease Approval.

(b) The Agency, upon issuing this Certificate of Family Participation, anticipates that if a lease meeting the requirements of this program is submitted for approval, the Agency will have funds available for a Housing Assistance Payments Contract with the Owner; however, the Agency is under no obligation to the Family, to any Owner or to any other person to approve any submitted lease, nor does the Agency incur any liability by reason of issuing this Certificate.

7. *Conditions.* The Family agrees to perform all its obligations under the Housing Assistance Payments Program, including the obligations to (a) provide such Family income information and records as may be required in the administration of the program, (b) permit inspection of its dwelling unit at reasonable times after reasonable advance notice, and (c) give at least 30 days notice to the Agency of the Family's intention to vacate the unit.

8. *Equal Housing Opportunity.* If the Family has reason to believe that, in its search for suitable housing it has been discriminated against on the basis of race, color, creed, religion, sex, or national origin, it may file a complaint with the HUD Regional Office. Fair Housing Complaint Forms (Form HUD-903) are available from this Agency.

9. *Expiration Date.* A Request for Lease Approval may be submitted to this Agency no later than _____ (60 days from the date of this Certificate). If a Request is not submitted by such date, this Certificate shall expire unless extended by the Agency in writing.

_____
(Name of Public Housing Agency)

By _____
(Signature and title)

_____
(Date)

_____
(Telephone)

_____
(Name of family representative)

_____
(Signature of family representative)

_____
(Date)

_____
(Present address)

_____

APPENDIX IV—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

REQUEST FOR LEASE APPROVAL

1. *Request.* The undersigned Owner and Family hereby request the _____ *(Name of Public Housing Agency)* to approve the attached lease for the dwelling unit located at _____ *(Street Address and Apartment Number, if any)* for a term of _____ months, beginning _____, 19__. The unit consisting of _____ bedrooms, is to be leased at $_____ per month. This rent includes maintenance and other services as provided in the lease and the following utilities and appliances:

Type of House (Check applicable box):

____ Detached.
____ Row House.
____ Duplex or Twin.
____ Garden Apartment.
____ High-Rise Apartment.
____ Mobile Home.

Utilities and Appliances (insert *O* if furnished by owner or *T* if furnished by Tenant)

Item	Coal	Oil	Natural gas	Electric	L.P. gas	Other
Heat						XX
Cooking fuel						XX
Air-conditioning	XX	XX				XX
Lighting/refrigeration	XX	XX	XX		XX	XX
Water	XX	XX	XX	XX	XX	
Sewer	XX	XX	XX	XX	XX	
Trash collection	XX	XX	XX	XX	XX	
Range	XX	XX	XX	XX	XX	
Refrigerator	XX	XX	XX	XX	XX	
Hot water						XX

2. *Certifications.* The owner, by executing this Request, certifies that:

(a) The most recent rent charged for the above dwelling unit was $_____ per month. The reasons for the difference, if any, between this amount and the proposed rent are:

(b) This unit is made available, managed, and operated regardless of race, color, creed, religion, sex, or national origin.

(c) He has inspected the dwelling unit, as evidenced by the attached inspection report, and his certification as to the condition of the unit is true to the best of his knowledge and belief.

The family, by executing this Request, certifies that it has inspected the dwelling unit, as evidenced by the attached inspection report, and that its certification as to the condition of the unit is true to the best of its knowledge and belief.

3. *Dates of Availability for Inspection and Occupancy.* a. The dwelling unit will be available for inspection by the Agency on _____, 19__.

b. The dwelling unit will be available for occupancy by the Family on _____, 19__.

4. *Agency Determination.* The Owner and the Family understand that the Agency will notify them as to whether or not the proposed lease is approvable, within the time period specified in paragraph 6 of the Certificate of Family Participation.

_____
(Name of Owner or Other Entity Authorized to Lease)

By _____
(Signature)

_____
(Date)

_____
(Business Address)

_____

_____
(Telephone)

_____
(Name of Family Representative)

_____
(Signature of Family Representative)

_____
(Date)

_____
(Present address of Family)

_____

_____
(Telephone)

APPENDIX V—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

AGENCY DETERMINATION WITH RESPECT TO REQUEST FOR LEASE APPROVAL (TO BE SENT TO THE OWNER AND FAMILY)

(Check applicable box)

☐ 1. *Approval.* The Agency hereby approves the proposed lease between _____ (*Family*) and _____ (*Owner*) for the dwelling unit located at _____

_____
(Street address and apartment No., if any)

The Agency hereby certifies that the Contract Rent is reasonable.

(a) Enclosed is the proposed lease, which has been completed by the Agency with respect to the portion of the monthly lease rental which the Family shall be obligated to pay to the Owner. The Lease shall be ex-

ecuted by the Family and the Owner and a copy returned to the Agency.

(b) Also enclosed are two copies of a Housing Assistance Payments Contract completed by the Agency except for execution. The Owner shall sign both copies of the Contract and return them to the Agency. The Agency will execute the Contract by the first day of occupancy specified in the Lease and will immediately return an executed copy to the Owner.

☐ 2. *Disapproval.* The proposed lease and/or the dwelling unit are/is disapproved for the following reasons:

☐ 3. *Resubmission.* If the conditions in Item 2 above are remedied, and a Request for Lease Approval is resubmitted by the Owner and the Family to the Agency by _____ (*date*) the lease will be approved by the Agency if it determines that the conditions have been remedied to its satisfaction. (The certificate of family participation issued to the family shall not expire before said date.)

_____
(*Date*)

_____
(*Name of Public Housing Agency*)

By: _____
(*Signature and Title*)

_____
(*Telephone*)

APPENDIX VI—U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, EXISTING HOUSING

REQUIRED LEASE PROVISIONS

The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporated in full in the Lease between _____ (Lessor) and _____ (Lessee) for the following dwelling unit: _____

In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $_____ per month.

b. Of the total rent, $_____ shall be payable by the Public Housing Agency (PHA) as housing assistance payments on behalf of the Lessee and $_____ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, in accordance with HUD-established schedules and criteria; or by reason of adjustment by the PHA of any applicable Allowance for Utilities and Other Services. Any such change shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall provide the following utilities: (Specify).

d. The Lessor shall provide maintenance and services as follows:

(1) The Lessor shall maintain the dwelling unit and all equipment provided therewith, as well as common areas, facilities and equipment provided for the use and benefit of the Lessee, in compliance with the Housing Quality Standards on the basis of which this Lease was approved by the Public Housing Agency, and the Lessor shall respond in a reasonable time to calls by the Lessee for services consistent with said obligation. Where applicable (as in case of multiunit buildings) such maintenance with respect to common areas, facilities and equipment shall include cleaning; maintenance of lighting and equipment; maintenance of grounds, lawns and shrubs; and removal of snow and ice. Where security equipment and services are to be provided by Lessor they are as follows: (Specify, or state "None").

(2) Extermination services shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: (Specify, or state "No schedule").

(3) Repainting shall be provided by Lessor as conditions may require. If such service is to be provided on a scheduled basis, the schedule is as follows: (Specify, or state "No schedule").

e. The Lessor shall not evict the Lessee unless the Lessor complies with the requirements of local law, if any, and of this provision. The Lessor shall give the Lessee a written notice of the proposed eviction, stating the grounds and advising the Lessee that he has 10 days (or such greater number, if any, that may be required by local law) within which to respond to the Lessor. Because the Lessor must obtain the PHA's authorization for an eviction, a copy of the notice shall be furnished simultaneously to the PHA, and the notice shall also state that the Lessee may, within the same time period, present his objections to the PHA in writing or in person. The PHA shall forthwith examine the grounds for eviction and shall authorize the eviction unless it finds the grounds to be insufficient under the Lease. The PHA shall notify the Lessor and the Lessee of its determination within 20 days of the date of the notice to the Lessee, whether or not the Lessee has presented objections to the PHA. If the Owner has not received a response from the PHA within 20 days, he shall telephone the PHA and shall be informed by the PHA whether a notice of determination has been mailed. If the PHA informs the Owner that no notice has been mailed within the 20 day period, the PHA shall be deemed to have authorized the eviction.

f. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

g. This Lease has been signed by the parties on the condition that the PHA will promptly execute a Housing Assistance Payments Contract with the Lessor. Accordingly, this Lease shall not become effective unless the PHA has executed such Contract by the first day of occupancy specified in the Lease.

Lessor _____
By _____
Date _____
Lessee _____
Date _____

APPENDIX VII—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM EXISTING HOUSING

PROHIBITED LEASE PROVISIONS

Lease clauses which fall within the classifications listed below shall not be included in any Lease in this program.

1. *Confession of Judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

2. *Distraint for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

3. *Exculpatory Clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

4. *Waiver of Legal Notice by Tenant Prior to Actions for Eviction or Money Judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

5. *Waiver of Legal Proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

6. *Waiver of Jury Trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

7. *Waiver of Right to Appeal Judicial Error in Legal Proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

8. *Tenant Chargeable with Cost of Legal Actions Regardless of Outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of this clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

DAVID M. DEWILDE,
Acting Assistant Secretary for Housing Production, and Mortgage Credit-FHA Commissioner.

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