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federal register

TUESDAY, SEPTEMBER 23, 1975

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Daily List of Public Laws

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

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Title 3—The President

PROCLAMATION 4395

National Hunting and Fishing Day, 1975

By the President of the United States of America

A Proclamation

The great natural resources which belong to America meant survival to our forefathers. The abundance of fish and wildlife enabled the early settlers to withstand the first winters. Later this abundance helped pioneers to make their way across the continent.

Today, our outdoor sportsmen help to assure the survival of our natural resources. Hunters and fishermen contribute to the preservation and protection of America's fish and wildlife through their voluntary conservation efforts and by providing millions of dollars for restoration programs, acquisition and maintenance of habitat and supportive research. These funds come through the purchase of licenses and excise taxes on sporting equipment.

In recognition of the significant contributions by American hunters and fishermen, to dramatize the continued need for gun and boat safety and to promote the conservation of our resources, the Congress, by Senate Joint Resolution 34, has requested the President to declare the fourth Saturday of September 1975 as National Hunting and Fishing Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Saturday, September 27, 1975, as National Hunting and Fishing Day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

Gerald R. Ford

[FR Doc.75-25579 Filed 9-22-75;11:53 am]

rules and regulations

Title 7—Agriculture

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

[Tokay Grape Regulation 11, Amendment 1]

PART 926—TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIFORNIA

Shipment—Expiration Date Extension

This amendment, issued pursuant to the amended marketing agreement and Order No. 926, as amended (7 CFR Part 926), changes the expiration date of Tokay Grape Regulation 11 from September 30 to December 31, 1975. Said regulation became effective on August 15, 1975, and its other provisions are unchanged. Those provisions specify that all shipments of fresh Tokay grapes, grown in the production area, shall meet at least the grade and size requirements for U.S. No. 1 Table Grapes. An additional requirement is that at least 30 percent of the berries in the lower quarter of each bunch show characteristic color. One outside end of all containers of regulated grapes must be stamped with a lot number which verifies inspection by the Federal-State Inspection Service for compliance purposes.

The amended regulation is the same, other than the effective period thereof, as extant § 926.312 (Tokay Grape Regulation 11; 40 FR 33964) effective pursuant to said amended marketing agreement and order which regulate the handling of fresh Tokay grapes grown in San Joaquin County, California. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment was recommended by the Industry Committee established pursuant to said marketing agreement and order. The action is necessary to assure that the fresh Tokay grapes shipped will continue to be of suitable quality and size in the interest of consumers and producers.

Notice was published in the FEDERAL REGISTER issue of August 27, 1975 (40 FR 38164), that the Department was giving consideration to a proposal to amend § 926.312 by changing the expiration date thereof from September 30 to December 31, 1975. The notice invited interested persons to submit written data, views, or arguments on the proposal not later than September 12, 1975. No such material was submitted.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendations and information submitted by the Industry Committee, and other available information, it is hereby found that the limitation of handling of such grapes, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of such grapes are in progress and are expected to continue on and after the expiration date of the existing regulation and such regulation should be applicable to all shipments made during the season in order to effectuate the declared policy of the act; (2) the amendment is the same as that specified in the notice to which no exceptions were filed; (3) the regulatory requirements are the same as those currently in effect; (4) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof; and (5) this regulation, as amended, was recommended by the Industry Committee members in an open meeting at which all interested persons were afforded an opportunity to submit their views.

Order. The provisions of § 926.312(a) preceding subparagraph (1) thereof are hereby amended to read as follows:

§ 926.312 Tokay Grape Regulation 11.

Order. (a) During the period August 15, 1975, through December 31, 1975, no handler shall ship: * * *

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 6010674)

Dated: September 18, 1975, to become effective September 30, 1975.

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

[FR Doc.75-25266 Filed 9-22-75;8:45 am]

PART 981—HANDLING OF ALMONDS GROWN IN CALIFORNIA

Salable and Reserve Percentages for the 1975–76 Crop Year

Notice of proposed salable and reserve percentage of 100 and 0 percent, respectively, for California almonds for the 1975–76 crop year was published in the August 26, 1975, issue of the FEDERAL REGISTER (40 FR 37223). The 1975–76 crop year began July 1, 1975.

The proposal was unanimously recommended by the Almond Control Board pursuant to the provisions of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981; 40 FR 4416), regulating the handling of almonds grown in California. The marketing agreement and other program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). No export percentage for reserve almonds was recommended by the Board because of its recommendation for a reserve percentage of 0 percent.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. No comments were received.

In arriving at its recommendation, the Board estimated production, handler carryover as of July 1, 1975, and other factors prescribed in § 981.49 relating to the establishment of salable and reserve percentages. The Board also considered the domestic industry's need to maximize sales in both the domestic and export markets in view of current world market conditions. Hence, handlers would be provided a choice between the markets.

After consideration of the Board's recommendation and supporting information, and other available information, it is found that to establish salable and reserve percentages as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because: (1) This action is applicable to operations under the order during the 1975–76 crop year, which began July 1, 1975; (2) this action will require not advance preparation by handlers; (3) this action places no restrictions on handlers; and (4) no useful purpose would be served by delaying this action.

Therefore, the salable and reserve percentages for almonds received by handlers for their own accounts during the 1975–76 crop year are established as follows:

Section 981.225 is added as set forth below:

§ 981.225 Salable and reserve percentages for almonds during the crop year beginning July 1, 1975.

The salable and reserve percentages during the crop year beginning July 1, 1975 shall be 100 percent and 0 percent, respectively.

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

Dated: September 17, 1975.

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

[FR Doc.75-25318 Filed 9-22-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 46]

[Docket No. AO-123-A42]

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Order Amending Order

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Louisville-Lexington-Evansville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 1046.7, paragraphs (b) and (c) are revised as follows:

§ 1046.7 Pool plant.

* * * * *

(b) A country plant during any of the months of September through February from which not less than 50 percent, and during other months not less than 40 percent, of milk from persons described in § 1046.12(a)(1) and from handlers described in § 1046.9(c) that is physically received at, or diverted from such plant pursuant to § 1046.13, is transferred to and received at a city plant(s) in the form of milk or skim milk.

(c) In March through August a country plant that was a pool plant pursuant to paragraph (b) of this section each month during the preceding September through February, unless the operator of such plant notifies the market administrator in writing on or before February 15 of withdrawal of the plant from the pool for the months of March through August next following.

* * * * *

2. In § 1046.12, paragraphs (b) (2) and (3) are revised and a new paragraph (b)(4) is added as follows:

§ 1046.12 Producer.

* * * * *

(b) * * *

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1046.44(a)(8)(iii) and the corresponding step of § 1046.44(b);

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order; and

(4) A person with respect to any milk produced by him that is received at or diverted from a country plant in any month of March through August, unless at least 60 days' production from the farm of such person was producer milk during the preceding September through February or unless such country plant is a pool plant for the month pursuant to § 1046.7 (b) or (d).

3. In § 1046.13, paragraph (c) is revised as follows:

§ 1046.13 Producer milk.

* * * * *

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

(1) Milk so diverted shall be deemed to have been received at the pool plant from which it is diverted;

(2) Not less than 2 days' production of a producer whose milk is diverted to a nonpool plant is physically received at a pool plant during the month;

(3) Producer milk pursuant to this paragraph shall not include the milk of any person during September through February on days that it is diverted by a handler to a nonpool plant in excess of 22 days (11 days in the case of every-other-day delivery) during the month; and

* * * * *

4. In § 1046.44, paragraph (a)(7)(v) and (vi) are revised and a new paragraph (a)(7)(vii) is added as follows:

§ 1046.44 Classification of producer milk.

* * * * *

(a) * * *

(7) * * *

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section;

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk, is allocated to Class I at the transferor-plant; and

(vii) Receipts of milk from a dairy farmer described in § 1046.12(b)(4);

* * * * *

5. In § 1046.60, paragraph (d) is revised as follows:

§ 1046.60 Handler's value of milk for computing uniform price.

* * * * *

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1046.44(a)(7)(i) through (iv) and (vii) and the corresponding step of

§ 1046.44(b), excluding receipts of bulk fluid cream products from an other order plant;

* * * * *

6. In § 1046.73, paragraphs (a) and (f) are revised as follows:

§ 1046.73 Payments to producers and to cooperative associations.

* * * * *

(a) On or before the last day of each month for milk received during the first 15 days of the month from such producer who has not discontinued delivery of milk to such handler, at not less than the applicable rate pursuant to paragraph (a) (1) and (2) of this section without deductions for hauling:

(1) In August through March, the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month, whichever is higher; and

(2) In April through July, the Class III price for the preceding month or 90 percent of the weighted average price for the preceding month minus the applicable rate per hundredweight described in § 1046.61(g), whichever is higher.

* * * * *

(f) Each handler shall pay to the cooperative association for milk received from it as a handler described in § 1046.9 (c) as follows:

(1) On or before 2 days prior to the last day of the month for milk received during the first 15 days of the month, an amount computed at not less than the applicable rate pursuant to paragraph (a) of this section; and

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

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

Effective date: November 1, 1975.

Signed at Washington, D.C., on: September 18, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-25319 Filed 9-22-75;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended November 27, 1974 (39 FR 41356–41358), December 11, 1974 (39 FR 43294), January 3, 1975 (40 FR 757), February 21, 1975 (40 FR 7620), March 11, 1975 (40 FR 11346), May 8, 1975 (40 FR 20065) and July 1, 1975 (40 FR 27643), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to the respective lists therein as follows:

§ 97.2 Administrative instructions prescribing commuted travel time.

* * * * *

OUTSIDE METROPOLITAN AREA

* * * * *

FOUR HOURS

* * * * *

Juda, Wisconsin (served from Madison, Wisconsin).

* * * * *

FIVE HOURS

* * * * *

Juda, Wisconsin (served from Sauk City, Wisconsin).

* * * * *

(64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendment shall become effective September 23, 1975.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 17th day of September, 1975.

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

[FR Doc.75-25267 Filed 9-22-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to General Counsel

In order to expedite and facilitate the conduct of hearings pursuant to Part 263 of this Chapter, the Board of Governors of the Federal Reserve System has amended its Rules Regarding Delegation of Authority (12 CFR Part 265) to delegate to the General Counsel of the Board authority to designate Board staff attorneys as Board counsel in such hearings.

Effective September 16, 1975, § 265.2 (b) (6) is added to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal reserve banks.

* * * * *

(b) The General Counsel of the Board (or, in his absence, the Acting General Counsel) is authorized:

* * * * *

(6) Pursuant to § 263.6(d) of this Chapter, to designate Board staff attorneys as Board counsel in any proceeding ordered by the Board to be conducted in accordance with Part 263 of this Chapter.

* * * * *

The provisions of Section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date are not followed in connection with the adoption of § 265.2(b) (6) because the rule involved therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

By order of the Board of Governors, effective September 16, 1975.

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

[FR Doc.75-25309 Filed 9-22-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-EA-52]

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

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Plattsburgh, N.Y., Transition Area (40 FR 569).

The transition area is described, in part, by reference to the Plattsburgh, N.Y., instrument landing system outer marker (OM) facility. The United States Air Force plans to decommission the OM but will retain the instrument approach procedure serving Runway 17 at Platts-

burgh AFB. However, the procedure will be amended to provide a substitute fix for the OM facility that would be collocated with the existing OM.

Since the amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective September 23, 1975, as follows:

1. Amend § 71.181 of the Federal Aviation Regulations so as to amend the description of the Plattsburgh, N.Y. 700 foot floor Transition Area as follows:

In the text, delete, "to 12 miles north of the OM" and substitute therefor, "to 22 miles north of the Runway 17 localizer.".

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

Issued in Jamaica, N.Y., on September 11, 1975.

DUANE W. FREER,
Director,
Eastern Region.

[FR Doc.75-25233 Filed 9-22-75;8:45 am]

[Airspace Docket No. 75-SO-119]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Valdosta, Ga. (Moody AFB) control zone and the Valdosta, Ga., transition area.

The Valdosta (Moody AFB) control zone is described in § 71.171 (40 FR 354) and contains an extension predicated on the ILS localizer N course and the OM. The United States Air Force has decommissioned the OM, and it is necessary to alter the description by deleting reference to the OM.

The Valdosta transition area is described in § 71.181 (40 FR 441) and contains an incorrect longitudinal ordinate, an extension predicated on the OM, and two extensions which are no longer required. It is necessary to alter the description by correcting the longitudinal ordinate, deleting reference to the OM and by revoking the two extensions which are no longer required.

Since these amendments are less restrictive in nature, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

1. In § 71.171 (40 FR 354) the Valdosta, Ga. (Moody AFB), control zone is amended as follows:

* * * within 1 mile each side of the ILS localizer N course, extending from the 5-mile radius zone to 1 mile north of the OM * * * is deleted.

2. In § 71.181 (40 FR 441), the Valdosta, Ga., transition area is amended to read:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (latitude 30°46'58" N, longitude 83°16'44" W); within an 8.5-mile radius of Moody AFB (latitude 30°58'01" N, longitude 83°11'27" W); within 3.5-miles west and 2 miles east of the Moody VOR 007° radial, extending from the 8.5-mile radius area to 11.5 miles north of the VOR; within 2.5 miles each side of the Moody TACAN 173° radial, extending from the 8.5-mile radius area to 17.5 miles south of the TACAN.

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

Issued in East Point, Ga., on September 12, 1975.

PHILLIP M. SWATEK,
Director,
Southern Region.

[FR Doc.75-25234 Filed 9-22-75;8:45 am]

[Airspace Docket No. 75-GL-44]

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

Designation of Transition Area

On page 26686 of the FEDERAL REGISTER dated June 25, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Black River Falls, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 23, 1975.

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

Issued in Des Plaines, Illinois on September 9, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is added:

BLACK RIVER FALLS, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Black River Falls Airport (Latitude 44°15'05" N., Longitude 90°51'05" W.); and within 3 miles each side of the 098° bearing from the Black River Falls Airport, extending from the 6½-mile radius area to 8 miles east of the airport.

[FR Doc. 75-25235 Filed 9-22-75;8:45 am]

[Airspace Docket No. 75-GL-49]

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

Alteration of Transition Area

On page 31959 of the FEDERAL REGISTER dated July 30, 1975, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Flint, Michigan.

Interested persons were given thirty days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., October 23, 1975.

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

Issued in Des Plaines, Illinois on September 9, 1975.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (40 FR 441), the following transition area is amended to read:

FLINT, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Flint VOR, within 5 miles north and 8 miles south of the Flint ILS localizer west course, extending from the 12-mile radius area to 12 miles west of the outer marker; within a 4-mile radius of Owosso City Airport, (latitude 42°59'30" N., longitude 84°08'00" W.); within a 5½ mile radius of the Price Airport, (latitude 42°48'25" N., longitude 83°46'20" W.); and within a 5-mile radius of the Davison-Genova Airport, (latitude 43°01'45" N., longitude 83°31'34" W.); excluding the portion which overlies the Detroit, Michigan transition area.

[FR Doc.75-25236 Filed 9-22-75;8:45 am]

[Airspace Docket No. 75-AL-8]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On July 14, 1975, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (40 FR 29554) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would increase the designated altitude for Restricted Area R-2206, Clear, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The one comment received did not object to the proposal.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 4, 1975, as hereinafter set forth.

In § 73.22 (40 FR 656) the designated altitudes are changed to read as follows:

Designated altitudes. Surface to 8,800 feet MSL.

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

Issued in Washington, D.C., on September 17, 1975.

WILLIAM E. BROADWATER,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-25237 Filed 9-22-75;8:45 am]

PART 171—NON-FEDERAL NAVIGATION FACILITIES

Interim Standard Microwave Landing System

Correction

In FR Doc. 75-21690 appearing on page 36109 in the issue of Tuesday, August 19, 1975, make the following correction: In § 171.265(j) on page 36114, the 1st line in column 2 should read: " . . . with the 90 and 150 Hz tone base."

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-88, Amdt. 6]

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

Amendment To Delete Postcharter Reports and To Require Notice of Study Group Charter Cancellations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 18, 1975.

Section 373.20 of the Board's Special Regulations (14 CFR Part 373) requires that, for Study Group Charters (SGC's), the direct air carrier and the study group charterer file a postcharter report with the Board. A similar report is required with respect to Inclusive Tour Charters (ITC's) by § 378.20(a) of the Board's Special Regulations (14 CFR Part 378). The postcharter reports indicate whether or not the charter was in fact performed and whether it differed from the operations described in the study group statement or the ITC prospectus, respectively, which is on file with the Board.

These reporting requirements were originally intended to enable the Board to monitor the performance of such charters at a time when they were the only types of charters operated under our Special Regulations, *i.e.*, charters involving the services of indirect air carriers of passengers. However, SGC's have now been successfully operated for four years, and ITC's for eight, and they are no longer particularly "special" as types of charters involving the services of indirect air carriers. Furthermore, direct air carriers file quarterly reports with the Board showing the number of SGC and ITC flights operated.

In view of the above, we find that it is no longer necessary to monitor the operation of these charters through the filing of postflight reports by direct carriers and tour operators, and that the Board's need for information as to their operation can be satisfied by the direct carriers' periodic reports on their performance of all types of charters, including SGC's and ITC's.

However, we believe that we should be promptly advised by the direct carrier if any charter under these rules is canceled. We presently require direct carriers to so advise use with respect to ITC's (8378.20(b)), as well as for other types of more recently authorized charters,[1] but through apparent oversight, have not heretofore required that we be advised of canceled SGC's. We have therefore determined herein that, while relieving direct carriers of the requirement to join SGC operators in filing postcharter reports for all SGC's which they have operated, we shall henceforth require them to at least notify us of any SGC's which have been cancelled, in the same manner as they are required to advise us of cancellation of ITC's and other similar types of charters.

Since this amendment is procedural in nature, and its net result is to lessen a burden, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 373 of its Special Regulations effective September 18, 1975, as follows:

1. Amend the Table of Contents of Part 373 by revising the caption of Subpart C to read as follows:

Subpart C—Charter Cancellation Notification

2. Amend the table of contents of Part 373 by revising the caption of 373.20 to read as follows:

373.20 Notice of charter cancellation.

3. Amend the table of contents of Part 373 by deleting "Appendix B."

4. Amend the caption of Subpart C to read as follows:

Subpart C—Charter Cancellation Notification

5. Amend § 373.20 to read as follows:

§ 373.20 Notice of charter cancellation.

The direct air carrier shall promptly notify the Board regarding any charters covered by a statement filed under § 373.10 that are later canceled.

6. Amend Part 373 by deleting Appendix B.

(Secs. 101 and 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 and 743; 49 U.S.C. 1301 and 1324)

By the Civil Aeronautics Board.

Effective: September 18, 1975.

Adopted: September 18, 1975.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25313 Filed 9-22-75;8:45 am]

[1] Travel Group Charters (§ 372a.50(b)) and One-stop-Inclusive Tour Charters (§ 378a.50(b)).

[Reg. SPR-89, Amdt. 10]

PART 378—INCLUSIVE TOUR CHARTERS

Amendment To Delete Posttour Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. September 18, 1975.

For the reasons stated in SPR-88 issued contemporaneously herewith, the Civil Aeronautics Board hereby amends Part 378 of its Special Regulations (14 CFR Part 378) effective September 18, 1975, as follows:

1. Amend the Table of Contents of Part 378 by revising the caption of Subpart C to read as follows:

Subpart C—Tour Cancellation Notification

2. Amend the table of contents of Part 378 by revising the caption of § 378.20 to read as follows:

§ 378.20 Notice of tour cancellation.

3. Amend the table of contents of Part 378 by deleting "Appendix B."

4. Amend the caption of Subpart C to read as follows:

Subpart C—Tour Cancellation Notification

5. Amend § 378.20 to read as follows:

§ 378.20 Notice of tour cancellation.

The direct air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.10 that are later canceled.

6. Amend Part 378 by deleting Appendix B.

(Secs. 101 and 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 and 743; 49 U.S.C. 1301 and 1324.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25314 Filed 9-22-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2689]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Transcontinental Gas Pipe Line Corp.

Correction

In FR Doc. 75-23542 appearing on page 41081 in the issue of Friday, September 5, 1975, the 3rd line of the authority citation should read as follows:

". . . amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; . . .".

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 433-6; FAP5H5085/R16]

PART 123—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Paraquat

On May 8, 1975, notice was given (40 FR 20129) that Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond, CA 94804, had filed a food additive petition (FAP 5H5085) with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for residues of desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (both calculated as the cation) in or on dried hops at 0.2 part per million resulting from application of the pesticide to growing hops. (A related document on paraquat and the establishment of pesticide tolerances also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated, and it is concluded that the tolerance will protect the public health. Therefore, Part 123 is being amended as set forth below.

Any person adversely affected by this regulation may on or before October 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW, East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify both the provisions of the regulation deemed to be 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 September 23, 1975, Part 123, Subpart A, is amended by adding § 123.331.

(Section 409 of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 348))

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 123, Subpart A, is amended by adding the § 123.331.

* * * * *

§ 123.331 Paraquat.

A tolerance of 0.2 part per million is established for residues of the defoliant, desiccant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (both calculated as the cation) in or on dried hops resulting from application of the pesticide to growing hops.

* * * * *

[FR Doc.75-25221 Filed 9-22-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Interpretive Rule

Pursuant to section 19 of the Merchant Marine Act, 1920 (46 U.S.C. § 876, 41 Stat. 995) Part 530 of 46 CFR is hereby amended by adding a new interpretive rule reading as follows:

§ 530.9 Interpretation of section 19(2) of Merchant Marine Act, 1920.

(a) Section 19(2) of the Merchant Marine Act of 1920 states that:

> No rule or regulation shall hereafter be established by any department, board, bureau, or agency of the Government which affects shipping in the foreign trade, except rules or regulations affecting the Public Health Service, the Counselor Service, and the Steamboat-Inspection Service until such rule or regulation has been submitted to the Board for its approval and final action has been taken thereon by the Board or the President.

The functions of the Board referred to in section 19(2) of the Merchant Marine Act of 1920 were vested in the Federal Maritime Commission by section 103(c) of the Reorganization Plan No. 7 of 1961 (75 Stat. 840).

(b) The Interstate Commerce Commission in a rulemaking proceeding, Ex Parte 261, In the Matter of Tariffs containing Joint Rates and Through Routes for the Transportation of Property between Points in the United States and Points in Foreign Countries, promulgated final rules on July 29, 1975, governing the filing of joint rate, international through route tariffs which apply to shipping in the foreign trade of the United States without the approval of the Federal Maritime Commission or by the President of the United States as required by section 19(2) of the Merchant Marine Act of 1920 (46 U.S.C. § 876, 41 Stat. 995). The Federal Maritime Commission therefore declares the Interstate Commerce Commission rules pertaining to joint rate, international through route tariffs promulgated in Ex Parte 261 as invalid for lack of compliance with the requirements of section 19(2) of the Merchant Marine Act of 1920.

By the Commission September 17, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25431 Filed 9-22-75;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-694]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4123). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. § 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. § 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Gila	Payson, town of	Sept. 17, 1975, emergency	Jan. 24, 1975		
Arkansas	Pope	London, town of	do	Aug. 29, 1975		
Florida	Flagler	Unincorporated areas	do	Jan. 10, 1975		
Do	Lafayette	do	do			
Indiana	Wells	Uniondale, town of	do	Nov. 15, 1974		
Maine	Washington	Addison, town of	do	Oct. 18, 1974		
Maryland	Cecil	Rising Sun, town of	do			
New Jersey	Bergen	Washington, township of	do			
New York	Lewis	Martinsburg, town of	do	June 28, 1974		
Do	Delaware	Masonville, town of	do	do		
North Carolina	Avery	Newland, town of	do	June 14, 1974		
Oklahoma	Greer	Granite, town of	do	June 28, 1974		
Pennsylvania	Lancaster	Colerain, township of	do	Sept. 20, 1974		
Do	Wayne	Lake, township of	do	Nov. 29, 1974		
Do	Wyoming	Noxen, township of	do	do		
Do	Mercer	Pymatuning, township of	do	Nov. 15, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Colorado	Larimer	Loveland, city of	Sept. 18, 1975, emergency	Mar. 1, 1974		
Indiana	Jefferson	Brooksburg, town of	do	Nov. 29, 1974		
Maryland	Dorchester	Hurlock, town of	do			
Do	Washington	Sharpsburg, town of	do			
Massachusetts	Worcester	East Brookfield, town of	do	June 7, 1974		
Michigan	Monroe	Ash, township of	do	June 14, 1974		
				Apr. 25, 1975		
New York	Jefferson	Evans Mills, village of	do	May 17, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	White	Bald Knob, city of	Sept. 19, 1975, emergency	Mar. 8, 1974		
Georgia	Troup	Unincorporated areas	do			
New York	Dutchess	Fishkill, town of	do	Dec. 20, 1974		
Do	Washington	Granville, town of	do	Nov. 22, 1974		
Do	St. Lawrence	Hammond, town of	do	Jan. 17, 1975		
Pennsylvania	Cambria	Ebensburg, borough of	do	Nov. 22, 1974		
Do	Northampton	Forks, township of	do	Nov. 8, 1974		
Vermont	Washington	Berlin, town of	do	Feb. 15, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Alabama	Calhoun	Unincorporated areas	Sept. 22, 1975, emergency	Nov. 29, 1974		
Arkansas	Saline	Haskell, city of	do	June 27, 1975		
New York	Broome	Lisle, town of	do	Feb. 15, 1974		
Ohio	Noble	Belle Valley, village of	do	Aug. 30, 1974		
Utah	Millard	Oak City, town of	do	Feb. 7, 1975		
Vermont	Windsor	Weathersfield, town of	do	June 14, 1974		
Virginia	Carroll	Hillsville, town of	do			

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

Issued: September 12, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-25195 Filed 9-22-75;8:45 am]

[Docket No. FI-695]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● Purpose. The purpose of this notice is the identification of communities with areas of special flood or mudslide or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling.

The effective date of identification shall be 30 days after the date of publication in the FEDERAL REGISTER, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Arizona	Graham	Pima, town of	H 040033A	Commissioner, Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Director, Arizona Department of Insurance, 1601 West Jefferson, Phoenix, Ariz. 85007.	Assistant Town Clerk, Town Hall, Pima, Ariz. 85543.	May 24, 1974.
Arkansas	Ashley	Wilmot, city of	H 050009A	Director of Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Commissioner, Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Wilmot, Ark. 71676.	Mar. 15, 1974. Oct. 3, 1975.
Do	Baxter	Cotter, city of	H 050011A 01	do	Mayor, City Hall, Cotter, Ark. 72626.	June 14, 1974.
Do	Boone	Alpena, town of	H 050017A 01	do	Mayor, Town Hall, Alpena, Ark. 72611.	Aug. 30, 1974. Oct. 3, 1975.
Do	Craighead	Bono, town of	H 050046A 01	do	Mayor, Town Hall, Bono, Ark. 72416.	Aug. 30, 1974.
Do	Hot Spring	Malvern, city of	H 050088A 01 through H 050088A 02	do	City Manager, City Hall, Malvern, Ark. 72104.	Nov. 16, 1973. Oct. 3, 1975.
Do	Lonoke	England, city of	H 050133A 01	do	Secretary, City Hall, 102 Allis St., England, Ark. 72046.	May 10, 1974. Oct. 3, 1975.
Do	Mississippi	Leachville, city of	H 050147A 01	do	Mayor, City Hall, Leachville, Ark. 72438.	May 10, 1974.
Do	Monroe	Clarendon, city of	H 050156A	do	Mayor, City of Clarendon, City Hall, Clarendon, Ark. 72029.	Dec. 28, 1973.
Do	Newton	Jasper, city of	H 050160A 01	do	Mayor, City Hall, Jasper, Ark. 72641	Aug. 16, 1974. Oct. 3, 1975.
Do	Phillips	Elaine, city of	H 050167A	do	Mayor, City of Elaine, City Hall, Elaine, Ark. 72333.	Mar. 29, 1974. Oct. 3, 1975.
Do	St. Francis	Colt, city of	H 050188A	do	Mayor, City Hall, Colt, Ark. 72326	Aug. 23, 1974. Oct. 3, 1975.
Do	Union	El Dorado, city of.	H 050207A	do	Mayor, City Hall, El Dorado, Ark. 71730.	May 3, 1974. Oct. 3, 1975.
California	El Dorado	Placerville, city of.	H 060041A 01 through H 060041A 03	Director, Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. Commissioner, California Insurance Department, 1407 Market St., San Francisco, Calif. 94103. Commissioner, California Insurance Department, 600 South Commonwealth Ave., Los Angeles, Calif. 90005.	Mayor, City Hall Office, 465 Main St., Placerville, Calif. 95667.	June 7, 1974. Oct. 3, 1975.
Do	Fresno	Huron, city of	H 060049A 01	do	City Administrator, City Hall, Huron, Calif. 93234.	May 17, 1974.
Do	do	Reedley, city of	H 060053A 01	do	Administrative Officer, City Hall, 845 G St., Reedley, Calif. 93645.	Mar. 1, 1974.
Do	Glenn	Willows, city of	H 060059A	do	City Manager, P.O. Box 864, Willows, 95988.	July 26, 1974.
Do	Los Angeles	Claremont, city of	H 060109A	do	Mayor, City Hall, 207 Harvard Ave., Claremont, Calif. 91711.	May 24, 1974.
Do	do	Hermosa Beach, city of	H 060124A	do	Assistant City Engineer, City Hall, Civic Center, Hermosa Beach, Calif. 90254.	June 28, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Santa Fe Springs, city of.	H 060158A 01 through H 060158A 06	do.	Director of Public Works, City Hall, 11710 Telegraph Rd., Santa Fe Springs, Calif. 90670.	June 28, 1974. Oct. 3, 1975.
Do.	Marin	Sausalito, city of.	H 060182A	do.	Director of Public Works, 420 Litho St., P.O. Box 127, Sausalito, Calif. 94965.	May 17, 1974. Oct. 3, 1975.
Do.	Monterey	Soledad, city of.	H 060204A	do.	Mayor, City Hall, 647 Front St., Soledad, Calif. 93960.	May 17, 1974.
Do.	Napa	St. Helena, city of.	H 060208A	do.	Director of Public Works, City Hall, 1480 Main St., St. Helena, Calif. 94574.	May 31, 1974. Oct. 3, 1975.
Do.	Orange	San Juan Capistrano, city of.	H 060231A	do.	Associate Civil Engineer, 32400 Paseo Adelanto, San Juan Capistrano, Calif. 92675.	May 10, 1974. Oct. 3, 1975.
Do.	San Joaquin	Lodi, city of.	H 060300A	do.	Mayor Pro-Tem, City Hall, 221 West Pine St., Lodi, Calif. 95240.	April 5, 1974. Oct. 3, 1975.
Do.	Santa Barbara	Santa Maria, city of.	H 060336A	do.	Director of Public Works, 110 East Cook St., Santa Maria, Calif. 93454.	May 17, 1974.
Do.	Los Angeles	La Puente, city of	H 060509A	do.	City Manager, City Hall, La Puente, Calif. 91744.	June 28, 1974. Oct. 3, 1975.
Georgia	Clarke	Unincorporated areas.	H 130243A 01 through H 130243A 10	Commissioner, Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Commissioner, Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Athens-Clarke County Planning Commission, P.O. Box 329, Athens, Ga. 30601.	Mar. 21, 1975. Oct. 3, 1975.
Illinois	Hancock	Carthage, city of.	H 170269A 01	Coordinator, Governor's Task Force on Flood Control, 300 North State St., P.O. Box 475, Room 1010, Chicago, Ill. 60610. Director, Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 542 Wabash Ave., Carthage, Ill. 62321.	June 7, 1974.
Do.	Knox	Abingdon, city of.	H 170348A 01	do.	Mayor, 114 East Meek, Abingdon, Ill. 61410.	Do.
Do.	Sangamon	Springfield, city of.	H 170604A 01 through H 170604A 18	do.	Mayor, Room 200, Municipal Bldg., Springfield, Ill. 62701.	Oct. 3, 1975. June 7, 1974. Oct. 3, 1975.
Do.	White	Carmi, city of.	H 170681A 01 through H 170681A 02	do.	Mayor, Municipal Bldg., Carmi, Ill. 62821.	Apr. 5, 1974.
Iowa	Woodbury	Sergeant Bluff, city of.	H 190297A	Director, Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Commissioner, Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Legal Council, City Hall, Sergeant Bluff, Iowa 51054.	Mar. 29, 1974. Oct. 3, 1975.
Louisiana	Evangeline	Pine Prairie, village of.	H 220098A 01	Director, State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Commissioner, Louisiana Insurance Commissioner, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village of Pine Prairie, Pine Prairie, La. 70576.	Aug. 30, 1974.
Do.	Caddo	Oil City, town of.	H 220262A 01	do.	Mayor, City Hall, Oil City, La. 71061.	Dec. 27, 1974. Oct 3, 1975.
Massachusetts	Worcester	Fitchburg, city of.	H 250304A	Director, Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 01420. Commissioner, Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Planning Coordinator, City Hall, Fitchburg, Mass. 01420.	Apr. 5, 1974. Oct. 3, 1975.
Michigan	Barry	Hastings, city of.	H 260314A 01 through H 260314A 03	Executive Secretary, Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Commissioner, Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Mayor, 102 South Broadway, Hastings, Mich. 49058.	Apr. 12, 1974. Oct. 3, 1975.
Minnesota	Blue Earth	Mapleton, city of.	H 270032A 01	Director, Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Commissioner, Minnesota Division of Insurance, R-210, State Office Bldg., St. Paul, Minn. 55101.	Mayor, Mapleton, Minn. 56065.	Apr. 25, 1975. Oct. 3, 1975.
Mississippi	Copiah	Georgetown, town of.	H 280045A	Director, Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Commissioner, Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Box 62, Georgetown, Miss. 39078.	Aug. 2, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Missouri	Buchanan	Rushville, village of.	H 290042A 01	Executive Director, Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson, Mo. 65101. Superintendent, Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, Village Hall, Rushville, Mo. 64484.	Oct. 18, 1974.
Do	Cooper	Blackwater, city of.	H 290109A 01	do	Mayor, City Hall, Blackwater, Mo. 65322.	Apr. 25, 1975. Oct. 3, 1975.
Do	Gasconade	Morrison, city of.	H 290142A	do	Mayor, City Hall, Morrison, Mo. 65061.	Nov. 8, 1974. Oct. 3, 1975.
Nebraska	Platte	Humphrey, city of.	H 310381A 01	Executive Secretary, Nebraska Natural Resources Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Director, Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	City Engineer, Rystrom Engineering Co., 2902 Howard Blvd., P.O. Box 492, Columbia, Nebr. 68901.	July 11, 1975. Oct. 3, 1975.
New Hampshire	Coos	Stratford, town of.	H 330039A 01 through H 330039A 23	Acting Director, Office of Comprehensive Planning Division of Community Planning, State House Annex, Concord, N.H. 03301. Commissioner, New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Selectman, City Hall, Stratford, N.H. 03884.	July 26, 1974. Oct. 3, 1975.
New Jersey	Bergen	Teaneck, township of.	H 340075A 01 through H 340075A 15	Chief, Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. Commissioner, New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Municipal Bldg., Teaneck, N.J. 07666.	June 14, 1974. Oct. 3, 1975.
Do	Gloucester	Harrison, township of.	H 340205A 01 through H 340205A 06	do	Mayor, Bridgeton Pike, Mellilca Hill, N.J. 08062.	July 26, 1974. Oct. 3, 1975.
New Mexico	Quay	Tucumcari, city of.	H 350048A 01 through H 350048A 04	State Engineer, State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. Superintendent, New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	City Engineer, City of Tucumcari, City Hall, Tucumcari, N. Mex. 88401.	June 28, 1974 Oct. 3, 1975.
New York	Chemung	Big Flats, town of.	H 360148B 01 through H 360148B 10	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. Superintendent, New York State Insurance Department, 2 World Trade Center, New York, N.Y. 10047.	Town Supervisor, 903 Sing Sing Rd., Horseheads, N.Y. 14845.	Sept. 14, 1973. Apr. 12, 1974. Oct. 3, 1975.
Do	Erie	Grand Island, town of.	H 360242A 01 through H 360242A 10	do	Town Supervisor, 225 Baseline Rd., Grand Island, N.Y. 14072.	Aug. 2, 1974. Oct. 3, 1975.
Do	Nassau	Great Neck Estates, village of.	H 360466A 01	do	Mayor, Village Hall, 4 Atwater Plaza, Great Neck, N.Y. 11021.	June 14, 1974. Oct. 3, 1975.
Do	St. Lawrence	Macomb, town of.	H 360704A 01 through H 360704A 09	do	Town Supervisor, Route 1, Rossie, N.Y. 13646.	Sept. 13, 1974. Oct. 3, 1975.
Do	Tioga	Nichols, town of.	H 360837A 01 through H 360837A 03	do	Town Supervisor, 10 Walnut St., Nichols, N.Y. 13812.	June 28, 1974. Oct. 3, 1975.
Do	Westchester	Hastings-on-Hudson, village of.	H 360913A 01 through H 360913A 02	do	Mayor, Municipal Bldg., Maple Ave., Hastings-on-Hudson, N.Y. 10706.	Nov. 8, 1974. Oct. 3, 1975.
Do	Yates	Dundee, village of.	H 360957A 01	do	Mayor, Village Hall, Dundee, N.Y. 14837.	June 28, 1974. Oct. 3, 1975.
Do	Schoharie	Sharon Springs, village of.	H 361542A 01	do	Mayor, Village Hall, Sharon Springs, N.Y. 13459.	Jan. 10, 1975.
North Dakota	Bowman	Bowman, city of.	H 380012A	Engineer-Secretary, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. Commissioner, North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City Auditor, City Hall, Bowman, N. Dak. 58623.	Mar. 29, 1974. Oct. 3, 1975.
Ohio	Cuyahoga	South Euclid, city of.	H 390131A 01 through H 390131A 02	Director, Ohio Department of Natural Resources, Flood Insurance Coordination Bldg., Fountain Sq., Columbus, Ohio. Ohio Department of Insurance, 447 East Broad St., Columbus, Ohio 43215.	Mayor, 1349 South Green, South Euclid, Ohio 44121.	Mar. 22, 1974.
Do	Henry	Napoleon, city of.	H 390266A 01 through H 390266A 05	do	Mayor, P.O. Box 151, Napoleon, Ohio 43545.	May 31, 1974.
Do	Richland	Shelby, city of.	H 390479A 01 through H 390479A 02	do	Mayor, 23 West Main St., Shelby, Ohio 44875.	Nov. 9, 1973.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Oklahoma	Alfalfa	Aline, town of	H 400268A	Executive Director, Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Commissioner, Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Chairman, Board of Trustees, Town Hall, Aline, Okla. 73716.	Feb. 14, 1975. Oct. 3, 1975.
Oregon	Morrow	Irrigon, city of	H 410177A 01	Director, Executive Department, State of Oregon, Salem, Oreg. 97310. Commissioner, Oregon Insurance Division, Department of Commerce, 158 12th St. N.E., Salem, Oreg. 97310.	Mayor, City Hall, Irrigon, Oreg. 97844.	Nov. 29, 1974. Oct. 3, 1975.
Pennsylvania	Blair	Altoona, city of	H 420150A 01 through H 420150A 13	Secretary, Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Commissioner, Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, City Hall, Altoona, Pa. 16603.	June 28, 1974.
Do	Centre	Port Matilda, borough of.	H 420268A 01	do	Mayor, Box 87B, Port Matilda, Pa. 16870.	Jan. 16, 1974. Oct. 3, 1975.
Do	Luzerne	Nanticoke, city of.	H 420017B 01	do	Mayor, Municipal Bldg., 1 East Ridge St., Nanticoke, Pa. 18631.	Aug. 24, 1973. Dec. 14, 1973. Oct. 3, 1975.
Do	Allegheny	Ross, township of.	H 420079A 01 through H 420079A 06	do	President of Township Supervisors, Ross Township Municipal Bldg., Perry Highway at Center Ave., Pittsburgh, Pa. 15229.	June 7, 1974. Oct. 3, 1975.
Do	Erie	Washington, township of.	H 421372A 01 through H 421372A 07	do	Township Supervisor, Rural Delivery 2, Edinboro, Pa. 16412.	Oct. 18, 1974. Oct. 3, 1975.
Do	Chester	Schuylkill, township of.	H 421489A 01 through H 421489A 03	do	Board of Supervisors Chairman, Box 286, Phoenixville, Pa. 19460.	Oct. 25, 1974. Oct. 3, 1975.
South Carolina	Florence	Timmonsville, town of.	H 450084A 01	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. Commissioner, South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Town Hall, 205 East Main St., Timmonsville, S.C. 29161.	May 24, 1974.
South Dakota	Butte	Belle Fourche, city of.	H 460012A	Commissioner, State Planning Bureau, Office of Executive Management, State Capitol, Pierre, S. Dak. 57501. Commissioner, South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	City Auditor, City Hall, Belle Fourche, S. Dak. 57717.	Nov. 2, 1973. Oct. 3, 1975.
Do	Hughes	Pierre, city of	H 460040A 01 through H 460040A 05	do	Director of Public Works, 222 East Dakota Ave., Pierre, S. Dak. 57501.	June 7, 1974.
Texas	Montague	Bowie, city of	H 480481A	Executive Director, Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Commissioner, Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Attorney, P.O. Box 1282, 304 West Tarrant St., Bowie, Tex. 76230.	May 3, 1974. Oct. 3, 1975.
Utah	Sevier	Monroe City, city of.	H 490129A 01	Director, Department of Natural Resources, Division of Water Resources, State Capital Bldg., Room 435, Salt Lake City, Utah 84114. Commissioner, Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, P.O. Box A, 55 North Main, Monroe, Utah 84754.	June 28, 1974. Oct. 3, 1975.
Do	Summit	Coalville, city of	H 490135A	do	Mayor, City Hall, Coalville, Utah, 84017.	Aug. 2, 1974. Oct. 3, 1975.
Virginia	Hanover	Ashland, town of	H 510075A 01	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230.	Town Manager, P.O. Box 271, Ashland, Va. 23005.	May 24, 1974.
				Commissioner, Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town Manager, P.O. Box 271, Ashland, Va. 23005.	May 24, 1974.
Do	Pittsylvania	Hurt, town of	H 510219A 01 through H 510219A 02	do	Mayor, P.O. Box 208, Hurt, Va. 24563.	Nov. 1, 1974.
West Virginia	Kanawha	St. Albans, city of.	H 540083A 01	Director, Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Commissioner, West Virginia Insurance Commission, 1800 Washington St., Building No. 3, Room 643, Charleston, W. Va. 25305.	Mayor, Box 468, St. Albans, W. Va. 25177.	Mar. 8, 1974. Oct. 3, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Wisconsin	Kewaunee	Luxemburg, village of.	H 550216A 01	Secretary, Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Insurance Commissioner, Wisconsin Insurance Department, 201 East Washington Ave., Madison, Wis. 53703.	Village President, 219 Main St., Luxemburg, Wis. 54217.	May 10, 1974. Oct. 3, 1975.
Do.	Manitowoc	Kiel, city of	H 550230A 01	do.	Mayor, P.O. Box 98, Kiel, Wis. 53042.	Feb. 8, 1974.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 26, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969).

Issued: September 12, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-25196 Filed 9-22-75;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY

SUBCHAPTER F—FIDUCIARY RESPONSIBILITY UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

PART 2550—RULES AND REGULATIONS FOR FIDUCIARY RESPONSIBILITY

Employer Securities, Calculation of Value

Preamble. This document contains temporary regulations under section 407(c)(3) of the Employee Retirement Income Security Act of 1974 (the Act) (Pub. L. 93-406, 88 Stat. 898) in order to provide rules for the election by certain employee benefit plans to use an alternate method of valuation of employer securities under section 407(c) of the Act to satisfy the percentage limitations set forth in section 407(a)(3) of the Act with respect to qualifying employer securities and qualifying employer real property which may be held by a plan. Any election made by a plan under these regulations must be made by the plan administrator on behalf of the plan on or before December 31, 1975 and is irrevocable, once made. A plan may make an election under these temporary regulations only if the plan did not hold any employer real property (as defined in section 407(d)(2) of the Act) on January 1, 1975, and, after such election is made, the plan may not acquire any employer real property before January 1, 1985.

Because of the need for immediate guidance with respect to the provisions contained in this temporary regulation, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Nevertheless, it is generally the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be considered, just as though this document were a proposal, if received by October 23, 1975. The comments received will be evaluated and, if warranted, the regulation will be amended.

Interested persons are invited to submit comments to the Office of Employee Benefits Security (DEVD—Section 407(c)), Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216. Such comments should be clearly referenced to 29 CFR 2550.407c-3. All comments will be open to public inspection at the Public Document Room, Office of Employee Benefits Security, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Accordingly, Part 2550 of Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding a new § 2550.407c-3 to read as follows:

§ 2550.407c-3 Election by plan to utilize the alternate method of calculation of value of employer securities.

(a) *In general.* If an employee benefit plan holds no employer real property (as defined in section 407(d)(2) of the Employee Retirement Income Security Act of 1974 (the "Act")) on January 1, 1975, it may elect under section 407(c)(3) of the Act to utilize the alternate method of calculation of value of employer securities set forth in section 407(c) of the Act for the purpose of satisfying the requirement of section 407(a)(3) of the Act relating to the limitation on holding by certain employee benefit plans of qualifying employer securities and qualifying employer real property.

(b) *Election is irrevocable.* An election by a plan under section 407(c)(3) of the Act shall be binding with respect to such plan and, once made, shall be irrevocable.

(c) *Procedure for making election—*(1) *Time of election.* An election under this section must be made before January 1, 1976. An election will be deemed to be timely filed only if received at the Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, Washington, D.C. 20216 on or before 5 p.m., December 31, 1975, or, if mailed by certified or registered mail, postmarked prior to January 1, 1976.

(2) *By whom election is to be made.* The election provided by this section may be made only by the plan administrator of the plan.

(3) *Manner of making election.* The plan administrator shall file a statement containing the following information: (i) The name and address of the plan; (ii) the EIN number of the plan; (iii) the WP number of the plan (if any); (iv) the name and address of the plan administrator; (v) a statement that on January 1, 1975, the plan held no employer real property; and (vi) a statement that the plan elects to use the alternate method of valuation of employer securities provided under section 407(c)(3) of the Act.

(d) *Limitation on acquisition of employer real property.* After making an election under this section, and before January 1, 1985, the plan may not acquire any employer real property.

(Sec. 407(c)(3), Pub. L. 93-406, 88 Stat. 881 (29 U.S.C. 1107) and Sec. 505, Pub. L. 93-406, 88 Stat. 894 (29 U.S.C. 1135)).

Signed at Washington, D.C., this 18th day of September, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs.

[FR Doc.75-25288 Filed 9-18-75;2:50 pm]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 433-7 PP5F1619/R54]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Paraquat

On May 8, 1975, notice was given (40 FR 20129) that Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804, had filed a petition (PP 5F1619) for pesticide tolerances with the Environmental Protection Agency (EPA). This petition proposed that 40 CFR 180.205 be amended to establish tolerances for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (both calculated as the cation) in or on the raw agricultural commodities fresh hops at 0.1 part per million (ppm) and hop vines at 0.5 ppm. (A related document on paraquat and the establishment of a food additive tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. The desiccant is considered useful for the purpose for which tolerances are sought. The established tolerances for residues in eggs, meat, milk, and poultry are adequate to cover residues resulting from both the established and the proposed uses as delineated in § 180.6(a)(2). The tolerances established by amending § 180.205 will protect the public health.

Any person adversely affected by this regulation may, on or before October 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be 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 September 23, 1975, Part 180, Subpart C, § 180.205, is amended as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart C, § 180.205, is amended by (1) revising the introductory paragraph to change the chemical name from "1,1'-dimethyl-4,4'-bipyridinium" to "1,1'-dimethyl-4,4'-bipyridinium ion", (2) adding the commodity hop vines to the paragraph "0.5 part per million * * *" and (3) adding the new paragraph "0.1 part per million * * *" to include a tolerance for fresh hops after the paragraph "0.2 part per million * * *" as follows.

* * * * *

§ 180.205 Paraquat; tolerances for residues.

Tolerances are established for residues of the desiccant, defoliant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from application of either the bis(methyl sulfate) or the dichloride salt (both calculated as the cation) in or on raw agricultural commodities as follows:

* * * * *

0.5 part per million in or on almond hulls, cottonseed, guar beans, hop vines, potatoes, sugar beets, sugar beet tops, and sugarcane.

* * * * *

0.1 part per million in or on fresh hops.

* * * * *

[FR Doc.75-25218 Filed 9-22-75;8:45 am]

[FRL 434-3; PP5F1614/R53]

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

Naled

On May 8, 1975, notice was given (40 FR 20129) that Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94904, had filed a pesticide petition (PP 5F1614) with the Environmental Protection Agency (EPA). This petition proposed the establishment of a tolerance for residues of the insecticide naled (1,2-dibromo-2,2-dichloroethyl dimethyl phosphate) and its conversion product 2,2-dichlorovinyl dimethyl phosphate (expressed as naled) in or on the raw agricultural commodities almond nuts and almond hulls at 0.05 part per million.

The data submitted in the petition and other relevant material have been evaluated, and the insecticide is considered to be useful for the purpose for which the tolerance is sought. There is no reasonable expectation of residues in meat, milk, poultry, or eggs, and § 180.6(a)(3) applies. The tolerance established by amending 40 CFR 180.215 is adequate to cover residues on almond nuts and hulls and will protect the public health. It is, therefore, concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may, on or before October 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M St. SW., East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be 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 September 23, 1975, Part 180, Subpart C, is amended by revising § 180.215 as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Section 180.215 is amended by revising the paragraph "0.5 part per million * * *" to include the raw agricultural commodities almonds (nuts and hulls), to read as follows:

* * * * *

§ 180.215 Naled; tolerances for residues.

* * * * *

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

* * * * *

[FR Doc.75-25208 Filed 9-22-75;8:45 am]

[FRL 434-6; PP5E1585/R51]

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

Cross-Linked Nylon-Type Encapsulating Polymer

On August 1, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 32348), a notice of proposed rulemaking to exempt from the requirement of a tolerance the cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylene diamine and diethylenetriamine when used as an inert encapsulating material for formulations of the insecticide methyl parathion applied before harvest to apples and pears. This notice of proposed rulemaking was published in response to a petition (PP 5E1585) submitted to the EPA by Agchem Division of Penwalt Corp., PO Box 1297, Tacoma WA 98401.

No comments or requests for referral to an advisory committee were received by the EPA with respect to this proposal, and it is concluded, therefore, that the proposed amendment to the regulation, 40 CFR 180.1028, be adopted without change.

Any person adversely affected by this regulation may, on or before October 23, 1975, file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019, East Tower, 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify both the provisions of the regulation deemed to be 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 September 23, 1975, Part 180, Subpart D, Section 180.1028, is amended as set forth below.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

Part 180, Subpart D, is amended by revising § 180.1028 to include apples and pears among those agricultural commodities on which residues of the cross-linked nylon-type encapsulating polymer used as an inert encapsulating material for formulations of methyl parathion is exempted from the requirement of a tolerance. This section is revised to read as follows.

§ 180.1028 Cross-linked nylon-type encapsulating polymer; exemption from the requirement of a tolerance.

The cross-linked nylon-type polymer formed by the reaction of a mixture of sebacoyl chloride and polymethylene polyphenylisocyanate with a mixture of ethylenediamine and diethylenetriamine is exempted from the requirement of a tolerance when used as an inert encapsulating material for formulations of methyl parathion applied to growing alfalfa; apples and pears; corn (field and sweet); cotton; forage grasses; soybeans; peas (applied before pods form); and barley, oats, and wheat (applied before heads form).

[FR Doc.75-25299 Filed 9-22-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amendment 152]

PART 1-30—CONTRACT FINANCING

Miscellaneous Amendment

This amendment of the Federal Procurement Regulations makes changes in Part 1-30, Contract Financing. Subpart 1-30.1 covering forms of financing is amended to update the reference to Treasury Department Circular 1075 (31 CFR 205) regarding advance payments.

Subpart 1-30.2 covering basic policies for contract financing is amended (1) to require that agencies develop and maintain standards against which payment actions to contractors can be evaluated relative to the Government's prompt payment policy, (2) to add examples where timely and effective Government action is important, and (3) to reflect advance payment and letter of credit policy with respect to nonprofit educational institutions, as contained in Federal Management Circular 73-7.

Subpart 1-30.4 covering advance payments is amended to include a new § 1-30.408-1 concerning the letter of credit method of payment. Various sections in Subpart 1-30.4 are modified to reflect the use of letters of credit, including the "Findings and Determination" in § 1-30.410 and suggested contract provisions in § 1-30.414-2. Section 1-30.413(b) is amended to remove the mandatory requirement for a separate special bank account when the letter of credit financing method is utilized by an agency. Section 1-30.403 changes the basis for establishment of the interest rate on unliquidated balances of Federal funds to the rate established by the Secretary of the Treasury pursuant to Public Law 92-41 from individual agency establishment; other sections in Subpart 1-30.4 affected are modified accordingly. Section 1-30.403 also modifies the exception to the interest requirement for nonprofit educational or research institutions doing experimental, developmental, or research work by deleting the qualification that the work must be under a "nonprofit" contract; other sections in Subpart 1-30.4 affected are modified accordingly.

Subpart 1-30.5 covering progress payments based on cost is amended to codify and cancel FPR Temporary Regulation 34 (39 FR 42716, December 6, 1974) which increased the standard percentages for customary progress payments to 80 percent of total incurred costs, except that for contracts with small business concerns the percentage was increased to 85 percent. In addition, several sections of Subpart 1-30.5 are amended to parallel similar provisions in the Armed Services Procurement Regulation. However, provisions for progress payments based on direct labor and material costs have been retained since deletion could hamper capability, especially for small business concerns, to complete in the Government marketplace. Sections 1-30.503 and 1-30.504-1 are amended to reduce from a 6- to a 4-month period prior to first delivery for small business concerns as a criteria for progress payments eligibility. Sections 1-30.504-3 and 1-30.504-4 are amended to revise provisions regarding notices to bidders in regard to progress payments. Sections 1-30.503-1 and 1-30.505 are amended to remove for letter contracts the time criteria for progress payment eligibility. Section 1-30.506 is amended to provide for suspension, rather than denial, of progress payments until a contractor's accounting system and controls are deemed adequate. Section 1-30.508 is amended to allow agencies to modify the progress payment contract clauses in regard to computation of unliquidated payment amounts where a contractor is receiving both advance and progress payments. The Progress Payments Contract clauses in § 1-30.510-1 are amended to cite the increased uniform standard percentages. Other sections are modified in the interest of uniformity.

1. The table of contents for Part 1-30 is amended to revise the caption of entry § 1-30.201, to add entry § 1-30.408-1, and to revise the captions of entries §§ 1-30.503, 1-30.510-1, and 1-30.511-3, as follows:

Sec.
1-30.201 Prompt payments.
1-30.408-1 Use of letter of credit method of financing.
1-30.503 Customary progress payments and uniform standard percentages.
1-30.510-1 Total costs clauses.
1-30.511-3 Total cost basis—other percentages.

2. Section 1-30.104-1 is revised, as follows:

§ 1-30.104-1 Letters of credit.

Whenever the criteria set forth by the Department of the Treasury in Department Circular No. 1075, 3rd Revision, 38 FR 5242, February 27, 1973 (31 CFR Part 205), are met, the letter of credit method of financing advance payments must be used unless waived by the Department of the Treasury.

3. Section 1-30.201 is amended to revise the caption and to add a sentence at the end of the section, as follows:

§ 1-30.201 Prompt payments.

* * * Agencies shall develop and maintain standards and/or criteria against which agency payment actions can be evaluated relative to the Government's policy of prompt payment to contractors.

4. Section 1-30.202 is amended to designate existing text as paragraph (a) and to add a new paragraph (b), as follows:

§ 1-30.202 Timely action.

(a) * * *

(b) Whenever it appears that it will be necessary to provide additional funds on contracts, it is of great importance that there be appropriate early action to assure the availability of funds for payment of amounts earned by contractors. Significant examples of situations in which it is of particular importance that there be timely and effective action, and no unnecessary Government delay, include: (1) negotiation and agreement on amounts earned by contractors (i) pursuant to change orders or unilateral contract modifications, (ii) for other equitable adjustments pursuant to contracts, (iii) under contract provisions for price revision or fee adjustment, (iv) under contract provisions for payment for special tooling, and (v) for final payments on contract terminations; (2) finalization of actual overhead rates under contracts providing for provisional overhead billing rates; (3) contract provision to support billing and payment for (i) cost overruns properly incurred by contractors after appropriate notice in conformity to contract provisions, and (ii) spare parts deliveries effected before issuance of appropriate contract supplement; (4) definitization of letter contracts; and (5) appropriate release of any withholdings deemed unnecessary on contracts where deliveries and services have been completed and amounts are being withheld pending final settlements.

5. Section 1-30.209 is amended to revise paragraph (e) as follows:

§ 1–30.209 Order of preference.

* * * * *

(e) *Advance payments (§ 1–30.408).* However, see "Policy on Use of Advance Payments" with respect to research contracts or grants with nonprofit educational institutions (Part IV, Attachment A to Federal Management Circular 73–7, Administration of college and university research grants, December 19, 1973).

6. Section 1–30.403 is amended to revise paragraphs (a) and (b) and to add paragraph (d), as follows:

§ 1–30.403 Interest.

(a) Interest will be charged on the unliquidated balance of all advance payments at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, for the Renegotiation Board. The rate in effect at the time the advance payment is authorized shall be used throughout the term of repayment for advances made under this Subpart 1–30.4. However, advance payments may be approved without interest in connection with contracts with nonprofit educational or research institutions for experimental, developmental, or research work (including studies, surveys, and demonstrations in socio-economic areas), or contracts solely for the management and operation of Government-owned plants, or, in other classes of cases when specifically authorized by agency procedure. In this connection, contracts for acquisition of facilities at cost, for Government ownership, in combination with or in contemplation of supply contracts or subcontracts, will be treated as contracts requiring interest on advance payments. This interest rate applies to increases and extensions.

(b) Contracts with interest-free advance payments should provide that the contractor will charge interest at the rate established by the Secretary of the Treasury pursuant to Pub. L. 92–41 on subadvances or downpayments to subcontractors, and that interest charged on such subadvances or downpayments will be credited to the account of the Government. However, interest need not be charged on subadvances on subcontracts with nonprofit educational or research institutions for experimental, devlopmental, or research work (including studies, surveys, and demonstrations in socio-economic areas).

* * * * *

(d) Interest rates established by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97 may be obtained from the Chief, Investment Branch, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC 20220, Telephone (202) 964–5651.

7. Section 1–30.404 is amended to revise paragraph (b)(1) as follows:

§ 1–30.404 Standards—amounts—need.

* * * * *

(b) * * * (1) contracts with nonprofit educational or research institutions for experimental, developmental, or research work, and

* * * * *

8. Section 1–30.408 is amended to revise (a) in the second sentence, as follows:

§ 1–30.408 Uses of advance payments.

* * * (a) contracts with nonprofit educational or research institutions for experimental, developmental, or research work (see § 1–30.404),

* * * * *

9. Section 1–30.408–1 is added, as follows:

§ 1–30.408–1 Use of letter of credit method of financing.

(a) Unless a waiver has been obtained from the Department of the Treasury, the letter of credit method of financing advance payments must be used whenever the criteria set forth in Treasury Department Circular No. 1075 (31 CFR Part 205) and promulgated in regulations contained in Part VI, Treasury Fiscal Requirements Manual, Chapter 2000 are met. The letter of credit method of financing advance payments directly by Treasury check, or drawdowns through the Federal Reserve Bank or branch serving the recipient organization's commercial bank, shall be employed in accordance with agency procedures and Department of the Treasury regulations whenever the agency has, or expects to have, a continuing relationship with a recipient organization for at least 1 year, involving annual advances aggregating at least $250,000. Agency procedures may be applicable to an entire agency, a major organizational unit of an agency (e.g. Bureau, Service or Administration), any component of a major unit or a lower tier element of such component. The single letter of credit procedures may apply to the financing of all contracts and/or grants, or classes of contracts and/or grants between a recipient organization and an agency or any of its components. Since the letter of credit method enables the recipient organization to withdraw cash from the Treasury concurrently with and as frequently as disbursements are made by the recipient organization, there need be no time lag between drawdowns from the Treasury and disbursements by the recipient organization. Therefore, there is no necessity for the recipient organization to maintain unliquidated balances of Federal cash other than small balances necessary to accommodate Treasury minimum limitations on individual drawdowns and to provide for an element of bank float.

(b) Contracts shall require such adequate security for funds advanced as may be considered appropriate for the protection of the Government under the circumstances of each case, but in any event, the financial management system of the recipient organization shall provide for effective control over and accountability for all Federal funds in accordance with governing regulations of the Treasury Department. See § 1–30.413 and 31 CFR Part 205 (also appearing as Department of the Treasury Circular No. 1075, 3rd Revision, 38 F.R. 5242, February 27, 1973).

(c) Contracts using the letter of credit method of financing should incorporate (among other provisions) paragraphs (a), (k), and (n)(3) of § 1–30.414–2 contract provisions in order to ensure that the financial management system of the contractor provides effective control over and accountability for all Federal funds.

10. Section 1–30.410 is amended (1) to revise the text of the Findings, Determinations, and Authorization for Advance Payments at paragraphs 1d and 1f of the Findings and paragraph 2 of the Notes, (2) to insert the number 3 before the text of the Authorization paragraph, and (3) to place the last sentence of the Authorization paragraph in parentheses, as follows:

§ 1–30.410 Findings, determinations, and authorization.

* * * * *

FINDINGS

1. * * *

d. The proposed advance payment clause contains appropriate provisions for the protection of the Government, as security for the advance payments. (These include provision that all payments will be deposited in a special bank account, and that the United States will have a paramount lien upon (1) the credit balance in the special bank account, (2) any supplies contracted for, and (3) any material or other property acquired for performance of the contract.) (The financial management system of the contractor provides for effective control over and accountability for all Federal funds in accordance with governing regulations of the Treasury Department.) (Advance payment bond is required.) Such security is deemed to be adequate.

* * * * *

f. The Contractor is a nonprofit (educational (and) (research) institution, and the contract is for (experimental) (,) (developmental) (,) (and) (research) work.

* * * * *

AUTHORIZATION

3. * * *

(All prior advance payment authorizations with respect to Contract No. ---------- are hereby superseded.)

(Name typed)

(Title of authorized official)

NOTES:

* * * * *

2. Each "Findings, Determinations, and Authorization" must include paragraphs 1a, 1b, 1c, 1d, 2, and 3. Paragraph 1e should not be included in the case of contracts with a nonprofit educational or research institution for experimental, developmental, or research work, or in the case of contracts solely for the management and operation of Government-owned plants. Paragraph 1f, 1g, or 1h, as appropriate, should be included if the advance payments are to be made without interest to the Contractor. The last sentence of paragraph 3 should be included if any advance payments have previously been authorized for the contract. The numbering and lettering of the paragraphs in the completed "Findings and Determinations" will

then run consecutively, based on the paragraphs actually used.

* * * * *

11. Section 1–30.411 is amended to revise paragraph (c) as follows:

§ 1–30.411 Application for advance payment.

* * * * *

(c) As appropriate, name and address of bank suggested as depository for the advance payment special account, or if the letter of credit financing method is proposed, the specific account with the Contractor's Commercial Bank that will be used;

* * * * *

12. Section 1–30.413 is amended to add two sentences at the end of paragraph (b) as follows:

§ 1–30.413 Security—supervision—covenants.

* * * * *

(b) * * * Where advance funding utilizes the letter of credit method of financing (see § 1–30.408–1), a separate special bank account is not required by governing Treasury Department Regulations. However, an agency may require a special bank account for an individual case, or classes of cases.

13. Section 1–30.414–2 is amended to revise the first sentence and to add a second sentence of the text appearing before the suggested contract provisions. In addition, two sentences are added to paragraph (a), and paragraphs (k)(2) and (n)(3) of the suggested contract provisions have been revised.

§ 1–30.414–2 Contract provisions for advance payments.

Suggested contract provisions for advance payments, with directions for use where appropriate are set forth in this § 1–30.414–2. Where advance funding utilizes the letter of credit method of financing (see § 1–30.408–1), agencies may modify the directions for use of the suggested provisions and may utilize other contract provisions, as appropriate, provided such modifications and other contract provisions are not inconsistent with statutory requirements and policies in this Part 1–30.

(a) * * * If the letter of credit financing method for advance payments is utilized, the Contractor will (1) initiate cash drawdowns only when actually needed for its disbursements, (2) timely report cash disbursements and balances as required by the Administering Office, and (3) impose the same standards of timing and amount upon any secondary recipients including the furnishing of reports of cash disbursements and balances. Failure to adhere to these material provisions will be considered an event under the paragraph entitled *Default provisions* of this clause.

* * * * *

(k) *Default provisions.* Upon the happening of any of the following events of default, * * * Upon the continuance of any such events of default for a period of thirty (30) days after such written notice to the Contractor, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances:

* * * * *

(2) Charge interest on advance payments outstanding during the period of any such default at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41, 85 Stat. 97 for the Renegotiation Board;

* * * * *

(n) * * *

(3) *Interest charge.* Interest shall be charged in the manner provided herein at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41; 85 Stat. 97, for the Renegotiation Board. [In the case of advance payments made without interest, insert the following:] No interest shall be charged for advance payments made hereunder, except interest during a period of default as provided in paragraph (k)(2). The Contractor shall charge interest at the rate established by the Secretary of the Treasury pursuant to Public Law 92–41; 85 Stat. 97, for the Renegotiation Board on subadvances or downpayments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on subadvances on subcontracts with nonprofit educational or research institutions for experimental, developmental, or research work.

* * * * *

14. Section 1–30.500–1 is revised, as follows:

§ 1–30.500–1 Exclusions.

This subpart does not apply to (a) cost-reimbursement type contracts, except as to progress payments to subcontractors and suppliers thereunder (see § 1–30.514), or (b) contracts providing for progress payments based on a percentage or stage of completion.

15. Section 1–30.502 is amended as follows:

§ 1–30.502 General.

In furtherance of the basic policy expressed in § 1–30.210 that the need for financing is not to be treated as a handicap in awarding contracts to responsible contractors, progress payments may properly be used to supplement the private funds available to contractors for working capital purposes. It seldom should be necessary for progress payments based on costs to exceed the uniform standard percentages of costs of the work done under the undelivered portion of the contract (see § 1–30.503). Nothing in this Subpart 1–30.5 shall be construed to authorize payment of more than the amount obligated on a contract.

* * * * *

16. Section 1–30.503 is amended to revise the caption and paragraph (a), as follows:

§ 1–30.503 Customary progress payments and uniform standard percentages.

(a) Certain contracts may require a contractor to incur predelivery expenditures that will have a material impact on the contractor's working funds. These include (1) production contracts which involve a long "lead time" or preparatory period between the beginning of work and the first production delivery and (2) some research and development and some contracts for services which have a long time period between the beginning of work and the first opportunity to bill and receive payment for a significant element of contract performance, such periods normally involving 4 months or more for small business concerns and 6 months or more for firms which are not small business concerns. Progress payments are customary at uniform standard percentages of 80 percent of total costs or 85 percent of direct labor and material costs of the work done under the undelivered portion of the contract, except that for contracts with small business concerns (see Subpart 1–1.7 for definitions) these percentages shall be 85 percent of total costs or 90 percent of direct labor and material costs. These percentages apply to contracts, whether entered into by formal advertising or by negotiation.

* * * * *

17. Section 1–30.503–1 is revised, as follows:

§ 1–30.503–1 Applicability of percentages.

The uniform standard percentages authorized by § 1–30.503 and cited in §§ 1–30.504–1, 1–30.504–2, and 1–30.504–3 apply to: new contracts; new procurement effected by supplements, amendments, or other modifications of existing contracts; definitive contracts superseding letter contracts; contracts superseded new procurement under basic agreements; orders or other instruments under basic ordering agreements or indefinite quantity contracts; all supplements, amendments, or other modifications which affect or provide for progress payments; and any outstanding contracts which contain optional provision as to progress payment percentages, after due notice by the contracting officer (see § 1–30.524). Length of lead time, or length of the time period within which billings for deliveries or for significant partial performance cannot be accomplished (see § 1–30.503(a)), are not factors in qualifying letter contracts and their superseding definitive contracts for customary progress payments (also see § 1–30.515 in regard to letter contracts). Higher percentages for new contracts will be regarded as unusual (§ 1–30.505) and not within the category of customary progress payments. No percentage higher than the uniform standard progress payment rates may be offered in any solicitation incident to formal advertising unless approved in advance in accordance with § 1–30.505.

18. Section 1–30.504–1 is amended to revise paragraph (a)(1)(i) and paragraph (b)(2), as follows:

§ 1–30.504–1 Progress payment provision in invitation for bids.

(a) * * *

(1) * * *

(i) Considers that the period between the beginning of work and the required first production delivery will exceed 6

months for firms which are not small business concerns and 4 months for small business concerns, or

* * * * *

(b) * * *

(2) That upon written request by the prospective contractor a progress payment clause (to be included in the invitation for bids or identified by appropriate reference therein, and to be the appropriate one of the contract clauses at uniform standard percentages as specified in § 1–30.503) will be included in the contract at the time of awards. (See § 1–30.504–4(a) for notice to bidders.) This notice to bidders may be modified as provided in paragraph (c) of this section.

* * * * *

19. Section 1–30.504–2 is revised, as follows:

§ 1–30.504–2 Small business restricted advertising.

The above policy and standards also apply to procurement by "Small Business Restricted Advertising" and for procurement pursuant to § 1–30.504–3. When progress payments are contemplated in these cases, provision will be made for progress payment percentage at 85 percent of total costs or 90 percent of costs of direct labor and material.

20. Section 1–30.504–3 is revised, as follows:

§ 1–30.504–3 Progress payments exclusively for small business.

A stated purpose of Pub. L. 85–800, 72 Stat. 966, is "to improve opportunities for small business concerns to obtain a fair proportion of Government purchases and contracts." One of the sections of the statute amended section 305 of the "Property Act" (41 U.S.C. 255) and 10 U.S.C. 2307 by providing that contracting agencies "may * * * insert in bid solicitations * * * a provision limiting to small business concerns * * * progress payments." In furtherance of the purposes of this statute, whenever provision for progress payments is to be made in invitations for bids (as provided by §§ 1–30.504–1 and 1–30.504–4), careful consideration shall be given as to whether or not the contemplated availability of progress payments should not be reason- small business concerns only. If it is considered by the contracting officer that progress payments should not be reasonably necessary for prospective bidders other than small business concerns, the provisions for progress payments (§ 1–30.504–1) and the notice to bidders (§ 1–30.504–4 (a) or (b)) will be supplemented by an additional notice to bidders appearing immediately adjacent thereto to the effect that the progress payment clause, if any, will be available to small business concerns only, and will not be included for contractors who are not small business concerns. (See § 1–30.504–4(c) for appropriate notice to bidders.) Also see § 1–30.504–6 when invitations for bids do not provide for progress payments at all.

21. Section 1–30.504–4 is amended to revise the caption of the notice to bidders appearing in paragraph (b) and to add a new paragraph (c), as follows:

§ 1–30.504–4 Notice to bidders.

* * * * *

(b) Those invitations for bids that make provision for progress payments pursuant to § 1–30.504–1(c) should contain the following notice to bidders:

AVAILABILITY OF PROGRESS PAYMENTS

* * * * *

(c) Those invitations for bids that make provision for progress payments pursuant to § 1–30.504–3 shall contain the following notice to bidders adjacent to the notice set forth in paragraph (a) or (b) of this section:

PROGRESS PAYMENTS EXCLUSIVELY FOR SMALL BUSINESS

The Progress Payments clause will be available to small business concerns only, and will not be included for contractors who are not small business concerns.

(End of notice)

22. Section 1–30.505 is amended by adding a new paragraph (c), as follows:

§ 1–30.505 Unusual progress payments—standards—procedure.

* * * * *

(c) Progress payments of a class and within the limits set forth in § 1–30.503 on letter contracts and on definitive contracts superseding letter contracts are not deemed unusual.

23. Section 1–30.506 is revised, as follows:

§ 1–30.506 Accounting system and controls.

The contractor's accounting system and controls must be adequate for the proper administration of progress payments. If the contractor's accounting system and controls have been found (by experience or by audit examination) to be sufficient and reliable for segregation and accumulation of contract costs, no further examination should be necessary as long as the efficiency and reliability of the contractor's system and controls are maintained. In all doubtful cases, including contracts with contractors with whom the procuring activity has had no experience within the preceding 12 months, the adequacy of the contractor's accounting system and controls shall be determined, and any necessary changes accomplished. Until such time as the necessary changes are made, the accounting system and controls shall be deemed inadequate and progress payments suspended. For this purpose, audit examination should be utilized to the greatest extent practicable.

24. Section 1–30.508 is revised, as follows:

§ 1–30.508 Advance payments.

When advance payments and progress payments are authorized in the same contract, progress payment percentages shall not exceed the uniform standard percentages in §§ 1–30.503 and 1–30.504. In these cases, the words "less unliquidated advance payments" may be deleted from paragraph (a)(3)(ii) of the progress payment clauses (see § 1–30.510), in accordance with agency procedures.

25. Section 1–30.510–1 is amended to revise the section caption and revise paragraphs (a) and (b), and amend (j) of the contract clause set forth in paragraph (a), and revise the clause caption and amend paragraph (a) and revise (b) of the contract clause set forth in paragraph (b) of the section, as follows:

§ 1–30.510–1 Total costs clause.

(a) * * *

PROGRESS PAYMENTS

(Total Costs)

* * * * *

(a) *Computation of amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) 80 percent of the amount of the Contractor's total costs (except that this percentage shall be 85 percent if the Contractor is a small business concern) incurred under this contract, except as provided herein with respect to costs of pension contributions, plus (ii) the amount of progress payments to subcontractors as provided in (j) below; all less the sum of previous progress payments. With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accruals of the costs of these pension contributions shall be excluded from the Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals of the costs of these pension contributions may be included in the Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the payment. If payments are not made to the fund within such 30-day period, pension contributions costs shall be excluded from the Contractor's total costs for progress payment purposes until payment therefor has been made. (2) * * * (3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 80 percent of the costs (except that this percentage shall be 85 if the Contractor is a small business concern) mentioned in (a)(1)(i) of this clause, plus any unliquidated progress payments mentioned in item (a)(1)(ii), both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) 80 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments. (4) The aggregate amount of progress payments made shall not exceed 80 percent of the total contract price (except that this percentage shall be 85 percent if the Contractor is a small business concern).

(b) *Liquidation.* Except as provided in the clause entitled "Termination for Convenience of the Government," all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 80 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) [see 41 CFR 1–30.512–2 for citation of lower percentages for this paragraph (b) and for (a)(3)(ii)] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after recalculating liquida-

tions and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

* * * * *

(j) *Progress payments to subcontractors.* (1) * * * (2) Subcontracts on which progress payments to subcontractors may be included in the base for progress payments pursuant to paragraph (a) of this clause are limited to those subcontracts in which there is expected to be a long "lead time" between the beginning of work and the first delivery, approximately 4 months or more for small business concerns and 6 months or more for firms which are not small business concerns, and in which the provisions regarding progress payments (i) are substantially similar to and as favorable to the Government as this "Progress Payments" clause, no more favorable to the subcontractor than this clause is to the Contractor and on a basis of not more than 80 percent of total costs or 85 percent of direct labor and material costs (except that these percentages shall be 85 percent of total costs or 90 percent of direct labor and material costs for those subcontractors which are small business concerns), and (ii) make all rights of the subcontractor with respect to all property to which the Government has title under the subcontract subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor. (3) * * *

* * * * *

(End of clause.)

(b) * * *

PROGRESS PAYMENTS

(Short Form—Total Costs)

* * * * *

(a) *Computation of amounts.*

(1) Unless a smaller amount is requested, each progress payment shall be 80 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the Contractor's cumulative total costs under this contract, except as provided herein with respect to costs of pension contributions, less the sum of any previous progress payments. With respect to costs of pension contributions, when pension contributions are paid by the Contractor to the retirement fund less frequently than quarterly, accruals of the costs of these pension contributions shall be excluded from the Contractor's total costs for progress payment purposes until such costs are paid. If pension contributions are paid on a quarterly or more frequent basis, accruals of the costs of these pension contributions may be included in the Contractor's total costs for progress payment purposes provided that the pension contributions are paid to the retirement fund within 30 days after the close of the period covered by the payment. If payments are not made to the fund within such 30-day period, pension contribution costs shall be excluded from the Contractor's total costs for progress payment purposes until payment therefor has been made.

(2) * * *

(3) At no time shall unliquidated progress payments exceed 80 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the total contract price of the items and services not yet delivered and invoiced to and accepted by the Government.

(4) In no event may the aggregate amount of progress payments made exceed 80 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the total contract price.

(b) *Recovery of progress payments.* Except as otherwise provided in this contract, payments by the Government for materials delivered, invoiced, and accepted shall be reduced by 80 percent (except that this percentage shall be 85 percent if the Contractor is a small business concern) of the contract price of such items and the amount of reduction applied against progress payments previously made until such time as the total of all progress payments has been recovered.

* * * * *

26. Section 1–30.511–2 is revised, as follows:

§ 1–30.511–2 Variation in percentages.

The percentages stated in paragraph (a)(1) of the clauses in §§ 1–30.510–1 and 1–30.510–2 are the uniform standard percentages for customary progress payments authorized by § 1–30.503. However, the clauses in § 1–30.510–2 should be modified to set forth 90 percent of direct labor and material costs if the Contractor is a small business concern. Higher percentages may be provided in the manner and to the extent authorized by § 1–30.505. Lower percentages may be used in (a)(1) of the clauses in §§ 1–30.510–1 and 1–30.510–2 when agreed, and will be used for unusual progress payments when found to be adequate in accordance with the standards set forth in § 1–30.505. Such lower percentages shall not be utilized for progress payments pursuant to § 1–30.504.

27. Section 1–30.511–3, including the caption, is revised as follows:

§ 1–30.511–3 Total cost basis—other percentages.

If a percentage other than the uniform standard percentages is specified in (a)(1)(i) of the total costs clause set forth in § 1–30.510–1(a), the percentage actually specified in (a)(1)(i) of the Progress Payments clause of the contract shall also be specified in (a)(3)(i), (a)(3)(ii), (a)(4), and (b) of the Progress Payments clause. (As to (b), see § 1–30.512.) Likewise, if a percentage other than the uniform standard percentages is specified in (a)(1) of the short form total costs clause set forth in § 1–30.510–1(b), the percentage actually specified shall also be specified in (a)(3), (a)(4), and (b) of the short form Progress Payments clause.

28. Section 1–30.515 is amended to revise paragraph (a), as follows:

§ 1–30.515 Letter contracts.

* * * * *

(a) Paragraph (a)(4) will be replaced by a provision limiting the aggregate amount of progress payments made under the letter contract to a stated amount, not exceeding the applicable uniform standard percentage of the maximum liability of the Government under the letter contract (or such lesser percentage as may be applicable in accordance with the last two sentences of § 1–30.511–4 if the clause set out in § 1–30.510–2(a) is to be used). Separate limits may be prescribed for separate parts of the work.

* * * * *

29. Section 1–30.517 is amended to revise paragraph (a) as follows:

§ 1–30.517 Contract financing office clearance.

* * * * *

(a) Those involving progress payments at rates exceeding the applicable uniform standard percentages authorized by §§ 1–30.503 and 1–30.504.

* * * * *

30. Section 1–30.524–4 is amended to add a sentence at the end, as follows:

§ 1–30.524–4 Delinquency in payment of costs of performance.

* * * The standards in paragraph (a) of the clauses set forth in § 1–30.510–1(a) and (b) for the exclusion of pension contribution costs from progress payment computations will govern a determination of delinquency in the ordinary course of business with respect to these pension contribution costs, without regard to other provisions of § 1–30.524.

31. Section 1–30.527 is amended to add a sentence at the end, as follows:

§ 1–30.527 Amendments to provide progress payments.

* * * In conformity with the standards and procedures of § 1–30.505, unusual progress payments may be provided by amendment.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective October 31, 1975, but may be observed earlier.

Dated: September 11, 1975.

It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A–107.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–25224 Filed 9–22–75;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5531; Wyoming 36479]

WYOMING

Amendment to Public Land Order No. 5427

Correction

In FR Doc. 75–24470, appearing on page 42553 in the issue for Monday, September 15, 1975, in the first line of ordering paragraph "2", the number "5247" should read "5427".

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Salt Plains National Wildlife Refuge, Oklahoma; Correction

In FR Doc. 75–23979, appearing on page 42018 of the issue for Wednesday,

September 10, 1975, subparagraph (3) under special conditions should read as follows:

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

* * * * *

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

* * * * *

(3) The primitive firearms hunting season is November 8 and 9, 1975.

* * * * *

JERRY L. STEGMAN,
Acting Regional Director,
Albuquerque, New Mexico.

SEPTEMBER 16, 1975.

[FR Doc.75-25227 Filed 9-22-75;8:45 am]

PART 32—HUNTING

Agassiz National Wildlife Refuge, Minnesota

The following special regulation is issued and is effective on September 23, 1975.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MINNESOTA

AGASSIZ NATIONAL WILDLIFE REFUGE

Public hunting of deer of either sex is permitted by legal firearms on the Agassiz National Wildlife Refuge, Minnesota, from sunrise to sunset on November 1 and 2 or from November 5 to November 30, 1975 all dates inclusive. The individual may choose Nov. 1 and 2, 1975 in which to hunt or no more than five consecutive days in which to hunt between November 5 through November 30, 1975 all dates inclusive on all areas except those designated by closed area signs. This open area comprises 58,660 acres and is delineated on a map available at the Refuge Headquarters near Holt, Minnesota, and from the Regional Director, U.S. Fish & Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting of wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1975.

JOSEPH KOTOK,
Refuge Manager,
Agassiz National Wildlife Refuge.

[FR Doc.75-25348 Filed 9-22-75;8:45 am]

PART 32—HUNTING

Bear River Migratory Bird Refuge, Utah

The following special regulation is issued and is effective on September 23, 1975.

§ 32.22 Special regulation; upland game; for individual wildlife refuge areas.

UTAH

BEAR RIVER MIGRATORY BIRD REFUGE

Public hunting of pheasants on the Bear River Migratory Bird Refuge, Utah, is permitted from November 1 through November 30, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 9,495 acres, is delineated on maps and shown as "Area A" which are available at refuge headquarters, Brigham City, Utah, and from the Area Office, Fish and Wildlife Service, Federal Building, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State regulations governing the hunting of pheasants subject to the following special conditions:

(1) *Steel Shot.* The exclusive use of steel shot is required on all days in Area "A" for the entire season. The possession of lead shot on the refuge is prohibited.

(2) *Roads.* No hunting is permitted from roadways or within 100 yards of roadways.

(3) *Hunter Check Station.* Each hunter who enters Area "A" is required to register at the checking station and check out before leaving the refuge.

(4) *Parking.* Hunters may park cars only at designated areas within the refuge.

(5) *Routes of travel.* To reach open hunting area, travel is permitted on foot or bicycle from refuge checking station over roads between Units 1 and 2 and Units 2 and 3.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1975.

NED I. PEABODY,
Refuge Manager, Bear River Migratory Bird Refuge, Brigham City, Utah.

SEPTEMBER 16, 1975.

[FR Doc.75-25349 Filed 9-22-75;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER F—AID TO FISHERIES

PART 251—FINANCIAL AID PROGRAM PROCEDURES

Fishery for American Lobster in the Gulf of Maine

On April 2, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 14778) stating that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, was considering an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in subpart B of Part 251 a new section to adopt the "fishery for American lobster in the Gulf of Maine" as a Conditional Fishery. This notice contained an explanatory statement describing the principal situations and conditions under consideration for determining that this fishery should be adopted as a Conditional Fishery and that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the wise use of that fishery resource and with the development, advancement, management, conservation, and protection of that fishery. A similar notice was published on July 22, 1974, in the FEDERAL REGISTER (39 FR 26650).

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercial fisheries will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program (50 CFR Part 259) are reviewed to assure that due consideration is afforded to participants or potential participants in these programs.

In response to the proposal, comments were received from eight interested parties, including officials of the States of Maine, New Hampshire, Massachusetts, and Connecticut. The principal issues raised and the Director's conclusions follow.

The responses contained general support for the purpose of the proposed NMFS action as stated in the April 2, 1975, notice which read as follows: "It is the intent of the conditional fisheries regulatory mechanism as set forth in Part 251 of this chapter that NMFS financial assistance activities will be consistent with the wise use of the fisheries resources and with their development, advancement, management, conservation and protection. When, upon review and evaluation of situations and conditions in a fishery, it is determined that certain fisheries demonstrably do not need additional harvesting capacity to meet management needs and objectives those fisheries may be adopted as conditional fisheries. Fisheries adopted as conditional fisheries will be those in which application of NMFS financial assistance activities will be controlled in a manner which, on balance, will be consistent with the needs and objectives of

management. Consequently, NMFS financial assistance programs will not be used to worsen conditions in those fisheries adopted as conditional fisheries. To the contrary, these programs may then be more effectively and efficiently used to assist established fishermen in all fisheries, including conditional fisheries, under terms and conditions as set forth in the cross-referenced regulations for each financial assistance program. However, this regulatory mechanism (50 CFR Part 251) is not viewed as a substitute for sound fisheries management and enforcement practices at the international, national, and state levels."

The responses contained a general agreement that the fishery for American lobster in the Gulf of Maine was in need of protection from excessive fishing effort. This issue was brought forth in the explanatory statement about the fishery which was part of the April 2, 1975, notice.

Respondents correctly observed that the proposed regulation will be ineffectual in limiting or reducing the level of either domestic or foreign fishing effort in a fishery and that the proposed regulation may be circumvented through the acquisition of capital from other sources. It is, however, not the purpose of this regulatory mechanism to control fishing effort or to restrict the flow of private capital into the fisheries.

Several of the comments indicated that present participants in a fishery adopted as a conditional fishery should be assisted to replace or to recondition vessels. Provisions to assist fishermen for these purposes, while not adding vessels to that fishery, are provided for in the regulations for the Fishing Vessel Obligation Guarantee program and the Fishing Vessel Capital Construction Fund program.

Respondents commented that all lending institutions should be fully informed about the National Marine Fisheries Service's intent regarding conditional fisheries determinations that would deny prospective new entrants the use of NMFS financial assistance programs for the purpose of adding vessels to conditional fisheries. Respondents were concerned that misinterpretation of the intent of the conditional fisheries regulatory mechanism by potential lenders might adversely affect credit to existing fishermen operating in a conditional fishery. NMFS has informed the Small Business Administration and the Farm Credit Administration concerning its intent in establishing the conditional fishery regulatory mechanism. The NMFS Financial Assistance Division is responsible for providing day to day informational services to lenders regarding NMFS financial assistance programs.

Respondents suggested that NMFS develop positive programs that (1) provide funds to buy old vessels being replaced to compensate fishermen who would otherwise suffer equity losses in disposing of old vessels, (2) offer financial incentives to encourage fishermen in a conditional fishery to diversify operations, and (3) establish priorities by fisheries for allocation of limited funds. The Director concludes that new statutory authority would be needed to implement these suggestions.

Respondents proposed that other administrative methods should be found to replace the proposed regulation. These suggestions overlook the fact that in addition to administrative requirements to improve NMFS financial assistance programs, there is a legal requirement that NMFS can approve certain projects for financial assistance only after finding the project consistent with the wise use of the fisheries resources and with their development, advancement, management, conservation and protection. The conditional fisheries regulatory mechanism serves the purpose of making required findings on a class or fishery basis, rather than on a case-by-case basis, by not using these programs to add vessel capacity to fisheries already exhibiting sufficient harvesting capacity.

After due consideration of all responses and of the laws, regulations, and administrative requirements governing NMFS financial assistance programs, the Director concludes that it is not within his power to grant priorities or incentives that would discriminate between applications eligible for NMFS financial assistance programs and that the Financial Aid Program Procedures (50 CFR Part 251) provide an appropriate mechanism, at this time, for complying with requirements related to controlling NMFS financial assistance programs. The proposal to amend Part 251 of this chapter, Subpart B—Conditional Fisheries, to add a new § 251.22 is hereby adopted as set forth below. This section shall be effective September 23, 1975.

§ 251.22 Fishery for American lobster (Homarus Americanus) in the Gulf of Maine.

By order to the Administrator, National Oceanic and Atmospheric Administration.

Dated: September 17, 1975.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-25339 Filed 9-22-75;8:45 am]

PART 251—FINANCIAL AID PROGRAM PROCEDURES

Fishery for Salmon in Washington, Oregon, and California

On April 2, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 14779) stating that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, was considering an amendment to Financial Aid Program Procedures (50 CFR Part 251) to incorporate in subpart B of Part 251 a new section to adopt the "fishery for salmon in Washington, Oregon, and California" as a Conditional Fishery. This notice contained an explanatory statement describing the principal situations and conditions under consideration for determining that this fishery should be adopted as a Conditional Fishery and that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the wise use of that fishery resource and with development, advancement, management, conservation, and protection of that fishery.

Subpart A of 50 CFR Part 251 sets forth the general policy under which financial assistance programs for the commercal fisheries will be administered and establishes the procedure to be used in proposing and adopting a fishery as a Conditional Fishery. Each fishery adopted as a Conditional Fishery will be enumerated under Subpart B of 50 CFR Part 251. The terms under which financial assistance related to a Conditional Fishery may be approved are set forth in the regulations on procedures and administration of each financial assistance program. Consequently, in considering the adoption of a Conditional Fishery, the terms and conditions of regulations for administering the Fishing Vessel Obligation Guarantee program (50 CFR Part 255) and the Fishing Vessel Capital Construction Fund program 50 CFR Part 259) are reviewed to assure that due consideration is afforded to participants or potential participants in these programs.

In response to the proposal, three comments were received from Washington fishing industry members. The principal issue raised by these comments was that NMFS should not restrict use of its financial assistance programs from adding fishing power to the salmon fishing fleet. Contentions were made that new vessels could help modernize the fleet, that more vessels, more competition and free enterprise should be encouraged and the NMFS programs could provide the opportunity for fishermen to obtain reasonable financing for better vessels. These contentions overlook the fact that in addition to administrative requirements to improve NMFS financial assistance programs, there is a legal requirement that NMFS can approve certain projects for financial assistance only after finding the project consistent with the wise use of the fisheries resources and with their development, advancement, management, conservation, and protection. In addition, the objectives of Washington's fisheries management program currently include reducing the numbers of salmon vessels, gears, and licenses in Washington through implementation of a multi-million dollar "buy-back" program to eliminate an appropriate number of such vessels, gears, and licenses from its fisheries.

After due consideration of the responses received, the Director concludes that the proposal to amend Part 251 of this Chapter, Subpart B—Conditional Fisheries, to add a new § 251.23 is hereby adopted as set forth below. This section shall be effective September 23, 1975.

§ 251.23 Fishery for salmon in Washington, Oregon, and California.

By order of the Administrator, National Oceanic and Atmospheric Administration.

Dated: September 17, 1975.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-25340 Filed 9-22-75;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974: DEFINITIONS OF MULTIEMPLOYER PLAN AND PLAN ADMINISTRATOR

Proposed Rulemaking

Correction

In FR Doc. 75-24922, appearing at page 43034 in the issue for Thursday, September 18, 1975, in § 1.414(f)-1, in the undesignated paragraph immediately following paragraph (a)(5), in the 14th line, the reference to paragraph "(b)(4)" should read "(a)(4)".

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Parts 2110, 2130, 2270, 3820]

KING RANGE NATIONAL CONSERVATION AREA, CALIF.

Acquisition, Exchanges, Management of Locatable Mineral Resources

Notice is hereby given that pursuant to the authority contained in R.S. 453, as amended (43 U.S.C. 2); R.S. 2478, as amended (43 U.S.C. 1201); the National Environmental Policy Act of 1969 (42 U.S.C. 4321, 4331-4335) and the Act of October 21, 1970 (16 U.S.C. 460y), it is proposed to amend Title 43, Code of Federal Regulations by adding a new paragraph (c) to § 2110.03, to add a new Part 2130, to add a new paragraph (c) to § 2273.0-3, to add a new § 2273.1-1 and to add a new Subpart 3827 to Part 3820.

The purpose of adding paragraph (c) to 2110.0-3 is to provide authority for accepting land or interest in land by donation in the King Range National Conservation Area.

The purpose of Part 2130 is to establish requirements for the acquisition of lands within the King Range National Conservation Area by purchase. The limits on the use of eminent domain are also established.

The purpose of the amendment to Subpart 2273 is to establish the specific requirements for making exchanges within the King Range National Conservation Area.

The purpose of new Subpart 3827 is to establish requirements for carrying out activities under the mining laws within the King Range National Conservation Area, to protect the scenic and esthetic values from undue impairment, and to assure against pollution of the streams and waters of the Area.

In accordance with section 102(2(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(c)), a detailed environmental statement was prepared on this action. The final statement was released on September 18, 1974.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until October 24, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.-4:15 p.m.).

Chapter II, Title 43 of the Code of Federal Regulations is amended to read as follows:

PART 2110—GIFTS

1. A new paragraph 2110.0-3(c) is added to read as follows:

§ 2110.0-3 Authority.

* * * * *

(c) Section 5 of the King Range Conservation Area Act (16 U.S.C. 460y) authorizes the Secretary to accept land or interest in land within the area by donation.

2. A new Part 2130 is added to read as follows:

PART 2130—ACQUISITION OF LANDS OR INTERESTS IN LANDS BY PURCHASE OR CONDEMNATION

Sec.

AUTHORITY: Sec. 5 of the King Range Conservation Area Act (16 U.S.C. 460y).

Subpart 2130—Acquisition of Lands or Interests in Lands by Purchase or Condemnation—General

§ 2130.0-3 Authority.

The Act of October 21, 1970, (16 U.S.C. 460y) provides for the establishment of the King Range National Conservation Area and authorizes the Secretary of the Interior to acquire by purchase any land or interest in land within the area pursuant to the Act.

§ 2130.2 Acquisition of Lands in King Range Conservation Area.

§ 2130.2-1 Purchase.

If the Secretary of the Interior determines that the acquisition of land or interest in land is desirable for consolidation of public lands within the Area he may acquire land or interest in land within the King Range National Conservation Area by purchase with donated funds appropriated specifically for that purpose.

§ 2130.2-2 Eminent Domain.

(a) *Use of eminent domain.* The power of eminent domain will only be exercised if the Secretary finds that the existing use of the land is incompatible with the purposes of the King Range National Conservation Area Act or the management plan prepared in accordance with the Act, and if efforts to acquire the land by other means have failed.

(b) *Appraisal.* Prior to initiation of condemnation proceedings, the property will be appraised pursuant to approved Bureau procedures to determine its fair market value and an offer made to purchase it at that appraised price.

PART 2270—MISCELLANEOUS EXCHANGES

3. The title of Subpart 2273 is amended to read "Exchanges: National Wild and Scenic Rivers System; National Trails System; National Conservation Areas".

4. A new paragraph (c) is added to § 2273.0-3 to read as follows:

§ 2273.0-3 Authority.

* * * * *

(c) *National conservation areas.* The Act of October 21, 1970, (16 U.S.C. 460y) provides for the establishment of the King Range National Conservation Area in the State of California and authorizes the Secretary of the Interior to acquire land or interests in land by exchange under the Act.

5. A new section § 2273.1-1 is added to Subpart 2273 to read as follows:

§ 2733.1-1 Procedures.

(a) In making exchanges within the King Range National Conservaton Area, the authorized officer may accept title to non-Federal land or interest in land within the Area defined in 16 U.S.C. 460y-8, or additions made thereto, and convey to the grantor of such land or interest in land an equal value of surveyed, unappropriated and unreserved public land or interest in land, in accordance with the following:

(1) The authorized officer shall have determined that the exchange is in the public interest.

(2) The public lands offered in exchange be in Humboldt and/or Mendocino County, California, and shall have

been classified by the authorized officer for exchange.

(3) If the value of the offered lands or interests in land is at least equal to two-thirds of the value of the public land or interests in land, the exchange may be completed by payment of the difference in value to the Bureau of Land Management or the submittal of a cash deposit or a performance bond in an amount at least equal to the difference in value in order to assure that additional lands acceptable to the authorized officer and at least equal to the difference in value will be conveyed to the Government within a definite time to be specified by the authorized officer. If the value of the public lands offered in exchange for non-Federal lands or interests in non-Federal lands is at least equal to two-thirds of the value of the non-Federal lands, the exchange may be completed upon payment by the authorized officer of the difference in value.

(b) Either party to an exchange may reserve minerals, easements, or rights of use either for its own benefit, for the benefit of third parties, or for the benefit of the general public. Any such reservation, whether in lands conveyed to or by the United States, shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the authorized officer. When minerals are reserved in lands conveyed by the United States, any person who prospects for or acquires the right to mine and remove such reserved mineral deposits shall be liable to the surface owners according to their respective interests for any actual damage to the surface or to the improvements thereon resulting from prospecting, entering, or mining operations.

Prior to entering lands in non-Federal ownership, such person shall either obtain the surface owner's written consent or file with the authorized officer a good and sufficient bond or undertaking to the United States in an amount acceptable to the authorized officer for the use and benefit of the surface owner to secure payment of such damages as may be determined in an action brought on the bond or undertaking in a court of competent jurisdiction. Where written consent is not obtained, a letter request shall be filed with the authorized officer for a determination of the amount of the bond or undertaking. A copy of such request will be served on the surface owner or owners by certified mail.

(c) Upon acceptance of title, any lands or interests in lands acquired by the United States by exchange under the authority of Section 5 of the Act of October 21, 1970, shall become public lands, and shall become a part of the King Range National Conservation Area subject to all the laws and regulations applicable thereto without further order of the authorized officer.

(d) Any exchange transaction will be handled in a manner consistent with the authorizing law and regulations in Part 2200 of this Subchapter.

PART 3820—AREAS SUBJECT TO SPECIAL MINING LAWS

6. Part 3820 is amended to add a new Subpart 3827 to read as follows:

Subpart 3827—King Range National Conservation Area

Sec.

AUTHORITY: Sec. 5 of the King Range Conservation Area Act (16 U.S.C. 460y).

Subpart 3827—King Range National Conservation Area

§ 3827.0–1 Purpose.

These regulations set forth rules and procedures for prospecting, location of a mining claim, annual assessment work, exploration and development and other mining operations on lands within the Area so as to minimize adverse environmental impacts, protect the scenic and esthetic values against undue impairment and assure against pollution of the streams and waters within the Area.

§ 3827.0–3 Authority.

(a) The Act of October 21, 1970, (16 U.S.C. 460–y) affirms the applicability of the United States mining laws to the federally owned lands within the Area. It also authorizes the Secretary of the Interior to prescribe regulations under which activities under the mining laws and patents issued pursuant to it shall be subject.

(b) Section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) authorizes and directs that, to the fullest extent possible, the policies, regulations and laws of the United States shall be interpreted and administered in accordance with the policies of that Act.

§ 3827.0–5 Definitions.

(a) The term "Area" in this subpart means those lands and boundaries described in Vol. 39, No. 189, FR p. 34693 of September 27, 1974 which the Secretary of the Interior established as the King Range National Conservation Area and any additions thereto.

(b) *"Mining claim"* as used in this subpart means any unpatented claim, millsite, or unpatented tunnel site authorized by the Mining Law of 1872, as amended, (30 U.S.C. 22 et seq.).

(c) *"Casual use"* as used in this subpart means activity that involves practices which do not ordinarily lead to any appreciable or noticeable disturbance or damage to lands, resources, and improvements, and does not threaten public health and safety. For example, activities which do not involve cutting of vegetation, use of heavy equipment or explosives and which do not involve vehicle movement except over established roads and trails are "casual use".

(d) *"Plan of operation"* as used in this subpart means an application for authorization containing information called for in this subpart to conduct activities under the United States mining laws.

(e) *"Primitive Areas"*. Natural, wild and undeveloped areas and settings essentially removed from the effects of civilization where the natural environment has not been disturbed by commercial utilization and the areas are without mechanized transportation.

§ 3827.0–7 Scope.

(a) All prospecting commenced or conducted, and all mining claims located within the boundaries of the area after October 21, 1970, are subject to the regulations in this subpart.

(b) Rights of owners of mining claims valid on October 21, 1970, and thereafter maintained as valid mining claims are not limited or restricted by the regulations of this subpart.

(c) Any patent issued on any mining claim located after October 21, 1970, shall continue to be subject to the regulations in this subpart. This provision shall be incorporated in such patent.

§ 3827.1 Plan of operation.

§ 3827.1–1 Requirements.

(a) Prior to the commencement of any prospecting, location of a mining claim, annual assessment work, exploration and development or other mining operations any of which would involve more than casual use as determined by the Secretary of the Interior within the Area defined above, a plan of operation must be filed and approved by the authorized officer.

(b) The plan of operation shall include:

(1) A copy of all notices of mining location and notices of assessment work of the mining claims involved in the plan;

(2) The name and address of the operator(s) and the owner(s) if operations are to be conducted by other than the owner(s). If any of the foregoing are other than individual proprietors, the names and addresses of the principal officers of the business entity and the person(s) designated to represent such entity with the Department of the Interior shall be included;

(3) A description sufficient to identify the area or areas on the ground within which the operations are being conducted or are to be conducted, and the estimated period of activity;

(4) A map or sketch of access routes used or to be used and the description of the means of transportation used or to be used, submitted in compliance with the provisions of § 3827.1–2(d) of this subpart;

(5) A map or sketch showing the location of existing and proposed roads within mining claims, a description of the type and standard of such existing and proposed roads, and a description of the

means of transportation used or to be used;

(6) A list of equipment and a description of facilities used or to be used in the operations;

(7) A description of the methods of operation used or to be used;

(8) A map or sketch showing the location and size of areas upon which it is expected vegetation or soil will be distributed;

(9) A description of the effects the operations are having or may have upon the environment and forest resources; and

(10) A description of the measures used or to be used to minimize the adverse environmental impacts of the operations, including the measures to be taken to meet the requirements of § 3827.2 of this Subpart.

(c) The plan of operations shall cover the requirements set forth in paragraph (a) above for the entire operation for the full estimated period of activity. However, if the development of a plan for an entire operation is not possible at the time of preparation of a plan, the operator shall file an initial plan setting forth his proposed operation to the degree reasonably foreseeable at that time, and shall thereafter file a supplemental plan or plans whenever it is proposed to undertake any operations not covered by the initial plan.

(d) At any time during operations under an initial or supplemental plan of operation if there are indications of significant adverse impacts that were not anticipated at the time the plan was prepared and approved, the authorized officer may require the operators to submit a proposed modification to the initial or supplemental plan detailing the means of minimizing unforeseen significant adverse environmental impacts.

(e) Determination as to whether an environmental impact statement will be prepared will be on a case-by-case basis and will follow the Guidelines of the Council on Environmental Quality (40 CFR 1500), with special consideration given to lands identified as "primitive" under the King Range Management Program.

(f) The existence of an approved plan of operation for prospecting or location of a claim does not preclude the authorized officer from denying approval of plans for subsequent exploration or development of that claim upon a finding that such operation will unduly impair environmental values of the area.

§ 3827.1–2 Approval; access; inspection; noncompliance.

(a) *Review of plan.* No operations, except those determined to be "casual use" as defined herein, shall be conducted unless they are in accordance with an approved plan of operation. A proposed plan of operation shall be submitted to the authorized officer, who shall promptly acknowledge receipt thereof to the operator. Within thirty (30) days of such receipt, the authorized officer shall:

(1) Notify the operator that the plan of operation is approved or rejected; or

(2) Notify the operator of any changes in, or additions to, the plan of operations deemed necessary to meet the purpose of the regulations in this part; or

(3) Notify the operator that the plan is being reviewed, but that more time, not to exceed an additional sixty (60) days, is necessary to complete such review, setting forth the reasons why additional time is needed. However, days during which the area of operations is inaccessible for inspection shall not be included when computing the sixty (60) day period; or

(4) Notify the operator that the plan cannot be approved until a final environmental statement has been prepared and filed with the Council on Environmental Quality as provided in § 3827.1–1(d) hereof.

(b) Appeal from rejection. Any rejection under § 3827.1–2(a)(1) hereof shall afford a right of appeal in accordance with 43 CFR 4.411.

(c) *Supplemental plan.* A supplemental plan or plans of operations provided for in § 3827.1–1(b) of this Subpart and a modification of an initial or supplemental plan as provided for in § 3827.1–1(c) of this Subpart shall be subject to approval in the same manner as the initial plan of operations.

(d) *Access.* An operator shall be entitled to access in connection with operations but no road or other means of access, including but not limited to landing areas for aircraft, shall be constructed or improved until the operator has received authorization in writing from the authorized officer. Application for such access shall be filed in the appropriate district office of the Bureau of Land Management and shall include a description of the type and standard of the proposed means of access, a plat showing the proposed route of access, and a description of the means of transportation to be used. Authorization for such access shall specify the location of the access route, design standards, means of transportation, and other conditions reasonably necessary to protect the environment and forest resources, including, but not limited to, vegetative screening and other measures to protect scenic values and to insure against erosion and water or air pollution. Any access granted on lands identified as "primitive areas" under the King Range Management Program shall be limited to non-mechanized means, wherever necessary in the discretion of the Secretary, to preserve environmental, primitive and scenic values.

(e) *Inspection.* Mining operations are subject to inspection to determine if the operator is complying with the regulations in this part and an approved plan of operations.

(f) *Failure to comply.* If an operator fails to comply with the regulations or his approved plan of operations, the authorized officer shall serve a notice of noncompliance upon the operator or his agent in person or by certified mail. Such notice shall describe the noncompliance and shall specify the action necessary to comply and the time within which such action must be completed, generally not to exceed thirty (30) days. The authorized officer shall require immediate suspension of operations if noncompliance is causing environmental damage.

(g) *Trespass.* Any mining operations conducted on lands within the Area without an approved plan of operations shall constitute a trespass.

§ 3827.2 Requirements for environmental protection.

All plans of operations shall contain appropriate terms and conditions for the protection of the environment including but not limited to stipulations covering air quality, water quality, solid wastes, scenic values, fishery habitat, roads, and surface reclamation and rehabilitation.

§ 3827.3 Performance bonds.

(a) To assure that an operator will faithfully comply with the regulations in this part and adhere to an approved plan of operations, a performance bond in a minimum amount of $100 will be required prior to approval of each plan of operations except where only prospecting is involved and there is no surface disturbance. In lieu of a performance bond, the operator may deposit into a Federal depository, as directed by the Bureau of Land Management, and maintain therein, cash in an amount equal to the required amount of the bond or negotiable securities of the United States having market value at the time of deposit of not less than the required dollar amount of the bond. A blanket bond covering nationwide or statewide operations may be furnished if the terms and conditions thereof are sufficient to comply with the regulations in this part.

(b) In determining the amount of the bond, consideration will be given to the nature of the reclamation and restoration requirements and the estimated costs of reclamation and restoration in the event that the operator forfeits his performance bond. This consideration will include (1) the size of the operations; (2) the estimated damage to the environment and the Area if the operator fails to comply with the regulations in this part or fails to adhere to the approved plan of operations; (3) the estimated cost of stabilizing, rehabilitating and restoring the area of operations; and (4) the type and amount of access to be constructed in connection with operations.

(c) In the event that an initial plan of operations is supplemented or modified in accordance with § 3827.1–1 (b) and (c) of this subpart, the authorized officer will review the initial performance bond for adequacy and, if necessary, will adjust the performance bond to conform to the plan of operations as supplemented or modified.

(d) When the operations have been conducted and completed in accordance with the regulations in this subpart and the approved plan of operations, the authorized officer will notify the operator that the period of liability under the bond has terminated.

§ 3827.4 Use of mining claims, surface resources.

Restrictions on the use of unpatented mining claims in addition to the regulations in this subpart are provided in section 4 of the Act of July 23, 1955 (69 Stat. 367, 30 U.S.C. 601) and the regulations in 43 CFR 3712.1(a).

JACK O. HORTON,
Assistant Secretary of the Interior.

SEPTEMBER 12, 1975.

[FR Doc.75-25345 Filed 9-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

[7 CFR Part 250]

PROCESSING OF FEDERALLY-DONATED FOODS BY COMMERCIAL FACILITIES

Notice is hereby given that the Food and Nutrition Service, Department of Agriculture, intends to amend the regulations governing the food distribution program to (1) revise contractual, performance, and review requirements when distributing agencies, subdistributing agencies, and recipient agencies employ commercial or institutional facilities to process or repackage Federally-donated commodities, (2) clarify the fact that processing contracts are public records, and (3) disclaim liability with respect to the provisions of such contracts or performance related thereto.

Comments, suggestions, or objections are invited. To be assured of consideration, such comments, suggestions, or objections must be delivered by October 31, 1975, to Juan del Castillo, Director, Food Distribution Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than October 31, 1975. All written submissions received pursuant to this notice will be made available for public inspection in the Office of the Director, Food Distribution Division, during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

The proposed amendments are as follows:

1. In § 250.6, paragraph (m) is revised to read as follows:

§ 250.6 Obligations of distributing agencies.

* * * * *

(m) *Processing and Labeling of Commodities.* (1) Distributing agencies, subdistributing agencies, or recipient agencies may employ commercial or institutional facilities to process commodities by converting them into different end products or by repackaging them. Distributing agencies or subdistributing agencies may contract for the processing of commodities and pay the processing cost or may contract for the processing of commodities on behalf of one or more recipient agencies, each of which either pays the processor directly or pays the distributing agency for the processed end product it receives. Where the recipient agency will pay the processor, the agreement of the recipient agency may be obtained by making that agency a party to the processing contract or separate contracts may be entered into between the recipient agency and the processor and the recipient agency and the distributing or subdistributing agency. Distributing or subdistributing agencies shall require recipient agencies which employ commercial or institutional facilities to process commodities to enter into written contracts with such facilities.

(2) Contracts with processing facilities shall be in writing. The distributing, subdistributing or recipient agency (contracting agency) should have an attorney prepare or review the contracts which it intends to sign to insure that such contracts conform to the requirements of local law. These processing contracts shall include the cost to the contracting agency and provide, as a minimum, that the processing facility shall (i) describe each end product to be produced and the quantity of each ingredient needed to yield a specific number of each end product, (ii) fully account for the commodities delivered into its possession by production of an appropriate number of units of end products or packages, (iii) return all commodities not so accounted for or pay the value of any such commodities which cannot be returned, (iv) use or dispose of the containers in which the commodities are received in accordance with the instructions of the distributing agency, subdistributing agency, or recipient agency, (v) apply as a credit against contract cost any funds received from the sale of containers of commodities and obliterate or remove all restrictive markings if the containers are sold for commercial reuse, (vii) apply as a credit against contract costs the market value or the price received from the sale of any by-products derived from the processing of commodities, including substituted foods which are used by the processor, and (viii) maintain records and submit reports to the distributing agency, or recipient agency pertaining to the performance of the contract.

(3) The processing contract may provide that the processor may substitute for the commodities a like quantity of the same foods of equal or better quality whenever depleted inventories of commodities would otherwise hold up production. The contract shall specify the commodities which may be substituted. Only butter, flour, rice, rolled oats, rolled wheat, nonfat dry milk, shortening, cornmeal, dried peas, lentils, dried beans, cheese, orange juice, peanut butter, raisins, and such other food as FNS specifically approves may be substituted.

(4) Distributing agencies shall review and approve processing contracts entered into by subdistributing agencies and recipient agencies prior to the delivery of commodities for processing under such contracts. The distributing agency which enters into or approves a processing contract shall provide a copy to each of the parties to the contract, forward a copy to the appropriate FNS Regional Office, and retain a copy for its files. Distributing agencies shall review and analyze reports submitted by processors to insure that performance under such contracts is in accordance with the provisions set forth in this section.

(5) When donated meat or poultry products are processed, all of the processing shall be performed in a plant or plants under continuous Federal meat or poultry inspection, or continuous State meat or poultry inspection in States certified to have programs at least equal to the Federal inspection program.

(6) When commercial or institutional facilities are employed to process commodities, the end product, if placed in containers, or the repackaged commodity, shall be plainly labeled "Contains Commodities Donated by the United States Department of Agriculture—Not To Be Sold Or Exchanged," except that, when the end product contains an authorized substitute, no legend is required. When distributing agencies, subdistributing agencies, or recipient agencies use their own facilities to process commodities, the containers shall be plainly labeled as provided above to the extent practicable and within the limitation of available funds and personnel.

(7) If the distributing agency which enters into or approves a contract for the processing of commodities for use in a child nutrition program does not also administer such programs, it shall (i) collaborate with the State agency which administers the child nutrition programs and have that agency provide technical assistance to determine whether end products to be provided under the terms of the processing contracts meet required nutritional standards for reimbursement under the regulations governing the child nutrition programs (7 CFR Parts 210, 220, and 225); (ii) furnish that agency with reports, as requested, on the number of approved processing contracts, the donated foods utilized, and the identity of the processing companies, and (iii) furnish that agency with such performance reports as are needed by that agency to assist it in evaluating use of end products by the recipient agencies.

2. In § 250.10, a new paragraph (e) is added as follows:

§ 250.10 Miscellaneous provisions.

* * * * *

(e) *Processing Contracts.* Processing contracts entered into in accordance with § 250.6(m) of this part are public records and FNS will provide copies of such contracts to any person upon request. FNS also may use copies of such contracts in developing informational releases pertaining to the processing of commodities by commercial or institutional facilities. FNS Regional Offices shall retain copies of processing contracts submitted by distributing agencies for a period of three years from the close of the Federal fiscal year to which they pertain and may review such contracts for the purpose of advising and counseling distributing agencies with respect to the provisions of such contracts. However, FNS assumes no liability with re-

gard to the provisions of processing contracts or performance related thereto since FNS is not a party to such contracts and the contracts are not subject to FNS' approval.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services.)

Dated: September 18, 1975

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-25320 Filed 9-22-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 34, 76, 95, 105, 167, 181, 193]

[CGD 74-60P]

FIRE HYDRANTS AND HOSE

Proposed Requirement of Lined Fire Hose

The Coast Guard is considering amending the regulations pertaining to the type of fire hose currently required onboard vessels. These amendments will no longer allow the use of unlined hose for fire fighting purposes, except that small passenger vessels not more than 65 feet in length will continue to have the option of using ⅝ inch or greater diameter garden hose for fire fighting purposes in lieu of lined commercial fire hose.

As proposed, the amended regulations will require that each section of fire hose used onboard commercial vessels must conform to Underwriter's Laboratories, Inc., Standard 19 or Federal Specification ZZ-H-451E.

The use of unlined fire hoses that meet the requirements of Underwriter's Laboratories, Inc., Standard 18 or Federal Specification JJ-H-571 is authorized by the present regulations. Exposure to dampness will cause this type of hose to deteriorate rapidly. In fact, Standard 18 warns that an unlined hose should not be wet except when it is being used for fire fighting and, following its use, that it should be thoroughly dried. Unlined fire hoses onboard a vessel may become wet at times other than during use in fire fighting. For example; a hose may become wet due to leakage from a valve that is not fully closed or that has a faulty seat. A hose may also become wet from storage in a location exposed to dampness or the weather. The problem of drying an unlined hose and of keeping it dry is further aggravated by the dampness inherent to the marine environment. Because of the adverse effects of dampness on unlined hose and the ready availability of lined hose that fits storage racks designed for unlined hose, the Coast Guard is of the opinion that the use of unlined hose is no longer warranted. It is proposed, therefore, to amend the present regulations regarding fire hose to require the use of lined hoses for fire protection purposes.

In addition, a minor change to 46 CFR 181.15-10(d) is proposed to more adequately state the conditions under which alternatives to bronze nozzles will be considered. It is proposed that these regulations become effective on July 1, 1976.

Interested persons may submit written data, views, or arguments concerning this notice to the Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590. Written comments should include the docket number of this notice (CGD 74-60), the name and address of the person submitting the comments, the section number of the proposal to which the comment is addressed, any specific wording recommended, and the reason for any recommended change. A public hearing is not contemplated for this rulemaking, but one will be held if requested by anyone who raises a genuine issue.

Comments received on or before November 10, 1975, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Commandant (G-CMC/82), U.S. Coast Guard, Department of Transportation, 400 7th Street SW., Washington, D.C., both before and after the closing date for the receipt of comments.

These amendments are proposed under the authority of 46 U.S.C. 375, 391a, 416, 489, 526; 390b, U.S.C. 1655(b); 49 CFR 1.4(a)(2), 1.46(b); and E.O. 11239 (30 FR 9671).

In consideration of the foregoing it is proposed to amend Parts 34, 76, 95, 105, 167, 181, and 193 of Chapter 1 of Title 46 of the Code of Federal Regulations as follows:

1. By revising § 34.10-10(l) to read as follows:

§ 34.10-10 Fire Station hydrants, hose and nozzles—T/ALL.

* * * * *

(l) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

* * * * *

2. Section 76.10-10 is amended by adding paragraph (l)(3) as follows:

§ 76.10-10 Fire hydrants and hose.

(l) * * *

(3) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

3. Section 95.10-10 is amended by revising paragraph (l)(4) as follows:

§ 95.10-10 Fire hydrants and hose.

(l) * * *

(4) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

* * * * *

4. By revising paragraph (c) of § 105.35-15 Fire hose to read as follows:

§ 105.35-15 Fire hose.

* * * * *

(c) If 1½ inch diameter fire hose is used after January 1, 1980, each length of hose must:

(1) Be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. A hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement; and

(2) Have a combination nozzle approval by the Commandant in accordance with § 162.027-6 of this Chapter.

* * * * *

5. Section 167.45-5 is amended by revising paragraph (g) as follows:

§ 167.45-5 Steam fire pumps or their equivalent.

* * * * *

(g) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ-H-451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

* * * * *

6. By revising paragraph (d) of § 181.15-10 Fire hose to read as follows:

§ 181.15-10 Fire hose.

* * * * *

(d) *S and L.* If 1½ inch diameter fire hose is used after January 1, 1980, each length of hose must:

(1) Be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc., Standard 19 or Federal Specification ZZ-H-451E. A hose that bears the Label of Underwriter's Laboratories, Inc., as lined fire hose is accepted as conforming to the requirement; and

(2) Have a nozzle that has a ½ inch solid stream orifice or a combination nozzle approved by the Commandant in accordance with § 162.027-6 of this Chapter. The nozzle must be bronze or another material that has strength and corrosion

resistance properties equal to those of bronze.

* * * * *

7. Section 193.10–10 is amended by revising paragraph (K) (4) as follows:

§ 193.10–10 Fire hydrants and hose.

(K) * * *

(4) Each section of fire hose installed or replaced after 1 July 1976, must be lined commercial fire hose that conforms to Underwriter's Laboratories, Inc. Standard 19 or Federal Specification ZZ–H–451E. Hose that bears the Label of Underwriter's Laboratories, Inc. as lined fire hose is accepted as conforming to this requirement. Each section of fire hose used after January 1, 1980 must conform to the specification required by this paragraph.

Dated: September 17, 1975.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-25241 Filed 9-22-75;8:45 am]

Materials Transportation Bureau

[49 CFR Part 195]

[OPSO Docket No. OPSO-35; Notice No. 75-4]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Offshore Pipeline Facilities

The safety standards in Part 195 of Title 49 of the Code of Federal Regulations govern the transportation by pipeline in interstate and foreign commerce of petroleum, petroleum products and various other hazardous materials. Part 195 presently applies to both onshore and offshore pipelines.

Exploration and development of petroleum resources in offshore areas are currently being expanded to meet increased energy needs. Additionally, plans for the construction of deepwater ports on the Outer Continental Shelf are being developed. In view of these developments the Materials Transportation Bureau (MTB) is considering amending the following sections of Part 195 to more clearly delineate the applicability of Part 195 to offshore liquid pipelines and to better assure the safe operation of such pipelines:

Section 195.1. Paragraph (b) (4) of § 195.1 presently excludes gathering lines in rural areas from the applicability of Part 195. Gathering lines are pipelines which transport a commodity from a production facility to a trunkline reception point. MTB proposes to amend § 195.1(b) (4) to make it clear that offshore gathering lines are within the coverage of Part 195. A significant percentage of existing offshore pipelines are gathering lines. MTB believes that safety requires the regulation of offshore gathering lines because of the greater likelihood of defects attributable to their being more difficult to install, monitor, maintain and repair than onshore gathering lines. Additionally, many offshore gathering lines are in areas where they are exposed to various kinds of vessel traffic and fishing operations. Moreover, the potential damage due to spillage from an offshore gathering line is greater than from an onshore gathering line because of the greater difficulty in locating and containing a spill from an offshore line.

Section 195.2. The term "offshore" as presently defined in § 195.2 means generally the areas off the coastline of the United States. MTB proposes to amend the definition of "offshore" to mean the area covered by the "outer continental shelf" and the "lands beneath navigable waters" as those terms are respectively defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331) and the Submerged Lands Act (43 U.S.C. 1301). The proposed definition of "offshore" establishes the outer margin of the continental shelf as one of the boundaries of an offshore area and includes inland navigable bodies of water such as the Mississippi River. MTB believes that many pipelines crossing inland navigable bodies of water should be subject to many of the same requirements as pipelines crossing coastal waters because of the similarity of operating conditions. At the same time, in developing the amendments proposed hereinafter MTB has taken into account the fact that many inland waters do not pose the same operating problems as coastal waters. All areas not included within this proposed definition of "offshore" would be within the meaning of the term "onshore" as it is used in the proposed amendments.

Sections 195.106 and 195.128. MTB proposes to add a new paragraph (b) to § 195.128 to require that a design factor of 0.50 or less be used in the design formula set forth in § 195.106 for offshore pipelines located on and within a 300-foot radius of an offshore platform. Section 195.106 presently requires a general design factor of 0.72 or less for all pipelines. MTB proposes to amend that section to reflect the proposed 0.50 design factor for pipelines on and near an offshore platform. MTB believes that a more stringent design factor resulting in increased wall thickness is justified because of the need to protect against the potential for greater stresses in pipelines on or near offshore platforms and because of the increased concentration of operating and maintenance personnel and equipment on an offshore platform.

Sections 195.230 and 195.232. MTB proposes to amend § 195.230 to permit repair of welds on offshore pipelines being laid from a lay barge as long as the welds are made in accordance with established written welding procedures that produce sound ductile welds pursuant to § 195.214. Section 195.230 presently prohibits repair of a weld if there are cracks in the weld or if the weld was previously repaired. It is additionally proposed that § 195.232 be amended to except offshore pipelines from the requirement that a weld must be removed whenever it contains one or more cracks or when it is unacceptable under § 195.228 and has not been or is not permitted to be repaired. MTB recognizes the many problems that may arise during the removal of welds from a pipeline being installed offshore from a lay barge. These problems include loss of tension in the pipe string, barge motion, proper alignment, and limited access to the weld joint. Considering the possibilities of damage to the pipe string, reduced weld quality, and the potential personnel hazards associated with the removal of pipe welds on board a lay barge, MTB believes that permitting the additional repair of welds in accordance with applicable welding procedures permitted by the proposed amendments is justified.

Section 195.234. Section 195.234 presently provides for the nondestructive testing of pipeline welds. Paragraph (e) (1) of § 195.234 presently requires that 100 percent of the girth welds be nondestructively tested in any location where loss of commodity could reasonably be expected to pollute bodies of water. MTB proposes to amend paragraph (e) (1) to explicitly require that 100 percent of the girth welds on pipelines located in offshore areas be nondestructively tested. The proposed amendment will continue to require the nondestructive testing of all girth welds on pipelines in any body of water which is not an offshore area but in which a loss of commodity could reasonably be expected to pollute the body of water. MTB believes that the nondestructive testing of all girth welds in such areas is justified by the obvious difficulties encountered in the repair of girth welds once they have been submerged, and by the difficulty of containing a spill from a submerged pipeline.

Sections 195.238 and 195.242. MTB proposes to amend § 195.238 to provide that a pipeline component may not be submerged unless it has an external protective coating in accordance with the standards set forth in § 195.238. MTB proposes to amend § 195.242 to provide that a cathodic protection system must be installed for all submerged pipelines to mitigate corrosion that might result in structural failure. Sections 195.238 and 195.242 presently require only buried pipelines to comply with their external coating and cathodic protection requirements. Under the proposed amendment of § 195.248 certain offshore submerged pipelines need not be buried. The proposed amendment of §§ 195.238 and 195.242 are intended to make it clear that submerged but unburied pipelines still have to comply with external coating and cathodic protection requirements.

Section 195.246. MTB proposes to add a new paragraph (b) to § 195.246 to require offshore pipelines in water depths of 200 feet or less to be installed so that the top of the pipeline is below the natural bottom. This proposed requirement would not apply, if unstable soil conditions would expose the pipeline to greater external forces than would occur

by laying the pipeline on the natural bottom, or if the pipeline is otherwise appropriately protected. In general, offshore pipelines installed in water less than 200 feet in depth are placed below the natural bottom to comply with trawling interest requests. Also, hurricanes have damaged pipelines that were not ditched in water depths up to 175 feet. The installation of pipelines below the natural bottom beyond the 200-foot water depth does not appear warranted from a cost and safety standpoint.

Section 195.248. Section 195.248 presently designates certain cover requirements for pipelines in various locations. MTB proposes to amend § 195.248 by adding a new paragraph (b) explicitly designating cover requirements for offshore pipelines. MTB proposes to require a minimum of 48 inches of cover between the top of the pipe and the natural bottom for offshore submerged pipelines located in a river, stream, harbor or deepwater port safety zone. (A deepwater port safety zone means the safety zone established around a deepwater port as determined by the Secretary of Transportation in accordance with section 10(d) of the Deepwater Port Act of 1974 (33 U.S.C. 1506).) For other offshore areas MTB proposes to require a minimum of 36 inches of cover for offshore pipelines installed under water less than 12 feet deep as measured from the mean low tide in tidal waters or from the mean low watermark in nontidal waters. The proposed new paragraph (b), like the present paragraph (a), allows less cover than the minimum required if it is impractical to provide the minimum cover and additional equivalent protection is provided.

MTB believes that a 48-inch cover requirement is justified in rivers or streams because of the underwater currents that have the potential for eroding the river or stream bottom. MTB also believes that a 48-inch cover requirement is justified in harbors and deepwater port safety zones because of the heavy shipping traffic in such areas which could result in dredging activities and heavy anchor droppings. MTB believes that a minimum 36-inch cover requirement for offshore pipelines in depths of 12 feet or less except in rivers, streams, harbors, and deepwater port safety zones is a reasonable safety requirement to protect other users of these relatively near shore offshore areas and to protect the pipelines from external damage. The proposed cover requirements are consistent with the present standards of the U.S. Army Corps of Engineers.

Section 195.258. MTB proposes to add a new paragraph (b) to § 195.258 to require that each submerged offshore valve be marked or located by conventional survey techniques to facilitate quick location when operation of the valve is required. MTB recognizes that it may be impractical to physically mark each offshore valve and proposes to allow offshore valves to be alternatively located by the use of conventional survey techniques such as triangulation to facilitate the quick location of offshore valves.

Section 195.260. Section 195.260 requires the installation of pipeline valves at certain locations. MTB proposes to amend paragraph (c) to require the installation of valves at locations on pipelines in offshore areas that will minimize damage or pollution in offshore areas. Existing paragraph (c) refers only to the prevention of damage by the appropriate location of valves in open country and near populated areas.

Section 195.306. Section 195.306 presently allows liquid petroleum to be used as a test medium in pipelines if certain conditions are met. Because of the difficulties arising from the location and containment of a spill resulting from a testing failure on underwater pipelines, MTB proposes to amend paragraph (b) of § 195.306 to prohibit the use of liquid petroleum as a test medium in offshore pipelines.

Section 195.410. Section 195.410 establishes requirements for the marking of liquid pipelines. MTB proposes to add a new paragraph (e) to § 195.410 to require that pipe risers on offshore platforms be marked to protect them from damage by vessels. Since the markers are intended to warn vessel operators of a potential danger they are constructed according to a format generally understood by vessel operators. One widely adopted format for aids to navigation is the Uniform State Waterway Marking System (USWMS) which is set forth in 33 CFR 66.10. The proposed amendment regulating the marking of risers on offshore platforms conforms to the USWMS. The intended effect of the marking requirement is not to supersede similar requirements of the U.S. Coast Guard or the U.S. Army Corps of Engineers but to be compatible with them. Thus, where a marker is required on a riser on an offshore platform or deepwater port facility by either of these agencies, a single sign that complies with the proposed § 195.410(e) can be used. The sign must be rectangular with edges colored international orange. Black block letters on a white background must be used to warn of the danger from anchoring because of the pipeline risers and to give the name and telephone number of the carrier. The sign must be visible in overcast daylight from vessels that may damage or interfere with the pipeline risers.

Section 195.412. Paragraph (b) in § 195.412 presently excepts offshore pipelines from the requirement that carriers must inspect at least once every 5 years each crossing under a navigable waterway to determine the condition of the crossing. Because of the difficulties involved in locating, containing and repairing leaks from offshore pipelines, MTB believes that offshore pipelines should be inspected more frequently so that preventive action can be taken to correct unsafe conditions. MTB proposes to revise paragraph (b) by adding a new requirement that offshore pipelines be inspected at intervals not exceeding one year.

Section 195.416. Paragraph (a) of § 195.416 requires carriers to conduct tests at intervals not exceeding 12 months on underground pipelines that are cathodically protected to determine whether the protection is adequate. Since leaks caused by corrosion as well as other leaks from offshore pipelines are more difficult to locate, contain, and repair than leaks from onshore pipelines, MTB proposes to amend paragraph (a) to require the testing of cathodically protected offshore pipelines at intervals not exceeding 6 months.

In consideration of the foregoing MTB proposes to amend Part 195 of Title 49 of the Code of Federal Regulations as set forth below:

1. In § 195.1, paragraph (b)(4) would be amended to read as follows:

§ 195.1 Scope.

(b) * * *

(4) Except for Subpart B of this part, transportation of petroleum in onshore pipelines in rural areas between a production facility and a carrier's trunkline reception point.

2. In § 195.2, the definition of "offshore" would be revised to read as follows:

"Offshore" means the area covered by the "outer continental shelf" and the "lands beneath navigable waters" as those terms are respectively defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331) and the Submerged Lands Act (43 U.S.C. 1301);

3. In § 195.106, paragraph (a) would be amended to read as follows:

§ 195.106 Internal design pressure.

(a) Internal design pressure for the pipe in a pipeline is determined in accordance with the following formula:

$$P = \frac{2St}{D} \times E \times F$$

P = Internal design pressure in pounds per square inch gauge.
S = Yield strength in pounds per square inch determined in accordance with paragraph (b) of this section.
t = Nominal wall thickness of the pipe in inches. If this is unknown, it is determined in accordance with paragraph (c) of this section.
D = Nominal outside diameter of the pipe in inches.
E = Seam joint factor determined in accordance with paragraph (e) of this section.
F = Except as provided in § 195.128, a design factor of 0.72, except that a design factor of 0.54 is used for pipe that has been cold worked to meet the specified minimum yield strength and is subsequently heated, other than by welding to 600° F. or more.

4. In § 195.128, the existing first paragraph would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 195.128 Station piping.

* * * * *

(b) A design factor of 0.50 or less must be used in the design formula set forth in § 195.106, for pipelines located on an offshore platform and within 300 feet measured horizontally from an offshore platform.

5. In § 195.230, the existing introductory text would be amended and designated as paragraph (a), existing para-

graphs (a), (b), and (c) would be redesignated as paragraphs (a)(1), (a)(2), and (a)(3), and a new paragraph (b) would be added to read as follows:

§ 195.230 Welds: Repair of defects.

(a) Except as provided in paragraph (b) of this section, a weld that is found unacceptable under § 195.228 may not be repaired unless—

(1) There are no cracks in the weld;

(2) The segment of the weld to be repaired was not previously repaired; and

(3) The weld is inspected after repair to assure its acceptability.

(b) In the case of offshore pipelines, a weld on a pipeline being installed from a lay barge may be repaired if the repair is made in accordance with established written welding procedures that have been tested under § 195.214 to assure that they will produce sound ductile welds.

6. Section 195.232 would be amended to read as follows:

§ 195.232 Welds: Removal of defects.

Except for offshore pipelines being laid from a lay barge, a cylinder of the pipe containing the weld must be removed and the ends rebeveled whenever—

(a) The weld contains one or more cracks;

(b) The weld is not acceptable under § 195.228 and is not repaired; or

(c) The weld was repaired and the repair did not meet the requirements of § 195.228.

7. § 195.234, paragraph (e)(1) would be amended to read as follows:

§ 195.234 Welds: Nondestructive testing and retention of testing records.

(e) * * *

(1) In offshore areas and at any location where a loss of commodity could reasonably be expected to pollute any stream, river, lake, reservoir, or other body of water which is not an offshore area.

8. In § 195.238, paragraphs (a) and (b) would be amended to read as follows:

§ 195.238 External coating.

(a) No pipeline system component may be buried or submerged unless that component has an external protective coating that—

(1) Is designed to mitigate corrosion of the buried or submerged component;

(2) Has sufficient adhesion to the metal surface to prevent underfilm migration of moisture;

(3) Is sufficiently ductile to resist cracking;

(4) Has enough strength to resist damage due to handling and soil stress; and

(5) Supports any supplemental cathodic protection.

In addition, if an insulating-type coating is used it must have low moisture absorption and provide high electrical resistance.

(b) All pipe coating must be inspected just prior to lowering the pipe into the ditch or submerging the pipe in offshore waters and any damage discovered must be repaired.

9. In § 195.242, paragraph (a) would be amended to read as follows:

§ 195.242 Cathodic protection system.

(a) A cathodic protection system must be installed for all buried or submerged facilities to mitigate corrosion that might result in structural failure. A test procedure must be developed to determine whether adequate cathodic protection has been achieved.

* * * * *

10. In § 195.246, the existing first paragraph would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 195.246 Installation of pipe in a ditch.

* * * * *

(b) Unless otherwise appropriately protected, all offshore pipe in water depths of 200 feet or less, as measured from the mean low tide in tidal waters or from the mean low watermark in nontidal waters, must be installed so that the top of the pipe is below the natural bottom except where unstable soil conditions would expose the pipeline to greater external forces than would occur by laying the pipeline on the natural bottom.

11. In § 195.248, existing paragraph (b) would be redesignated as paragraph (c), paragraph (a) would be amended and a new paragraph (b) would be added to read as follows:

§ 195.248 Cover over buried pipeline.

(a) Unless specifically exempted in this subpart, all onshore pipe must be buried so that it is below the level of cultivation. Except as provided in paragraph (c) of this section, the pipe must be installed so that the cover between the top of the pipe and the ground level or road bed, as applicable, complies with the following table:

Location	Cover (inches)	
	For normal excavation	For rock excavation [1]
Industrial, commercial, and residential areas	36	30
Drainage ditches at public roads and railroads	36	36
Any other area	30	18

[1] Rock excavation is any excavation that requires blasting or removal by equivalent means.

(b) Except as provided in paragraph (c) of this section, all offshore pipe installed under water less than 12 feet deep, as measured from the mean low tide in tidal waters or from the mean low watermark in nontidal waters, must have a minimum cover of 36 inches between the top of the pipe and the natural bottom except that all offshore pipe installed under water of any depth in a river, stream, harbor or deepwater port safety zone (as defined in the Deepwater Port Act of 1974 (33 U.S.C. 1502)) must have a minimum cover of 48 inches between the top of the pipe and the natural bottom.

* * * * *

12. In § 195.258, the existing first paragraph would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 195.258 Valves: General.

* * * * *

(b) Each submerged offshore valve shall be marked or located by conventional survey techniques to facilitate quick location when operation of the valve is required.

13. In § 195.260, paragraph (c) would be amended to read as follows:

§ 195.260 Valves: Location.

* * * * *

(c) On each mainline at locations along the pipeline system that will minimize damage or pollution from accidental liquid discharge, as appropriate for the terrain in open country, for offshore areas, or for populated areas.

14. In § 195.306, paragraph (b) would be amended to read as follows:

§ 195.306 Test medium.

* * * * *

(b) Except for offshore pipelines, liquid petroleum that does not vaporize rapidly may be used as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas;

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The test section is kept under surveillance by regular patrols during the test; and

(4) Continuous communication is maintained along entire test section.

15. In § 195.410, a new paragraph (e) would be added to read as follows:

§ 195.410 Line markers.

* * * * *

(e) In the case of offshore pipelines, each riser on an offshore platform that is exposed to damage by marine traffic must be identified by a marker having the following characteristics:

(1) A sign, rectangular in shape, with a narrow strip along each edge colored international orange and the area between lettering on the sign and boundary strips colored white.

(2) Written on the sign in block style, black letters—

(i) The word "Warning," "Caution," or "Danger" followed by the words "Do Not Anchor or Moor" and the words "Petroleum Pipeline;" and

(ii) The name of the carrier and the telephone number (including area code) where the carrier can be reached at all times.

(3) In overcast daylight, the sign is visible and the writing required by (e)(2)(i) of this section is legible from approaching or passing vessels that may damage or interfere with the pipeline.

16. In § 195.412, the section heading and paragraph (b) would be revised to read as follows:

§ 195.412 Inspection of rights-of-way and offshore pipelines.

* * * * *

(b) Each carrier shall, at intervals not exceeding one year, inspect each offshore pipeline to determine whether its condition is safe.

17. In § 195.416, paragraph (a) would be amended to read as follows:

§ 195.416 External corrosion control.

(a) Each underground onshore pipeline that is under cathodic protection must be tested at intervals not exceeding 12 months and each offshore pipeline that is under cathodic protection must be tested at intervals not exceeding 6 months to determine whether the protection is adequate.

Interested persons are invited to participate in this rule-making action by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Acting Director, Office of Pipeline Safety Operations, Department of Transportation, Washington, D.C. 20590.

All communications received by October 20, 1975, will be considered by the Director of MTB before taking final action on the notice. Late filed comments will be considered so far as practicable. All comments will be available for examination by interested persons at the Office of Pipeline Safety Operations, Room 6226, 2100 Second Street SW., Washington, D.C., before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

In commenting on the proposed definition of the term "offshore," interested persons should carefully consider the various situations in which pipelines would by definition be "offshore" pipelines. MTB requests comments on whether any of the amendments proposed herein should be changed because pipeline facilities in rivers, bays and other similar protected inland waters are not designed, constructed, operated, and maintained in substantially the same way as pipelines on the Outer Continental Shelf and in the territorial seas off the coast of the United States.

Proposed effective date. MTB recognizes that the liquid pipeline industry will need a reasonable period of time in which to comply with some of the proposed amendments for offshore liquid pipelines. MTB anticipates that the proposed amendments relating to offshore pipelines will become effective in early 1976. If there are any proposed amendments in this notice with which the industry needs a long lead time in which to reasonably comply, persons should identify the proposed amendment, state why a longer lead time is needed, and state a reasonable time needed for compliance.

This notice is issued under the authority of sections 831–835 of title 18, United States Code, section 6(e)(4) of the Department of Transportation Act (49 U.S.C. 1655(e)(4)), § 1.64 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.64), and the redelegation of authority to the Director, Office of Pipeline Safety Operations, set forth in Appendix A to Part 102 of the Regulations of the Office of the Director, Materials Transportation Bureau (49 CFR Part 102).

Issued in Washington, D.C., on September 17, 1975.

CESAR DELEON,
Acting Director,
Office of Pipeline Safety Operations.

[FR Doc.75-25230 Filed 9-22-75;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 231]

[EDR-279A; Docket No. 27065; Dated: September 18, 1975]

TRANSPORTATION OF MAIL; MAIL SCHEDULES; AUTOMATION OF FLIGHT SCHEDULE INFORMATION

Termination of Rule Making Proceeding

Under Part 231 of the Board's Economic Regulations (14 CFR Part 231) flight schedule information is submitted to the Board in the form of loose-leaf pages of prescribed size. Data submitted in this conventional hard-copy form can of course be converted into machine-readable form. Recently we decided to consider the possibility of modernizing our system for collecting flight schedule data by completely eliminating the use of conventional hard-copy filings, and requiring instead that carriers file this data in machine-readable form only.

Thus, by Notice of Proposed Rule Making EDR-279, dated September 30, 1974 (Docket 27065) and published at 39 FR 35676 dated October 3, 1974, the Board gave notice that it had under consideration an amendment to Part 231 to require that flight schedule information could only be filed with the Board on magnetic tape, so that we could eliminate the step of converting filed pages into machine-readable form. The proposal was also designed, incidentally, to facilitate achieving uniformity among the carriers in their reporting of flight schedule information to the Board. Recognizing that some of the smaller carriers might not have access to automatic data processing equipment, EDR-279 indicated that we would grant necessary relief by waiver, so as to enable such carriers to continue to submit flight schedule information in conventional form.

Comments in response to the notice were submitted by ten certificated route air carriers[1] and The Reuben H. Donnelly Corporation.

Upon further consideration of this matter, we have decided that it would be premature to adopt the proposal at this time.

Since it now appears that we can without a great deal of difficulty receive reliable, timely and uniform computerized flight schedule information, despite the fact that filings under Part 231 are made in hardcopy form, there appears to be no adequate justification to insist that, subject to waiver, all carriers must file this information on magnetic tape. Moreover, to the extent that the proposed rule was designed to improve uniformity in the flight schedule information being reported, we have concluded that there may be no need to amend the rule to achieve such uniformity, and that we should first try to accomplish this objective through informal means.

Accordingly, the Board hereby terminates the rule making proceeding in Docket 27065.

(Section 204(a), of the Federal Aviation Act, as amended, 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25310 Filed 9-22-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1014]

PRIVACY ACT

Proposed Policies and Procedures Implementing the Privacy Act of 1974

Correction

In FR Doc. 75-23274 appearing on page 42025 in the issue of Wednesday, September 10, 1975, make the following correction: In § 1014.12 (a)(3) on page 42028, the first two lines in column one should be omitted.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Rel. No. 11656; File No. S7-573]

NET CAPITAL REQUIREMENTS TO MUNICIPAL SECURITIES DEALERS AND SPECIALISTS

Extension of Comment Period

In Securities Exchange Act Release No. 11561 (July 30, 1975); 40 FR 29795, the Commission solicited the views of all interested parties with regard to (1) any special problems which may be unique to brokers or dealers in municipal securities in anticipation of their becoming subject to Rule 15c3-1 on December 1, 1975, and (2) the appropriate capital requirements for specialists, including market makers, specialists and registered traders in options who do not deal with the public and who are not clearing members of the Options Clearing Corporation.

The Commission has received requests that the comment period be extended so that interested persons may have additional time in which to present their

[1] Allegheny Airlines, Inc.; American Airlines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Kodiak-Western Alaska Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Trans World Airlines, Inc.; and United Air Lines, Inc.

views and supporting data on these matters.

The Commission has considered these requests and has determined to extend the comment period until October 15, 1975.

Interested parties are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before October 15, 1975. Reference should be made to File No. S7-573. All comments received will be subject to public inspection.

By the Commission.

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

SEPTEMBER 16, 1975.

[FR Doc.75-25282 Filed 9-22-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 601]

TAX CREDIT REDUCTIONS

Proposed Rulemaking

Section 110(a) of the "Emergency Compensation and Special Unemployment Assistance Extension Act of 1975" (Public Law 94-45, approved June 30, 1975; 89 Stat. 236, 239) amended section 3302(c)(3) of the Internal Revenue Code of 1954, pertaining to the credits allowable against the federal unemployment tax (26 U.S.C. 3301 et seq.). When a repayable advance is made to a State from the Federal Unemployment Account in the Unemployment Trust Fund, pursuant to Title XII of the Social Security Act (42 U.S.C. 1321 et seq.), which remains outstanding for more than one year, section 3302(c)(3) prescribes a reduction in the tax credits otherwise allowable to taxpayers with respect to that State. Section 110(a) of the Extension Act amends section 3302(c)(3) so as to make the incremental reductions in tax credits inapplicable in taxable years 1975, 1976, and 1977 if certain conditions are met.

The amendment made by section 110(a) of the Extension Act is applicable in the case of any State only if the Secretary of Labor of the United States finds that the State has studied and taken appropriate action with respect to the financing of its unemployment programs. Any finding by the Secretary with respect to a State is required by section 110(b)(3) of the Extension Act to be published in the FEDERAL REGISTER, together with the reasons for the determination.

Under section 110(b)(2) of the Extension Act the Secretary of Labor is directed to promptly prescribe and publish in the FEDERAL REGISTER regulations setting forth the criteria for making a finding with respect to a State. The regulations in this document are proposed to effectuate the required implementation of section 110 of the Extension Act.

Interested persons are invited to submit written data, views, or arguments on the regulations in this document, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street NW., Washington, D.C. 20213, on or before October 23, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

It is therefore proposed that Part 601 of Title 20, Code of Federal Regulations, be amended by adding to § 601.5 a new paragraph (f) to read as follows:

§ 601.5 Withholding payments and certifications.

* * * * *

(f) *Tax credit reductions.* (1) Section 3302(c)(3) of the Internal Revenue Code of 1954 prescribes the conditions under which the total credits otherwise allowable under section 3302 for a taxable year in the case of a taxpayer subject to the unemployment compensation law of a State shall be reduced on account of an outstanding balance of advances made to the State pursuant to Title XII of the Social Security Act. As amended by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975 (Pub. L. 94-45, approved June 30, 1975; 89 Stat. 236, 239), the incremental reductions in total credits will not apply to a State with respect to each of the taxable years beginning on January 1, 1975, and January 1, 1976, and January 1, 1977, if the Secretary of Labor finds as to such year or years that the State has studied and taken appropriate action with respect to the financing of its unemployment compensation program so as substantially to accomplish the purpose of restoring the fiscal soundness of the State's unemployment account in the Unemployment Trust Fund and permitting the repayment within a reasonable time of any advances made to the State's account pursuant to Title XII of the Social Security Act.

(2) The Secretary of Labor's finding with respect to a State as to any of the taxable years 1975, 1976, and 1977, will be based on his determination as to whether the State has taken appropriate action resulting in—

(i) Amendment of its unemployment compensation law, effective in or prior to the taxable year with respect to which the finding is made, or effective at the beginning of the succeeding taxable year, increasing the State's unemployment tax rate, increasing the State's unemployment tax base, or changing the State's experience rating formula, or a combination of such changes, so as to be estimated by the Secretary to achieve for the taxable year with respect to which the finding is made or for the period following the effective date of the amendment—

(A) An average employer tax rate, computed as a percentage of the total wages covered by the State's unemployment compensation law, which exceeds the State's average annual benefit cost rate, computed as a percentage of the total wages covered by the State's unemployment compensation law, for the ten calendar years immediately preceding the year with respect to which the finding is made; and

(B) An effective minimum employer tax rate which is not less than 1.0 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for the same year; and

(C) An effective maximum employer tax rate which exceeds 2.7 percent of the wages of any employer which are subject to tax under the Federal Unemployment Tax Act for the same year, or provision for no reduced rate of contributions for any employer subject to the State unemployment compensation law; or

(ii)(A) Amendment of its unemployment compensation law increasing the State's unemployment tax rate, increasing the State's unemployment tax base, or changing the State's experience rating formula, or a combination of such changes, so as to be estimated by the Secretary of Labor to result in increasing contributions to the State's unemployment fund, for the taxable year with respect to which the finding is made, and the allocation from such increased contributions of a sum sufficient to make the repayment in the amount and within the time limit prescribed in paragraph (f)(2)(ii)(B) of this section; and

(B) Repayment to the Treasury of the United States, for credit to the Federal unemployment account in the Unemployment Trust Fund, prior to November 10 of the taxable year with respect to which the finding is made, of an amount equal to the amount of the additional tax which would be payable by all taxpayers subject to the unemployment compensation law of the State for that taxable year if the reduction in total credits prescribed by section 3302(c)(3) of the Internal Revenue Code of 1954 for that taxable year was applied without regard to the amendment added by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975. The amount determined under the preceding sentence shall be reduced by the amount of any additional tax payable for that taxable year by taxpayers subject to the unemployment compensation law of the State by reason of the reduced credit provisions of section 3302(c)(3) of the Internal Revenue Code of 1954, as amended by section 110(a) of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.

(3) A finding by the Secretary of Labor with respect to any State shall be made as of November 10 of the taxable year with respect to which the finding is cade, and such finding shall be published in the Federal Register together with the reasons for the finding.

(Sec. 110(b)(2), Pub. Law 94-45, 89 Stat. 239; Secretary's Order 4-75, 40 FR 18515).

Signed at Washington, D.C., this 19th day of September, 1975.

WILLIAM H. KOLBERG, *Assistant Secretary for Manpower.*

[FR Doc.75-25478 Filed 9-22-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

EMPLOYEE BENEFIT PLANS

Extension of Interim Exemption From Prohibitions on Securities Transactions With Certain Broker-Dealers, Reporting Dealers and Banks Until November 1, 1975

CROSS REFERENCE: For a document issued jointly by the Labor-Management Services Administration, Department of Labor and the Internal Revenue Service, Department of the Treasury, see FR Doc. 75-25270, appearing elsewhere in this issue.

Office of the Secretary

RADIAL BALL BEARINGS FROM JAPAN

Antidumping Determination of Sales at Not Less Than Fair Value

On June 23, 1975, there was published in the FEDERAL REGISTER a "Notice of Tentative Negative Determination" (40 FR 26284), that radial ball bearings, excluding those with integral shafts, with an outer diameter of 9 mm and over but not over 100 mm, from Japan are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

After consideration of all views and arguments, I hereby determine that, for the reasons stated in the tentative determination, radial ball bearings, excluding those with integral shafts, with an outer diameter of 9 mm and over but not over 100 mm, from Japan are not being, nor are likely to be, sold at less than fair value (section 201(a) of the Act; U.S.C. 160(a)).

This determination is published pursuant to section 201(b) of the Act (19 U.S.C. 160(b)) and § 153.33(b), Customs Regulations (19 CFR 153.33(b)), in accordance with requirements promulgated prior to the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978, January 3, 1975).

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

SEPTEMBER 18, 1975.

[FR Doc.75-25225 Filed 9-22-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

NAVAL RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Naval Research Advisory Committee will hold a closed meeting on October 9 and 10, 1975, at the Headquarters, Commander in Chief, U.S. Atlantic Fleet, Naval Base, Norfolk, Virginia. The agenda will consist of matters which are classified in the interest of national security, including various matters pertaining to the committee's general mission to advise on whether research and development efforts being conducted by the Department of the Navy are adequate in relation to the problems to be solved. The Secretary of the Navy for that reason has determined in writing that this meeting of the Naval Research Advisory Committee should be closed to the public because it is concerned with matters listed in section 552(b)(1) of title 5, United States Code.

Dated: September 16, 1975.

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

[FR Doc.75-25343 Filed 9-22-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Thebaine for Conversion; Proposed Revised Aggregate Production Quota for 1975

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances listed in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations and has been further delegated to the Acting Administrator by virtue of his designation as such by Order Number 607-75 of the Attorney General, dated May 30, 1975 and pursuant to the authority delegated to him by § 0.132(d) of Title 28 of the Code of Federal Regulations.

The quotas are to provide adequate supplies of each such substance for (1) the estimated medical, scientific, research, and industrial needs of the United States, (2) lawful export requirements, and (3) the establishment and maintenance of reserve stocks.

In order to accommodate new manufacturing processes of basic classes directly from Thebaine as opposed to previous processes utilizing conversion from Codeine, the Acting Administrator of the Drug Enforcement Administration does hereby propose the following change to the aggregate production quota for 1975 for Thebaine for Conversion, expressed in terms of grams of anhydrous base:

Basic class	Previously published 1975 aggregate production quota	Newly proposed revised quota	Net change
Thebaine for conversion.....	1,750,000	1,881,000	131,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Office of the Administrative Law Judge, Attention: Hearing Clerk, Drug Enforcement Administration, Department of Justice, 1405 Eye Street, N.W., Washington, D.C. 20537, and must be received by October 29, 1975. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Acting Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Acting Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

Dated: September 3, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-25272 Filed 9-22-75;8:45 am]

REGISTRATION OF IMPORTERS

Statement of Policy and Interpretation

In the case of an application for registration or reregistration to import a basic class of any controlled substance in Schedule I or II, under the authority

of section 1002(a)(2)(B) of the Act (21 U.S.C. 952(a)(2)(B)), the Administrator is obliged to make certain determinations with reference to the public interest, pursuant to sections 1008 and 303 of the Act (21 U.S.C. 958 and 21 U.S.C. 823). In determining the public interest, the Administrator must consider the factors set forth in § 1311.42 (b), (c), (d), (e) and (f), Title 21, Code of Federal Regulations.

Currently there are a number of firms which have applied for, and received after appropriate publication and notice of the application, registration as Schedule I and II importers. These firms maintain registration as a contingency in case of an emergency involving the domestic supply of raw material, knowing that no importation may take place until the Administrator makes an affirmative finding of one of the criteria of 21 U.S.C. 952(a)(2)(A) or (B). In 21 U.S.C. 958(h), it is provided that prior to issuing a regulation, under 21 U.S.C. 952(a), authorizing the importation of Schedule I or II substance, the Attorney General shall give manufacturers holding registration for the bulk manufacture of the susbtance an opportunity for a hearing, *except* in emergency situations described in 21 U.S.C. 952(a)(2)(A). Upon the finding that there is an emergency in which domestic supply is inadequate, registration may be granted expeditiously, without publication or advance notice of individual applications. Therefore, the Acting Administrator has determined that such a "contingency reserve" of registrants is unnecessary and also, administratively burdensome.

Therefore, in furtherance of these statutory and regulatory requirements, and in accordance with section 552(a)(1)(D) of the Administrative Procedure Act (5 U.S.C. 552(a)(1)(D)), and under the authority vested in the Attorney General by 1008(a) of the Controlled Substances Import and Export Act of 1970 (21 U.S.C. 958(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28, Code of Federal Regulations, and further, having been duly designated as Acting Administrator by Order No. 607-75 of the Attorney General, dated May 30, 1975, in accordance with the authority delegated to the Acting Administrator by § 0.132(d) of Title 28, Code of Federal Regulations, the Acting Administrator hereby issues this statement of policy: that all applicants for registration or reregistration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Administrator or Acting Administrator of the Drug Enforcement Administration that the requirements for each registration or reregistration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (b), (c), (d), (e) and (f) are satisfied.

(Interprets 21 U.S.C. 823(a), 21 U.S.C. 952(a)(2)(B) and 21 U.S.C. 958(a)).

Effective date. This statement of policy is effective on September 23, 1975.

Dated: September 18, 1975.

HENRY S. DOGIN,
Acting Administrator,
Drug Enforcement Administration.

[FR Doc.75-25332 Filed 9-22-75;8:45 am]

Bureau of the Census

VOTING RIGHTS ACT AMENDMENTS OF 1975

Partial List of Determinations

Section 4(b) of the Voting Rights Act of 1965, 42 U.S.C. 1973 et seq., as amended by the Voting Rights Act Amendments of 1975 (Public Law 94-73) requires that the Director of the Census determine whether, in any State or any political subdivision of a State "less than 50 percentum of the citizens of voting age were registered on November 1, 1972, or that less than 50 percentum of such persons voted in the Presidential Election of November 1972." 42 U.S.C. 1973b(b). Section 4(b) requires the Attorney General to determine whether any State or political subdivision of a State "maintained on November 1, 1972, any test or device." 42 U.S.C. 1973b(b). For purposes of this determination test or device is defined as "'any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than 5 percentum of the citizens of voting age residing in such State or political subdivision are members of a single language minority." 42 U.S.C. 1973b(f)(3).

The Director of the Bureau of the Census and the Attorney General have made their respective determinations pursuant to Sections 4(b) and 4(f)(3) with regard to some States and political subdivisions. Those jurisdictions which to date have been determined to meet the requirements of Section 4(b) are listed in the following table. Determinations of coverage of additional jurisdictions under Section 4(b) will appear in later issues of the FEDERAL REGISTER.

Dated: September 18, 1975.

EDWARD H. LEVI,
Attorney General.
VINCENT P. BARABBA,
Director,
Bureau of the Census.

STATES OR POLITICAL SUBDIVISIONS COVERED UNDER SECTION 4(b) OF THE VOTING RIGHTS ACT OF 1965, AS AMENDED BY THE VOTING RIGHTS ACT AMENDMENTS OF 1975

Specified language minority: Spanish
State or political subdivision
Arizona—Statewide
California:
Kings County
Merced County
Colorado:
El Paso County
Florida:
Hardee County
Hillsborough County
Monroe County
New York
Bronx County
Kings County
Texas—Statewide

[FR Doc.75-25584 Filed 9-22-75;12:15 p.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BURLEY DISTRICT MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Pub. Law 92-463 that a meeting of the Burley District Multiple Use Advisory Board will be held on October 23, 1975, at 9:30 A.M. at the District Office, 2 miles south on Highway 27, Burley, Idaho.

The agenda for the meeting will include a review of Board charter and discussion of Board function and organization; discussion of District programs which include (a) Lands—exchanges, desert land entries, etc., (b) Wildlife—habitat improvement and problems in the District, (c) Minerals—geothermal activity in Raft River Resource Area, (d) Recreation—historical and archeological studies in progress, and (c) Grazing—licenses, permits and transfers and discussion of updated range management policy as a result of court ruling. Also, there will be organization of the Board and election of officers, presentation of B.L.M. five-year goals for the Burley District, and discussion of Advisory Board funds.

The meeting will be open to the public. Any interested person wishing to make a presentation to the Board, or submit a written statement should contact the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318 (Telephone 678-5514). Minutes of the meeting will be available for public inspection and copying approximately one month after the meeting at the District office in Burley, Idaho.

NICK JAMES COZAKOS,
District Manager.

[FR Doc.75-25226 Filed 9-22-75;8:45 am]

COOS BAY DISTRICT ADVISORY BOARD

Notice of Meeting and Agenda

Notice is hereby given that the Coos Bay District Advisory Board will meet on October 21 and 22, 1975, commencing at 10:00 A.M. in the Coos Bay District Office,

Bureau of Land Management, 333 South Fourth Street, Coos Bay, Oregon. The agenda for the meeting includes election of chairman and vice chairman, a general introduction to the programs and responsibilities of the Coos Bay District and a detailed presentation and discussion of the Bureau Planning System especially as it applies to this district's commercial forest land base looking toward future allowable cut determination.

The second day the board will review in the field application of Planning System decisions as they relate to on-going field operations.

The meeting will be open to the public. It will be held in a room accommodating 80 people. Persons wishing to attend the field trip should plan to furnish their own transportation and lunch. Those wishing to make oral statements should so advise the Coos Bay District Manager prior to the meeting, to aid in scheduling available time. Any interested person may file a written statement for consideration by the board by sending it to the Coos Bay District Manager, P.O. Box 1139, Coos Bay, OR 97420.

EDWARD G. STAUBER,
Coos Bay District Manager.

SEPTEMBER 15, 1975.

[FR Doc.75-25346 Filed 9-22-75;8:45 am]

[NM 26539]

NEW MEXICO

Notice of Application

SEPTEMBER 16, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Southern Union Gas Company has applied for a 2 inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 20 S., R. 25 E.,
Sec. 24, NE¼SE¼.
T. 21 S., R. 25 E.,
Sec. 3, lots 3, 4, 6, 17.
T. 20 S., R. 26 E.,
Sec. 19, lots 3, 4, SE¼SW¼;
Sec. 29, W½SW¼, SE¼SW¼;
Sec. 33, W½SW¼, SE¼SW¼.

This pipeline will convey natural gas across 2.431 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-25347 Filed 9-22-75;8:45 am]

Bureau of Mines

AVAILABILITY OF MINERALS DATA

Schedule for Pre-Publication Release of Statistical Information

Correction

In FR Document 75-23919, appearing on page 42036 in the issue of Wednesday, September 10, 1975, on page 42038 make the following changes:

1. Under the heading "Periodicity" the fourth line reading "____" should read "--do--".

2. Under the heading "Approximate number of weeks * * *" the fourth line reading "_____" should read "7-8".

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

James M. Engel, Team Leader, Indiana Bat Recovery Team, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Form NO. 42-1

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE
LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
To conduct activities leading to the recovery of the endangered population of the Indiana bat, Myotis sodalis. Activities include collection of information on populations status & distribution, delineation of habitat, determination of adverse environmental factors. Such studies necessitate the taking as defined by Sec. 3(14) of the Endangered Species Act.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
James M. Engel, Team Leader
Indiana Bat Recovery Team
U. S. Fish & Wildlife Service
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5' 9" WEIGHT: 170
DATE OF BIRTH: 11/2/37 COLOR HAIR: Brn. COLOR EYES: Brn.
PHONE NUMBER WHERE EMPLOYED: 612-725-3596 SOCIAL SECURITY NUMBER: 397-38-5271
OCCUPATION: Fisheries Biologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
U. S. Fish and Wildlife Service
Department of Interior
(Appointed Team Leader of Recovery team by Director, USFWS on 1/20/75)

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION:
NA
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
Lynn A. Greenwalt, Director U.S. FWS
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Throughout geographic range of Indiana Bat (Myotis sodalis) which is inclusive of central and Eastern United States.

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
NA

9. CERTIFIED CHECK OR MONEY ORDER (If applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF: $

10. DESIRED EFFECTIVE DATE: upon submission

11. DURATION NEEDED: indefinitely

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.
See Attachments

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (In ink): James M. Engel DATE: 4/7/75

3-200
(6/74)

ISSUANCE OF AN ENDANGERED SPECIES PERMIT FOR THE INDIANA BAT RECOVERY TEAM

To: Special Agent-in-Charge, Law Enforcement District #7, Twin Cities (LE).

FROM: Team Leader, Indiana Bat Recovery Team, Twin Cities (P&A-TA).

DATE: MARCH 28, 1975.

Please consider this as a formal request for issuance of an Endangered Species Permit for the Indiana Bat Recovery Team. The permit may be issued to myself as team leader—appointed by the Director of the U.S.

Fish and Wildlife Service on January 20, 1975—but should have reference to other team members.

Members of the Recovery Team may, in the course of recovery efforts, find it necessary to enter caves or other habitats where known or unknown populations of the Indiana bat inhabit. There is documented evidence that noise or lights caused by man in merely entering caves disturbs *M. sodalis* and such acts required in recovery efforts may be considered harassment of the species—in violation of Section 9(b) of the Endangered Species Act of 1973.

In pursuing recovery efforts, populations and habitats of the Indiana bat must be delineated and monitored, certain biological data collected and collections of specimens (live and dead) for scientific study may be necessitated. Team members are fully cognizant of disturbances that these studies may create. In carrying out their duties as recovery team members, they will use their professional judgment to minimize adverse effects on the species.

Attached is the information required under the format established by 50 CFR 13.12.

JAMES M. ENGEL.

(1) James M. Engel, Team Leader, Indiana Bat Recovery Team, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111 (Telephone—612/725-3596).

(2) Not Applicable.

(3) Director, U.S. Fish and Wildlife Service, Lynn A. Greenwalt.

(4) The entire range of the Indiana bat, *Myotis sodalis* which is generally defined as cavernous areas of Eastern and Central United States extending from Vermont to southern Wisconsin, south to Missouri and Oklahoma, easterly to Florida and northerly to New Hampshire.

(5) Type: Scientific Permit Involving Endangered Wildlife.

A permit is requested to conduct activities leading to the recovery of the endangered population of the Indiana bat, *Myotis sodalis*. Activities include the collection of information on populations status and distribution, delineation of habitat requirements, and determination of adverse environmental factors, including, but not limited to, pesticides, parasitism and species competition. Such studies necessitate the taking, as defined by Section 3(14) of the Endangered Species Act of 1973 (P.L. 93-205), of specimens (alive and dead).

This permit is necessary to carry out management practices recommended by the Indiana bat Recovery Team and concurred by the Director, U.S. Fish and Wildlife Service or his agents in the Office of Endangered Species. It is assumed that under the provisions of Section 13.25(b), persons under the direct control or under contract, including the following team members will also be covered by the permit:

James R. Messerli, U.S. Fish & Wildlife Service, Wildlife Enhancement Office, P.O. Box 18, Princeton, Indiana 47670.

Fred R. Courtsal, U.S. Fish & Wildlife Service, Agriculture Admin. Bldg., Purdue University, West Lafayette, Indiana 47907.

Thomas M. Hooper, U.S. Dept. of Agriculture, Forest Service, Ozark-St. Francis Nat'l. Forest, P.O. Box 10008, Russellville, Ark. 72801.

Leslie E. Terry, U.S. Fish & Wildlife Service, 41 Vine Street, P.O. Box 346, Elkins, West Virginia 26241.

Dr. Robert L. Martin, Dept. of Biology, Preble Hall, University of Maine, Farmington, Maine 04938.

Dr. R. E. Mumford, Forestry & Conservation, Room 116, AG Annex I, Purdue University, West Lafayette, Indiana 47907.

(6) Not Applicable. No importation or exportation is contemplated.

(7) Certification:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Proposed effective date: Upon submission.

(9) Present Date: March 28, 1975.

(10)

JAMES M. ENGEL,
Team Leader.

INDIANA BAT RECOVERY TEAM,
Room 648, Federal Bldg., Ft. Snelling,
Twin Cities, MN 55111, August 6, 1975.

DIRECTOR,
U.S. Fish and Wildlife Service,
Department of the Interior,
Washington, D.C. 20240

Attention: Law Enforcement.

DEAR SIR: In response to Agent Hester's request for additional information, several documents are attached. To answer specific questions, we submit the following:

1. Bibliographies of team members are attached.

2. The activities the team will be engaged in include: monitoring population levels and habitats, developing and initiating improved census techniques, searching for unknown populations, conducting annual or biennial surveys in caves and mines and coordinating the determination of effects of pesticides. These items are listed on page 5 of the recovery plan, which has been submitted to various states, the Fish and Wildlife Service Law Enforcement Office, the Office of Endangered Species, and individuals of the academic community. These activities may necessitate trapping, photographic work, banding or marking and handling for identification purposes. Killing specimens may be necessary to determine pesticide levels, though alternatives to killing an endangered species will be developed if possible (determining effects of pesticides on other species).

As the team will function as a coordinating body, the permit should be broad enough to take emergency actions of an unknown nature when it is advantageous to the recovery of the bat. Any such action of this "emergency" category shall be fully discussed and concurred upon by all team members prior to conducting. State agencies will be consulted prior to conducting any activities that might occur in their respective jurisdictions.

3. It may be necessary to kill bats to determine effects of pesticides (see response to question 2).

4. Taking includes the use of mist nets, Tuttle traps, and other devices commonly used by researchers of bats. The annual or biennial surveys of winter roosts may require capture (net or hand) of individuals for identification purposes.

The recovery team sincerely hopes this satisfies the request for information. Please coordinate additional requests with Agent Blazevic.

Sincerely,

JAMES M. ENGEL,
Team Leader,
Indiana Bat Recovery Team.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before October 23, 1975.

Dated: September 17, 1975.

C. R. BAVIN,
Chief, Division of Law Enforcement,
U.S. Fish and Wildlife Service.

[FR Doc.75-25205 Filed 9-22-75;8:45 am]

Geological Survey

SUMMER LAKE HOT SPRING, OREGON

Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Sec. 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as the Summer Lake Hot Spring known geothermal resources area, effective February 1, 1974: (37) Oregon.

SUMMER LAKE HOT SPRING KNOWN GEOTHERMAL RESOURCES AREA

WILLAMETTE MERIDIAN, OREGON

T. 33 S., R. 17 E.
Secs. 12, 13, 14, 15, 22, 23, 24
T. 33 S., R. 18 E.
Secs. 3, 4, 7 through 10, 14 through 23

The area described aggregates 13,631 acres, more or less.

Dated: June 13, 1975.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.75-25228 Filed 9-22-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CARRIZO GRAZING ADVISORY BOARD

Notice of Meeting

The Carrizo Grazing Advisory Board will meet at 10:00 a.m. on October 23, 1975, at the District Ranger's Office, 212 East 10th Street, Springfield, Colorado.

The purpose of this meeting is to discuss conversion of temporary permits to term permits on the Carrizo Unit of the Comanche National Grassland, and to discuss the proposed revision to the range management section of the Forest Service Manual.

This meeting will be open to the public. Persons who wish to attend should notify the District Ranger's Office, P.O. Box 127, Springfield, Colorado 81073 (303) 523-6591. Written statements may be filed with the board before or after the meeting.

The board has no established rules for public participation.

Dated: September 16, 1975.

R. N. RIDINGS,
Forest Supervisor.

[FR Doc.75-25334 Filed 9-22-75;8:45 am]

SAN ISABEL NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The San Isabel National Forest Grazing Advisory Board will meet at 1:00 p.m. on October 21, 1975, at the Forest Supervisor's Office, 910 Highway 50 West, Pueblo, Colorado.

The purpose of this meeting is to discuss the proposed revision of the range management section of the Forest Service Manual.

This meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor's Office, P.O. Box 5808, Pueblo, Colorado 81002, (303) 544-5277 ext. 321. Written statements may be filed with the board before or after the meeting.

The board has no established rules for public participation.

Dated: September 16, 1975.

R. N. RIDINGS,
Forest Supervisor.

[FR Doc.75-25335 Filed 9-22-75;8:45 am]

SHAFER BUTTE PLANNING UNIT

Availability of Final Environmental Statement

The review period for the final environmental statement and land use plan on the Shafer Butte Planning Unit, Boise National Forest, Idaho, has been extended. The new extension date is November 1, 1975; rather than October 9, 1975, as originally reported.

The Forest Service report number for these documents is USDA-FS-FES (Adm) R4-75-15.

Dated: September 16, 1975.

DONALD A. SCHULTZ,
Acting Director,
Regional Planning and Budget.

[FR Doc.75-25333 Filed 9-22-75;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Thursday, November 6, 1975 in Room 218-A of the USDA Administration Building, Independence Avenue between 12th and 14th Streets SW., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges.

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other organizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 359-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854.

A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: September 18, 1975.

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.75-25321 Filed 9-22-75;8:45 am]

Soil Conservation Service

DEER CREEK WATERSHED PROJECT, MISSISSIPPI

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Deer Creek Watershed Project, Bolivar and Washington Counties, Mississippi, USDA-SCS-EIS-WS-(ADM)-75-4-(D)-MS.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by channel work. The channel work will involve clearing and shaping on 13.66 miles of existing channels and 36.49 miles of enlargement by excavation to provide improved water management in a Mississippi delta watershed that is 82 percent agricultural cropland and grassland. Of the 50 miles of work proposed on channels, about half will involve those with only ephemeral flow and the other half with intermittent flow.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Room 490 Milner Building, 310 S. Lamar Street, or P.O. Box 610, Jackson, Mississippi 39205

Copies of the draft environmental impact statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to W. L. Heard, State Conservationist, Soil Conservation Service P.O. Box 610, Jackson, Mississippi 39205.

Comments must be received on or before November 14, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: September 15, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25336 Filed 9-22-75;8:45 am]

FARM BROOK WATERSHED PROJECT, CONNECTICUT

Notice of Availability of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Part 650 of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the Farm Brook Watershed Project, New Haven County, Connecticut, USDA-SCS-EIS-WS-(ADM)-76-1-D-CT.

The environmental impact statement concerns a plan for watershed protection, flood prevention and recreation. The planned works of improvement include conservation land treatment, channel work, a floodwater retarding structure and recreational facilities. The channel work will involve 325 feet of reinforced concrete channel, 4,750 feet of earth channel and one drop structure. The flood prevention structure consists of two dams with vegetated earth emergency spillways.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, Mansfield Professional Park, Storrs, Connecticut 06268

Copies of the draft environmental impact statement have been sent for comment to various federal, state and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Robert G. Halstead, State Conservationist, Soil Conservation Service, Mansfield Professional Park, Storrs, Connecticut 06268.

Comments must be received on or before October 15, 1975 in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 22, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25337 Filed 9-22-75;8:45 am]

LYONS CREEK WATERSHED PROJECT, KANSAS

Notice of Availability of Negative Declaration

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; § 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 Lyons Creek Watershed Project, Dickinson, Geary, Marion, and Morris Counties, Kansas.

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. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, 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 17 floodwater retarding structures and one multipurpose structure. The multipurpose structure will provide storage for floodwater, municipal water, and recreation water; and will include basic recreation facilities.

The environmental assessment file is available for inspection during working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401

The negative declaration is available for single copy requests.

No administrative action on implementation of the proposal will be taken until October 8, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: August 21, 1975.

SHELDON G. BOONE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-25338 Filed 9-23-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-466]

PACIFIC FAR EAST LINE, INC.

Notice of Application

Notice is hereby given that Pacific Far East Line, Inc., has applied for amendment of its service description to permit LASH vessels of Pacific Far East Line, Inc., operating on the Operator's subsidized Trade Route 29 service to call at ports in Oregon, Washington, British Columbia, and Alaska for carriage of cargoes between those areas and Malaysia.

As information, service between the areas being herewith Noticed was included in the application of Pacific Far East Line, Inc., docketed S-443 (40 FR 21505); that application, which has been referred for hearing, has been amended to delete the Malaysia area.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on October 14, 1975, notify the Secretary, Maritime Subsidy Board, in writing in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By order of the Maritime Subsidy Board.

Dated: September 17, 1975.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-25341 Filed 9-22-75;8:45 am]

Bureau of the Census

VOTING RIGHTS ACT AMENDMENT OF 1975

Partial List of Determinations

CROSS REFERENCE: For a document issued by the Bureau of the Census, Department of Commerce and the Department of Justice, see FR Doc. 75-25584, appearing elsewhere in this issue.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL CANCER INSTITUTE ADVISORY COMMITTEES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Some of these meetings will be closed as indicated below in accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of individual research contract proposals as indicated. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meetings and rosters of committee members upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings are at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014 unless otherwise stated.

Name of committee: Drug Development Contract Review Committee. Dates: October 10, 1975, 9:00 a.m. Place: Blair Building, room: Conference Room 414, National Institutes of Health. Times: Open: October 10, 9:00 a.m.-9:15 a.m. Closed: October 10, 9:15 a.m.—adjournment. Closure reason: To Review Research Contract Proposals. Executive Secretary: Mrs. Naomi FitzGibbon. Address:

Blair Building, room: 5A03A, National Institutes of Health. Phone: 301/427-7337. Catalog of Federal domestic assistance number: 13.825.

Name of committee: Committee on Cancer Immunotherapy. Dates: October 23, 1975, 1:00 p.m. Place: Building 10, room: Conference Room 4B-14, National Institutes of Health. Times: Open: October 23, 1:00-1:30 p.m. Closed: October 23, 1:30 p.m.—adjournment. Closure reason: To Review Research Contract Proposals. Executive Secretary: Dr. Dorothy Windhorst. Address: Building 10, room: 4B-17, National Institutes of Health. Phone: 301/496-1791. Catalog of Federal domestic assistance number: 13.825.

Name of committee: Combined Modality Committee. Dates: October 30, 1975, 9:30 a.m. Place: Building 31A, room: Conference Room 3A47, National Institutes of Health. Times: Open: October 30, 9:30 a.m.-10:00 a.m. Closed: October 30, 10:00 a.m.—adjournment. Closure reason: To Review Research Contract Proposals. Executive Secretary: Dr. Harry Handelsman. Address: Building 37, room: 6D28, National Institutes of Health. Phone: 301/496-1774. Catalog of Federal domestic assistance number: 13.825.

Name of Committee: Breast Cancer Experimental Biology Committee. Dates: November 6, 1975, 8:30 a.m. Place: Building 31B, room: Conference Room 5, National Institutes of Health. Times: Open: November 6, 8:30 a.m.-10:00 a.m. Closed: November 6, 10:00 a.m.—adjournment. Closure reason: To Review Research Contract Proposals. Executive Secretary: Dr. D. Jane Taylor. Address: Landow Building, room: A-422, National Institutes of Health. Phone: 301/496-6718. Catalog of Federal domestic assistance number: 13.825.

Name of committee: Board of Scientific Counselors of the Division of Cancer Treatment. Dates: November 10-11, 1975, 9:00 a.m. Place: Building 31C, room: Conference Room 8, National Institutes of Health. Times: Open for the Entire Meeting. Agenda/open portion: Review of coordination of treatment activities with the Division of Cancer Treatment and review of potential new programs. Executive Secretary: Dr. Vincent T. DeVita, Jr. Address: Building 31, room: 3A52, National Institutes of Health. Phone: 301/496-4291.

Dated: September 12, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-25239 Filed 9-22-75;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuan to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, October 8, 1975, National Institutes of Health, Building 31, Conference Room 6.

The entire meeting will be open to the public from 2:30 p.m. to adjournment, for reports from the Director, National Cancer Institute, and from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available.

Dr. Richard A. Tjalma, Assistant Director, NCI, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide summaries of the meeting, substantive program information, and rosters of Panel members.

Dated: September 19, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-25489 Filed 9-22-75;9:33 am]

Office of Education

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Notice of Meeting

Notice of Public Meeting of the National Advisory Committee on the Handicapped.

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Committee on the Handicapped will be held on October 20-22, 1975, 8:30 a.m., at the Kings Inn, 301 West Street, Reno, Nevada.

The National Advisory Committee on the Handicapped is established under (20 U.S.C. 1233g) Section 443(b) of the General Education Provisions Act. The Committee is established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee will be open to the public. The proposed agenda includes a joint session with representatives of the National Association of State Directors of Special Education, reports from subcommittees, preliminary consideration of 1976 priorities, and progress reports concerning the Committee's 1976 Annual Report. Records will be kept of all Committee proceedings and will be available for public inspection at the Office of the Deputy Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, 7th and D Streets, S.W., Washington, D.C. 20202.

Signed at Washington, D.C. on September 15, 1975.

EDWIN W. MARTIN,
Acting Deputy Commissioner, Bureau of Education for the Handicapped.

[FR Doc.75-25344 Filed 9-22-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-75-415]

PRIVACY ACT OF 1974

Notice of Systems of Records

Correction

In FR Doc. 75-22610, filed at the Office of the Federal Register on August 27, 1975, appearing at page 39738, in the issue for Thursday, August 28, 1975, the following preamble should be added before HUD/DEPT-1.

Notice is hereby given that the Department of Housing and Urban Development, in accordance with 5 U.S.C. 552a (e) (4) and (11), Sec. 3 of the Privacy Act of 1974 (Pub. L. 93-579) ("Act"), proposes to adopt the notice of systems of records set forth below. The Act requires only publication for comment of that portion of a notice which describes the "routine uses" of the particular system of records.

Any person interested in this notice may submit written data, views, or arguments in regard to the routine uses stated therein to Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, on or before September 29, 1975. All written comments received from the public through said date will be considered by the Department before taking action on a final notice.

This notice was drafted and the files to be noticed were selected with major reliance on the "Guidelines and Responsibilities" for implementation of the Act published by the Office of Management and Budget (40 FR 28949, July 9, 1975).

The notice sets forth a statement of general routine uses applicable to all noticed systems of records and incorporated by reference into the notice of each particular system of records. The centralizing of these routine uses was occasioned by the desire to avoid unnecessary repetition which would hamper the public in its review and use of the proposed notice.

Special note should be taken that certain disclosures authorized by the Act itself are excluded from the general routine uses and the routine uses particular to each system of records. They are: Disclosure of corrected or amended records, or notations of disagreement when requested corrections or amendments are denied, under 5 U.S.C. 552a(c)(4); disclosure to, and at the request of the individual, of records which pertain to that individual under 5 U.S.C. 552a(d); disclosures to the courts under 5 U.S.C. 552a(g); disclosures to the Privacy Protection Study Commission under sec. 5(e)(2) of the Act; and disclosures to the Office of Management and Budget in the course of its assistance and oversight responsibilities under Sec. 6 of the Act. The Department submits that these disclosures are outside the provisions of 5 U.S.C. 552(b)(1) through (11), including the provision addressing routine uses.

Special note should also be taken that 5 U.S.C. 552a(b)(1) expressly permits disclosure of a record in a system of records to those officers and employees of the agency which maintains the record who have a need for the record in the performance of their duties, without the prior consent of the individual to whom the record pertains. Such dis-

closures do not fall within the "routine use" provisions of the Act.

Two basic criteria were employed to determine those records which constitute a system of records under the Act requiring publication of notice in the FEDERAL REGISTER. These are discussed in the publication of the Office of Management and Budget noted above. The first criterion is that the record be an "official" record of the Department. The second criterion is that information which pertains to an individual "is retrieved" by means of the name or other personal identifier assigned to that particular individual.

The following listings illustrate some of the kinds of records falling outside the definition of "system of records" in the Act and, for that reason, not included in the proposed notice:

Unofficial records and public references

Employee recreation associations;

Employee blood donors;

Telephone directories and address lists created and kept by individual employees at their own initiative to facilitate communications with other employees and nonemployees;

Lists are created and kept by individual employees as a service to other employees, usually within their immediate office, such as the scheduled expiration dates of driver's licenses for those employees whose position requires operation of a motor vehicle;

Directories published by commercial concerns and public agencies and held by the Department as reference tools, such as Martindale-Hubbell's lists of attorneys and the Department of Labor's list of debarred Government contractors; and,

Retrieved by other than individual

Financial statements of individuals who are officers, directors or stockholders of corporations dealing with the Department, but which are filed by corporate name or contract number; and

Correspondence filed only by date.

This notice does not include particular identification of certain systems of records, admittedly existing within the Department, due to the fact that other Federal agencies have assumed responsibility for publishing a Government-wide notice. The primary example is the publication of systems of records pertaining to Federal employee personnel records by the United States Civil Service Commission.

This notice also does not include discussion of the application of general exemptions determined by other Federal agencies to apply to records or copies of records in the possession of the Department.

Effective date. This notice shall be effective October 23, 1975.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

1. General Statement of Routine Uses.

ROUTINE USE—LAW ENFORCEMENT

In the event that a system of records maintained by this Department to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

ROUTINE USE—DISCLOSURE WHEN REQUESTING INFORMATION

A record from a system of records maintained by this Department may be disclosed as a routine use to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grantor other benefit.

ROUTINE USE—DISCLOSURE OF REQUESTED INFORMATION

A record from a system of records maintained by this Department may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

ROUTINE USE—DISCLOSURE TO OMB

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

2. Listing of Systems of Records Within Coverage of Act.

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-177]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from June 23, 1975 to July 23, 1975 (List No. 17-75). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/30/0, Globe Guardsman Air Breathing Protector, permissible one-half hour self-contained compressed air breathing apparatus, at least one extra fully charged cylinder of breathing air to be included as part of the complete unit, MESA/NIOSH Approval No. TC-13F-43 for use only with TC-13F-43 facepiece and TC-13F-43 pressure regulator, assembly drawing No. 2540-W (Rev. C) is standard, however, the following approved models are also available: 2550-W (Rev. B) or 2526-W (Rev. B) or 2552-W (Rev. A) or 2540-B (Rev. A) or 2550-B (Rev. A) or 2526-B (Rev. A) or 2552-B (Rev. A), manufactured by Globe Safety Products, Inc., 125 Sunrise Place, Dayton, Ohio 45407, effective July 17, 1975. (It is an extension of Approval No. 160.011/30/0 dated August 18, 1970.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/91/1, lifeboat winch, Type GPD-63; approval is limited to mechanical components only and for a maximum working load of 6,300 lbs. pull at the drums (3,150 lbs. per fall); identified by gear case assembly drawing W2-F-004, revision F dated July 28, 1970, and drawing list dated August 21, 1970, approval is limited for use with Type GPD-63 gravity pivot davit (Approval 160.032/176/1), manufactured by

Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective July 17, 1975. (It is an extension of Approval No. 160.015/91/1 dated August 31, 1970.)

Approval No. 160.015/99/1, Carroll Type CW–75–M lifeboat winch; approval limited to mechanical components only and for a maximum working load of 7,500 lbs. pull at the drums (3,750 lbs. per fall); identified by general arrangement drawing 57804 dated June 17, 1975, and parts list PL–320204 dated June 23, 1975, approval is limited to use with Type CG–150–P gravity davit (Approval 160.032/186/1), manufactured by Lake Shore, Inc., Iron Mountain, Michigan 49801, effective July 17, 1975. (It supersedes Approval No. 160.015/99/0 dated June 8, 1972 to permit design changes.)

LIFE RAFTS FOR MERCHANT VESSELS

Approval No. 160.018/16/0, Type "B" MK2, life raft, for other than ocean and coastwise service, 9.58' x 8.0' x 2.33', 18-person capacity, with polyurethane foamed, fibrous glass reinforced plastic tanks, identified by general arrangement dwg. No. M–99–17 dated May 6, 1959, and revised September 20, 1960, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective July 18, 1975. (It is an extension of Approval No. 160.018/16/0 dated September 9, 1970.)

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/176/1, gravity pivot davit, Type GPD–63; approved for a maximum working load of 12,600 lbs. per set (6,300 lbs. per davit arm) using 2-part falls; identified by general arrangement drawing D1–F–053 dated April 24, 1969, and drawing list dated August 21, 1970, approval is limited for use with Type GPD–63 lifeboat winch (Approval 160.015/91/1), manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective July 17, 1975. (It is an extension of Approval No. 160.032/176/1 dated August 31, 1970.)

Approval No. 160.032/185/0, type 20–200 survival capsule launching system (winch type); approved as an alternate to a lifeboat davit for a maximum working load of 11,000 lbs. on a single fall; identified by general arrangement drawing 20–200 dated May 21, 1970, and drawing list dated September 1, 1970, approved for installation with the Type WCL–5875 lifeboat winch (Approval 160.015/98/0), made by the Speco Division, Kelsey-Hayes Company, for use only on nonself-propelled drilling rigs, artificial islands and fixed structures, manufactured by Whittaker Corporation, 5159 Baltimore Drive, La Mesa, California 92041, effective July 18, 1975. (It is an extension of Approval No. 160.032/185/C dated October 23, 1970.)

Approval No. 160.032/186/1, gravity davit, Carroll Type CG–150–P, approved for a maximum working load of 15,000 lbs. per set (7,500 lbs. per arm) using 2-part falls; identified by general arrangement drawing WDA–9069, revision C dated June 17, 1975 and drawing list PL–320194, revision A dated July 11, 1975, approval is limited for use with Carroll Type CW–75–M lifeboat winch (Approval No. 160.015/99/1), manufactured by Lake Shore, Inc., Welin Boat & Davit Division, P.O. Box 809, Iron Mountain, Michigan 49801, effective July 21, 1975. (It supersedes Approval No. 160.032/186/0 dated May 26, 1972 to show design revisions.)

LIFEBOATS

Approval No. 160.035/110/3, 28.0' x 9.79' x 4.12' steel, motor-propelled lifeboat without radio cabin or searchlight, Class 1, 62-person capacity, identified by general arrangement and construction dwg. No. 28–001–01 Rev. A dated July 3, 1970, this boat is built with a wooden or fibrous glass reinforced plastic (FRP) removable interior, 46 CFR 160.035–13(c) Marking, Weights: Condition "A"=6320 pounds; Condition "B"=17,765 pounds, manufactured by Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, New York 11231, effective June 23, 1975. (It is an extension of Approval No. 160.035/110/3 dated July 24, 1970.)

JACKKNIFE (WITH CAN OPENER) FOR MERCHANT VESSELS

Approval No. 160.043/1/0, type S702 jackknife (with can opener), dwg. No. 1160 dated August 11, 1950, manufactured by Camillus Cutlery Company, Camillus, New York 13031, effective July 21, 1975. (It is an extension of Approval No. 160.043/1/0 dated October 7, 1970.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/33/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured in accordance with UL report file No. MQ 79, Type IV PFD, manufactured by Noble Products Company, Box 327, Caldwell, Ohio 43724, effective July 21, 1975. (It is an extension of Approval No. 160.048/33/0 dated October 12, 1970.)

Approval No. 160.048/76/2, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured in accordance with UL report file No. MQ 85, Type IV PFD, manufactured by Kent Sporting Goods Company, 710 Orange Street, Ashland, Ohio 44805, effective July 21, 1975. (It is an extension of Approval No. 160.048/76/2 dated October 21, 1970 and change of address of manufacturer.)

Approval No. 160.048/219/1, special approval for 14" x 17" x 2" rectangular, ribbed-type kapok buoyant cushion, 21-oz. kapok, dwg. No. 1, revision 1 dated October 9, 1965, manufactured in accordance with UL report file No. MQ 85, Type IV PFD, manufactured by Kent Sporting Goods Company, 710 Orange Street, Ashland, Ohio 44805, effective July 21, 1975. (It is an extension of Approval No. 160.048/219/1 dated October 21, 1970 and change of address of manufacturer.)

Approval No. 160.048/257/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U.S.C.G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4(c)(1)(i), manufactured in accordance with UL report file No. MQ 78, Type IV PFD, manufactured by Hunter Outdoor Products, 234 Union Street, North Adams, Massachusetts 01247, effective July 21, 1975. (It is an extension of Approval No. 160–048/257/0 dated October 1, 1970.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/19/1, Model 712–VH–17.5 vinyl-dipped unicellular plastic foam work vest, dwg. No. 68P5210 dated June 5, 1968 revision 1 dated October 20, 1970, and Bill of Materials dated August 3, 1965, Type V PFD, approved for use on Merchant Vessels when engaged in work activities, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective July 21, 1975. (It is an extension of Approval No. 160.053/19/1 dated October 20, 1970.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/102/0, Adult-Non-Standard cloth covered unicellular plastic foam life preserver constructed in accordance with U.S. Coast Guard Specification Subpart 160.055, Coast Guard letter, file No. 5946/160.055/102 dated February 12, 1974 and Coast Guard letter, file No. 5946/160.055/102 dated July 14, 1975, Type V PFD, approved only for use by persons engaged in commercial white water service within the U.S.A., manufactured by Holcombe Industries, Inc., 1602 Tacoma Way, Redwood City, California 94063, effective July 16, 1975. (It supersedes Approval No. 160.055/102/0 dated December 17, 1974.)

Approval No. 160.055/108/0, adult, Model No. 601 vinyl coated cross-linked polyethylene foam life preserver manufactured in accordance with U.S.C.G. Specification Subpart 160.055, drawing No. 601 dated July 11, 1975 and bill of materials dated June 27, 1975, Type I PFD, manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, California 91609, effective July 16, 1975.

Approval No. 160.055/109/0, child, Model No. 603 vinyl coated cross-linked polyethylene foam life preserver manufactured in accordance with U.S.C.G. Specification Subpart 160.055, drawing No. 603 dated July 11, 1975 and bill of materials dated June 27, 1975, Type I PFD, manufactured by Cal-June, Inc., P.O. Box 9551, North Hollywood, California 91609, effective July 16, 1975.

MARINE BUOYANT DEVICE

Approval No. 160.064/900/0, adult, Model No. RRV–150, cloth covered unicellular plastic foam "River Rafting Vest", manufactured in accordance with

U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56301, effective July 16, 1975.

Approval No. 160.064/901/0, adult, Model No. RRV-150, cloth covered unicellular plastic foam "River Rafting Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 29, factory location: Highway 10, Sauk Rapids, Minnesota 56301, Type III PFD, manufactured by Stearns Manufacturing Company, P.O. Box 1498, St. Cloud, Minnesota 56031, effective July 16, 1975.

Approval No. 160.064/967/0, child medium, Model No. 200-XS, vinyl dipped unicellular plastic foam, "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/968/0, child medium, Model No. 200-S, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/969/0, adult, Model No. 200-M, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MK 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N. E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/970/0, adult, Model No. 200-L, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/971/0, adult, Model No. 200-XL, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporation, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/972/0, adult, Model No. 200-XXL, vinyl dipped unicellular plastic foam "Sail and Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 242, Type III PFD, manufactured by Texas Recreation Corporaiton, Texas Watercrafters Division, 912 N. Beverly Drive, Wichita Falls, Texas 76307 for Rand Manufacturing Corporation, 14615 N.E. 91st Street, Redmond, Washington 98052, effective July 16, 1975.

Approval No. 160.064/981/0, adult, Model No. 780-26, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, factory location: Westex Products Company, Inc., Electra Industrial Park, Electra, Texas 76306, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective June 30, 1975.

Class A. EPIRB

Approval No. 161.011/2/0, Model CS1N-A, Class A, float free, Emergency Position Indicating Radio Beacon, FCC type acceptance issued on May 24, 1975 under 46 CFR 83, manufactured by Simrad, Inc., One Labriola Court, Armonk, New York 10504, effective June 26, 1975.

Approval No. 161.011/6/0, Model DB-2051, Class A, float free, Emergency Position Indicating Radio Beacon, FCC Type Acceptance issued on July 16, 1975 under 46 CFR 83, Jotron U.S. Agent: Anschuetz of America, 444 Fifth Avenue, New York, New York 10018, manufactured by A/S Jotron Elektronikk, P.O. Box 28, 7601 Levanger, Norway, effective July 23, 1975.

Safety Valves (Power Boilers)

Approval No. 162.001/226/2, Type Series 1811-A, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 650° F., dwg. No. 315712 dated January 25, 1965, revised February 7, 1966, approved for the following sizes and type numbers: 1½"—1811 FA, 1½"—1811 HA, 2"—1811 KA, 3"—1811 MA, 4"—1811 PA, 1½"—1811 GA, 1½"—1811 JA, 2½"—1811 LA, 4"—1811 NA, manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective July 18, 1975. (It is an extension of Approval No. 162.001/226/2 dated August 11, 1970.)

Approval No. 162.001/227/2, Type Series 1811-B, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 750° F., dwg. No. 315712 dated January 25, 1965, revised February 7, 1966, approved for the following sizes and type numbers: 1½"—1811 FB, 1½"—1811 HB, 2"—1811 KB, 3"—1811 MB, 4"—1811 PB, 1½"—1811 GB, 1½"—1811 JB, 2½"—1811 LB, 4"—811 NB, manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective July 18, 1975. (It is an extension of Approval No. 162.001/227/2 dated August 11, 1970.)

Approval No. 162.001/228/2, Type Series 1811-C, consolidated carbon steel body pop safety valve, exposed spring, maximum pressure 300 and 800 p.s.i., maximum temperature 900° F., dwg. No. 315712 dated January 25, 1965, revised February 7, 1966, approved for the following sizes and type numbers: 1½"—1811 FC, 1½"—1811 HC, 2"—1811 KC, 3"—1811 MC, 4"—1811 PC, 1½"—1811 GC, 1½"—1811 JC, 2½"—1811 LC, 4"—1811 NC, use of 600# ASA flange is limited to 700 p.s.i. if used at 900° F., manufactured by Dresser Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, effective July 18, 1975. (It is an extension of Approval No. 162.001/228/2 dated August 11, 1970.)

Pressure Vacuum Relief Valves for Tank Vessels

Approval No. 162.017/84/0, Model MV-250 pressure-vacuum relief valve, enclosed pattern, screwed inlet, weight loaded discs, all bronze construction, dwg. No. MV-250A dated April 18, 1960, approved for 2½" pipe size, manufactured by The Staytite Company, 3606-12 Polk Avenue, Houston, Texas 77003, effective July 18, 1975. (It is an extension of Approval No. 162.017/84/0 dated September 28, 1970.)

Safety Relief Valves, Liquefied Compressed Gas

Approval No. 162.018/71/0, Lonergan 11-W-200 BT Series safety valves for pressure-temperature limitations as specified on Lonergan dwg. No. A-1884, manufactured by J. E. Lonergan Company, Red Lion Road, West of Verree Road, P.O. Box 6167, Philadelphia, Pennsylvania 19115, effective July 18, 1975. (It is an extension of Approval No. 162.018/71/0 dated August 11, 1970.)

Backfire Flame Control, Gasoline Engines; Flame Arresters; for Merchant Vessels and Motorboats

Approval No. 162.041/124/0, Universal-Peerless Co. backfire flame arrester assembly, cast aluminum adapter, with Zenith #C-177-7 brass element assembly, manufactured by Medalist Universal Motors, 1552 Harrison Street, P.O. Box 2508, Oshkosh, Wisconsin 54901, formerly Universal Motor Division, Medalist Industries, effective July 18, 1975. (It is an extension of Approval No. 162.041/124/0 dated August 11, 1970.)

Approval No. 162.041/125/0, Universal-Peerless Co. #296981 backfire flame arrester assembly, cast aluminum adapter, with Zenith #C-177-15 aluminum element assembly, testing waived because of similarities to #288661 flame arrester assembly, U.S.C.G. Approval No. 162.041/124/0, manufactured by Medalist Universal Motors, 1552 Harrison Street, P.O.

Box 2508, Oshkosh, Wisconsin 54901, formerly Universal Motor Division, Medalist Industries, effective July 18, 1975. (It is an extension of Approval No. 162.041/125/0 dated August 24, 1970.)

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/40/0, "Hill Brothers C G Base Coat" and C G Red Top", magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210-1787:FP3069 dated August 30, 1951, approved for use without other insulating material to meet Class A-60 requirements in a 1½" thickness, manufactured by Hill Brothers Chemical Company, 2159 Bay Street, Los Angeles, California 90021, effective July 18, 1975. (It is an extension of Approval No. 164.006/40/0 dated September 18, 1970.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/54/0, "Thermafiber Glass Fiber", fibrous insulation type combustible material identical to that described in National Bureau of Standards Report No. TG10210-2028:FP3461 dated August 1, 1958, approved in a density of 3 pounds per cubic foot, manufactured by United States Gypsum Company, 1000 East Northwest Highway, Des Plaines, Illinois 60016, effective July 18, 1975. (It is an extension of Approval No. 164.009/54/0 dated August 14, 1970.)

Approval No. 164.009/86/0, Porter Style CGAG woven combination Grade AAA asbestos and fibrous glass (2.5% lubricant or less) cloth type incombustible material identical to that described in H. K. Porter letter dated September 1, 1965, approved in weights ½ through 2.50 pounds per square yard, manufactured by H. K. Porter Company, Inc., Thermoid Division, 1250 Porter Building, Pittsburgh, Pennsylvania 15219, effective July 17, 1975. (It is an extension of Approval No. 164.009/86/0 dated August 14, 1970.)

Dated: September 17, 1975.

J. V. CAFFREY,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.75-25242 Filed 9-22-75;8:45 am]

[CGD 75-192]

RESEARCH ADVISORY COMMITTEE

Open Meeting

This is to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972 that the Research Advisory Committee (RAC) will conduct its 12th Meeting between 0830-1500 EDT on October 8th and 10th and between 0830-1700 EDT on October 9th. The meeting will be held in the Center's Conference Room located in the Administration Building, Southeastern Branch, University of Connecticut, Avery Point, Groton, Connecticut. Members of the public will be admitted to this open meeting beginning each day at 0830 EDT according to a first-come, first-served basis up to the seating capacity of the room which holds about 12 visitors.

The agenda of this meeting consists of the following topics:

(1) Old business including USCG response to recommendations of the Eleventh Meeting.

(2) USCG Research and Development (R&D) Highlights for the Period, April-October 1975.

(3) Committee new business relating to selection of new Committee Chairman for CY 1976, suggestions for new Committee members, and selection of time and place of next Committee meeting.

(4) Review of the Coast Guard's Loran-C Development Program.

(5) Review of the Technical Aspects of the Coast Guard's Proposed RDT&E Effort for Fiscal Year 1977 and Beyond.

(6) Review of Forensic Science Activities of the Coast Guard's R&D Center.

(7) Review of the Interfaces (Technical, Administrative, and Personnel) between the USCG Academy and the USCG R&D Center. (Note: This review will be conducted jointly with the Coast Guard Academy Advisory Committee which will also be in attendance for this item.)

(8) Any other business unforeseen at this time.

The Coast Guard Research Advisory Committee was originally established as the Science Advisory Committee in 1970 to provide a broad external and neutral point of view in the review of the Coast Guard's Research, Development, Test and Evaluation Effort; to make recommendations for the development of new techniques that are applicable to Coast Guard missions, new or revised approaches to scientific inquiry, more effective utilization of the Research and Development staff, and the interfacing of the Coast Guard program with other scientific and technological programs, particularly those of other elements of the Department of Transportation and the Department of the Navy; to review Coast Guard long-range Research and Development program planning, and to propose changes in Research, Development, Test and Evaluation policy, program emphasis, scope, and use of facilities.

Interested persons may seek additional information or the summary minutes of the meeting by writing to:

Miss Patricia Wright, Executive Secretary of the Research Advisory Committee, Office of Research and Development, U.S. Coast Guard (G-DS/62, TRANSPOINT), Washington, D.C. 20590.

or by calling (202-426-1037).

Dated: September 16, 1975.

A. H. SIEMENS,
Chief, Office of Research and Development.

[FR Doc.75-25243 Filed 9-22-75;8:45 am]

Federal Aviation Administration

CITIZENS ADVISORY COMMITTEE ON AVIATION

Notice of Meeting

Pursuant to section 10(a)(2) of Public Law 92-463, notice is hereby given that the Citizens Advisory Committee on Aviation will hold a meeting on October 27-30, 1975, at the Federal Aviation Administration Building, 800 Independence Ave., S.W., Washington, D.C.

The following agenda items are scheduled for the meeting:

a. Safety in aviation.
b. Aviation education.
c. The national airport system.

Persons interested in attending the meeting should contact Ms. Norma G. Senkow, Citizens Advisory Committee on Aviation, Office of Information Services, AIS-230, Federal Aviation Administration, 800 Independence Ave., S.W., Washington, D.C. 20591, telephone (202) 426-3485. The meeting will be open to the public. Seating will be on a first-come, first-served basis.

Issued in Washington, D.C., on September 12, 1975.

DENNIS S. FELDMAN,
Acting Assistant Administrator, Information Services.

[FR Doc.75-25238 Filed 9-22-75;8:45 am]

Federal Railroad Administration

[Docket No. RSFC-75-3]

PERIODIC LUBRICATION

Waiver of Petition

The Norfolk and Western Railway Company (N&W) has petitioned the Federal Railroad Administration (FRA) for permission to conduct a test program in which 968 covered hopper cars would be operated for a period not to exceed six years without compliance with the periodic lubrication required under present FRA regulations. The FRA regulations (49 CFR 215.99) presently require lubrication at intervals which may not exceed three years.

The cars are all 100-ton covered hopper cars that were constructed during 1973 and 1974. The cars bear N&W reporting marks in the series between 17000 and 178000. All cars are equipped with roller bearings designed for high speed service. The roller bearings with which these cars are equipped were produced by three different manufacturers. The manufacturers, Timken, Brenco and ND-Hyatt have all indicated to petitioner that they concur in this proposed test program.

The cars to be used in this proposed test are assigned to grain service between the middle west and the east coast of the United States. The cars operate principally on N&W lines but approximately 40 per cent of the cars do operate over the Chessie system to serve customers in

Baltimore, Maryland and Philadelphia, Pennsylvania.

Petitioner believes that the test program is needed because of the absence of actual field test data for the lubrication of roller bearing equipped freight cars in high speed service. Under the provisions of the proposed test program a progressively increasing number of bearings would be removed and inspected between the third and final year of the test period.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to October 15, 1975. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-75-3) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before October 31, 1975 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on September 17, 1975.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-25271 Filed 9-22-75;8:45 am]

Federal Railroad Administration

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Thursday, October 9 and Friday, October 10, 1975.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

The meeting will be held at the Le Baron Hotel, 7675 Crescent Avenue, Buena Park, California 90620. The Committee is presently studying the area of employee training as it relates to a more effective operating rules program. This meeting is being held in the greater Los Angeles area so that the Committee may accept the invitation of the Southern Pacific Transportation Company to view its training facilities. The meeting will consist of a morning discussion session beginning at 9:00 a.m. on both Thursday and Friday, October 9 and 10. The afternoons will be spent at the Southern Pacific training facilities in the area where the Committee will be given a presentation describing Southern Pacific training efforts, and will view the training facilities. The agenda for the morning sessions will include discussions of the training issue and of new priority topics for study at future meetings.

The meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make prepared oral presentations should inform the Office of the Chief Counsel, Federal Railroad Administration, (202) 426-8220 at least 5 days prior to the meeting if possible and reasonable provision will be made for their appearance on the agenda. Terms will also be provided on the agenda for public comments with respect to the discussions during the meeting.

Minutes of the meeting will be made available for public inspection and duplication during regular business hours in the Office of the Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 7th St. SW., Washington, D.C.

Issued in Washington, D.C. on September 19, 1975.

BRUCE M. FLOHR,
Deputy Administrator, Committee Chairman.

[FR Doc.75-25407 Filed 9-22-75;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

NOTICE OF COMMENTS

On August 12-15, 1975, pursuant to Section 106 of the National Historic Preservation Act and 36 CFR 800.6, the Advisory Council on Historic Preservation met to consider the inability of the Department of the Army to maintain and repair the Dutton Hotel, a property listed in the National Register of Historic Places, located within Hunter Liggett Military Reservation, California. The Council considered the matter in the context of the general problem confronting the Army nationwide of the treatment of properties which are not essential to its primary mission. The Council also received reports on other present uses and future plans which involve historic and cultural resources at Hunter Liggett. At the meeting, the Council adopted comments that have been transmitted to the Secretary of the Army.

The purpose of this notice is to publish these comments, in accordance with 36 CFR 800.6(l), through incorporation by reference and to apprise interested parties that copies of these comments are available on request from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005 (202-254-3974).

Dated: September 12, 1975.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.75-25229 Filed 9-22-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 28319, 28009; Order 75-9-58]

ALLEGHENY AIR LINES, INC.

Cleveland-Toronto Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of September 1975.

Application of Allegheny Airlines, Inc., under section 401 of the Federal Aviation Act of 1958 for an amendment to its certificate of public convenience and necessity for Route 97-F authorizing foreign air transportation (Cleveland-Toronto).

On May 8, 1974, a new bilateral air transport agreement between the United States and Canada was signed. This agreement provides for a number of new routes for United States and Canadian carriers, including new U.S. nonstop authority between Cleveland and Toronto which is to become effective on April 25, 1976.[1] Air Canada is the established Canadian carrier on the route.[2]

On June 26, 1975, Allegheny Airlines, Inc. (Docket 28009) filed an application for amendment of its certificate of public convenience and necessity to include Cleveland-Toronto nonstop authority. Concurrently therewith, Allegheny filed a motion for expedited hearing.[3]

In support of its motion, Allegheny states, *inter alia*, that the Bilateral Air Transport Agreement provides for the authorization of a U.S.-flag carrier in the Cleveland-Toronto market effective April 25, 1976; that only ten months remain before U.S.-flag service can be inaugurated in this market under the amended bilateral; that Cleveland-Toronto is a short-haul 193-mile market which generated nearly 77,000 true O&D passengers during calendar year 1974;[4] that between 1968 and 1974 the average annual rate of growth for Cleveland-Toronto true O&D traffic has exceeded 7 percent, and during 1973 and 1974 alone,

[1] Allegheny is the only U.S.-flag carrier providing service in this market with 4 one-stop (via Buffalo) round trips per day. OAG, June 15, 1975.

[2] Air Canada is presently serving the market with 4 nonstop and 1 one-stop (via London, Ontario) round trips daily. OAG, June 15, 1975.

[3] Allegheny states that if its application is not afforded priority treatment, the result will be to harm U.S.-flag participation in the transborder markets and upset the balance between the U.S. and Canadian carriers intended when the bilateral was agreed upon.

[4] Source: *Statistics Canada.*

the market expanded 10 and 16 percent, respectively.

Upon consideration of the foregoing and other pertinent matters, we have determined to institute an investigation to consider whether the public convenience and necessity require nonstop service by a U.S.-flag carrier between Cleveland and Toronto.[5]

Further, we have determined that the proceeding instituted herein is by its very nature not one which would lead to a major Federal action significantly affecting the quality of the human environment "within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA)." In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should nonstop service be authorized. In view of the size of the Cleveland-Toronto market (76,960 O&D passengers for calendar year 1973)[6] and the present level of existing service,[7] it is doubtful that there will be a significant increase in total frequencies under any candidate for the instant authority. This fact must be placed against the large overall level of traffic at Cleveland and Toronto. Cleveland ranked twenty-first among U.S. airports in air carrier passenger enplanements for the calendar year 1974.[8] In 1973 there were 258,000 aircraft operations at Cleveland's Hopkins International Airport, with 263,000 projected for 1975 and 268,000 for 1976.[9] At Toronto International Airport there is also a substantial number of aircraft operations, with 227,498 reported for 1973 and 241,735 for 1974.[10] Therefore, it is unreasonable to suppose on the face of the matter that authorization of new U.S. service in the Cleveland–Toronto market will lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered, that: 1. A proceeding to be known as the *Cleveland–Toronto Route Proceeding*, Docket 28319 be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereinafter designated, as the orderly administration of the Board's docket permits;

2. The proceeding instituted in paragraph 1, above, shall include consideration of the following issues:

a. Do the public convenience and necessity require, and should the Board authorize, the certification of an air carrier or air carriers to engage in nonstop foreign air transportation between Cleveland, Ohio, on the one hand, and Toronto, Ontario, Canada, on the other?

b. If the answer to (a) is in the affirmative, (i) which air carrier(s) should be authorized to engage in such service, and (ii) what conditions, if any, should be placed on the operations of such carrier(s)?

3. The motion of Allegheny Airlines, Inc. for expedited hearing be and it hereby is granted;

4. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed 20 days from the service date of this order and answers thereto shall be filed five days thereafter; and

5. A copy of this order shall be served upon the following: The Departments of the Interior, Transportation, Commerce, and Housing and Urban Development; the National Aeronautics and Space Administration; the Federal Aviation Administration; the General Services Administration; the Environmental Protection Agency; the Department of State; Delta Air Lines, Inc.; and Allegheny Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25311 Filed 9-22-75;8:45 am]

[5] While the motion of Allegheny for "expedited hearing" is granted, this means only that the proceeding will be set down for formal processing and that normal Subpart A procedures shall govern.

[6] Source: *Statistics Canada.*

[7] See fns. 1 and 2, *supra.*

[8] *Airport Activity Statistics of Certificated Route Air Carriers* (Expedited Edition), 12 months ended December 31, 1974, Table 3.

[9] *Terminal Area Forecast, 1975–1985*, Department of Transportation, FAA, Office of Aviation Economics, Aviation Forecast Division, July 1973, page GL-35. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

[10] Annual report, Aircraft Movement Statistics, Aviation Statistics Center, 1974.

[Docket 23080-2; Order 75-9-52]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 17th day of September, 1975.

By Order 74-1-89, January 16, 1974, the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pickup and delivery charges effective on and after March 28, 1973. The off-airport pickup and delivery charges[1] prescribed in that order are based on the charges in the carriers' freight tariff applicable to the pickup and delivery of containerized freight, on the assumption that the local cartage costs which underlie those tariff charges are the same for containers of both mail and freight.

It has come to our attention that there may be some confusion as to what the current off-airport pickup and delivery charges are. Thus, while Order 74-1-89 refers to the charges in ATP Tariff No. 3-C, C.A.B. No. 19, it does not specifically mention subsequent revision and reissues of that tariff.[2] In addition, there are several containers which, although rated for the carriage of mail,[3] have not been included in the list of containers for which off-airport pickup and delivery charges are prescribed. Also, the off-airport charges for several mail containers are based on the tariff charges applicable to different but comparably sized containers, thus suggesting that the charges for these containers may vary from the carriers' freight charges.

Since it was contemplated that the prescribed off-airport charges would be governed by the current freight charges, we shall clarify the pertinent ordering paragraph of Order 74-1-89 by providing that: (1) effective September 30, 1975, the temporary charges for off-airport pickup and delivery of all mail containers shall be equivalent to the charges in the carriers' applicable freight tariff and, (2) all subsequent revisions and reissues of that tariff are included within the scope of the temporary rate order. Since this amendment is of a clarifying and editorial nature, the Board finds that it may be adopted without further procedures.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That: 1. Subparagraph (g)(1) of Ordering Paragraph 3 of Order 74-1-89, January 16, 1974, be and it hereby is amended as follows:

"(g) On and after March 28, 1973, for the pickup and the delivery of mail in containers, for the carriers and at the points listed in subparagraph (c) above, (1) at Postal Service facilities other than the facilities mentioned in subparagraph (2) below, the charges in ATP Tariff No. 3-C, C.A.B. No. 19, including subsequent revisions and reissues thereof, applicable to the pickup and delivery of A-1, A-2, A-3, FT-B,[4] LD-1, LD-3, LD-5, LD-7, and LD-W containers in the cities listed in such tariff,[5] and, effective September 30, 1975, the charges in such tariff applicable to the pickup and delivery of the containers listed in such tariff in the

[1] Pickup and delivery at Postal Service facilities other than those located on or adjacent to airports.

[2] We note that the tariff has been reissued as ATP Tariff No. P.U.D. 1, C.A.B. No. 231.

[3] For example, the M-1 and LD-9 containers. See Orders 74-12-14 and 75-1-134, respectively.

cities listed in such tariff, and (2) . . . .";

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080–2; and

3. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, and the Postmaster General.

This Order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-25312 Filed 9-22-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEW HAMPSHIRE STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the New Hampshire State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for September 25, 1975 has been cancelled.

Dated at Washington, D.C., September 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-25284 Filed 9-22-75;8:45 am]

RHODE ISLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. and end at 6:00 p.m. on October 21, 1975, at the Federal Building, U.S. Post Office Exchange Terrace, Room 234, Providence, Rhode Island 02903.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is for the new rechartering committee to meet to discuss new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 18, 1975.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.75-25285 Filed 9-22-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, October 8, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments 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.75-25268 Filed 9-22-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180052; FRL 434-1]

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the Massachusetts Department of Public Health (hereafter referred to as the "Applicant") has availed itself of a crisis exemption. The Applicant used approximately eleven (11) ounces of DDT 50% WDP in residences in Randolph and Methuen, Massachusetts, to control rabid bats. This exemption is in accordance with, and subject to, the provisions of sections 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Applicant has submitted in writing the following certified information regarding the crisis exemption.

According to the Applicant, the residence located at 360 South Street in Randolph was the site of a positive laboratory finding of rabies in a downed bat. The residence located at Bumpy Lane in Methuen was the site of exposure to a bat found to be rabid via laboratory tests. No pesticide registered for this particular use to eradicate or control possible additional rabid bats was readily available; furthermore, the time element was so critical that there was no time to request a specific or quarantine/public health exemption. On August 4, 1975, approximately eight (8) ounces of DDT 50% WDP was dusted into two openings beside the chimney and into two openings bored into a boxed-in hollow structure running along the roof line of the Bumpy Lane residence. On August 7, 1975, approximately three (3) ounces of DDT 50% WDP was placed in an opening near the chimney of the South Street residence. Both applications were made by licensed exterminators, under the supervision of the Massachusetts Department of Environmental Quality Engineering. No further applications have been made; no adverse effects on man or the environment are anticipated.

The official file concerning this exemption is available for inspection in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: September 16, 1975.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.75-25220 Filed 9-22-75;8:45 am]

[OPP-50036; FRL 433-8]

ROHM & HAAS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Rohm & Haas Company, Philadelphia, Pennsylvania 19105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 707-EUP-80) allows the use of 5,200 pounds of the herbicide 2,4-dichlorophenyl *p*-nitrophenyl ether and its metabolite containing the diphenyl ether linkage on wheat. A total of 1,300 acres is involved; the program is authorized only in the States of California and Oregon. The

experimental use permit is effective from October 4, 1975, to October 4, 1976. Temporary tolerances have been established for residues of the active ingredient in or on wheat grain and straw.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 16, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75-25219 Filed 9-22-75;8:45 am]

[OPP-180051; FRL 434-4]

IDAHO STATE DEPARTMENT OF AGRICULTURE

Issuance of a Specific Exemption To Control Twospotted Spider Mite in Idaho

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), notice is hereby given that the Environmental Protection Agency (EPA) has granted a specific exemption to the Idaho State Department of Agriculture (hereafter referred to as the "Applicant") to use TEPP (tetraethyl pyrophosphate) for the control of twospotted spider mites which are threatening to destroy the 4,000 acre commercial hop crop in Canyon County, Idaho. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information set forth in the application. For more detailed information, interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

According to the Applicant, the twospotted spider mite (*Tetranychus urticae* Koch) has or is about to occur in hop yards in Idaho and no registered pesticide nor alternative method of control is available to suppress the mites. Although several miticides are registered for use on hops, Idaho State University entomologists alleged that none of the registered miticides were viable options for one or more of various reasons: (1) the spider mites were resistant to the other miticides; (2) aerial applications were precluded because of ineffectiveness or labeling restrictions; and/or (3) the required pre-harvest interval excluded application at the time required. Ground pesticide applications were not feasible because of damage to hop foliage, lodged hops, and irrigation equipment. TEPP has prevented economic damage to the hop crop by this pest in previous years. The Applicant has requested to treat the 4,000 acre commercial hop crop with two (2) pounds of actual TEPP per acre in a single aerial application to suppress populations of twospotted spider mite which are threatening 25 to 40% of the commercial crop in Canyon County. The pesticide will be applied by licensed aerial applicators under the Applicant's supervision between August 18 and September 30, 1975. The time interval is mandated by variation in maturation periods of the crops. A three-day pre-harvest interval will be maintained.

The State of Idaho produces 4,000 acres of the national hop crop; the U.S. hop crop is worth approximately 50 million dollars to the growers. Therefore, the anticipated loss attributable to the mites in Idaho will represent an economic loss of at least one and one half million dollars.

The Applicant cited the following factors which contribute to a relatively low probability of exposure of man to harmful residues of TEPP from hops: (1) raw hops are never consumed by humans and hops are kiln-dried following harvest; (2) one-fourth pounds of hops are added to each thirty-one (31) gallons of beer, a 1:1,000 dilution by weight; and (3) fermentation in the brewing vats results in additional breakdown of pesticide residues. However, TEPP exhibits acute toxicity to fish and wildlife species, especially avian species. Accordingly, the Fish and Wildlife Service, U.S. Department of the Interior (USDI), has suggested that the Applicant establish liaison with the Idaho State Departments of Fisheries and Game. Additionally, the Office of Endangered Species, USDI, has reported that the Arctic and American Peregrine Falcons, endangered species, are endemic within the area proposed for treatment with TEPP.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of twospotted spider mites has or is about to occur; (b) there is no pesticide presently registered and available for use to control the twospotted spider mite in Idaho; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the twospotted spider mites are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticides noted above until September 30, 1975, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following restrictions:

(1) Aerial applications of TEPP are limited to one (1) at the rate of two (2.0) pounds of actual ingredient per acre;

(2) Total acreage treated shall not exceed 4,000 acres;

(3) A maximum of 8,000 pounds of actual TEPP will be applied;

(4) Treatment area is limited to Canyon County;

(5) No applications may occur within three (3) days of harvest of the hops;

(6) The Applicant is responsible for supervising all aerial applications;

(7) The Applicant is advised that the Arctic and American Peregrine Falcons, endangered species, are endemic to the treatment area and are at risk. Therefore, liaison shall be established among the Idaho State Departments of Agriculture, and Fisheries and Game to minimize any adverse effects on fish and wildlife resources; and

(8) Hops with residue levels not exceeding 0.1 ppm of TEPP may be offered in interstate commerce.

It should be noted that if the Administrator determines that the Applicant is not complying with the requirements set forth or if such action is necessary to protect man or the environment, the exemption shall be immediately withdrawn.

Dated: September 16, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 75-25300. Filed 9-22-75; 8:45 am.]

[OPP-180053; FRL 434-2]

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Crisis Exemption To Use DDT To Control Rabid Bats

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) hereby gives notice that the New Jersey Department of Environmental Protection (hereafter referred to as the "Applicant") has availed itself of a crisis exemption. The Applicant used approximately ½ pound of 50WP DDT in a residence in West Caldwell, New Jersey, to control rabid bats. This exemption is in accordance with, and subject to, the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Applicant has submitted in writing the following certified information regarding the crisis exemption.

According to the Applicant, the emergency was created by the confirmation of a rabid bat infestation in a private residence, specifically, a duplex house that contained approximately 30 bats, one of which was verified as rabid by the New Jersey State Department of Health. No pesticide registered for this particular use to eradicate or control possible additional rabid bats was readily available; furthermore, the time ele-

ment was so critical that there was no time to request a specific or quarantine/public health exemption. On August 15, 1975, approximately ½ pound of 50WP DDT was used at the entrance holes of soffits along the eaves of the duplex house located in West Caldwell, New Jersey. The single application was made by licensed applicators, under the close supervision of the Office of Pesticide Control of the State Department of Environmental Protection. The Applicant also consulted with, and obtained verbal permission from, the Center for Disease Control, Atlanta, Georgia, to treat the residence. No further applications have been made; follow-up on the results of the application are being continued. No adverse effects on man or the environment are anticipated.

The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-315, Washington, D.C. 20460.

Dated September 16, 1975.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.75-25301 Filed 9-22-75;8:45 am]

[OPP-30101; FRL 434-5]

PESTICIDE PROGRAMS

Notice of Receipt of Application To Register a Pesticide Product Containing a New Active Ingredient

Zoecon Corp., 975 California Ave., Palo Alto CA 94304, has submitted an application (EPA File Symbol 20954-U) to register the pesticide product ENSTAR 5E INSECT GROWTH REGULATOR containing 65.3% of the active ingredient Kinoprene [2-propynyl (2*E*, 4*E*)-3,7-11-trimethyl - 2,4 - dodecadienoate] which was not previously registered at the time of submission. ENSTAR 5E INSECT GROWTH REGULATOR is intended for general use in the control of white flies and aphids in greenhouses. Application was made to the Environmental Protection Agency (EPA) pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 136 et seq.), and the regulations thereunder (40 CFR 162). Notice of receipt of this application is made in accordance with the provisions of section 3(c)(4) of FIFRA [40 CFR 162.6(b)(6)] and does not indicate a decision by this Agency on the application.

Any Federal agency or other interested persons are invited to submit written comments on the application referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 23, 1975 and should bear the notation "EPA File Symbol 20954-U." Comments received within the specified time period will be considered before a final decision is made with respect to the pending application. Comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Notice of approval or denial of the application to register this pesticide product will be announced in the FEDERAL REGISTER.

The label furnished by Zoecon Corp. for ENSTAR 5E INSECT GROWTH REGULATOR as well as all written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 15, 1975.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.75-25302 Filed 9-22-75;8:45 am]

[OPP-00012A; FRL 435-8]

PESTICIDE PROGRAMS

Economic Impact of Proposed Guidelines for Registering Pesticides in the United States; Extension of Comment Period

In compliance with the Executive Order 11821 which requires each agency to certify that the inflationary impact of any major proposed regulation has been evaluated, the Environmental Protection Agency published on August 22, 1975 (40 FR 36798), a document entitled "Economic Impact of Proposed Guidelines for Registering Pesticides in the United States". Interested persons were invited to submit written comments concerning the economic impact analysis on or before September 22, 1975.

The economic impact analysis was prepared on the basis of independent analysis by Agency staff and two contract studies, "Evaluation of the Possible Impact of Pesticide Legislation on Research and Development Activities of Pesticide Manufacturers" prepared by A. D. Little, Inc., Cambridge MA (February, 1975) and "Economic Impacts of Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as Amended" prepared by Development Planning and Research Associates, Inc., Manhattan KS (first draft June, 1975). The Agency has received a number of requests for copies of these two documents, and because of the length of time needed both to obtain the copies and to review them for the preparation of comments, several interested parties have requested additional time to submit their views on the economic impact analysis. After consideration of these requests, it has been determined that the requested additional comment time is warranted, and therefore the September 22 deadline for submission of comments is being extended until 30 days after the date of publication of this notice.

Copies of the two studies mentioned above may be obtained through the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Interested persons are once again invited to submit written comments on the "Economic Impact of Proposed Guidelines for Registering Pesticides in the United States" to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments must be received on or before October 23, 1975, and should bear the identifying notation (OPP-00012). All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 19, 1975.

ANDREW W. BREIDENBACH,
Acting Assistant Administrator
for Water and Hazardous Materials.

[FR Doc.75-25523 Filed 9-22-75;10:15 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 8, on October 6, 1975, from 8:00 a.m. to 4:00 p.m., Room 2225, Building 41, Denver Federal Center, Denver, Colorado. 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 proposed Metallurgy Research Center, Bureau of Mines, Salt Lake City, Utah. 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.

MICHAEL J. NORTON,
Regional Administrator.

[FR Doc.75-25245 Filed 9-22-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

NOTIFICATION LIST

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941

Mexican List No. 274 July 1975

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground System		Proposed date of change or commencement of operation
							Number of radials	Length (feet)	
		550 kHz							
XEACD (In operation)	Acapulco, Gro., N. 16°50'30", W. 99°50'43".	500D/250N	ND-180	U	III	148	90	33-59	
		580 kHz							
(New) (under construction)	Cd. Valles, S.L.P., N. 21°58'54", W. 99°08'40".	1000D/250N	DA-2	U	III				12-30-76
		600 kHz							
XEZ (PO 1 kW, U) (In operation).	Merida, Yuc., N. 20°52'05", W. 89°37'15".	2000	ND-175	U	III	338	180	345	
		610 kHz							
XEEL (PO 1 kWD/0.15 kWN) (in operation).	Fresnillo, Zac., N. 23°10'35", W. 102°51'35".	2000D/150N	ND-175	U	III	323	120	323	
		640 kHz							
XEEMM (under construction).	Salamanca, Gto., N. 20°34'22", W. 101°11'39".	1000	DA-D	D	II				12-30-76
		650 kHz							
XEZM (In operation)	Zamora, Mich., N. 19°58'23", N. 102°17'50".	5000	ND-182	D	II	367	120	328	
		650 kHz							
(New) (under construction)	Merida, Yuc., N. 20°59'00", W. 89°38'43".	250	ND	D	II				3-31-76
		660 kHz							
(New) (under construction)	Durango, Dgo., N. 24°01'31", W. 104°40'11".	250	ND-190	D	II				4-30-76
		680 kHz							
XEORO (PO 0.5kWD) (In operation).	Guasave, Sin., N. 25°35'08", W. 108°28'10".	1000	ND-175	D	II	318	90	341	
		690 kHz							
XEKC (under construction)	Oaxaca, Oax., N. 17°03'49", W. 96°43'18".	5000D/1000N	DA-2	U	II				12-30-76
		690 kHz							
XETRN (under construction).	Progreso, Yuc., N. 21°18'00", W. 89°39'30".	50,000	DA-1	U	II				3-31-76
		700 kHz							
XEDKR (In operation).	Zapopan, Jal., N. 20°43'21", W. 103°22'23".	1000D	ND-175	D	II	333	120	303	
		700 kHz							
(New) (under construction)	Tamazunchale, S.L.P.	250D	ND-190	D	II	558	180	558	12-30-76
		710 kHz							
XEZC (PO 1450 kHz)	Rio Grande, Zac.	500D/250N	ND	U	II				
		710 kHz							
XEX (under construction)	Leon, Gto., N. 21°07'22", W. 101°41'00".	500D/200N	ND	U	II				3-31-76
		710 kHz							
XEDP (under construction)	Cd. Cuauhtemoc, Chih.	5000	ND-190	D	II	347	120	347	3-31-76
		780 kHz							
(New) (under construction)	Costrintla, Ver., N. 20°29'06", W. 97°26'12".	250	ND-190	D	II	315	120	315	12-31-76
		790 kHz							
XEVA (In operation)	Villahermosa, Tab. N. 18°00'51", N. 92°53'34".	500D/200N	ND-175	U	III	315	120	312	
		810 kHz							
XEUX (In operation)	Tuxpan, Nay. N. 21°56'43", W. 105°30'30".	10,000D/850N	ND-177	U	II	899	90	862	
		810 kHz							
XEIM (under construction)	Saltillo, Coah., N. 25°26'37", W. 100°59'22".	500	ND	D	II				3-31-76
		840 kHz							
XEIO (under construction)	Tuxtla, Gutierrez, Chis., N. 16°45'20", W. 93°06'45".	10,000	ND-190	D	II	293	120	293	12-12-76
		850 kHz							
XEMY (In operation)	Cd. Mante, Tams., N. 22°48'54", W. 98°56'45".	1000D	ND-176	D	II	187	120	164	
		860 kHz							
XERPN (under construction)	Cd. Juarez, Chih., N. 31°42'18", W. 106°32'05".	1000D/500N	DA-N-175 NDD-190	U	II	195	90	286	12-30-76
		860 kHz							
XEUN (In operation)	Mexico, D.F., N. 19°28'37", W. 99°14'40".	45,000D/25,000N	DA-2	U	II				
		870 kHz							
(New) (under construction) (change to 1040 kHz).	Salamanca, Gto., N. 20°34'22", W. 101°11'39".	1000D	DA-D	D	II				
		870 kHz							
(New) (under construction)	Pto. Escondido, Oax.	250	ND-225	D	II	283	120	283	3-31-76
		880 kHz							
(New) (under construction)	Orizaba, Ver., N. 18°50'58", W. 97°05'42".	250	ND-190	D	II	280	120	280	3-31-76
		980 kHz							
XECQ (In operation)	Culiacan, Sin., N. 24°51'24", W. 107°23'47".	5000D/100N	ND-177	U	III	246	120	197	

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		820 kHz							
XETAA (*in operation*)	Torreon, Coah., N. 25°33'16", W. 103°27'44".	1000D/200N	ND-175	U	III	241	120	197	
		850 kHz							
XEGM (PO 2.5 kW, ND, U) (*in operation*).	Tijuana, B.C., N. 32°33'22", W. 116°59'02".	10,000D/6000N	DA-2	U	III	*255*	*90*	*232*	
		950 kHz							
XEFY (under construction)	Cortazar, Gto	500D/250N	ND-190	U	III	259	120	259	12-30-76
		950 kHz							
XEMAB (*in operation*)	Cd. Del Carmen, Camp., N. 18°40'05", W. 91°49'30".	250	ND-*175*	U	III	*204*	*120*	*204*	
		980 kHz							
XEQO (*in operation*)	Cosamaloapan, Ver., N. 18°20'37", W. 95°47'49".	5000	ND-D-197 DA-N	U	III	315	120	328	
		990 kHz							
XEUM (*in operation*)	Valladolid, Yuc., *N. 20°40'40", W. 88°12'34".*	*1000D/250N*	ND-*190*	U	II	*249*	*120*	*249*	
		1000 kHz							
XEMV (under construction)	Matamoros, Tams., N. 22°52'45", W. 97°31'09".	500	DA-D	D	II				12-30-76
		1010 kHz							
XEEO (under construction)	Chihuahua, Chih., N. 28°38'12", W. 106°04'42".	1000	ND-190	D	II	244	120	244	3-31-76
		1060 kHz							
(New) (under construction)	Chetumal, Q.R.	1000	ND-*190*	D	II	*241*	*120*	*241*	12-30-76
		1070 kHz							
XEKH (under construction)	Queretaro, Qro., N. 20°35'36", W. 100°23'11".	500	ND-190	D	II	241	120	241	12-20-76
		1080 kHz							
(New) (under construction)	Oaxaca, Oax., N. 17°03'43", W. 96°-43'18".	2000	ND-190	D	II				3-31-76
		1030 kHz							
(New) (under construction)	Acapulco, Gro.	1500	ND-190	D	II				4- 3-76
		1040 kHz							
(New) (under construction)	Colima, Col., N. 19°14'29", W. 103°-43'47".	250	ND-190	D	II				3-31-76
		1040 kHz							
(New) (previously on 870 kHz).	Salamanca, Gto., N. 20°34'22", W. 101°11'39".	1000	ND-196	D	II	237	120	237	
		1040 kHz							
(New) (under construction)	Tlaxiaco, Oax., N. 17°15'59", W. 97°-40'58".	1500	ND-175	D	II	237	120	237	12-31-76
		1070 kHz							
(New) (under construction)	Tuxtepec, Ver.	1 kW	ND	D	II				12-31-76
		1070 kHz							
(New)	Zihuatanejo, Gro.	2 kW	ND	D	II				12-31-76
		1070 kHz							
(New) (under construction)	San Luis Potosi, S.L.P., N. 22°09'10", W. 100°58'38".	250	ND-190	D	II				3-31-76
		1080 kHz							
XFDT (under construction)	Cd. Cuauhtemoc, Chih., *N. 28°24'48", W. 106°55'24".*	1000	ND-190	D	II	228	120	228	12-31-76
		1080 kHz							
XEXK (*in operation*)	Poza Rica, Ver., N. 20°32'05", W. 97°28'29".	*500*	ND-*175*	D	I-B	*197*	*90*	*194*	
		1080 kHz							
(New) (under construction)	Xicotencatl, Tams., N. 22°50'48", W. 98°56'35".	1000D	ND-176	D	II	228	90	228	12-31-76
		1080 kHz							
(New) (under construction)	Cancun, Q.R.	500	ND-175	D	II				3-31-76
		1080 kHz							
(New) (under construction)	Aguascalientes, Ags., N. 21°52'43", W. 102°18'04".	250	ND-175	D	II				3-31-76
		1090 kHz							
XEHR (In operation)	Puebla, Pue., N. 19°03'30", W. 98°-11'48".	500D/250N	ND-192	U	II	240	120	246	
		1090 kHz							
XEPRS (In operation)	Rosarito, B.C., N. 32°21'10", W. 117° 03'40".	50,000	DA-N *ND-272*	U	I-B	*250*	*120*	*250*	
		1100 kHz							
(New)	Valladolid, Yuc., N. 20°41'24", W. 88°12'23".	2000D	ND-175	D	II	224	90	224	12-31-76
		1100 kHz							
(New) (under construction)	Naranjos, Ver.	250	ND	D	II				12-31-76
		1110 kHz							
XEJAC (*PO 1 kW-D*) (in operation).	Cardenas, Tab., N. 17°59'26", W. 93°12'02".	1000D/*100N*	ND-190	U	II	221	120	221	
		1110 kHz							
(New) (under construction)	Pto. Vallarta, Jal.	1000D	ND-*178*	D	II	*222*	*90*	*222*	12-30-76
		1110 kHz							
(New) (under construction)	Alamo, Ver.	250	ND	D	II				12-30-76
		1110 kHz							
XEES (under construction)	Chihuahua, Chih., N. 28°38'12", W. 106°04'42".	1000	ND-190	D	II	221	120	221	12-31-76
		1120 kHz							
XEGV (under construction)	Villa Del, Pueblito, Qro., N. 20°20' 15", W. 100°30'30".	500	ND-190	D	II	220	120	220	3-31-76

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		1180 kHz							
(New) (under construction)...	Melchor Ocampo de Balsas, Mich....	500	ND-190	D	II	220	120	220	3-31-76
		1180 kHz							
(New) (under construction)2..	Cancun, T. Q.R.	250	ND-175	D	II	C			3-31-76
		1180 kHz							
(New) (under construction)...	Caborca, Son., N. 30°41'50", W. 112°-09'29".	250	ND-190	D	II	220	120	220	3-31-76
		1180 kHz							
XEKA (under construction)..	Cd. Cuauhtemoc, Chih., N. 28°24'42", W. 106°52'24".	1000D	ND-190	D	II	218	120	218	11-30-76
		1190 kHz							
XEHN (*in operation*).....	Nogales, Son., N. 31°17'52", W. 110°-57'34".	1000	ND-175	D	II	317	120	197	
		1190 kHz							
(New) (under construction)...	Chilpancingo, Gro., N. 17°33'10", W. 99°30'03".	1000	ND-190	D	II	218	120	218	3-31-76
		1140 kHz							
(New).....	Ixmiquilpan, Hgo., N. 20°29'04", W. 99°13'05".	250D	ND-175	D	II	173	120	173	12-30-76
		1140 kHz							
XEWI (under construction)..	Tuxpan, Jal., N. 19°32'24", W. 103°29'-24".	3000D	ND-D-175	D	II	168	120	166	12-30-76
		1150 kHz							
XEAD (*PO 0.5 kWD/0.125 kWN*) (*in operation*).	Guadalajara, Jal., N. 20°39'44", W. 103°23'47".	1000D/125N	ND-175	U	III	197	90	180	
		1150 kHz							
(New) (under construction—*previously XEWY, Alamo, Ver.*).	Tuxpan, Ver., N. 20°57'18", W. 97°23'-59".	250D	ND-190	D	III	214	120	214	12-30-76
		1160 kHz							
(New).....	Tehuantepec, Oax., N. 16°19'52", W. 95°13'46".	1500D	ND-175	D	II	212	90	212	12-30-76
		1170 kHz							
XEIB (under construction—*previously XEVO*).	Caborca, Son.	250	ND	D	II				12-30-76
		1170 kHz							
XEYL (*previously XEQV, Arcelia, Gro.*).	Iguala, Gro., N. 18°21'01", W. 99°32'-24".	50000D/10000N	DA-2	U	II				
		1170 kHz							
XEEU (under construction)...	Papantla, Ver., N. 20°26'53", W. 97°-19'07".	250	ND-190	D	II	210	120	210	12-31-76
		1180 kHz							
(New).....	Cancun, Q.R., N. 21°04'52", W. 86°46'-18".	1000D	ND-175	D	II	208	120	208	12-31-76
		1190 kHz							
XECT (*in operation*).....	Monterrey, N.L., N. 25°41'10", W. 100°18'07".	500	ND-175	D	II	807	120	807	
		1190 kHz							
(New) (under construction)....	Tampico, Tams., N. 22°13'00", W. 97°51'19".	5000	ND	D	II				3-31-76
		1190 kHz							
XEGJ (under construction)....	Arriaga, Chis., N. 16°10'46", W. 93°-53'32".	250	ND-190	D	II	207	120	207	3-31-76
		1200 kHz							
XEITC (under construction)..	Celaya, Gto., N. 20°32'20", W. 100°49'-05".	250D	ND-175	D	II	205	90	185	12-31-76
		1200 kHz							
(New) (under construction)....	Culiacan, Sin., N. 24°48'36", W. 107°-23'57".	1000	ND-190	D	II				3-31-76
		1200 kHz							
(New) (under construction)....	Hermosillo, Son., N. 29°04'29", W. 110°-57'30".	1000	ND-190	D	II				3-31-76
		1200 kHz							
(New) (under construction)....	Comalcalco, Tab., N. 18°15'54", W. 93°13'07".	250	ND-190	D	II	205	120	205	3-31-76
		1240 kHz							
XEPC (under construction)....	Zacatecas, Zac., N. 22°46'30", W. 102°-04'45".	1000D/150N	ND-175	U	IV	179	90	179	12-30-76
		1240 kHz							
XERAA (under construction)..	Atoyac de Alvarez, Gro.	500D/250N	ND	U	IV				3-31-76
		1260 kHz							
XESC (*PO 1 kWD*) (in operation).	Sabinas, Coah., N. 27°51'13", W. 101°06'34".	1000	ND-175	U	III	177	90	177	
		1250 kHz							
XESN (under construction)..	Caborca, Son., N. 30°43'08", W. 112°05'00".	500D	ND-190	D	III	197	120	197	12-30-76
		1250 kHz							
(New) (under construction)....	Puruandiro, Mich., N. 20°05'21", W. 101°30'59".	250	ND-175	D	III				3-31-76
		1250 kHz							
(New) (*previously XESIN*)...	Culiacan, Sin.	5000D/500N	ND	U	III				
		1260 kHz							
(New) (under construction)....	Puerto Vallarta, Jal., N. 20°36'50", W. 105°14'42".	500	ND-175	D	III	174	90	174	3-31-76
		1260 kHz							
(New) (under construction)....	Naolingo, Ver., N. 19°39'15", W. 96°51'51".	250	ND-175	D	III	177	90	177	3-31-76
		1270 kHz							
XERPL (in operation).....	Leon, Gto., N. 21°04'33", W. 101°-46'44".	1000D/150N	DA-D	U	III	197	90	197	
		1270 kHz							
XERRT.....	Cd. Madero, Tams., N. 22°14'39", W. 97°50'10".	5000D	DA	D	III				

Call letters	Location	Power watts	Antenna radiation mv/m/km	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		1270 kHz							
(New)	Uman, Yuc., N. 20°52'30", W. 89°44'-00".	2500/500	ND-190	U	III	194	120	194	12-31-76
		1280 kHz							
(New)	Guerrero Negro, B.C.	500	ND-175	D	III	174	90	174	3-31-76
		1280 kHz							
XELK	Zacatecas, Zac., N. 22°46'30", W. 102°-34'45".	0.25D/0.25N	ND-181.5	U	III	187	90	184	3-1-76
		1580 kHz							
XEEG	Panzacola, Tlax. N. 19°08'30", W. 98°-12'00".	1000D/250N	DA-2	U	III				6-26-76
		1300 kHz							
XEDG (under construction)	Tuxtla, Gutierrez, Chis., N. 16°45'20", W. 93°06'46".	1000	ND-175	D	III	*194*	*90*	*194*	12-31-76
		1300 kHz							
(New)	Buenaventura, Coah., N. 27°03'30", W. 101°33'10".	1000	ND-175	D	III	189	90	189	12-31-76
		1510 kHz							
(New) (under construction)	La Paz, B.C., N. 24°09'41", W. 110°-20'44".	10,000	ND-190	D	III	*188*	*180*	*188*	12-21-76
		1510 kHz							
(New) (under construction)	Villa de la Corregidora, Qro., N. 20°-08'10", W. 100°08'30".	1000	ND-175	D	III	167	90	167	3-31-76
		1520 kHz							
XECMQ (in operation)	Mexico, D.F., N. 19°28'50", W. 99°12'-05".	10,000D/*1000N*	ND-186	U	III	184	90	171	
		1520 kHz							
XEUAS (*PO 5 kWD*) (in operation).	Culiacan, Sin., N. 24°48'34", W. 107°-23'58".	5000D/1000N	DA-N ND-190	U	III	185	120	185	
		1530 kHz							
XEEV (under construction)	Irazar de Matamoros, Tue., N. 18°37'-04", W. 98°27'58".	500	ND-175	D	III	112	120	112	3-31-76
		1530 kHz							
(New) (under construction)	Manzanillo, Col., N. 19°03'15", W. 104°19'46".	500	ND-175	D	III				3-31-76
		1540 kHz							
XEPX (under construction)	Puerto Angel, Oax., N. 15°39'24", W. 96°29'35".	500D/200N	ND-175	U	IV	165	90	165	11-31-76
		1540 kHz							
XECI (*PO 0.5 kW, U*) (in operation).	Acapulco, Gro., N. 16°51'03", W. 99°-54'22".	1000D/250N	ND-158.5	U	IV	131	90	131	
		1540 kHz							
XEBCC (under construction)	Cd. Del Carmen, Camp.	250	ND	U	IV				12-31-76
		1540 kHz							
XEYR (under construction)	Teapa, Tab., N. 17°33'14", W. 92°57'-12".	*500D/150N*	ND	U	IV				3-31-76
		1540 kHz							
XEZE (under construction)	Santiago Ixcuintla, Nay.	*500D/500N*	ND	U	IV				3-31-76
		1560 kHz							
XEXM (under construction)	Jerez, Zac., N. 22°38'51", W. 102°59'48".	1000D/100N	ND-190	U	III	180	120	180	3-31-76
		1560 kHz							
(New) (under construction)	Tampico, Tams., N. 22°13'00", W. 97°51'19".	5000D/250N	DA-2	U	III				3-31-76
		1570 kHz							
XESV (under construction)	Morelia, Mich., N. 19°42'16", W. 101°11'30".	500	ND-175	D	III				3-31-76
		1580 kHz							
(New) (under construction)	Atoyac de Alvarez, Gro.	5000	ND-190	D	III	178	120	178	12-31-76
		1580 kHz							
XESMR (under construction)	San Luis Potosi, S.L.P., N. 22°09'10", W. 100°58'38".	1000	ND-*175*	D	III	*197*	*180*	*197*	11-31-76
		1580 kHz							
XEVD (under construction)	Cd. Allende, Coah., N. 28°20'36", W. 100°51'06".	500D/100N	ND-170	U	III				3-31-76
		1580 kHz							
XETP (under construction)	Naolinco, Ver., N. 19°39'15", W. 96°51'51".	250	ND-190	D	III	178	120	178	3-31-76
		1590 kHz							
(New)	Ixmiquilpan, Hgo., N. 20°29'04", W. 99°13'05".	500	ND-175	D	III	177	90	177	12-31-76
		1590 kHz							
XEXO (in operation)	Cd. Mante, Tams., N. 22°42'49", W. 98°58'35".	5000D/100N	ND-*178*	U	III	*180*	*90*	*180*	
		1590 kHz							
(New) (under construction)	Tehuacan, Pue., N. 18°27'51", W. 97°23'20".	250	ND-190	D	III	177	120	177	3-31-76
		1590 kHz							
(New) (under construction)	Guamuchil, Sin.	1000D/100N	ND-190	U	III	177	120	177	3-31-76
		1400 kHz							
XEVI (*PO 0.5 KWD/0.5kWN*) (in operation).	San Juan Del Rio, Qro., N. 20°23'15", W. 100°00'00".	1000D/200N	ND-162	U	IV	128	100	128	
		1400 kHz							
XEWU (in operation)	Matehuala, S.L.P., N. 23°38'47", W. 100°38'52".	2501/200N	ND-171	U	IV	*176*	90	148	
		1400 kHz							
XEIH (in operation)	Fresnillo, Zac., N. 23°11'25", W. 102°-52'56".	*800D/250N*	ND-150	U	IV	109	90	109	
		1400 kHz							
XEARO (under construction) (in operation).	Nueva Rosita, Coah.	1000D/250N	ND	U	IV				

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		1470 kHz							
XEOJ (under construction)	Melchor Ocampo, Mich	1000D/100N	ND-175	U	IV				3-31-76
		1490 kHz							
(New) (under construction)	Tlapacoyan, Ver., N. 19°58'13", W. 97°12'36".	250	ND-150	D	IV	107	90	107	3-31-76
		1490 kHz							
XEFS (under construction)	Izucar de Matamoros, Pue., N. 18°36'-22", W. 98°27'32".	250	ND-150	D	IV	105	90	105	3-31-76
		1410 kHz							
XEIR (under construction)	Cd. Valles, S.L.P., N. 21°59'04", W. 99°00'58".	1000	ND-190	D	III	174	120	174	11-31-76
		1410 kHz							
XETAB (in operation)	Villahermosa, Tab., N. 18°00'31", W. 92°53'34".	5000D/500N	ND-175	U	III	213	90	157	
		1410 kHz							
XERFC (under construction).	Cordoba, Ver., N. 18°53'34", W. 96°-55'52".	500	ND-175	D	III	157	90	157	12-30-76
XEYD (*in operation*)	Francisco I. Madero, Coah., N. 25°-45'50", W. 103°16'50".	1000D/100N	ND-175	U	III	174	120	174	
		1410 kHz							
(New) (under construction)	Zihuatanejo, Gro., N. 17°38'14", W. 101°33'48".	500	ND-175	D	III				3-31-76
		1410 kHz							
XEMD (under construction)	Cd. Victoria, Tams., N. 23°44'06", W. 99°07'51".	1000D/150N	ND-190	U	III	174	120	174	4-30-76
		1480 kHz							
XEEY (under construction)	Jalpa, Zac., N. 21°39'50", W. 103°01'32".	250	ND-190	D	III	173	120	173	3-31-76
		1420 kHz							
(New) (under construction)	San Jose Del Cabo, T. B.C., N. 23°-04'08", W. 109°40'36".	250D/250N	ND-175	U	III	156	90	156	3-31-76
		1430 kHz							
(New)	Colima, Col	1500D/100N	ND-175	U	III				11-30-76
		1450 kHz							
XETI (in operation)	Temposal, Ver., N. 21°31'00", W. 98°22'00".	*1000D*	ND-184	D	III	172	90	172	
		1430 kHz							
(New) (under construction)	Rio Verde, S.L.P	250	ND-190	D	III	172	120	172	12-30-76
		1430 kHz							
(New) (under construction)	San Cristobal Las Casas, Chis	300D/200N	ND-190	U	III	172	120	172	12-30-76
		1440 kHz							
(New) (under construction)	Uruapan, Mich., N. 19°24'56", W. 102°03'46".	5000D	ND-190	D	III	171	120	171	12-30-76
		1440 kHz							
XEOB (under construction)	Pichucalco, Chis., N. 17°31'46", W. 93°07'24".	1000D/150N	ND	U	III				3-31-76
		1440 kHz							
XEAI (change in call letters, previously XELZ) (in operation).	Mexico, D.F., N. 19°24'10", W. 99°06'-08".	5000D/1000N	ND-184	U	III	171	90	171	
		1450 kHz							
XEPS (under construction)	Empalme, Son., *N. 27°55'30", W. 110°-54'00".*	250D/250N	ND-179	U	IV	*197*	*120*	*197*	12-31-76
		1450 kHz							
XEGU (under construction)	El Fuerte, Sin., N. 26°25'14", W. 108°-39'00".	1000D/250N	ND-190	U	IV	170	120	179	12-31-76
		1450 kHz							
XEZC (see assignment on 710 kHz).	Rio Grande, Zac., N. 23°52'30", W. 103°02'00".	500D/250N	ND-165	U	IV	154	90	115	
		1480 kHz							
XEIE (under construction)	Matehuala, S.L.P., N. 23°38'41", W. 100°38'28".	1000	ND	D	IV				3-31-76
		1450 kHz							
XESS (in operation)	Ensenada, B.C., N. 31°52'52", W. 116°-35'58".	1000D/200N	ND-183	U	IV	164	120	164	
		1480 kHz							
XEHM (*in operation*)	Cd. Delicias, Chih., N. 28°11'00", W. 105°27'30".	1000	ND-191.5	D	III	174	120	174	
		1480 kHz							
(New) (under construction)	Rio Blanco, Ver	250	ND-150	D	III	100	90	100	3-31-76
		1480 kHz							
(New) (under construction)	Uruapan, Mich., N. 19°24'56", W. 102°03'46".	500	ND-190	D	III	166	120	166	3-31-76
		1490 kHz							
XEQT (in operation)	Zamora, Mich., N. 19°58'23", W. 102°17'50".	1000D/250N	ND-235.5	U	IV	358	120	328	
		1490 kHz							
(New) (under construction)	Cd. Cuauhtemoc, Chih	1000D/100N	ND-175	U	IV	140	90	149	3-31-76
		1490 kHz							
(New) (under construction)	Benjamin Hill, Son	500D/100N	ND-175	U	IV	149	90	149	3-31-76
		1490 kHz							
XEPOP (under construction)	Puebla, Pue., *N. 19°03'04", W. 98°12'09"*	250	ND-175	U	IV	148	90	148	3-31-76
		1510 kHz							
(New) (under construction)	Puerto Vallarta, Jal., N. 20°36'56", W. 105°14'42".	500	ND-175	D	II				3-31-76
		1580 kHz							
XESZ (under construction)	Cholula, Pue., N. 19°03'45", W. 98°-18'15".	250	ND-160	D	II				3-31-76

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground System: Number of radials	Ground System: Length (feet)	Proposed date of change or commencement of operation
		1530 kHz							
XECGP (under construction)	Morelia, Mich., N. 19°42'16", W. 101°11'30".	500	ND	D	II				3-31-76
		1530 kHz							
(New) (under construction)	Guadalajara, Jal., N. 20°40'32", W. 103°23'09".	1000	ND-175	D	II				3-31-76
		1530 kHz							
XEGQ (under construction)	Los Reyes, Mich., N. 19°35'00", W. 102°28'00".	500	ND-190	D	II	161	120	161	3-31-76
		1540 kHz							
(New) (under construction)	Matehuala, S.L.P., N. 23°38'47", W. 100°38'32".	1000	ND	D	II				12-31-76
		1540 kHz							
(New) (under construction)	Panuco, Ver.	3000	ND-175	D	II	160	90	160	12-31-76
		1540 kHz							
(New) (under construction)	Durango, Dgo.	250	ND	D	II				12-31-76
		1540 kHz							
(New) (under construction)	Cd. Delicias, Chih.	1000	ND	D	II				12-31-76
		1540 kHz							
(New) (under construction)	Santa Catarina, N.L.	5000	ND	D	II				3-31-76
		1540 kHz							
(New) (under construction)	Villahermosa, Tab., N. 17°59'15", W. 92°55'00".	500	ND-175	D	II				3-31-76
		1540 kHz							
(New) (under construction)	Coahuayana, Mich., N. 18°45'09", W. 103°40'30".	500	ND-190	D	II				3-31-76
		1540 kHz							
XEAVR (under construction)	Alvarado, Ver., N. 18°46'14", W. 95°45'56".	5000D/1000N	ND-D DA-N	U	II				4-30-76
		1540 kHz							
XEEN (under construction)	Chetumal, Q.R., N. 18°29'39", W. 88°17'56".	250	ND-190	D	II	160	120	160	3-31-76
		1540 kHz							
(New) (under construction)	Poza Rica, Ver.	1000	ND-190	D	II	160	120	160	12-31-76
		1550 kHz							
(New) (under construction—previously at Tonala, Jal.).	Zapopan, Jal.	500	ND-190	D	II	159	120	159	12-31-76
		1550 kHz							
(New)	Los Mochis, Sin., N. 25°47'00", W. 109°00'00".	10,000	ND-190	D	II	143	120	143	12-31-76
		1560 kHz							
(New) (under construction)	Guaymas, Son.	250	ND	D	II				
		1560 kHz							
XEHA (under construction)	Progreso, Yuc., N. 21°18'00", W. 89°39'39".	1000	ND-190	D	II	157	120	157	12-31-76
		1560 kHz							
XEDD (In operation)	Montemorelos, N.L., N. 25°11'39", W. 99°49'31".	500	ND-175	D	II	161	120	157	
		1560 kHz							
XEZW (under construction)	Cerritos, S.L.P., N. 22°24'55", W. 100°16'51".	500	ND-190	D	II	157	120	157	3-31-76
		1560 kHz							
(New) (under construction)	Arandas, Jal.	250	ND-190	D	II	158	120	158	3-31-76
		1580 kHz							
XEFP (In operation)	Jalpa, Zac., N. 21°39'37", W. 102°56'46".	1000D/250N	ND-190	U	II	156	120	156	
		1580 kHz							
XEUY (under construction)	Las Choapas, Ver., N. 17°55'55", W. 94°05'13".	250D/100N	ND-175	U	II	164	120	164	12-31-76
		1580 kHz							
(New) (under construction)	Valle de Bravo, Mex.	250	ND-175	D	II				4-30-76
		1590 kHz							
(New) (under construction)	Ensenada, B.C., N. 31°51'10", W. 116°38'09".	1000D/1000N	ND-175	U	III	197	120	197	12-31-76
		1590 kHz							
(New) (under construction)	Irapuato, Gto., N. 20°40'28", W. 101°20'51".	250	ND	D	III				3-31-76
		1590 kHz							
(New) (under construction)	Pihuamo, Jal.	500	ND-175	D	III	139	90	139	3-31-76
		1590 kHz							
XEKC (under construction)	Mexicali, B.C., N. 32°40'00", W. 115°27'00".	10,000	ND-175	D	III	148	80	148	12-31-76
		1600 kHz							
(New) (under construction)	Zihuatanejo, Gro., N. 17°38'14", W. 101°33'48".	500D/250N	ND-175	U	III	157	120	157	12-31-76
		1600 kHz							
XERTP (In operation)	S. Martin Texmelucan, Pue., N. 19°16'36", W. 98°24'19".	500	ND-175	D	III	138	90	138	
		1600 kHz							
(New) (under construction—previously XEACG).	Acapulco, Gro., N. 16°50'21", W. 99°55'01".	500N/500D	ND-175	U	III	213	120	213	12-31-76
		1600 kHz							
(New) (under construction)	Torreon, Coah., N. 25°32'18", W. 103°27'55".	1000	ND-190	D	III				3-31-76
		1600 kHz							
(New) (under construction)	Poza Rica, Ver.	1000	ND-190	D	III	154	120	154	3-31-76

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau Federal Communications Commission.

[FR Doc.75-25132 Filed 9-22-75;8:45 am]

FEDERAL MARITIME COMMISSION

PORT AUTHORITY OF NEW YORK AND NEW JERSEY AND ECUADORIAN LINE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 13, 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. Albert B. Dearden, Deputy Chief, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

Agreement No. T-3158, between the Port Authority of New York and New Jersey (Port) and Ecuadorian Line, Inc., (ELI), provides for the 8-year lease to ELI of certain premises at Port Newark, New Jersey, to be used as a marine terminal facility. As compensation for the use of the facility, ELI shall pay Port an annual rental of $100,000, with provisions for increasing the rental throughout the term of the lease.

By Order of the Federal Maritime Commission.

Dated: September 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25323 Filed 9-22-75;8:45 am]

PORT OF SEATTLE AND SHELL OIL CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before October 13, 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:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-3154, between the Port of Seattle (Port) and Shell Oil Company (Shell), provides for the 1-year preferential berth assignment by the Port to Shell of up to one thousand (1,000) lineal feet of ship berth at Port's Terminals 18, 19, and 20, Seattle, Washington. The premises are to be used by Shell for loading and unloading petroleum products into and from tankers, barges, and other vessels and for fueling ferries owned by the State of Washington, and other vessels. As compensation, Port is to receive all tariff charges assessed pursuant to the Port's published tariff rates in effect at the time of each use, but dockage shall not be assessed against ferries owned by the State of Washington.

By Order of the Federal Maritime Commission.

Dated: September 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25322 Filed 9-22-75;8:45 am]

TAMPA PORT AUTHORITY AND ELLER & CO. INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 13, 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:

Cuy N. Verger, Port Director, Tampa Port Authority, P.O. Box 2192, Tampa, Florida 33601.

Agreement No. T-3078-1, between the Tampa Port Authority (Port) and Eller & Company, Inc., (Eller), modifies the parties' basic agreement which provides for the 25-year lease to Eller of approximately 8.7 acres of land and 100 feet of public dock area located at the Holland Terminal Area, Tampa, Florida. The purpose of the modification is to provide for a Supplemental Facilities Lease to secure special purpose bonding for Eller to construct a warehouse on the leased premises, as provided for in the basic agreement. To finance the construction of the new facility, the Port shall enter into a Trust Indenture to provide for the issuance of Special Purpose Revenue Bonds in the aggregate principal amount of not exceeding $2,000,000. As compensation for the additional facilities, Eller shall pay a rental amount equal to the sum of (1) the principal and interest becoming due on the Bonds, (2) the premium and Amortization Requirement, if any, with respect to the Bonds under the Indenture which is required to be paid for the redemption of any Bonds, and (3) an amount sufficient to maintain in the Debt Service Reserve Fund created by the Indenture an amount equal to the maximum amount of principal of and interest on the Bonds and the Amortization Requirement and redemption premium applicable thereto, if any, coming due in any ensuing fiscal year of the Port. In addition, the Port shall construct 600 feet of docks, berthing space and apron area adjacent to the

North of Berth No. 3, to be known as Berth No. 2, at Holland Terminal. This modification cancels Addendum V to the basic agreement.

By Order of the Federal Maritime Commission.

Dated: September 18, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-25324 Filed 9-22-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI75-126]

AMERICAN PETROFINA COMPANY OF TEXAS

Order Granting Petition for Special Relief

SEPTEMBER 15, 1975.

On April 4, 1975, American Petrofina Company of Texas (American Petrofina) filed a petition for special relief pursuant to § 2.76[1] of the Commission's General Policy and Interpretations for a sale of natural gas to Northern Natural Gas Company (Northern) made under its FPC Gas Rate Schedule No. 39 from the Baggett No. 1 "C" Well located in the Hunt-Baggett Field, Crockett County, Texas.

American Petrofina is currently selling natural gas to Northern at a rate of 17.06 cents per Mcf at 14.65 psia pursuant to a contract dated July 19, 1961, in which American Petrofina is a successor in interest to Cosden Petroleum Corporation. It avers that this rate is inadequate inasmuch as reworking and stimulation operations are necessary to promote continued production and prevent premature abandonment. As a result, on September 18, 1974, American Petrofina and Northern negotiated an amendatory agreement providing for a rate of 35 cents per Mcf plus 1.0 cent annual escalation.[2]

Notice of the petition was issued on April 17, 1975, and appeared in the FEDERAL REGISTER on April 24, 1975, at 40 FR 18038. A timely petition to intervene was filed by Northern on April 28, 1975, in support of American Petrofina's petition.

Staff has reviewed the cost data submitted by American Petrofina and has made an extensive field audit of American Petrofina's books and records. Based thereon Staff estimates that 858,073 Mcf of reserves remain to be produced over a period of 18 years and concludes that the proposed rate is justified. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant American Petrofina's petition.[3]

The Commission finds:

The petition for special relief filed by American Petrofina meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders:

(A) For the above-stated reasons, the petition for special relief of American Petrofina is hereby granted. American Petrofina is authorized to charge and collect from Northern a total rate of 35 cents per Mcf at 14.65 psia, for gas from the Baggett No. 1 "C" Well effective upon the date of completion of the remedial work to the satisfaction of the purchaser. This acceptance is contingent upon American Petrofina's filing:

1. A notification signed by Northern that the proposed remedial work on the subject well has been successfully completed and,

2. An appropriate rate change filing pursuant to § 154.94(f) of the Commission's Regulations.

(B) American Petrofina's September 18, 1974 contract amendment with Northern is accepted as Supplement No. 7, to American Petrofina's, FPC Gas Rate Schedule No. 39.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25252 Filed 9-22-75;8:45 am]

[Docket No. ER76-80]

BOSTON EDISON CO.

Extension of Time

SEPTEMBER 15, 1975.

On September 10, 1975, the Towns of Concord, Norwood, and Wellesley, Massachusetts, filed a motion to extend the time within which to file petitions to intervene in the above-indicated proceeding.

Notice is hereby given that the time within which to file petitions to intervene in the above-designated proceeding is extended from September 16, 1975, to and including September 19, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25253 Filed 9-22-75;8:45 am]

[Docket No. ER76-98]

BOSTON EDISON CO.

Filing of Notice of Termination

SEPTEMBER 16, 1975.

Take notice that Boston Edison Company (Edison), on September 2, 1975, tendered for filing a Notice of Termination of its Rate Schedule FPC No. 56 with Vermont Electric Power Company, Inc. (VELCO). That rate schedule terminates by its own terms on October 1, 1975. Edison requests that the Notice of Termination be permitted to become effective on September 1, 1975.

The filing indicates that a copy of the Notice of Termination was served upon VELCO.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 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.75-25256 Filed 9-22-75;8:45 am]

[Docket No. RP75-114]

EAST TENNESSEE NATURAL GAS CO.

Order Granting Interventions

SEPTEMBER 16, 1975.

On June 30, 1975, the East Tennessee Natural Gas Company (East Tennessee) tendered for filing revised tariff sheets to the Sixth Revised Volume No. 1 of its FPC Gas Tariff. Notice of East Tennessee's filing was issued by the Commission on July 9, 1975, with protests and petitions to intervene due on or before July 23, 1975.

A timely protest and petition to intervene was filed by Chattanooga Gas Company. An untimely notice of intervention was filed by the Tennessee Public Service Commission. Having reviewed the above petition and notice to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds:

It is desirable and in the public interest to allow the above-named petitioners to intervene.

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 interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25257 Filed 9-22-75;8:45 am]

[1] 18 CFR 2.76.

[2] The rate sought by American Petrofina does not reflect any increase in tax liability resulting from repeal of the percentage depletion allowance by the Tax Reduction Act of 1975.

[3] The Commission's action in approving American Petrofina's petition for special relief constitutes acceptance only of the 35 cents per Mcf contract rate. Subsequent filings must be submitted to the Commission before any future contractually due rates may be collected.

[Docket Nos. CI75-319 et al.]

GETTY OIL CO. ET AL.

Further Rescheduling of Procedural Dates and Consolidation

SEPTEMBER 12, 1975.

	Docket No.
Getty Oil Company	CI75-319
Atlantic Richfield Company	CI75-411
Continental Oil Company	CI75-493
Getty Oil Company	CI75-516
Cities Service Oil Company	CI75-558
Texaco Inc.	CI75-614
Tenneco Oil Company	CI75-746
Tenneco Oil Company	CI75-747
Tenneco Exploration, Ltd.	CI75-748
Atlantic Richfield Company	CI76-651
Continental Oil Company	CI75-761
Getty Oil Company	CI75-769
Atlantic Richfield Company	CI76-2
Cities Service Oil Company	CI76-18
Continental Oil Company	CI76-41
Cities Service Oil Company	CI76-58
Michigan Wisconsin Pipe Line Company.	CP69-249, CP70-163, CP73-65

Notice is hereby given that the Commission has issued the following orders consolidating proceedings for hearing and decision and setting dates for submittal of prepared evidence:

Lead name	Lead docket	Date of order
Getty Oil Co.	CI75-319	June 3, 1975
Marathon Oil Co.	CI75-641	July 24, 1975
Trunkline Gas Co.	CP75-273	Aug. 15, 1975
Getty Oil Co.	CI75-516	Sept. 9, 1975
Getty Oil Co. et al.	CI75-319 et al.	Sept. 10, 1975

Take further notice that due to inconsistent scheduling dates and other orders and notices issued, the following dates are established herewith for all procedures in all of the above consolidated dockets:

Service of Testimony, October 27, 1975.
Hearing, November 18, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25251 Filed 9-22-75;8:45 am]

[Docket No. RP73-8, PGA76-1]

NORTH PENN GAS CO.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 16, 1975.

Take notice that North Penn Gas Company (North Penn) on September 10, 1975, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA clause for rates to be effective October 1, 1975. The proposed rate change will increase jurisdictional revenues based on the twelve-month period ending July 31, 1975, by $198.3 Thousand annually.

North Penn states that the PGA filing was triggered by a PGA increase filed by Consolidated Gas Supply Corporation on September 2, 1975, to become effective October 1, 1975.

Additionally, the proposed rates reflect a general rate increase from Transcontinental Gas Pipe Line Corporation (Transco) to become effective October 1, 1975, which may be subject to adjustment. North Penn has reflected herein only the rates included in Transco's original filing at Docket No. RP75-75. In the event that Transco's rates are adjusted, North Penn proposes to reflect any deficiency or excess collections in its deferred account. This will permit North Penn's customers to make timely filings with their state commissions.

North Penn is requesting a waiver of the 45-day notice requirement contained in its PGA clause since it did not receive its suppliers' revised rates in sufficient time to make a timely filing and further asks for a waiver of any other of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on October 1, 1975.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 29, 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.75-25258 Filed 9-22-75;8:45 am]

[Docket No. CP75-333]

NORTHERN NATURAL GAS CO.

Extension of Time

SEPTEMBER 15, 1975.

On September 12, 1975, Northern Natural Gas Company filed a request to extend its date to file testimony, set by order issued September 3, 1975, in the above-designated proceeding.

Notice is hereby given that the date on which Northern Natural Gas Company must file testimony in the above-indicated proceeding is extended to and including September 26, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25254 Filed 9-22-75;8:45 am]

[Docket No. ER 76-94]

NORTHERN STATES POWER CO.

Notice of Agreement

SEPTEMBER 16, 1975.

Take notice that on August 28, 1974, Northern States Power Company (Wisconsin) (NSP) tendered for filing a copy of an Agreement between NSP and the City of New Richmond, Wisconsin executed on October 8, 1973. This agreement supersedes NSP's Rate Schedule FPC No. 48 Supplement No. 3 dated April 16, 1968.

NSP states that this Agreement results from an order of the Wisconsin Public Service Commission requiring a new interconnection and sale of power agreement between the parties prior to a change of delivery voltage to New Richmond. Because of construction delays, NSP requests that an effective date of August 20, 1975, be given to this Agreement, but that the term of the Agreement be based on the October 1, 1974 date set forth in the Agreement.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 19, 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 interevene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25259 Filed 9-22-75;8:45 am]

[Docket Nos. ER76-105, and E-7645]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Filing New Service Agreements

SEPTEMBER 16, 1975.

Take notice that on August 29, 1975, the Public Service Company of Indiana, Inc. (Indiana) tendered for filing copies of new service agreements executed under the provisions of the Company's FPC Electric Tariff Original Volume Nos. 1 and 2.

Indiana states that this filing is in full accord with the Commission's Regulations and the Commission's order of October 17, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-25260 Filed 9-22-75;8:45 am]

[Project No. 344]

SOUTHERN CALIFORNIA EDISON CO.

Order Deferring Hearing and Suspending Procedural Dates Pending Further Order

SEPTEMBER 15, 1975.

Southern California Edison Company (Edison), on April 20, 1970, filed an application for a new license for San Gorgonio Project No. 344 situated in San Bernardino and Riverside Counties, California, on the Whitewater and San Gorgonio Rivers. The Agua Caliente Band of Mission Indians (Band), on July 19, 1971, filed a petition to intervene asserting, among other matters, that a new license to Edison would have an adverse impact on the Band's claimed water rights, and we permitted intervention by order issued August 16, 1971, because it appeared that the Band's claim could be relevant to this agency's possible recommendation to Congress pursuant to Section 7(c) of the Federal Power Act that the United States take over the project. Thereafter, Edison's license for Project No. 344 expired on April 26, 1973, but Edison is continuing to operate the project under successive annual licenses pursuant to Section 15(a) of the Federal Power Act.

The Department of the Interior, by letter dated March 21, 1974, expressed its opinion that the Band possesses water rights which, although not yet adjudicated or quantified, have priority over the present non-Indian uses of the water in the San Gorgonio Basin; and in view of its opinion the Department recommended "that no license be issued and if necessary that there be a Federal takeover of Project No. 344." The Department requested a hearing on the question of whether a license should be issued in the light of the Indian water rights and, by order issued March 3, 1975, we set the matter to hearing stating, among other matters, "Jurisdiction to adjudicate and quantify Indian water rights resides in the Federal courts."

On August 21, 1975, the Band filed a motion indicating that within about 90 days the "Agua Caliente Tribal Council will initiate an action in the United States District Court for the purpose of adjudicating their water rights with respect to the Whitewater River, and upon the final disposition thereof will be in a position to provide the factual and legal assistance required by this Commission, thereby permitting an effective and correct determination of currently pending issues before the Commission." Accordingly, the Band seeks an indefinite deferral of the hearing "until after they have been able to complete said adjudication of their water entitlement respecting the Whitewater River on condition that during the interim the application of the Southern California Edison Company will only be continued under the automatic renewal provisions without any full approval of the application currently pending before this Commission", and the Band represents that the Department of the Interior has "no objection whatsoever to the requested deferment of said Hearing."

On the same day, August 21, 1975, Edison filed a response stating, among other matters, that "Edison agrees that it is neither necessary or appropriate to proceed with the hearing in this matter in light of the representation by [the Band] that it will promptly initiate an action in the United States District Court for the purpose of adjudicating water rights with respect to the Whitewater River." Edison asserts, in this connection, that such litigation will involve many novel issues and will, therefore, likely take many years. An indefinite postponement of the hearing herein until after the final disposition of the litigation would be "arbitrary and unreasonable", Edison asserts, and the Commission should, instead, rescind its orders of August 16, 1971, granting intervention, and March 3, 1975, setting the matter for hearing, and proceed to issue a new license for the project. Such action would not cause irreparable injury to the Band, according to Edison, because the Commission could, after notice and hearing, amend or modify the license consistent with the final judgment in the litigation.

On August 27, 1975, the Commission staff filed an answer which supports the Band's motion indicating that the outcome of the litigation could be germane to a Commission recommendation for Federal takeover of the project. The staff suggests, in this connection, that the public interest would best be served by maintaining the *status quo* at this juncture and that the Band should be required to file periodic reports on the progress and status of its litigation.[1]

Edison does not offer any reasons why we should proceed now to issue a new license for Project No. 344, nor does it indicate that anyone would be injured if we should hold its application proceeding in abeyance until shortly after the conclusion of the Band's prospective litigation to establish and quantify its water rights. On the other hand, it seems incumbent in the light of the present year-to-year status of the license, and the Band's imminent litigation, to hold the terms of the license open to accommodate the ultimate decision on the Band's water rights. This could be accomplished, of course, by proceeding to issue a new license to Edison for a period which is considerably shorter than the maximum fifty years authorized by Section 6 of the Federal Power Act, say, for example, one or two years. Or it could be accomplished by conditioning the license, even to provide for its termination and Federal takeover, to accommodate any ultimate decision on the Band's water rights. We believe, however, that the results of such actions would not differ significantly from the present course of annual renewals under Section 15(a) of the Federal Power Act.

[1] On September 5, 1975, Edison filed an answer to the Commission staff's answer to the Band's motion, which filing if not authorized by our Rules of Practice and Procedure and, therefore, will not be considered.

The Band had indicated at a conference on February 11, 1974, that it intended to commence litigation at some future date to establish and quantify its water rights; and that was the status of its proposed litigation, so far as we were aware, when we approved the order issued March 3, 1975, setting this matter to hearing. Since the Band apparently had not gone forward with its proposed litigation, we chose to commence the development of a public record from which we could decide whether or not to recommend Federal takeover of Project No. 344 in the light of the Band's asserted but unlitigated water rights. However, in view of the Band's intent to commence definitive litigation in the forseeable future, as subsequently expressed in its motion filed August 21, 1975, we now believe that the public interest would better be served by deferring the development of such a record to enable us to consider the ultimate court decision on the Band's water rights in connection with our decision on such a recommendation. We assume, of course, that the Band will pursue its litigation diligently, and we would not preclude any motions for relief based upon changed or unanticipated circumstances.

Like Edison, we foresee lengthy litigation. Accordingly, we question the legality of, and cannot accept, the Band's condition which could conceivably be construed as precluding us from going forward with Edison's licensing proceeding, if we should grant the Band's motion, until after the conclusion of its litigation. Although we do not now envision any circumstance under which we might choose to go forward with the licensing proceeding prior to the conclusion of the litigation, we would not wish to find our hands tied if we should decide to follow such a course at some later date. Accordingly, we will neither grant nor deny the Band's motion. Instead, we will, on our own initiative, defer the hearing in this proceeding and thereby hold Edison's application for a new license in abeyance pending our further order. The staff's suggestion concerning periodic reports appears to be reasonably calculated to keep all interested persons apprised of developments, including the circumstances under which and the time when it might be appropriate to file a motion for such a further order.

The Commission orders:

(A) The public hearing required by Ordering Paragraph (A) of the order issued in this proceeding on March 3, 1975, is hereby deferred, and all procedural dates in this proceeding are hereby suspended, until further order of the Commission.

(B) Within ten days after the close of each calendar quarter, and until further order of the Commission, Intervenor Agua Caliente Band of Mission Indians shall file with the Commission and transmit to all persons to whom pleadings in this proceeding are required to be transmitted, a brief report of the progress of its water rights litigation during the pre-

ceding quarter and the status of that litigation as of the close of that quarter.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25255 Filed 9-22-75;8:45 am]

[Docket No. RP72-121 PGA 76-2]

SOUTHWEST GAS CORP.

Filing of Tariff Sheets

SEPTEMBER 16, 1975.

Take notice that on September 8, 1975, Southwest Gas Corporation (Southwest) tendered for filing Twelfth Revised Sheet No. 3A, constituting Original PGA-1, in its FPC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is to increase the rates of Southwest under its purchased gas adjustment clause in Section 9 of its General Terms and Conditions contained in its FPC Volume No. 1.

Southwest states the instant notice of change in rates is occasioned solely by, and will compensate Southwest only for, increases in the cost of purchased gas which will become effective on or before November 1, 1975, applied to the volumes purchased for the twelve (12) month period ended June 30, 1975.

Southwest has requested an effective date of November 1, 1975, and states that copies of the filing have been mailed to the Nevada Public Service Commission, the California Public Utilities Commission, Sierra Pacific Power Company and the California-Pacific Utilities Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25261 Filed 9-22-75;8:45 am]

[Docket No. ER76-20]

SUPERIOR WATER, LIGHT AND POWER CO.

Order Granting Late Intervention

SEPTEMBER 16, 1975.

On July 23, 1975, Superior Water, Light and Power Company (Superior) tendered for filing a proposed increase in rates to its single sale for resale customer, Dahlberg Light and Power Company (Dahlberg). Public notice of Superior's filing was issued on July 31, 1975, with protests or petitions to intervene due on or before August 12, 1975.

An untimely petition to intervene was filed by the Public Service Commission of Wisconsin (Public Service) on August 28, 1975. Public Service states that its intervention will not interfere with the procedural dates already scheduled in this proceeding.

The Commission finds:

It may be in the public interest for the Public Service Commission of Wisconsin to intervene in these proceedings.

The Commission orders:

(A) The Public Service Commission of Wisconsin is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor 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 intervenor 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 any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25262 Filed 9-22-75;8:45 am]

[Docket No. ER76-103]

VERMONT ELECTRIC POWER COMPANY, INC.

Filing of Rate Schedule

SEPTEMBER 16, 1975.

Take notice that by letter dated August 29, 1975, the Vermont Electric Power Company, Inc., tendered for filing with the Federal Power Commission a purchase agreement for the sale by the Vermont Electric Power Company, Inc., of 10,000 kilowatts of electric power from an electric generating facility located in Bow, New Hampshire, owned by the Publice Service Company of New Hampshire, designated as "Morrimack No. 2", to the Public Service Company of New Hampshire.

Service under this Rate Schedule commenced on April 30, 1975 and will terminate on October 31, 1975. Applicant estimates that the amount of power to be sold under this contract/rate schedule in the months of May, 1975 through October, 1975 will be 6,000,000 kilowatt hours per month.

Applicant additionally requests that May 1, 1975 be designated as the effective date of this rate schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-25263 Filed 9-22-75;8:45 am]

[Docket No. ER76-108]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Letter Agreement

SEPTEMBER 16, 1975.

Take notice that on September 8, 1975 Virginia Electric and Power Company (VEPCO) tendered for filing a letter agreement between it and Greenville Utilities Commission (GUC), dated August 14, 1975. The agreement provides for VEPCO to install, own and maintain 34.5 and 115 kv special remote metering equipment at GUC's request to provide GUC with data pulses to its equipment. VEPCO states the terms of said agreement is for an initial period of five (5) years from the time of connection. Accordingly, VEPCO requests as an effective date the time of connection, which VEPCO expects to be sometime in October, 1975. VEPCO states it will notify the Commission of the exact effective date when it becomes known.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 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.75-25264 Filed 9-22-75;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Order Denying Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, 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 Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to Muscle Shoals National Bank, Muscle Shoals, Alabama ("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 Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest commercial banking organization in Alabama, controls 12 banks with aggregate deposits of approximately $1.4 billion, representing 16.5 percent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits by 0.13 percent and would not significantly increase the concentration of banking resources in Alabama although, as discussed below, the proposal would have some adverse effects on concentration in the relevant market.

Bank holds deposits of approximately $11 million, representing 4.4 percent of the total deposits in commercial banks in the relevant market, the Florence banking market, and thereby ranks as the sixth largest of eight banks operating in the market.[2] Applicant's existing subsidiary bank, Shoals National Bank of Florence ("Florence Bank"), which is also located in the relevant market, holds deposits of approximately $13 million, representing 6.6 percent of total commercial bank deposits in the market, and ranks as the fifth largest bank operating therein. Consummation of the proposal would increase Applicant's share of market deposits to a total of 11 percent, and Applicant would become the fourth largest banking organization operating in the market. In addition to the effects on concentration, it is noted that Bank and Florence Bank are four miles apart and are both located on a main traffic route with no intervening banking office along that route. As a result, there is significant overlapping of the service areas of both banks, as evidenced by the fact that Florence Bank derives a substantial amount of its loan and deposit business from the service area of Bank. Thus, approval of the application would eliminate meaningful existing competition between Applicant and Bank, as well as reduce the number of banking alternatives operating in the market. Moreover, approval of the proposed transaction would remove a viable entry vehicle for an Alabama bank holding company not currently represented in the market. This factor is even more significant when viewed in light of the fact that the market is not particularly attractive for *de novo* entry by other banking organizations seeking to gain access to the Florence market. On the basis of the foregoing and other facts of record, the Board concludes that approval of the application would result in significant adverse effects upon competition within the relevant banking market. Therefore, the competitive factors lend substantial weight toward denial of the application.

The financial condition and managerial resources of Applicant, its subsidiaries and Bank are generally satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with, but do not lend significant weight toward, approval of the application. The considerations relating to the convenience and needs of the communities to be served lend some weight toward approval of the application. Applicant proposes to assist Bank in establishing branch facilities by providing the necessary capital, and provide Bank with managerial expertise in the areas of dealer, floor plan and inventory loans and leveraged leasing. However, these considerations do not, in the Board's view, outweigh the substantially adverse competitive effects that would result from Bank's acquisition by Applicant. Accordingly, it is the Board's judgment that consummation of the subject proposal would not be in the public interest and that the application to acquire Bank should be denied.

On the basis of all of the facts of record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[3] effective September 17, 1975.

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

[FR Doc.75-25305 Filed 9-22-75;8:45 am]

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved through August 31, 1975.

[2] The relevant banking market for purposes of analyzing the competitive effects of the subject application is approximated by south central Lauderdale County and north central Colbert County, both in Alabama.

[3] Voting for this action: Vice Chairman Mitchell and Governors Bucher, Holland, Wallich and Coldwell. Present and abstaining: Governor Jackson. Absent and not voting: Chairman Burns.

MIAMI AGENCY, INC.

Acquisition of Bank

Miami Agency, Inc., Shawnee Mission, Kansas, 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 an additional 12,000 to 19,000 voting shares of The Miami County National Bank, Paola, Kansas (Bank). Since Applicant presently owns 50 per cent of the shares of Bank, the proposed acquisition would increase its percentage ownership to at least 80 per cent. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 17, 1975.

Board of Governors of the Federal Reserve System, September 16, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25306 Filed 9-22-75;8:45 am]

PARK CAPITAL CORP.

Acquisition of Bank

Park Capital Corp., La Grange Park, Illinois has applied for the Board approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 498 (approximately 1.2 percent) of the voting shares of Bank of La Grange Park, La Grange Park, Illinois. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 16, 1975.

Board of Governors of the Federal Reserve System, September 15, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25307 Filed 9-22-75;8:45 am]

VALLEY BANCORPORATION

Acquisition of Bank

Valley Bancorporation, Appleton, Wisconsin, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of State Bank of Fredonia, Fredonia, Wisconsin. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 14, 1975.

Board of the Federal Reserve System, September 16, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-25308 Filed 9-22-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COMMITTEE ON EARLY CHILDHOOD EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to PL 92-463, that the Committee on Early Childhood Education of the National Advisory Council on the Education of Disadvantaged Children will meet in Clark County, Nevada on Thursday, November 13, and Friday, November 14, 1975.

The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The purpose of this visit will be to observe a Johnson O'Malley Indian Colony Project, and to review and discuss the draft Early Childhood Education Report to be included in the 1976 Annual Report.

Because of limited space, all persons wishing to attend should call for reservations by October 30, 1975, at Area Code 202/382-6945.

Records shall be kept on all Committee proceedings and shall be available upon request at the Office of the National Advisory Council on the Education of Disadvantaged Children located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on September 16, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-25222 Filed 9-22-75;8:45 am]

COMMITTEES ON EARLY CHILDHOOD EDUCATION AND SPECIAL CONCERNS

Notice of Meeting

Notice is hereby given, pursuant to PL 92-463, that the Committees on Early Childhood Education and Special Concerns of the National Advisory Council on the Education of Disadvantaged Children will be visiting West Chester, Pennsylvania on Monday and Tuesday, October 27-28, 1975. The purpose of this visit will be to observe Infant Development and Education Project.

Following the site visit, the Executive Committee will hold a session at the NACEDC Office on Tuesday, October 28, 1975, from 2 p.m. to 5 p.m. During this session, the Committee will outline activities and procedures for the interim period until a Chairman is named.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

Because of limited space, all persons wishing to attend should call for reservations by October 22, 1975, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on September 16, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-25223 Filed 9-22-75;8:45 am]

COUNCIL MEETING

Notice is hereby given, pursuant to PL 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on December 5, 1975 from 9:00 a.m.-5:00 p.m., on December 6, 1975 from 9:00 a.m.-4:00 p.m. The meeting will be held at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will be held to review Committee drafts and to hear Committee reports.

Because of limited space, all persons wishing to attend should call for reservations by November 28, 1975, Area Code 202—382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, N.W., Suite 1012, Washington, D.C.

Signed at Washington, D.C., on September 16, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-25350 Filed 9-22-75;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (75-69)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL PROPULSION AD HOC PANEL ON JET ENGINE HYDROCARBON FUELS

Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion, Ad Hoc Panel on Jet Engine Hydrocarbon Fuels will meet on October 15, at the NASA Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Conference Room 215 of the Administration Building. 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 40 persons including Panel members and other participants. All visitors must report to the Lewis Research Center Receptionist in the Administration Building.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion's Ad Hoc Panel on Jet Engine Hydrocarbon Fuels was established to advise NASA's senior management on fuels research now being initiated by NASA in the areas of petroleum base, shale oil base and coal base jet engine fuels. The Ad Hoc Panel will assess ongoing work and research plans, and will make recommendations to NASA on program content, timing and direction to insure greatest benefit to the nation. There are 11 members on the Ad Hoc Panel on Jet Engine Hydrocarbon Fuels. The current Chairman is Dr. John P. Longwell.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

OCTOBER 15, 1975

Time	*Topic*
8:30 a.m.	Report by Chairman (Purpose: To review agenda and transmit information of interest from latest meetings of the NASA Aeronautical Propulsion Committee and other pertinent government and/or industry advisory groups.)
9:00 a.m.	Report by Executive Secretary (Purpose: To brief the Ad Hoc Panel on changes in NASA organization, policies, and plans affecting the NASA fuels program and to review previous Panel recommendations and NASA responses.)
9:30 a.m.	Alternate Fuels Program Activities (Purpose: To permit Panel members and invited quests to report and comment on the status of ongoing and planned research and development activities related to alternate fuels.)

Time	Topic
1:30 p.m.	Special Reports (Purpose: To permit Panel members to review and comment on the results from special studies conducted by the Advisory Group for Aerospace Research and Development (AGARD) and the Coordinating Research Council on the subject of fuel safety and hazards.)
2:30 p.m.	Discussions and Recommendations (Purpose: To summarize comments and prepare recommendations from this meeting for transmittal to the NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion, and to establish tentative major topics, place and date for the next Ad Hoc Panel meeting if continuation of Panel activities through FY 1976 is recommended by the Panel.)
4:00 p.m.	Adjournment

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs, National Aeronautics and Space Administration.

SEPTEMBER 17, 1975.

[FR Doc.75-25248 Filed 9-22-75;8:45 am]

[Notice (75-70)]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL PROPULSION

Notice of Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion will meet on October 16–17, 1975, at the Lewis Research Center, Cleveland, Ohio 44135. The meeting will be held in Conference Room 215 of the Administration Building. 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 40 persons including Committee members and other participants. All visitors must report to the Lewis Research Center Receptionist in the Administration Building.

The NASA Research and Technology Advisory Council Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The Committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state of the art, assesses ongoing work, and makes recommendations to help NASA plan and carry out a program of greatest benefit to the nation.

There are 13 members on the Aeronautical Propulsion Committee. The current Chairman is Mr. Hillard E. Barrett.

The following list sets forth the approved agenda and schedule for the meeting. For further information, please contact Mr. Harry W. Johnson, Area Code 202, 755-3003.

OCTOBER 16, 1975

Time	Topic
8:15 a.m.	Report by Chairman (Purpose: To review agenda and transmit information of interest from latest meeting of Research and Technology Advisory Council.)
8:45 a.m.	Report by Executive Secretary (Purpose: To update Committee on NASA organization, policy, current budget status and allocations, FY 1977 program plans, and to review previous Committee recommendations and NASA response.)
9:15 a.m.	Research Center Program Reports (Purpose: To review briefly, status of major programs and research highlights from Center Reports previously distributed to Committee members.)
10:45 a.m.	Special Reports (Purpose: To review the results from ad hoc panels and special intercenter groups studying hydrocarbon fuels, Aircraft Fuels Conservation Technology, and the "Outlook for Aeronautics.")
1:15 p.m.	Advanced Propulsion Research Facilities (Purpose: To familiarize the Committee with the status and capabilities of the propulsion test facilities recently built at the Lewis Research Center.)
2:45 p.m.	Committee Discussions and Recommendations (Purpose: To discuss major issues and priorities and to summarize comments and recommendations from this meeting for transmittal to the NASA Research and Technology Advisory Council.)

OCTOBER 17, 1975

8:15 a.m.	Discussions and Recommendations — Continuation (Purpose: Complete discussion items related to major issues and priorities, formalize recommendations, and establish tentative major topics, place and date for next Committee meeting.)
3:00 p.m.	Adjournment.

DUWARD L. CROW,
Assistant Administrator for DOD and Interagency Affairs National Aeronautics and Space Administration.

SEPTEMBER 17, 1975.

[FR Doc.75-25249 Filed 9-22-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-51 issued to Arkansas Power and Light Company which revised Technical Specifications for operation of the Arkansas Nuclear One—Unit 1, located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment revises: (1) The curves in Figures 2.1-2 and 2.3-2 to take credit for 100 effective full power days of fuel burnup, and (2) the curve in Figure 3.5.2-3 to conform with changes to Figure 2.3-2 described above.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated July 29, 1975, (2) Amendment No. 5 to License No. DPR-51, with Change No. 5, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. 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 15th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-25210 Filed 9-22-75;8:45 am]

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-51 issued to Arkansas Power and Light Company which revised Technical Specifications for operation of the Arkansas

Nuclear One—Unit 1, located in Pope County, Arkansas. The amendment is effective as of its date of issuance.

The amendment: (1) Incorporates provisions for the operability of the Steam Line Break Instrumentation and Control System (SLBIC) at a minimum acceptable main steam pressure and for an actuation setpoint of the SLBIC, (2) replaces the main steam line instrument channel operation requirements with the SLBIC control and logic channel operation requirements, and (3) adds surveillance requirements for the SLBIC and its safety related valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated April 17, 1975, (2) Amendment No. 4 to License No. DPR–51, with Change No. 4, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Arkansas Polytechnic College, Russellville, Arkansas. 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 11th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75-25211 Filed 9-22-75;8:45 am]

[Docket Nos. 50-295 and 50-304]

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 No. 14 to Facility Operating License No. DPR–39 and Amendment No. 11 to Facility Operating License No. DPR–48 issued to Commonwealth Edison Company which revised Appendix C conditions for operation of the Zion Station Units 1 and 2 located in Zion, Lake County, Illinois. These amendments are effective as of the date of issuance.

In accordance with the licensee's application dated February 14, 1975, the amendments modify Appendix C to the licenses to include additional details of the station's method of compliance with ANSIN18.17, Section 3.3.3. Section 3.3.3 deals with the requirements for and the methods of implementing surveillance of the protected areas of nuclear power plants.

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. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the FEDERAL REGISTER on July 23, 1975 (40 FR 30881). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

Pursuant to 10 CFR section 2.790, the licensee's letter of request and Appendix C to the Technical Specifications are withheld from public disclosure because they contain proprietary information relating to the detailed security measures for the physical protection of a licensed facility. However, 10 CFR section 2.790 (b)(2) provides that persons properly and directly concerned with the matter withheld from public disclosure may be allowed to inspect such information, as a party to a proceeding considering the matter.

For further details with respect to this action, see (1) ANSIN18.17, Section 3.3.3, (2) Amendment No. 14 to Facility License No. DPR–39 and Amendment No. 11 to Facility License No. DPR–48, and (3) the Commission's related Safety Evaluation. Items (2) and (3) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

Copies of ANSI N18.17 may be obtained from the American Nuclear Society, 244 E. Ogden Avenue, Hinsdale, Illinois 60521. 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 15th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-25212 Filed 9-22-75;8:45 am]

[Byproduct Material License No. 34-01764-02]

GLADSTONE LABORATORIES, INC.

Order Designating Prehearing Conference

The Nuclear Regulatory Commission issued a Notice of Hearing in this proceeding in response to a request by Gladstone Laboratories, Inc. (Licensee), 1034 Woodrow Street, Cincinnati, Ohio 45204, for a hearing respecting the proposed imposition of civil penalties. Pursuant to that Notice, the Licensee has filed an Answer and the Regulatory Staff of the Commission has filed a Reply.

The Notice issued by the Commission made provision for a prehearing conference. The undersigned was designated to preside and inquiry has been made, in accordance with the Commission's Rules of Practice, respecting a convenient time and place for such a conference. The Licensee and the Regulatory Staff have agreed that September 25, 1975 and Cincinnati, Ohio (whereat Licensee is located) are a convenient time and place.

Wherefore, *it is ordered*, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, that a prehearing conference in this proceeding shall convene at 9:00 a.m. on Thursday, September 25, 1975, in Room 9017 of the Federal Building, 550 Main Street, Cincinnati, Ohio 45202, to consider matters specified for prehearing conferences by § 2.752 of the Commission's Rules of Practice and other matters that will lead to expeditious presentation of evidence and disposition of the proceeding.

Issued: September 16, 1975, Bethesda, Maryland.

NUCLEAR REGULATORY COMMISSION,
SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc.75-25213 Filed 9-22-75;8:45 am]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Provisional Operating License No. DPR–13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located in San Diego County, California. The amendment is effective as of its date of issuance.

The amendment adds new Sections 3.12 and 4.11 to the Technical Specifications relating to required limiting conditions for operation and surveillance requirements for the control room emergency air treatment system.

The applications for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since

the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) applications for amendment dated March 25 and May 19, 1975, (2) Amendment No. 14 to License No. DPR–13 with Change No. 24, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the San Clemente Public Library, 233 Granada Street, San Clemente, California.

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 16th day of September, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75-25214 Filed 9-22-75;8:45 am]

[Docket Nos. 50-338, 50-339]

VIRGINIA ELECTRIC & POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

Michael C. Farrar, Chairman, Dr. John H. Buck, Member, Richard S. Salzman, Member.

Dated: September 15, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-25215 Filed 9-22-75;8:45 am]

[Docket Nos. 50-460, 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM (WPPSS NUCLEAR PROJECTS 1 AND 4)

Order Setting Evidentiary Hearing on Further Limited Work Authorization Activities

The U.S. Nuclear Regulatory Commission (the Commission) by its September 16, 1974 "Notice of Receipt of Amended Application for Construction Permits and Facility Licenses and Notice of Hearing on Amended Application for Construction Permits: Time for Submission of Views on Antitrust Matters" (Notice of Hearing), ordered a hearing to be held on the application by the Washington Public Power Supply System (Applicant) for construction permits for two pressurized water reactor designated as WPPSS Nuclear Projects 1 and 4.

An evidentiary hearing was held May 14–16, 1975 on environmental and site suitability issues and a Partial Initial Decision was issued on July 30, 1975 by the Atomic Safety and Licensing Board (the Board), which is composed of Dr. Marvin M. Mann and Dr. Donald P. de Sylva as technically qualified members, and Daniel M. Head as chairman. On the basis of the Partial Initial Decision, the Commission permitted the Applicant to undertake certain construction activities pursuant to a Limited Work Authorization (LWA).

The Applicant has now requested, by letter dated September 16, 1975, that a hearing be held which would permit the LWA to be extended to further construction activities. The hearing would consider whether there are any unresolved safety issues which would preclude the extension of the LWA to these further construction activities. The Board hereby grants the request for the evidentiary hearing with regard to the proposed further construction activities.

Accordingly, please take notice and *it is hereby ordered*, That an evidentiary hearing on whether there are any unresolved safety matters relating to the proposed further construction activities to be undertaken pursuant to an LWA is scheduled to begin at 10 o'clock local time on Monday, September 29, 1975 at the U.S. Tax Court, South Courtroom, Room 358, 400 Second Street, N.W., Washington, D.C. 20217.

Members of the public are invited to attend this evidentiary hearing which will run continuously until all evidence has been received on the specified issues or until continued by further order of the Board.

Dated at Bethesda, Maryland, this 16th day of September 1975.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.75-25216 Filed 9-22-75;8:45 am]

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR–29 issued to the Commonwealth Edison Company (acting for itself and on behalf of the Iowa-Illinois Gas and Electric Company) for operation of the Quad Cities Unit 1, located in Rock Island County, Illinois. This amendment is effective as of its date of issuance.

The amendment authorizes operation of the reactor beyond the previously analyzed end-of-cycle scram reactivity conditions in accordance with Commonwealth Edison's request dated July 25, 1975, and a supplement thereto dated September 8, 1975.

The application for this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment by Commonwealth Edison Company dated July 25, 1975, and a supplement thereto dated September 8, 1975, (2) Amendment No. 18 to License No. DPR–29, and (3) the Commission's currently 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 Moline Public Library, at 504 17th Street in Moline, Illinois 60265. A single 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, 11th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Reactor Licensing.

[FR Doc.75-25292 Filed 9-22-75;8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 11 to Facility Operating License No. DPR–39 and Amendment No. 8 to Facility Operating License No. DPR–48 issued to Commonwealth Edison Company which revised Technical Specifications for operation of the Zion Station Units 1 and 2, located in Zion, Lake County, Illinois. These amendments are effective as of the date of issuance.

These amendments temporarily change the Technical Specifications to modify to 8 days the period of time during which unit operation is permitted after discovery of an inoperable diesel generator. These amendments increase from daily to every eight hours the surveillance frequency for verifying the operability/availability of the remaining diesels and two sources of off-site power.

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 licensee's application for amendments dated August 15, 1975, (2) Amendment No. 11 to License No. DPR–39 and Amendment No. 8 to License No. DPR–48, with Change No. 12, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

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 17th Day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75–25293 Filed 9–22–75;8:45 am]

[Docket No. 50–213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR–61 issued to Connecticut Yankee Atomic Power Company which revised Technical Specifications for operation of the Haddam Neck Plant, located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

This amendment adds limiting conditions for operation and surveillance requirements to the Technical Specifications for hydraulic shock suppressors at the Haddam Neck Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since this amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 15, 1975, (2) Amendment No. 4 to license No. DPR–61, with Change No. 4, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457.

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 16th day of September 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Division of Reactor Licensing.

[FR Doc.75–25294 Filed 9–22–75;8:45 am]

[Docket No. 50–263]

NORTHERN STATES POWER CO.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 12 to Provisional Operating License No. DPR–22 issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of the Monticello Nuclear Generating Plant (the facility), located in Wright County, Minnesota. The amendment is effective as of its date of issuance.

The amendment requires operability and surveillance of hydraulic snubbers required to protect the primary coolant system and all other safety related systems and components in accordance with the licensee's request dated August 15, 1975.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated August 15, 1975, (2) Amendment No. 12 to License No. DPR–22, with Change No. 20, 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 Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. 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 15th day of September, 1975.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Division of Reactor Licensing.

[FR Doc.75–25295 Filed 9–22–75;8:45 am]

REGULATORY GUIDE

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 2.3, "Quality Verification for Plate-Type Uranium-Aluminum Fuel Elements for Use in Research Reactors," describes a method acceptable to the NRC staff for establishing and executing a quality assurance program for verifying the quality of plate-type uranium-aluminum fuel elements used in research reactors. This guide endorses ANSI Standard N398–1974, "Quality Verification for Plate-Type Uranium-Aluminum Fuel Elements."

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 2.3 will, however, be particularly useful in evaluating the need for an early revision if received by November 21, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 2 Regulatory Guides currently being developed include the following:

Development of Technical Specifications for Research Reactors.
Operation of Fast Pulse Reactors.
Performance of Critical Experiments.
Records and Reports for Research Reactors.
Review of Experiments for Research Reactors.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 15th day of September, 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-25217 Filed 9-22-75;8:45 am]

NUCLEAR ENERGY CENTER SITE SURVEY (NECSS)

Transmission Workshop

In the furtherance of the provisions of section 207 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) notice is hereby given that the Nuclear Regulatory Commission (NRC) staff conducting the Nuclear Energy Center Site Survey (NECSS) will hold a 2-day transmission workshop commencing at 9 a.m., Tuesday, October 21, 1975 at the Departmental Auditorium, Conference Room B, Constitution Avenue between 12th & 14th Streets, Washington, D.C. The purpose of this transmission workshop is to discuss transmission technology as it applies to investigating differences between dispersed siting and nuclear energy center siting.

Section 207 of the Energy Reorganization Act (the Act) directs the NRC to make a national survey to locate and identify possible nuclear energy center sites. The Act defines nuclear energy center sites as any site, including a site not restricted to land, large enough to support utility operations or other elements of the total nuclear fuel cycle, or both, including, if appropriate, nuclear fuel fabrication plants, nuclear fuel reprocessing facilities, retrievable nuclear waste storage facilities and uranium enrichment facilities.

The survey will include a regional evaluation of natural resources, including land, air, and water resources, available for use in connection with nuclear energy center sites; estimates of future electrical power requirements that can be served by each nuclear energy center site; an assessment of the economic impact of each nuclear energy site; and consideration of any other relevant factors, including but not limited to population distribution, proximity to electric load centers and to other elements of the fuel cycle, transmission line rights-of-way, and the availability of other fuel resources. The survey will also include an evaluation of the environmental impact likely to result from construction and operation of such nuclear energy centers and will evaluate whether such centers will result in greater or lesser environmental impact than separate siting of the reactors/and or fuel cycle facilities. Finally, the survey will consider the use of Federally-owned property and other public use lands for energy center sites.

A report on the results of the survey will be published and transmitted to the Congress and the Council on Environmental Quality. The report will include the Commission's evaluation of the results of the survey and any conclusions and recommendations which the Commission may have concerning the feasibility and practicality of locating nuclear facilities on nuclear energy center sites.

The transmission workshop is being held to review transmission investigations that have been performed for the NECSS project and related studies which have been useful in supporting these investigations; and in light of the above, review the technological considerations which have evolved as they apply to development of conclusions for the NECSS Study. The NECSS staff has invited recognized authorities in the field of transmission from industry, utilities, suppliers, representatives of the National Electric Reliability Council and the nine Electric Reliability Councils, and the academic field to participate in this workshop. The workshop will be open to public attendance and observation. In order for the NECSS staff to obtain the opinions and interactions of the invited experts the workshop will be divided into three panels: (a) Transmission analysis that was done for dispersed/nuclear energy center cases; (b) Stability and reliability criteria for nuclear energy centers/dispersed sites; and (c) Long range transmission and substation equipment developments which might affect differences between nuclear energy centers and dispersed sites.

Persons wishing further information about the Transmission Workshop or who plan to attend and observe should contact Mrs. Sandra Reed, U.S. Nuclear Regulatory Commission, Office of Special Studies—Nuclear Energy Center Site Survey, Washington, D.C. 20555, Telephone (301) 427-6346.

Dated at Bethesda, Maryland this 17th day of September 1975.

For the Nuclear Regulatory Commission.

S. H. SMILEY,
Director,
Office of Special Studies.

[FR Doc.75-25296 Filed 9-22-75;8:45 am]

[Docket No. PRM-50-14]

PUBLIC INTEREST RESEARCH GROUP, ET AL.

Filing of Petition for Rule Making

Notice is hereby given that Louis J. Sirico, Jr. and Martin H. Rogol of the Public Interest Research Group, 1832 M Street NW., Washington, D.C., by letter dated August 6, 1975, have filed with the Nuclear Regulatory Commission a petition for rulemaking on behalf of the Public Interest Research Group and 30 other specified citizen groups.

The petitioners request that the Commission amend 10 CFR Part 50 of the Commission's regulations to require nuclear facility licensees and license applicants to instruct citizens in public evacuation procedures in case of a major nuclear incident and to actually test public evacuation plans in realistic drills.

The petitioners request that the Commission issue a new section to Part 50 requiring licensees to (a) distribute instructions explaining what emergency safety steps the citizen should take in case of a nuclear incident to the public within at least a 40-mile radius of the facility; (b) disseminate information explaining these plans through educational sources and the public media; (c) conduct an actual public evacuation drill in full conformity with these plans; and (d) submit to the Commission a report demonstrating compliance with the new section.

The petitioners also request that the Commission issue a new section requiring (a) that the Commission not issue a construction permit or license or amended construction permit or amended license until the applicant has (1) distributed to the public within a 40-mile radius of the facility or proposed facility sections of its Preliminary Safety Analysis Report or Final Safety Analysis Report which discuss public evacuation plans, (2) disseminated information explaining these plans through educational sources and public media, and (3) submitted to the Commission a report demonstrating full compliance with the above requirements; and (b) that the Commission not issue a license or amended license until the applicant has (1) conducted an actual public evacuation drill in conformity with the applicant's plans for coping with emergencies affecting the public, and (2) submitted to the Commission a report demonstrating full compliance with this requirement. This section would also require that where a hearing is held, the applicant must comply with these regulations at least 50 days prior to the hearing.

Finally, the petitioners request that the Commission amend Part 50, Appendix E, Section III, to require that Final Safety Analysis Reports must include detailed emergency plans and implementation procedures. Currently Appendix E provides that details of the plan need not be included, but that the plan submitted must include a description sufficient to demonstrate that the plan provides reasonable assurance that appropriate measures can and will be taken in the event of an emergency to protect public health and safety and prevent damage to property.

The petitioners contend that in order to increase the effectiveness of the Commission's efforts to insure adequate methods for coping with public emergencies that public education is essential to making evacuation plans effective, that public discussion of evacuation plans and full-scale public drills are necessary to assure the soundness of emergency plans, and that the Commission has a special duty to minimize the damage wrought by a nuclear incident.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before November 24, 1975.

Dated at Washington, D.C. this 17th day of September 1975.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc.75-25297 Filed 9-22-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE ARCHITECT-ENGINEER BALANCE OF PLANT

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act 42 U.S.C. 2039, 2232 b.), the ACRS Subcommittee on the Architect-Engineer Balance of Plant will hold a meeting on Oct. 8, 1975 in Room 1046 at 1717 H Street NW., Washington, D.C. 20555. The purpose of this meeting is to develop further information for consideration by the ACRS in its review of the application by the Stone and Webster Engineering Corporation for a preliminary design approval of its Standard Safety Analysis Report (SWESSAR).

The agenda for the subject meeting shall be as follows:

Wednesday, Oct. 8, 1975 8:30 a.m. The Subcommittee will meet in closed Executive Session, with any of its consultants who may be present, to explore their preliminary opinions, based upon their independent review of safety reports submitted by the applicant and the NRC Staff regarding matters which should be covered during the following open meeting in order to formulate a Subcommittee report and recommendation to the full Committee.

9:00 a.m. until the conclusion of business. The Subcommittee will meet in open session to hear presentations by and hold discussions with the representatives of the NRC Staff and the Stone and Webster Engineering Corp. pertaining to review of the Standard Safety Analysis Report.

At the conclusion of the open session, the Subcommittee will caucus in a brief, closed session to determine whether the matters identified in the initial closed session have been adequately covered and whether the project is ready for review by the full Committee. During this session, Subcommittee members and consultants will discuss their final opinions and recommendations on these matters. Upon conclusion of this caucus, the Subcommittee will meet again in brief open session to announce its determination.

In addition to these closed deliberative sessions, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring with the NRC Staff and the Applicant matters involving proprietary information, particularly with regard to specific features of the plant design and plans related to plant security.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct the above closed sessions to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)) and to protect confidential proprietary or plant security information (5 U.S.C. 552(b)(4)). Separation of factual material from individuals' advice and opinions while closed Executive Sessions are in progress is considered impractical.

Practical considerations may dictate alterations in the above agenda or schedule. The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy to the Subcommittee at the beginning of the meeting. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy thereof, postmarked no later than Oct. 1, 1975, to Mr. John C. McKinley, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

(b) Those persons wishing to make an oral statement at the meeting should make a written request to do so, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee will receive oral statements on topics relevant to the Committee's purview at an appropriate time chosen by the Chairman of the Subcommittee.

(c) Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call on Oct. 6 to the Office of the Executive Secretary of the Committee (telephone 202/634-1371, Attention: Mr. John C. McKinley) between 8:15 a.m. and 5 p.m., Eastern Daylight Time.

(d) Questions may be propounded only by members of the Subcommittee and its consultants.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(f) Persons with agreements or orders permitting access to proprietary information, other than plant security information, may attend portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Secretary of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that the agreement can be confirmed and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. Minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee for the meeting, Mr. John C. McKinley of the ACRS Office, prior to the beginning of the meeting.

(g) A copy of the transcript of the open portion of the meeting will be available for inspection on or after Oct. 15, 1975, at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555. Copies of the minutes of the meeting will be made available for inspection at the NRC Public Document Room, 1717 H St. NW., Wash., D.C. 20555 after January 8, 1976. Copies may be obtained upon payment of appropriate charges.

Dated: September 19, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-25482 Filed 9-22-75;9:26 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON ANTICIPATED TRANSIENTS WITHOUT SCRAM

Notice of Meeting

In accordance with the purposes of Sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Working Group on Anticipated Transients Without Scram (ATWS) will hold a meeting at 1 p.m. on October 8, 1975, in Room 1062, 1717 H Street N.W., Washington, D.C. 20555. This meeting will be closed to the public.

The Working Group will meet in closed session with the NRC Staff to discuss working papers and Staff recommendations for possible changes in the Staff's positions concerning ATWS requirements.

In connection with this matter, the Working Group may hold Executive

Sessions, not open to the public or NRC Staff, prior to and at the conclusion of the meeting with the NRC Staff, to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that it is necessary to conduct this meeting in closed session to protect the free interchange of internal views in the final stages of the Subcommittee's deliberative process (5 U.S.C. 552(b)(5)). Separation of factual material from individual's advice and opinions while this meeting is in progress is considered impractical.

Dated: September 19, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-25483 Filed 9-22-75;9:26 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 18, 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 review 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

Medical survey questionnaire, single-time, households in Providence Valley, Md. Elett, C. A., 395-5867.

DEPARTMENT OF COMMERCE

National Bureau of Standards: black engineers in the United States, NBS 1044, singletime, black engineers, Strasser, A., Joan Turek, 395-5867.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration: general aviation activity test survey, FAA 1800, single-time, aircraft owners, Strasser, A., 395-5867.

DEPARTMENT OF COMMERCE

Economic Development Administration: Employment and Remuneration of Expediters, ED-100, occasional, applicants for EDA technical assistance, Lowry, R. L., 395-3772.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Titanium metals, DIB 991, monthly, titanium melting and processing facilities, Peterson, M. O., 395-5631.

EXTENSIONS

NATIONAL SCIENCE FOUNDATION

Operations Guide—Secondary Science Training Program—Cooperative College—School Science Program, NSF 418, annually, individuals, Marsha Traynham, 395-4529.

DEPARTMENT OF COMMERCE

Maritime Administration: Vessel data—vessels of 1,500 gross tons or more and vessels under 1,500 gross tons, MA 510 and 511, on occasion, shipping companies, Marsha Traynham, 395-4529.

Bureau of East-West Trade: Application for export license, DIB-622P, on occasion, commercial exporters, Marsha Traynham, 395-4529.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service:

Arrival information, N-14A, on occasion, resident aliens, Marsha Traynham, 395-4529.

Application for suspension of deportation, I-256A, on occasion, aliens requesting suspension of deportation, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-25426 Filed 9-22-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American Telephone & Telegraph Co., 8.80 pct. Debentures, due May 15, 2005	7-4754
American Telephone & Telegraph Co., 8.65 pct. Debentures, due Feb. 1, 2007	7-4755
Clark Equipment Credit Corp., 10¼ pct. Debentures Series E, due Nov. 1, 1979	7-4756

Upon receipt of a request, on or before October 3, 1975, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25273 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Commonwealth Edison Co., 8¾ pct Mortgage Debentures Series 30 due Mar. 1, 2005	7-4757
Commonwealth Edison Co., 9 pct Mortgage Debentures Series 28, due June 15, 1979	7-4758
General Motors Corp., 8¾ pct Sinking Fund Debentures, due Apr. 1, 2005	7-4759

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25274 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the notes of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Continental Illinois Corp., 10 pct Floating Rate Notes, due Sept. 15, 1989	7-4748
Ford Motor Co., 7.4 pct Notes, due Jan. 15, 1980	7-4749
General Motors Corp., 8.05 pct Notes, due Apr. 1, 1985	7-4750

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25275 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Household Finance Corp., 10.40 pct. Debentures, 1B Series, Due Sept. 15, 1981	7-4760
Indiana Bell Telephone Co., 10 pct. Debentures, due Oct. 10, 2014	7-4761
Indiana & Michigan Electric Co., 10¼ pct. Debentures, due June 1, 1982	7-4762

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25276 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in a Certain Security

SEPTEMBER 17, 1975.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the bonds of the following company, which security is listed and registered on one or more other national securities exchanges:

	File No.
Northern Illinois Gas Co., 8½ percent First Mortgage Bonds, due Apr. 1, 1983	7-4753

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25277 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Sears, Roebuck & Co., 7¾ pct Debentures, due Mar. 1, 1985	7-4763
Sears, Roebuck & Co., 6⅜ pct Sinking Fund Debentures, due Apr. 1, 1993	7-4764
Sears, Roebuck & Co., 8⅝ pct Debentures, due Oct. 1, 1995	7-4765

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25278 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trad-

ing privileges in the notes of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
International Harvester Co., 9.15 pct Notes, due Mar. 1, 1982	7-4751
Standard Oil Co. (Indiana), 9.7 pct Floating Rate Notes, due Aug. 1, 1989	7-4752

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25279 Filed 9-22-75;8:45 am]

MIDWEST STOCK EXCHANGE, INC.

Unlisted Trading Privileges in Certain Securities

SEPTEMBER 17, 1975.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the debentures of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Standard Oil Co. (Indiana), 9.20 pct Sinking Fund Debentures, due July 15, 2004	7-4766

Upon receipt of a request, on or before October 3, 1975 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25280 Filed 9-22-75;8:45 am]

[Release No. 34-11655; File No. SR-Amex-75-1]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 8, 1975, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Changes

The American Stock Exchange, Inc. ("Amex") proposes to amend Rules 184(a), 221(b) and its schedule of floor fees and charges each of which is stated below. With respect to Rules 184(a) and 221(b), brackets indicate words to be deleted and underscoring used to indicate words to be added.

(i) Rule 184(a). A specialist unit may regularly employ, subject to such rules and regulations as the Board of Governors may adopt, a clerk, or a number of clerks not exceeding the combined number of specialists in the unit and:

(1) one additional clerk for each three to four member unit,

(2) two additional clerks for each five to ten member unit,

(3) three additional clerks for each larger unit,

to aid such specialist or specialist unit on the floor of the Exchange, provided each such clerk receives the approval of the Exchange. A fee of $[120.00] *180.00* per year, payable in equal quarterly installments, shall be charged the specialist or specialist unit for each clerk. No rebate shall be given with respect to the quarterly fee in the event that a specialist or specialist unit discontinues the services of such a clerk during any quarterly period.

(ii) Rule 221(b). The provisions of this Rule shall [not] be deemed to permit two or more Regular Members having separate offices and engaging in business on the floor of the Exchange to occupy a single [telephone] booth on the floor of the Exchange [unless each such Regular Member occuping such booth pays the full booth rental fee prescribed by the Exchange] *with only one Regular Member paying the full booth rental fee as prescribed by the Exchange and the other occupant(s) paying the Order Pad Privilege Fee as prescribed by the Exchange. Members not occupying the booth, but having line connections therein, must pay the Floor Wire Privilege Fee as prescribed by the Exchange.*

(iii) Schedule of Present and Proposed Floor Fees and Charges

Description	Present annual rate	Proposed annual rate
Booths:		
Booth telephones	$00	No charge.
Manual booth	$375 to $900	$925 to $800.
Machine booth	$1,425 to $2,235.	$3,000 to $3,150.
Floor wire privilege	No charge	$150.
Order pad privilege	do	Same as booth rental.
Floor facilities:		
Floor facility fee	$300	$700.
Specialist registration	$400	$400.
Member jackets	$35	No charge.
Member storage lockers.	$12	Do.
Stationery storage	None	$120 to $600.
Posts:		
Post facility fee, per rack.	No charge	$250 (maximum $2,500).
Time clocks	$35	No charge.
Copier rental	$858	Do.
Clerks:		
Specialist clerk	$120	$180.
Telephone clerk	No charge	$180.
Relief clerk	do	$60.
Clerk jackets	$48	No charge.

Exchange's Statement of Basis and Purpose

The purpose of the amendment to Rules 184(a), 221(b) and the implementation of the revised schedule of floor fees and charges is to provide for the equitable allocation of fees and charges among those members who do business on the floor of the Exchange, as well as to increase Exchange revenues.

The proposed amendments to Rules 184(a), 221(b) and the revision of the schedule of floor fees and charges is authorized by Section 6(b)(4) of the Act. Although Section 6 of the Act, as recently amended by the Securities Acts Amendments of 1975, does not become effective until December 1, 1975, the proposed rule changes and revised schedule of floor fees and charges, if they become effective before that date, will be consistent with such section when such amendments to the Act become effective.

The proposed amendments to Rules 184(a), 221(b) and the revision of the schedule of floor fees and charges are designed to provide for the equitable allocation of such fees and charges among those members who do business on the floor of the Exchange consistent with the type of business conducted. A description of those fees or charges which are new or are higher than the current charges follows:

A. *Booth Fees.* Booth income, under the current rate schedule, is determined by the number of communication lines terminating in each booth and the number and types of users. This has led to situations in booths occupied by one tenant where rental revenue is several times the revenue from a similar booth occupied by another single tenant. Anomalies also exist in the present schedule where one firm pays more for an essentially similar facility than another.

The new schedule is designed to correct this situation. It includes a flat booth rental depending on size and location of the booth and a separate wire connection fee for all wires terminating in the booth which originates in offices of other tenants. Separate booth telephone charges which currently applied would be eliminated. Two new charges—the order pad privilege fee and the floor wire privilege

fee—would be paid by a member maintaining a wire connection(s) to a booth, but who is not the primary booth lessee.

B. *Floor Facilities Fee.* The Floor Facilities Fee is a fee paid for the use of the Floor by any Floor member who does not pay other facilities fees (such as post facility fee, specialist registration or booth fee).

C. *Stationery Storage Fee.* Provision has now been made for the storage of stationery supplies for use of floor members at a location off the floor, so as to eliminate the present space and cleaning problem which exists because of the storage of these supplied on the trading floor.

D. *Post Facility Fee.* This fee will be $250 per rack at the Post—the place used for storing limit orders—with the maximum of $2,500 per specialist unit. This fee will help defray the cost of new equipment installed at the Post in recent years and continuing maintenance costs.

E. *Clerks' Fees.* The fee for a Specialist Clerk has been unchanged at $120 per annum for some time and is used to defray the costs of maintaining records and providing photo identification and a storage locker for each clerk. In raising the fee to $180, the current fee charged for clerk jackets has been incorporated into it.

No fee is now charged for Telephone Clerks but the costs are similar to those for the Specialist Clerks, and a similar new fee has been set. There are some additional costs (photo badge and records) incurred when Relief Clerks are used by member firms to replace permanent clerks during absences. No fee has been charged for Relief Clerks up to now but a new fee of $60 per annum has been set.

The Exchange administration received the comments of Exchange members individually and through the Floor Brokers Association and Specialists Association which are organizations representing many of the members doing business on the Exchange Floor. The consensus of opinion was that in view of the increased costs of goods and services, the revised schedule of floor fees and charges represented an equitable allocation of such fees and charges among the persons using the Exchange's floor facilities.

The Exchange has determined that the proposed revision of floor fees and charges described above do not impose any burden on competition.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 23, 1975.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 16, 1975.

[FR Doc.75-25283 Filed 9-22-75;8:45 am]

[Rel. No. 8938; 811-2067]

SHASTA FUND, INC.

Notice of Filing of Application

SEPTEMBER 17, 1975.

Notice is hereby given that Shasta Fund, Inc. ("Applicant"), 320 Main Street, Farmington, Connecticut 06032, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company, filed an application on August 8, 1975, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act by filing its Notification of Registration on Form N-8A on June 1, 1970. Thereafter, it filed a Registration Statement under the Act on Form N-8B-1 and a Registration Statement under the Securities Act of 1933 on Form S-5. Applicant's Registration Statement under the Securities Act of 1933 became effective on January 6, 1971 and shares of Applicant were publicly offered at that time.

In April, 1973 Applicant ceased offering its shares to the public. No public offering of Applicant's securities is now being made and no such offering is presently proposed for the future. As of June 30, 1975 Applicant had only 32 stockholders and net assets of $894.00.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 8, 1975 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25281 Filed 9-22-75;8:45 am]

[File Nos. 2-42878 (22-7035), 2-46845 (22-7447); Administrative Proceeding File No. 3-4723]

TRI-SOUTH MORTGAGE INVESTORS

Application and Opportunity of Hearing

SEPTEMBER 16, 1975.

Notice is hereby given that Tri-South Mortgage Investors (the "Trust") has filed an application under Clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of United States Trust Company of New York ("U.S. Trust") under two indentures heretofore qualified under the Act, is not so likely to involve a material conflict of interest or to make it necessary in the public interest or for the protection of investors to disqualify U.S. Trust from acting as trustee under any such indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a con-

flicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) Bankers Trust Company is presently acting as Trustee under an Indenture dated as of February 15, 1972 between Bankers Trust and the Trust pursuant to which $12,278,000 principal amount of 7% Convertible Senior Subordinated Debentures due 1992 (the "Convertible Debentures") were outstanding as of June 30, 1975.

(2) Chemical Bank is presently acting as trustee under an Indenture dated as of February 15, 1973 between Chemical Bank as Trustee and the Trust pursuant to which $25,000,000 principal amount of 7¾% Senior Subordinated Debentures due 1980 (the "7¾% Debentures") were outstanding as of June 30, 1975.

(3) The 1972 Indenture and the 1973 Indenture were qualified under the Trust Indenture Act as No. 22-7035 and No. 22-7447, respectively. Each Indenture contains the provision permitted by the provision of Section 310(b)(1) of the 1939 Act.

(4) Chemical Bank has notified the Trust that it will resign as Indenture Trustee under the 1973 Indenture. United States Trust Company of New York has agreed to act as successor Indenture Trustee thereunder. The resignation of Chemical Bank will become effective after (i) execution of the First Supplemental Indenture to the 1973 Indenture which will effect changes in such Indenture consented to by holders of in excess of 66⅔% principal amount of the 7¾% Debentures and (ii) execution of appropriate documentation by the Trust, U.S. Trust and Chemical Bank.

(5) Bankers Trust has notified the Trust of its intention to resign as Indenture Trustee under the 1972 Indenture and, subject to the receipt by the Trust of an affirmative order in respect of this application, U.S. Trust has agreed to act as successor Indenture Trustee thereunder.

(6) The 1972 Indenture and the 1973 Indenture are wholly unsecured and no Event of Default, as defined, has occurred under either such Indenture. Under the express terms of the 1972 Indenture and the 1973 Indenture, the Convertible Debentures for all purposes rank equally, *pari passu*, with the 7¾% Debentures.

(7) The terms of the 1972 Indenture and the 1973 Indenture vary as to interest rates, maturity, sinking fund requirements, redemption dates and redemption prices, convertibility and certain events of default. In addition there are certain differences in language and effect between the various covenants by the Trust contained in the 1972 and 1973 Indentures.

(8) The Convertible Debentures are subordinated to the Superior Indebtedness of the Trust, as defined in the 1972 Indenture, and the 7¾% Debentures are subordinated to the Senior Indebtedness of the Trust, as defined in the 1973 Indenture. The definition of Senior Indebtedness in the 1973 Indenture is equivalent to the definition of Superior Indebtedness in the 1972 Indenture, with the result that the 1972 Debentures and the 1973 Debentures are both subordinated to the same indebtedness of the Trust (such indebtedness being hereinafter referred to as "Superior Indebtedness").

(9) The 1972 Indenture and the 1973 Indenture each provide that no payment on account of principal (and, in the case of the Convertible Debentures, premium, if any, Mandatory Sinking Fund, or interest on the Convertible Debentures and the 7¾% Debentures, respectively, shall be made if there exists any default, or any condition, event or Act which with notice or lapse of time or both would constitute a default, under the Trust's Superior Indebtedness. The various agreements and instruments constituting the Trust's Superior Indebtedness, in turn, uniformly provide that any event of default or any event which with notice or lapse of time or both would constitute such an event of default, under any obligation for borrowed money of the Trust constitutes an event of default thereunder.

(10) For this reason, if the Trust should default on its obligations under the 1973 Indenture, it would be in default under Superior Indebtedness; by the terms of the 1972 Indenture, the Trust would then be precluded from making any payments of any kind on the Convertible Debentures, thereby causing a default under the 1972 Indenture at the time such payment were due (after the expiration of any grace period). Conversely, if the Trust should default on its obligations under the 1972 Indenture, it would be in default on its obligations under the 1972 Indenture, it would be in default under Superior Indebtedness; by the terms of the 1973 Indenture, the Trust would then be precluded from making any payments of any kind on the 7¾% Debentures, thereby causing a default under the 1973 Indenture at the time such payments were due (after the expiration of any grace period). (Because of the cross-default provisions contained in the 1973 Indenture, a default on the 7¾% Debentures might occur prior to the time such payments were due).

(11) The existence of the implicit cross-default provisions described in paragraphs 9 and 10 above have the effect that the occurrence of a default by the Trust under the terms of the 1973 Indenture will cause a default under the 1972 Indenture, whether or not the condition, act or event creating such default would otherwise be a default under the 1972 Indenture; and the occurrence of an event of default under the terms of the 1972 Indenture will cause a default under the 1973 Indenture, whether or not the condition, act or event creating such default would otherwise be a default under the 1973 Indenture. Thus there cannot realistically be either a race of diligence or a studied or inadvertent delay which, in either case, might result in holders of the Convertible Debentures being favored or prejudiced as against holders of the 7¾% Debentures.

(12) Such differences as exist between the 1972 Indenture and the 1973 Indenture are not so likely to involve U.S. Trust in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify U.S. Trust from acting as Indenture Trustee under both Indentures.

The Trust has waived notice of hearing, hearing, and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission with respect to this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which a public document on file in the Office of the Commission's Public Reference Section at 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested persons, may, not later than October 10, 1975, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time, after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-25232 Filed 9-22-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0107]

CERTIFIED GROCERS INVESTMENT CORP.

Notice of Application

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1975)) by Certified Grocers In-

vestment Corporation, 4800 South Central Avenue, Chicago, Illinois 60638 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and shareholders are:

Robert A. Korink, President and Director, 7547 Sequoia Court, Orland Park, Illinois 60462.
Chalmer F. Dunn, Secretary, Treasurer, and Director, 1315 East Rand Street, Hobart, Indiana 46342.
Paul D. Rudnick, Assistant Secretary, 933 Skokie Ridge Drive, Glencoe, Illinois 60022.
Gaston C. Armour, Sr., Director, 7639 South King Drive, Chicago, Illinois 60619.
Philip Schneider, Director, 3505 Lakeview, Hazel Crest, Illinois 60429.
Daniel Spann, Director, 6542 N. Le Mai Avenue, Lincolnwood, Illinois 60646.
Robert Von Wahlde, Director, 713 Louise Lane, Peotone, Illinois 60468.
Peter A. Zammuto, Director, 1803 Price Street, Rockford, Illinois 61103.
Certified Grocers of Illinois, Inc., 100 percent shareholder, 4800 South Central Avenue, Chicago, Illinois 60638.

Certified Grocers of Illinois, Inc. (Certified), is a voluntary cooperative association of retail grocers which was formed and presently operates to provide cooperative purchasing, processing and other services to its members.

It is proposed that while the Applicant's financing will primarily be in retail grocery stores which are owned and operated by members of the cooperative, consideration will also be given to applications for assistance submitted by any eligible small business concern. These members through their ownership of the cooperative are the beneficial owners of 100 percent of the Applicant's common stock. As such, they would be considered an "affiliated group" beneficially owning 10 percent or more of the Applicant's common stock. Therefore, the proposed financings to member retail grocers would be subject to the provisions of § 107.1004(b)(1) of the Regulations.

It is the intent of SBA to grant the Applicant a partial exemption from the restrictions of § 107.1004(b)(1) of the Regulations in order to make it possible to finance, and thus help advance the best interests of the small retail grocers. The partial exemption would extend only to the financial assistance provided to the small retail grocers who are members of the cooperative. Any financial assistance to other Associates of the Licensee would not be exempt and would fall within the purview of § 107.1004 of the Regulations.

Further, in view of its distinctive nature, as a voluntary cooperative association of small retail grocers operated for their mutual benefit, SBA intends to grant an exemption from § 107.1001(g) of the Regulations to permit members to use up to 100 percent of the proceeds of the Applicant's financings to purchase goods and/or services from Certified.

Matters involved in SBA's consideration of the application, in view of the particular circumstances involved, include (1) the general business reputation and character of the proposed owner and management, (2) the reasonable prospects for successful operation of the new company under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is further given that any person may, not later than (15) days from the date of publication of this notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Chicago, Illinois.

Dated: September 11, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-25351 Filed 9-22-75;8:45 am]

VETERANS ADMINISTRATION

HOME LOANS

Policies and Procedures Applicable to Condominiums

Notice is hereby given of the publication of clarifying information concerning Veterans Administration policies and procedures applicable to condominium loans pursuant to 38 U.S.C. 1810 as amended by section 3 (2) and (4) of Public Law 93-569 (88 Stat. 1863). DVB Circular 20-75-46 was printed in the notices section of the FEDERAL REGISTER of May 19, 1975 (40 FR 21794).

In order to obtain the views of the public, interested persons are invited to submit written comments, suggestions, data, or arguments to the Administrator of Veterans Affairs (264), 810 Vermont Ave. NW., Washington, D.C. 20420 before October 22, 1975. Material thus submitted will be evaluated and considered in any future revision. The following policy statement concerning title restrictions is effective immediately and will remain in effect until such time as the circular is amended.

Set forth below is change 1 to DVB Circular 20-75-46: "Policies and Procedures, Condominium Loans Under 38 U.S.C. 1810(a)(6), Public Law 93-569." The numbering system used is that of the change.

Dated: September 16, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

POLICIES AND PROCEDURES
CONDOMINIUM LOANS UNDER 38 U.S.C. 1810(a)(6), Public Law 93-569

1. Numerous questions have arisen about certain title restrictions in current use. Consequently, the requirements for condominium approval set forth in DVB Circular 20-75-46, paragraph 5b, have been reviewed.

2. The following statement of policy, applicable to both existing and proposed condominiums, is made to clarify VA condominium title requirements. Condominium projects in which the following restrictions exist against the individual unit owner's right to alienate or use and enjoy his/her unit will not be acceptable to the VA:

a. Right of first refusal unless such right is in strict conformity with VA Regulation 4350(B)(5)(38 CFR 36.4350(b)(5)).

b. Right of first refusal applicable to leasing a unit.

c. Right of prior approval of either a prospective purchaser or tenant.

d. Prohibition against leasing of a unit for a period in excess of 30 days.

3. Stations will issue releases consisting of paragraphs 1 and 2 above. Copies of such releases need not be sent to Central Office.

RUFUS H. WILSON,
Chief Benefits Director.

[FR Doc.75-25316 Filed 9-22-75;8:45 am]

DEPARTMENT OF LABOR

Labor-Management Services Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

EMPLOYEE BENEFIT PLANS

Extension of Interim Exemption From Prohibitions on Securities Transactions With Certain Broker-Dealers, Reporting Dealers and Banks Until November 1, 1975

Notice is hereby given of an extension of the exemption granted under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) and section 4975(c)(2) of the Internal Revenue Code of 1954 (the Code), relating to certain securities transactions between employee benefit plans subject to Title I and Title II of the Act and certain broker-dealers, reporting dealers and banks.

On February 4, 1975, notice was published in the FEDERAL REGISTER (40 FR 5201) of the granting of an interim exemption for the period from January 1, 1975, to April 30, 1975, with respect to certain transactions between employee benefit plans and broker-dealers, reporting dealers and banks which provide services to such plans. By notices published in the FEDERAL REGISTER on April 23, 1975 (40 FR 17861) and June 9, 1975 (40 FR 24578) such interim exemption was extended to September 30, 1975.

The interim exemption currently in effect is based on a record which includes written comments submitted in response to notices published in the FEDERAL REGISTER on January 13, 1975 (40 FR 2483 and 2455) and April 23, 1975 (40 FR 17861), and the testimony at a public hearing held on January 21, 1975.

As indicated in these notices, the interim exemption was granted in order (1) to prevent the harm to employee benefit plans and to the interests in plans of participants and beneficiaries which, in all likelihood, would have resulted from the immediate and full application of all of the prohibited transactions provisions set forth in Title I and Title II of the Act, and (2) to afford all interested persons an opportunity to submit proposals for permanent exemptions relating to transactions between plans and

certain broker-dealers, reporting dealers and banks, and to provide an opportunity for the Department of Labor (the Department) and the Internal Revenue Service (the Service) to consider such proposals.

On August 8, 1975, notice was published in the FEDERAL REGISTER of a proposal to grant permanent exemptions for certain classes of transactions involving employee benefit plans and certain broker-dealers, reporting dealers and banks (40 FR 33564), and of proposals to adopt regulations under the Act and the Code designed to clarify the definition of the term "fiduciary" set forth in section 3 (21)(A) of the Act and section 4975(e)(3) of the Code (40 FR 33560 and 33561). All interested persons were invited to submit written comments on these proposals by August 29, 1975, and to testify at a public hearing with respect to these proposals held on August 26, 1975.

In order to provide an opportunity for the Department and the Service to give full and careful consideration to the written comments and testimony received with respect to the proposals published on August 8, 1975, it has been found necessary to extend the interim exemption currently in effect through September 30, 1975, so that it will be effective for the period through October 31, 1975.

Accordingly, the interim exemption published on February 4, 1975 in the FEDERAL REGISTER (40 FR 5201, FR Doc. 75-3340), as extended through September 30, 1975 by notices published on April 23, 1975 and June 9, 1975 in the FEDERAL REGISTER (40 FR 17861, FR Doc. 75-10666 and 40 FR 24578, FR Doc. 75-15120), is hereby further extended through October 31, 1975 by changing the date "September 30, 1975" in paragraph (c) of the interim exemption to read "October 31, 1975" and by changing the date "October 1, 1975" in such paragraph (c) to read "November 1, 1975."

Signed at Washington, D.C. this 17th day of September, 1975.

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, U.S. Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.75-25270 Filed 9-18-75;1:12 pm]

Office of the Secretary

[TA-W-88]

CLAYTON SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-88; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on July 18, 1975 in response to a worker petition received on July 11, 1975 which was filed by the Boot and Shoe Workers Union on behalf of workers formerly producing women's footwear of Clayton Shoe Company, Corning, Arkansas, a wholly owned subsidiary of Johansen Brothers Shoe Company, St. Louis, Missouri.

The notice of investigation was published in the FEDERAL REGISTER (40 FR 31053) on July 24, 1975. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Clayton Shoe Company, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, the American Footwear Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated,

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

For purposes of paragraph (3), the term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment declined 9.4 percent in the last quarter of 1974 compared to the last quarter of 1973. Employment declined 19.1 percent in the first six months of 1975 compared to the first six months of 1974. Average weekly hours worked dropped 23 percent in the first six months of 1975 compared to the first six months of 1974.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales by Johansen Brothers Shoe Company declined 36 percent in the first half of 1975 compared to the first half of 1974. Production at the Corning plant declined 44 percent in the first half of 1975 compared to the first half of 1974.

INCREASED IMPORTS CONTRIBUTED IMPORTANTLY

Imports of articles like or directly competitive with those produced at Clayton Shoe increased from 167,000,000 pairs in 1970 to 189,000,000 pairs in 1974.

The ratios of imports to domestic consumption and production increased from 47.4 percent and 90.2 percent, respectively in 1972 to 52.4 percent and 110.0 percent, respectively in 1974.

The evidence developed in the Department's investigation indicates that the separation of workers engaged in employment related to the production of women's footwear at Clayton Shoe was caused by the increase of competitive imports.

Customers reduced or discontinued purchases of Johansen Shoes in favor of lower priced imports. Reduced sales of women's footwear by Johansen led to rapidly declining production at the Clayton Shoe Company in late 1974 and the first six months of 1975. The company responded to reduced sales and production both by reducing the workforce and by reducing hours of employment in the latter part of 1974 and the first half of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's footwear produced at the Clayton Shoe Company contributed importantly to the total or partial separation of the workers of the firm. In accordance with the provisions of the Act I make the following certification: "All hourly, salaried and piecework employees of Clayton Shoe Company, Corning, Arkansas who became totally or partially separated from employment on or after November 30, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

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

JAMES F. TAYLOR,
Director, Planning and Evaluation.

[FR Doc.75-25303 Filed 9-22-75;8:45 am]

[TA-W-142]

JOSLYN MANUFACTURING AND SUPPLY CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On September 15, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 ("the Act") by the United Steelworkers of America on behalf of the workers and former workers of Joslyn Stainless Steel Division, Fort Wayne, Indiana of Joslyn Manufacturing and Supply Company, Chicago, Illinois (TA-W-142).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with specialty steel for shapes, bars, hexs, rounds, and wires produced by Joslyn Manufacturing and Supply Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales

or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than 10 days after this notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave. NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of September 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-25304 Filed 9-22-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 862]

ASSIGNMENT OF HEARINGS

SEPTEMBER 18, 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 141008 Air Transport, Inc. now being assigned December 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 102616 (Sub-No. 901), Coastal Tank Lines, Inc; MC 110525 (Sub-No. 1096), Chemical Leaman Tank Lines, Inc.; MC 128642 (Sub-No. 12), Skyline Transport, Inc; MC 113828 (Sub-No. 219), O'Boyle Tank Lines, Inc.; MC 30887 (Sub-No. 204), Shipley Transfer, Inc.; and MC 107403 (Sub-No. 901), Matlack, Inc., now being assigned November 11, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 108461 Sub-124, Whitfield Transportation, Inc., now being assigned December 2, 1975, (14 days), at Albuquerque, NM, in a hearing room to be later designated.

MC 138896 Sub-6, Ajax Transfer Company, now being assigned December 8, 1975, (2 weeks), at St. Paul, MN, in a hearing room to be later designated.

MC-F-12519, Al Zeffiro Transfer & Storage, Inc.—Purchase (portion)—Daily Express and MC 108067 Sub 16, Al Zeffiro Transfer & Storage, Inc., now assigned October 6, 1975 at Philadelphia, Pennsylvania; hearing canceled.

MC 136786 Sub-65, Robco Transportation, Inc., now assigned November 3, 1975 at Wichita, Kansas, is canceled and the application is dismissed.

MC 61592 Sub-335, Jenkins Truck Line, Inc., now assigned September 25, 1975, at New Orleans, La., is canceled and application is dismissed.

FF-347 Sub-1, Sal, Inc. now assigned November 5, 1975, at Chicago, Ill., is canceled and application is dismissed.

MC 107295 (Sub-No. 758), Pre-Fab Transit Co.; MC 112304 (Sub-No. 99), Ace Doran Hauling & Rigging Co.; and MC 123383 (Sub-No. 73), Boyle Brothers, Inc., now being assigned November 18, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119726 (Sub-No. 53), N.A.B. Trucking Co., Inc.; 139495 (Sub-No. 46), National Carriers, Inc.; and MC 140768, American Trans-Freight, Inc.; now being assigned December 2, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135518 Sub-3, Everett Trucking, Inc., application dismissed.

MC 140897 Sub-2, Morris Kreitz & Sons, application dismissed.

MC 113658 Sub-9, Scott Truck Line, Inc., now assigned November 17, 1975 at Denver, Colorado; will be held in Room 587, 5th Floor U.S. Federal Building & Courthouse, 19th & Stout Streets.

AB 9 Sub-4, St. Louis-San Francisco Railway Company Abandonment Between Parsons and Dennis, in Labette County, Kansas, now being assigned November 11, 1975, (2 days), at Parsons, Kansas, in a hearing room to be later designated.

MC 114273 Sub 229, Crst, Inc., now assigned November 4, 1975 at Denver, Colorado; will be held in Room 587, 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Streets.

MC 14092, Denver Trans-Corp., now assigned November 6, 1975 at Denver, Colorado; will be held in Room 587, 5th Floor U.S. Federal Building & Courthouse, 19th & Stout Streets.

MC 19227 Sub-208, Leonard Bros. Trucking Co., Inc., now assigned November 10, 1975 at Denver, Colorado; will be held in Room 587, 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Sts.

MC 113855 Sub-307, International Transports, Inc., now assigned November 11, 1975 at Denver, Colorado; will be held in Room 587 5th Floor, U.S. Federal Building & Courthouse, 19th & Stout Streets.

MC 123407 Sub 224, Sawyer Transport, Inc., and MC 124947 Sub-38, Machinery Transports, Inc., now assigned November 12, 1975 at Denver, Colorado; will be held in Room 587 5th Floor, U.S. Federal Building & Courthourse, 19th & Stout Streets.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25326 Filed 9-22-75;8:45 am]

[Notice No. 82]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

SEPTEMBER 23, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before October 13, 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-75858. By order of September 17, 1975, the Motor Carrier Board approved the transfer to Jim C. Schlosser Trucking, Belle Fourche, South Dakota, of Permit Nos. MC 114854 (Sub-Nos. 1 and 2), issued April 13, 1974 and June 21, 1967, respectively, to Larson and Son, Inc., Belle Fouche, South Dakota, authorizing the transportation of bentonite, from, to, and between points in Montana, Wyoming and South Dakota. Robert A. Amundson, 215 W. Main Street, Lead, South Dakota 57754, representative of applicants.

No. MC-FC-75898. By order entered September 17, 1975, the Motor Carrier Board approved the transfer to Affiliated Van Lines, Inc., Lawton, Okla., of the operating rights set forth in Certificate No. MC 56383 (Sub-No. 10), issued October 1, 1957, to Kessell Transfer & Storage Co., Inc., Colorado Springs, Colorado, authorizing the transportation of household goods, between points in Oklahoma, on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Kansas, and Texas. Charles J. Kimball, 646 Metropolitan Building, Denver, Colorado 80202, attorney for applicants.

No. MC-FC-76062. By order of September 17, 1975, the Motor Carrier Board approved the transfer to Jack L. Hodges, Oran, Mo., of the operating rights in Certificate No. MC 105566 (Sub-No. 18) issued April 26, 1971, to Sam Tanksley Trucking, Inc., Cape Girardeau, Mo., authorizing the transportation of clay products, from Oran, Mo., to points 28 named states and the District of Columbia. Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150, attorney for applicants.

No. MC-FC-76066. By order of September 16, 1975, the Motor Carrier Board

approved the transfer to Taos Transportation Company, Inc., Ft. Stockton, Tex., of the Certificate of Registration in No. MC 121754 issued April 1, 1975, to Frank Bryan, Jr., doing business as Taos Transportation Company, Ft. Stockton, Tex., evidencing a right to engage in transportation by motor vehicle in interstate or foreign commerce corresponding in scope to certificates Nos. 2605–B, 2606–B, and 4409 issued October 30, 1964, by the Railroad Commission of Texas. Mike Cotten, P.O. Box 1148, Austin, Texas 78767, attorney for applicants.

No. MC–FC–76070. By order of September 16, 1975, the Motor Carrier Board approved the transfer to XYZ Corporation, Boulder, Colo., of License No. MC 12798 issued March 15, 1963, to Denver-Boulder Bus Company, a corporation, Denver, Colo., authorizing operations as a broker at Denver, Colo., in connection with the transportation by motor vehicle of passengers and their baggage, in special and charter operations, in round-trip all expense tours, beginning and ending at Denver, Colo., and extending to points in the United States, including Alaska and Hawaii. D. B. James, 1760 14th Street, Boulder, Colo. 80302, representative for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25327 Filed 9-22-75;8:45 am]

[NOTICE No. 83]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Bankers Dispatch Corp., MC-114533 Sub-No. 207	MC-114533 Sub-No. 207	Feb. 5, 1975
Florida Refrigerated Service, Inc., MC-120543 Sub-No. 64	MC-120543 Sub-No. 62	Mar. 2, 1971
Florida Refrigerated Service, Inc., MC-120543 Sub-No. 74	MC-120543 Sub-No. 75	Oct. 31, 1973
Florida Refrigerated Service, Inc., MC-120543 Sub-No. 76	MC-107515 Sub-973	Aug. 13, 1975
D.b.a. C. Ruhlman Trucking Co., MC-125518 Sub-No. 2	MC-125518 Sub-No. 4	Dec. 11, 1974
Bacon Transport Co., MC-134405 Sub-No. 22	MC-134405 Sub-No. 25	July 7, 1975
Joseph C. Petraitis, MC-136003	MC-136003 Sub-No. 1	Mar. 15, 1975
D. M. Bowman, Inc., MC-138438 Sub-10	MC-138438 Sub-No. 13	Aug. 19, 1975

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25328 Filed 9-22-75;8:45 am]

[Ex Parte No. 241; Third Revised Exemption No. 90]

AKRON, CANTON & YOUNGSTOWN RAILROAD CO. ET AL.

Mandatory Car Service Rules; Exemption

To all railroads:

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 396, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", shall be exempted from the provisions of Car Service Rules 1, 2(a), and 2(b).

The Akron, Canton & Youngstown Railroad Company Reporting Marks: ACY
Atlanta & Saint Andrews Bay Railway Company Reporting Marks: ASAB
The Baltimore and Ohio Railroad Company Reporting Marks: BO
The Chesapeake and Ohio Railway Company Reporting Marks: CO–PM
Chicago & Eastern Illinois Railroad Company Reporting Marks: C&EI–CEI
Elgin, Joliet and Eastern Railway Company Reporting Marks: EJE
Illinois Terminal Railroad Company Reporting Marks: ITC
Missouri-Illinois Railroad Company Reporting Marks: MI
Missouri-Kansas-Texas Railroad Company Reporting Marks: BKTY–MKT
Missouri Pacific Railroad Company Reporting Marks: MP
Norfolk and Western Railway Company Reporting Marks: M&W–NKP–WAB
The Pittsburgh and Lake Erie Railroad Company Reporting Marks: P&LE
Raritan River Rail Road Company Reporting Marks: RR
Sacramento Northern Railway Reporting Marks: SN
SOO Line Railroad Company Reporting Marks: SOO
The Texas and Pacific Railway Company Reporting Marks: T&P
Tidewater Southern Railway Company Reporting Marks: TS
WCTU Railway Company Reporting Marks: WCTR
Western Maryland Railway Company, Reporting Marks: WM
Deleted: WP

Effective September 15, 1975.

Expires November 15, 1975.

Issued at Washington, D.C., September 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-25329; Filed 9-22-75;8:45 am]

[AB 2 (Sub-No. 4)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment of Service

SEPTEMBER 19, 1975.

In the matter of Louisville and Nashville Railroad Company, abandonment between Paoli and French Lick in Orange County, Indiana.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, *et seq.*; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Orange County, Ind., on or before October 3, 1975 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 11th day of September, 1975.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated September 11, 1975, it has been determined that the 10 mile segment of the French Lick Branch of the Louisville and Nashville Railroad Company between Paoli and French Lick, all in Orange County, Ind., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because of the low volume of traffic handled in the past several years and the absence of development plans dependent upon continued rail service. Therefore,

associated environmental impacts are either absent or negligible. Additionally the West Baden Springs Hotel should not be affected by the proposed abandonment since salvage operations will be contained within the right-of-way and the site is located a quarter mile from the right-of-way corridor.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-7966.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before October 18, 1975.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-25330 Filed 9-22-75;8:45 am]

[EX PARTE NO. MC-37 (Sub-No. 2D)]

COMMERCIAL ZONES AND TERMINAL AREAS (MINNEAPOLIS-ST. PAUL, MINN., COMMERCIAL ZONE)

Petitioner: Gopher Smelting and Refinery Company.

Petitioner's Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118.

By petition filed June 10, 1975, the above-named petitioner requests that the Commission institute a rule-making proceeding for the purpose of redefining the limits of the Minneapolis-St. Paul commercial zone, which were most recently defined on December 24, 1969, in Commercial Zones and Terminal Areas, 110 M.C.C. 872, as modified by unprinted order of April 28, 1970. The present description of the Minneapolis-St. Paul commercial zone limits can be found at 49 CFR 1048.26. Petitioner desires to change the following pertinent portion of that definition:

* * * thence south along County Highway 63 to its junction with County Highway 63A, thence west along Highway 63A to its junction with Minnesota Highway 49, thence north along Minnesota Highway 49 to its junction with County Highway 28, thence west along County Highway 28 to its junction with Minnesota Highway 13 * * *

to read as follows:

* * * thence south along County Highway 63 to its junction with Minnesota Highway 49 and Wescott Road to its junction with Elrene Avenue, thence north on Elrene Avenue to its junction with County Road 28, thence west along County Road 28 to its junction with Minnesota Highway 13 * * *

Petitioner is directed to submit a detailed street map of the areas proposed for inclusion within the proposed commercial zone. The proposed action is not expected to significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and seven copies of such data, views, or arguments shall be filed with this Commission on or before November 15, 1975. A copy of each representation should be served upon petitioner's representative. Written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-25331 Filed 9-22-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

SEPTEMBER 18, 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 October 3, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successfully 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 564 (Sub-E79), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the lower peninsula of Michigan and Sault St. Marie, Mich., on the one hand, and, on the other, points in that part of Montana on and south of Interstate Highway 90. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E80), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82501, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10 to intersection with Michigan Highway 25, thence along Michigan Highway 25 to Port Huron, on the one hand, and, on the other, points in that part of Montana on and west of a line beginning at the Wyoming-Montana State line, extending along U.S. Highway 212 to intersection with U.S. Highway 312, thence along U.S. Highway 312 to intersection with Interstate Highway 94, thence along Interstate Highway 94 to intersection with Montana Highway 200-S, thence along Montana Highway 200-S to its intersection with Montana Highway 13, thence along Montana Highway 13 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E82), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan, on and west of U.S. Highway 41 and points in that part of the lower peninsula of Michigan, on and west of a line beginning at the Indiana-Michigan State line and extending along Michigan Highway 40 to intersection with U.S. Highway 31, thence along U.S. Highway 31 to Lake Michigan, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E83), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan, on and west of U.S. Highway 41 and points in that part of the lower peninsula of Michigan, on and west of Michigan Highway 140, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E84), filed June 4, 1974. Applicant: DUDLEY'S TRANS-

CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E85), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the upper peninsular of Michigan and points in that part of Michigan on and west of U.S. Highway 31, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E86), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of a line beginning at Like Michigan and extending along U.S. Highway 10 to intersection with Michigan Highway 25 and thence along Michigan Highway 25 to Port Huron, Mich., on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E87), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41, and Decatur, Mich., on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E88), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the lower peninsula of Michigan and Sault St. Marie, Mich., on the one hand, and, on the other, points in that part of Oregon on and west of U.S. Highway 97 and points in Gilliam, Grant, Umatilla, Sherman, Wheeler, and Morrow Counties, Ore. The purpose of this filing is to eliminate the gateway of points in Illinois within 150 miles of Austin, Minn.; points in Montana, and Wenatchee, Wash.

No. MC 564 (Sub-E89), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of a line beginning at Lake Michigan and extending along U.S. Highway 10 to intersection with Michigan Highway 25, thence along Michigan Highway 25 to Port Huron, Mich., on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E90), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and south of Interstate Highway 94, on the one hand, and, on the other, Superior, Wis. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E91), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Michigan on and west of U.S. Highway 41 on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E92), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41 and Decatur, Mich., on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 564 (Sub-E93), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the lower peninsula of Michigan, on the one hand, and, on the other, points in that part of Texas, on and west of a line beginning at the Oklahoma-Texas State line and extending along U.S. Highway 271 to intersection with Texas Highway 19, thence along Texas Highway 19 to intersection with U.S. Highway 67, thence along U.S. Highway 67 to intersection with Interstate Highway 35E, thence along Interstate Highway 35 E to intersection with U.S. Highway 77, thence along U.S. Highway 77 to intersection with U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Illinois, within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E94), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska, 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in the upper peninsula of Michigan, on the one hand, and, on the other, points in Texas. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E95), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41 and St. Joseph, Mich., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 564 (Sub-E96), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of the upper peninsula of Michigan on and west of U.S. Highway 41, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of Illinois.

No. MC 564 (Sub-E97), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska, 68501. Applicant's representative: Rolland C. Dudley

(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Iowa on and east of U.S. Highway 61, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E99), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Wisconsin, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5 and points in Illinois within 150 miles of Austin, Minn.

No. MC 564 (Sub-E100), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Oklahoma, on the one hand, and, on the other, points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 6 to intersection with Interstate Highway 80, thence along Interstate Highway 80 to intersection with Interstate Highway 71, thence along Interstate Highway 71 to intersection with Interstate Highway 76, thence along Interstate Highway 76 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Illinois, within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E101), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maryland, on the one hand, and, on the other, points in that part of Oklahoma on and west of Interstate Highway 35. The purpose of this filing is to eliminate the gateways of points in Illinois within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-102), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Maine, Massachusetts, Connecticut, Rhode Island, New York and New Hampshire, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Illinois, within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E103), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Indiana on and north of U.S. Highway 30, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5; points in Iowa within 150 miles of Austin, Minn.; and points in Illinois.

No. MC 564 (Sub-E104), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 83046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in that part of Interstate Highway 80, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateways of points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E106), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between the District of Columbia, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 75 to intersection with Interstate Highway 40 to Oklahoma City, Okla., thence along Interstate Highway 35 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn., and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E107), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Delaware, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Arkansas-Oklahoma State line and extending along Interstate Highway 40 to intersection with U.S. Highway 69, thence along U.S. Highway 69 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E108), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Minnesota within 150 miles of Austin, Minnesota, on the one hand, and, on the other, points in Oklahoma (except points in Cimarron, Beaver and Texas Counties, Okla.) The purpose of this filing is to eliminate the gateways of points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E109), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in Oklahoma, on the one hand, and, on the other, points in that part of Pennsylvania, on, north and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 6 to intersection with the Pennsylvania Turnpike, N. E. Extension, thence along the Pennsylvania Turnpike, N.E. Extension, to intersection with Interstate Highway 276, thence along Interstate Highway 276 to the New Jersey-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of points in Illinois; points in Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E110), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between points in New Jersey, on the one hand, and, on the other, points in that part of Oklahoma on and west of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 69 to intersection with U.S. Highway 62, thence along

U.S. Highway 62 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Illinois, points in that part of Iowa within 150 miles of Austin, Minn.; and points in that part of Missouri south of U.S. Highway 54 and west of Missouri Highway 5.

No. MC 564 (Sub-E111), filed June 4, 1974. Applicant: DUDLEY'S TRANS-CONTINENTAL MOVERS, P.O. Box 82046, Lincoln, Nebraska 68501. Applicant's representative: Rolland C. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between the District of Columbia, on the one hand, and, on the other, points in Oregon (except Malheur County, Ore.). The purpose of this filing is to eliminate the gateways of points in Illinois, points in Iowa within 150 miles of Austin, Minn.; points in Montana, and Wenatchee, Wash.

No. MC 31600 (Sub-E15), filed June 4, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Massachusetts 02154. Applicant's representative: Marshall Kragen, 666 Eleventh St. N.W., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid commodities* (except milk and milk products, petroleum and petroleum products, asphalt and other bituminous products, and blackstrap molasses), in bulk, in tank vehicles, from points in New Hampshire, on and east of a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 18 to junction U.S. Highway 3, to the New Hampshire-Massachusetts State line, to points in Connecticut on and south and west of a line beginning at the Connecticut-Rhode Island State line and extending along Connecticut Highway 2 to junction U.S. Highway 44, to junction Connecticut Highway 8, to the Connecticut-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Boston, Mass.

No. MC 60014 (Sub-E135), filed June 4, 1974. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, Pa. 1546. Applicant's representative: William R. Rorison (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of their size or weight, require the use of special equipment, (1) between those points in Massachusetts within 35 miles of Boston, on the one hand, and on the other, points in Delaware, New Jersey, Pennsylvania, and Virginia. (New York)*; (2) between points in Maine, on the one hand, and, on the other, points in Connecticut, and Rhode Island (points in Massachusetts within 35 miles of Boston)*; and (3) between those points in Maine north and west on a line beginning at the Maine-New Hampshire State line and extending along U.S. Highway 202, to junction Maine Highway 4A, thence along Maine Highway 4A to junction Maine Highway 4, thence along Maine Highway 4 to junction Maine Highway 5, thence along Maine Highway 5 to junction Maine Highway 11, thence along Maine Highway 11 to junction Maine Highway 26, thence along Maine Highway 26 to junction Maine Highway 232 thence along Maine Highway 232 to junction Maine Highway 17, thence along Maine Highway 17 to junction Maine Highway 4, thence along Maine Highway 4 to junction Maine Highway 16, thence along Maine Highway 16 to junction Maine Highway 27, thence along Maine Highway 27 to the United States-Canada International Boundary line, on the one hand, and, on the other, those points in New Hampshire east and south on a line beginning at the New Hampshire-Vermont State line and extending along New Hampshire Highway 9 to junction New Hampshire Highway 101, thence along New Hampshire Highway 101 to junction New Hampshire Highway 101A, thence along New Hampshire Highway 101A to junction New Hampshire Highway 111, thence along New Hampshire Highway 111 to junction Interstate Highway 93, thence along Interstate Highway 93 to junction New Hampshire Highway 97, thence along New Hampshire Highway 97 to the New Hampshire-Massachusetts State line (points in Massachusetts within 35 miles of Boston)*; and Iron and steel articles, requiring special equipment, restricts so that, or provided that, the loading or unloading, which necessitate the special equipment, is performed by the consignor or consignee or both, from points in Maine, Connecticut, and New Hampshire, to points in Alabama, Kentucky, Mississippi, and Tennessee (points in Massachusetts within 35 miles of Boston; Greenwich, Conn.; points in New York within 10 miles of Greenwich, Conn.; and Wheeling, W. Va.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 96605 (Sub-E1), filed May 10, 1974. Applicant: BULLET LINE, INC., 1501 Canal Street, Tacoma, Wash. 98402. Applicant's representative: R. A. Bullet (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, not including plywood. (a) between points in Grays Harbor County, Washington, on the one hand, and, on the other, points in Curry, Josephine, Jackson, Klamath, Lake, Harney, Malheur, Grant, Baker, Morrow, Umatilla, Union, Wallowa, Deschutes, and Cook Counties, Oreg. (b) between points in Thurston County, Wash., on the one hand, and, on the other, points in Morrow, Unatilla, Union, Wallowa, Baker, Grant, Wheeler, Crook, Lane (except those points located on Interstate Highway 5 north of Eugene, Oreg.), Deschutes, Malheur, Harney, Lake, Klamath, Jackson, Douglas, Josephine, Curry, and Coos Counties, Oreg., and Newport, Oreg. (c) between points in King County, Wash., on the one hand, and, on the other, points in Oregon. (d) between Chehalis, Lewis County, Wash., and points in Lewis County located on Interstate Highway 5 north of Chehalis, on the one hand, and, on the other, points in Umatilla, Union, Wallowa, Baker, Grant, Malheur, Harney, Lake, Klamath, Jackson, Josephine, Curry, and Coos Counties, Oreg. (e) between Morton, Lewis County, Wash., and points in Lewis County located on Washington Highway 7 north of Morton, on the one hand, and, on the other, points in Oregon except points in Hood River, Clackamas, Marion, Yamhill, Tillamook, Clatsop, Columbia, Washington, and Multnomah Counties, Oreg. (f) between Packwood, Lewis County, Wash., and points in Lewis County located on U.S. Highway 12 north of Packwood, on the one hand, and, on the other, points in Oregon. (g) between Randle, Glenoma, and Kosmos, Lewis County, Wash., on the one hand, and, on the other, Astoria, Oreg., and points in Oregon except points in Clatsop, Columbia, Washington, Multnomah, Clackamas, and Hood River Counties, Oregon. The purpose of this filing is to eliminate the gateway of points in Pierce County, Washington.

No. MC 102616 (Sub-No. E5), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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, (A) from points in New Castle County, Del., to points in Virginia on and south of U.S. Highway 50 and east of U.S. Highway 220, except points in Arlington, Fairfax, Prince William, Accomack, in Northampton Counties, and except Alexandria, Va., and points within 20 miles thereof; and (B) from points in Delaware on and north of Delaware Highway 8 to points in Virginia on and south of U.S. Highway 50, on and east of U.S. Highway 220, and on and west of Virginia Highway 123 and Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-No. E21), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petrochemicals*, in bulk, in tank vehicles, from Wilmington, Del., to points in Pennsylvania on, west and south of a line beginning at the Pennsylvania-Maryland State line and extending along U.S. Highway 522 to junction U.S. Highway 30, to junction U.S. Highway 220 to junction Pennsylvania Highway 36, to junction Pennsylvania Highway 53, to junction U.S. Highway 422, to the Pennsylvania-Ohio State line, and to points in West Virginia on and north of a line beginning at the West Virginia-Virginia State line and extending along U.S. Highway 250 to junction U.S. Highway 33 to

the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 102616 (Sub-No. E34), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals), in bulk, in tank vehicles, from Wilmington, Del., to points in Illinois, Indiana, Michigan, Ohio and Wisconsin, points in Alabama on and west of a line beginning at the Alabama-Tennessee State line and extending along U.S. Highway 231 to junction Alabama Highway 79, to junction U.S. Highway 31, to junction U.S. Highway 22, to junction Alabama Highway 41 to the Florida-Alabama State line, and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 42 to junction U.S. Highway 70S, to junction Tennessee Highway 55, to junction U.S. Alternate Highway 41, to junction U.S. Highway 64, to junction Tennessee Highway 97 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Pittsburgh, Pa., and Congo, W. Va.

No. MC 102616 (Sub-No. E36), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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 the District of Columbia, to points in Illinois, Kansas, Kentucky, the Upper Peninsula of Michigan, Mackinaw City, Mich., points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along Tennessee Highway 42 to junction U.S. Highway 70S, to junction Tennessee Highway 55, to junction U.S. Alternate Highway 41, to junction U.S. Highway 64, to junction Tennessee Highway 97 to the Tennessee-Alabama State line, and points in Indiana south and west of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 19 to junction U.S. Highway 33, to junction U.S. Highway 24, to junction Indiana Highway 14 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E41), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the District of Columbia to points in Ohio, south and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 40 to junction Ohio Highway 13, to junction U.S. Highway 33, to junction Ohio Highway 124 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in the Granville, W. Va. Commercial Zone which are on and east of U.S. Highway 119.

No. MC 102616 (Sub-No. E42), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the District of Columbia to points in Indiana on, north, and west of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 26, to junction Indiana Highway 67, to junction Indiana Highway 32, to junction Indiana Highway 37, to junction Indiana Highway 45, to junction Indiana Highway 54, to junction U.S. Highway 231 to the Indiana-Kentucky State line (except points on, north, and east of a line beginning at the Michigan-Indiana State line and extending along Indiana Highway 13 to junction U.S. Highway 24, to junction Indiana Highway 105, to junction Indiana Highway 124, to the Indiana-Ohio State line). The purpose of this filing is to eliminate the gateways of points in the Commercial Zone of Granville, W. Va., on and east of U.S. Highway 119, and Toledo, Ohio.

No. MC 102616 (Sub-No. E46), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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, (A) from points in Illinois on and north of a line beginning at the Indiana-Illinois State line and extending along Illinois Highway 114 to junction Illinois Highway 1, to junction Illinois Highway 17, to junction Illinois Highway 89, to junction Illinois Highway 116, to junction Illinois Highway 29, to junction Illinois Highway 9 to the Illinois-Iowa State line, to points in Brooke, Hancock, and Marshall Counties, W. Va.; and (B) from points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along Illinois Highway 114 to junction Illinois Highway 1, to junction Illinois Highway 17, to junction U.S. Highway 66, to junction Illinois Highway 9 to the Iowa-Illinois State line, to points in Hampshire and Marion Counties, W. Va. The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., and Akron, Ohio.

No. MC 102616 (Sub-No. E48), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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 Illinois on and north of U.S. Highway 30 to points in North Carolina on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., Columbus, Ohio, and South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E56), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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 Chicago, Ill., to points in Rhode Island and points in Massachusetts on and east of Interstate Highway 91. The purpose of this filing is to eliminate the gateway of Midland, Mich.

No. MC 102616 (Sub-No. E71), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals), in bulk, in tank vehicles, from the plantsite of U.B.S. Chemical Co., at Lemont, Ill., to points in Delaware, Maryland, New Jersey, points in Pennsylvania on and south of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 22 to junction U.S. Highway 522, to junction U.S. Highway 15, to the New York-Pennsylvania State line, and points in New York on, east and south of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 14 to junction U.S. Highway 17, to junction New York Highway 30, to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio, and the Allied Chemical Corp., plantsites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E74), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid fertilizer solutions, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plantsite of Foster Grant Co., at Peru, Ill., to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line and extending along Interstate Highway 65 to junction Kentucky Highway 61, to junction U.S. Highway 31E, to junction Kentucky Highway 90, to junction Kentucky Highway 163 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Huntington, Ind.

No. MC 102616 (Sub-No. E77), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid fertilizer solutions, liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plantsite of Foster Grant Co., at Peru, Ill., to points in Delaware, Maryland, New Jersey, and points in New York on and east of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 14 to junction New York Highway 13, to junction U.S. Highway 11, to junction New York Highway 13 to Lake Ontario. The purpose of this filing is to eliminate the gateways of Cuyahoga, Hamilton, Mahoning, Stark, Summit, or Trumbull Counties, Ohio, and the Allied Chemical Co., plantsites near Moundsville, W. Va.

No. MC 102616 (Sub-No. E100), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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, (A) from points in Indiana on and west of a line beginning at the Indiana-Michigan State line and extending along Indiana Highway 39 to junction U.S. Highway 35, to junction Indiana Highway 1, to the Indiana-Ohio State line, to points in Hampshire County, W. Va.; (2) from points in Indiana on and south of U.S. Highway 50 and on and west of U.S. Highway 231, to points in Brooke, Marshall, and Hancock Counties, W. Va.; (C) from points in Indiana on, south, and west of a line beginning at Lake Michigan and extending along U.S. Highway 41 to junction U.S. Highway 52, to junction U.S. Highway 231, to junction U.S. Highway 136, to junction Indiana Highway 267, to junction Indiana Highway 144, to junction U.S. Highway 31, to junction Indiana Highway 7 to the Indiana-Kentucky State line, to points in Marion County, W. Va.; (D) from points in Indiana to points in Kanawha County, W. Va.; (E) from points in Indiana on and south of a line beginning at the Indiana-Kentucky State line and extending along Indiana Highway 256 to junction Indiana Highway 39, to junction U.S. Highway 50 to the Indiana-Illinois State line, to points in Monongalia County, W. Va.; (F) from points in Indiana on and south of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 50 to the Illinois-Indiana State line, to points in Pleasants County, W. Va.; and (G) from points in Indiana on, south, and west of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 36 to junction U.S. Highway 231, to junction Indiana Highway 46, to junction Indiana Highway 37, to junction U.S. Highway 50, to junction Indiana Highway 7, to the Indiana-Kentucky State line, to points in Wetzel County, W. Va. The purpose of this filing is to eliminate the gateway of South Charleston or Institute, W. Va.

No. MC 102616 (Sub-No. E106), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Princeton, Ind., to points in Florida on and east of U.S. Highway 319, points in Louisiana on, south, and west of a line beginning at the Louisiana-Arkansas State line and extending along U.S. Highway 71 to junction U.S. Highway 190, to junction U.S. Highway 90, to the Louisiana-Mississippi State line, points in Mississippi on and south of U.S. Highway 90, points in Missouri on, north, and west of a line beginning at the Missouri-Arkansas State line and extending along Missouri Highway 5 to junction U.S. Highway 60, to junction U.S. Highway 63, to junction Missouri Highway 17, to junction U.S. Highway 54 to the Missouri-Illinois State line, points in North Carolina on and east of U.S. Highway 220, points in South Carolina on and east of U.S. Highway 301, points in Texas on, west, and south of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 259 to junction U.S. Highway 80, to the Texas-Louisiana State line (except points in Harris County), points in Virginia on and east of U.S. Highway 220, points in West Virginia on and north of U.S. Highway 50, Connecticut, District of Columbia, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New Hampshire, New York, Oklahoma, Pennsylvania, Rhode Island, Vermont, Wisconsin, and those points in Colorado, New Mexico, North Dakota, South Dakota, and Wyoming which are on and east of U.S. Highway 85. The purpose of this filing is to eliminate the gateway of Marshall, Ill., or points within 5 miles thereof.

No. MC 102616 (Sub-No. E113), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, restricted to petroleum products, in bulk, in tank vehicles, from the plantsite of Texas Eastern Transmission Corp., near Princeton, Ind., to points in New York on and north of a line beginning at the New York-Connecticut State line and extending along U.S. Highway 44 to junction U.S. Highway 87, to junction New York Highway 23, to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateways of Illiopolis, Ill., or points within 5 miles thereof, and Lewiston, Pa.

No. MC 102616 (Sub-No. E147), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Baltimore, Md., to points in Connecticut, Massachusetts, New Jersey, Rhode Island and points in New York, on, north, and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction New York Highway 63, to junction U.S. Alternate Highway 20, to junction U.S. Highway 62 to Lake Erie. The purpose of this filing is to eliminate the gateway of the plant site of Tidewater Oil Company Refinery at Delaware City, Del.

No. MC 102616 (Sub-No. E160), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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 Ludington and Bay City, Mich., to points in Wisconsin on and south of a line beginning at Lake Michigan and extending along Michigan Highway 29 to junction U.S. Highway 53, to junction Michigan Highway 35, to junction U.S. Highway 8 to the Wisconsin-Minnesota State line, and points in Iowa, Missouri and Minnesota. The purpose of this filing is to eliminate the gateways of Kalamazoo, Mich., and Chicago, Ill.

No. MC 102616 (Sub-No. E175), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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 Michigan (a) in the Commercial Zone of Detroit, (b) Lincoln Park, Ecorse, River Rouge, Wayne, Dearborn, Plymouth, Farmington, Southfield, Berkeley, Royal Oak, Pleasant Ridge, Ferndale, East Detroit, and Grosse Pointe Farms, (c) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 12, (i) to junction U.S. Highway 25 to Mount Clemens; (ii) to junction U.S. Highway 10, to junction Michigan Highway 150 to Rochester; (iii) to junction U.S. Highway 127 to Jackson; and (iv) to junction U.S. Highway 23 to Ann Arbor, (d) on a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 94 to junction U.S. Highway 12, (e) on a line beginning at junction U.S. Highway 94 (i) and U.S. Highway 31 and extending along U.S. Highway 31 to Niles; and (ii) and Michigan Highway 40 and extending along Michigan Highway 40 to Niles, (f) on a line beginning at the Michigan-Indiana State line and ex-

tending along U.S. Highway 94 to junction Michigan Highway 78, to junction U.S. Highway 27, to junction Michigan Highway 43, to junction unnumbered highway, to junction U.S. Highway 96 to Detroit, (g) on a line beginning at Lansing and extending along Michigan Highway 78 to juction U.S. Highway 10 to Detroit, (h) on a line beginning at junction U.S. Highways 12 and 223 and extending along U.S. Highway 223 to junction U.S. Highway 24, to junction U.S. Highway 25 to Detroit, and Dundee, Mich., (i) on U.S. Highway 23 beginning at junction U.S. Highway 12 and extending to the Michigan-Ohio State line, and (j) on U.S. Highways 24 or 25 beginning at Detroit and extending to the Michigan-Ohio State line, to points in Delaware, Maryland, New Jersey, and points in Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 219 to junction U.S. Highway 22, to junction U.S. Highway 220, to junction Interstate Highway 80 to the Pennsylvania-New Jersey State line. The purpose of this filing is to eliminate the gateway of Akron, Ohio and the Allied Chemical Co., plant sites near Moundsville, W. Va.

No. MC 102616 (Sub-E430), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *chemicals*, in bulk, in tank vehicles, from Flint, Mich., to points in Illinois on and south of Illinois Highway 15 and on and west of Illinois Highway 37. The purpose of this filing is to eliminate the gateway of Toledo, Ohio and Kalamazoo, Michigan.

No. MC 102616 (Sub-E434), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (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 Illinois on and west of U.S. Highway 66 and on and north of U.S. Highway 36, to points in Allegheny, Butler, Beaver, Cambria, Fayette, and McKean Counties, Pa., and points in Mahoning, Summit, and Trumbull Counties, Ohio and points in Stark County, Ohio on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of Kalamazoo, Michigan and Akron, Ohio.

No. MC 102616 (Sub-E444), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *liquid petrochemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Pennsylvania on and east of U.S. Highway 222 and on and south of U.S. Highway 30, to points in West Virginia on and west of U.S. Highway 219 and on and north of U.S. Highway 33. The purpose of this filing is to eliminate the gateway of Baltimore, Md.

No. MC 102616 (Sub-E447), filed June 3, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products* (except petrochemicals), in bulk, in tank vehicles, from points in Michigan, (a) in the commercial zone of Detroit, (b) Lincoln Park, Ecorse, River Rouge, Wayne, Dearborn, Plymouth, Farmington, Southfield, Barkeley, Royal Oak, Pleasant Ridge, Ferndale, East Detroit, and Grosse Pointe Farms, (c) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 12, (i) to junction U.S. Highway 25 to Mount Clemens; (ii) to junction U.S. Highway 10, to junction Michigan Highway 150 to Rochester; (iii) to junction U.S. Highway 127 to Jackson; and (iv) to junction U.S. Highway 23 to Ann Arbor, (d) on a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 94 to junction U.S. Highway 12, (e) on a line beginning at junction U.S. Highway 94, (i) and U.S. Highway 31 and extending along U.S. Highway 31 to Niles; and (ii) and Michigan Highway 40 and extending along Michigan Highway 40 to Niles, (f) on a line beginning at the Michigan-Indiana State line and extending along U.S. Highway 94 to junction Michigan Highway 78, to junction U.S. Highway 27, to junction Michigan Highway 43, to junction unnumbered highway, to junction U.S. Highway 96 to Detroit,

(g) on a line beginning at Lansing and extending along Michigan Highway 78 to junction U.S. Highway 10 to Detroit, (h) on a line beginning at junction U.S. Highways 12 and 223 and extending along U.S. Highway 223 to junction U.S. Highway 24, to junction U.S. Highway 25 to Detroit; and Dundee, Mich. (i) on U.S. Highway 23 beginning at junction U.S. Highway 12 and extending to the Michigan-Ohio State line, (j) on U.S. Highways 24 or 25 beginning at Detroit and extending to the Michigan-Ohio State line, to points in Pennsylvania on and south of Interstate Highway 78 and on and east of Interstate Highway 81, points in Vermont on and east of U.S. Highway 5 and on and north of U.S. Highway 2, points in New Jersey, points in New York on and south of a line beginning at the New York-Pennsylvania State line and extending along New York Highway 17 to junction New York Highway 30, to junction New York Highway 23 to the Massachusetts-New York State line, points in Virginia on and east of a line beginning at the Virginia-West Virginia State line and extending along Virginia Highway 39 to junction U.S. Highway 501, to junction U.S. Highway 29 to the North Carolina-Virginia State line, points in North Carolina on and east of a line beginning at the Virginia-North Carolina State line and extending along North Carolina Highway 62 to junction North Carolina Highway 87, to junction Interstate Highway 95, to North Carolina Highway 41 to the South Carolina-North Carolina State line, and points in New Hampshire on, east and south of a line beginning at the Maine-New Hampshire State line and extending along New Hampshire Highway 4 to junction New Hampshire Highway 9, to junction U.S. Highway 202 to junction Interstate Highway 93 to the Vermont-New Hampshire State line. The purpose of this filing is to eliminate the gateway of Akron, Ohio, Pittsburgh, Pa., and Congo, W. Va.

No. MC 107002 (Sub-E341), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *petroleum products*, as defined by the Commission, from Moundville, Ala., to points in Arkansas (Washington County, Miss.; or Greenville, Crupp, or Rogerslacy, Miss.; or Union County, Miss. and Memphis, Tenn.)*; and *petroleum products*, as defined by the Commission, which are embraced within liquid chemicals, from Moundville, Ala., to points in Arkansas (Louisville, Miss.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107002 (Sub-E342), filed May 12, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over iregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Newport, Ark., to points in Alabama, Florida, Georgia, Mississippi, those in Tennessee on, south and east of a line beginning at the Tennessee-Missouri State line and extending along Tennessee Highway 20 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Tennessee Highway 5, thence along Tennessee Highway 5 to the Tennessee-Kentucky State line (Memphis, Tenn.)*, North Carolina, and South Carolina (Memphis, Tenn., and Fox, Ala.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 107107 (Sub E35), filed April 25, 1975. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 NW 42nd Avenue, 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: meats, meat products, and meat by-products, as defined by the Commission, (1) from those points in Texas on and south of U.S. Highway 62 (except those east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 190, to the Texas-

Louisiana State line), to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, North Carolina, Rhode Island, Virginia, those in New York south of New York Highway 7, those in Pennsylvania east of the Susquehanna River, and the District of Columbia; (2) from those points in Texas on and south of U.S. Highway 66 and north of U.S. Highway 62, to points in Connecticut, Delaware, Massachusetts, North Carolina, Rhode Island, those in Maryland on and east of U.S. Highway 1, those in Virginia on and east of U.S. Highway 29, and the District of Columbia; (3) from those points in Texas bounded by a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 281 to junction U.S. Highway 190, to the Louisiana-Texas State line, thence along the Louisiana-Texas State line to U.S. Highway 84, to junction U.S. Highway 259, to junction Texas Highway 64, to junction U.S. Highway 271, to the Texas-Oklahoma State line, thence along the Texas-Oklahoma State line, thence along the Texas-Oklahoma State line to point of beginning; (4) from points in Moore County, Tex., to points in Virginia and those in Wicomico County, Md.; and (5) from those points in Texas north and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 271 to junction U.S. Highway 84, to the Texas-Louisiana State line, to points in Connecticut, Delaware, Massachusetts, New Jersey, Rhode Island, those in North Carolina on and east of U.S. Highway 29, those in Virginia on and east of U.S. Highway 15, those in Maryland on and east of U.S. Highway 1, those in Pennsylvania east of the Susquehanna River, those in New York on and south of New York Highway 7, and the District of Columbia.

No. MC 107107 (Sub-E42), filed April 22, 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: meat, meat products, meat by-products, as defined by the Commission, (1) from those points in Florida east of the Ochlochnee River, to points in Colorado, Kentucky, Louisiana (except those south and east of a line beginning at the Mississippi River and extending along U.S. Highway 84 to junction U.S. Highway 165, to junction Interstate Highway 10, to the Louisiana-Texas State line), Michigan, Tennessee, Texas and those in Mississippi on and north of U.S. Highway 80; (2) from those points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along Florida Highway 53 to junction U.S. Highway 27, to junction Florida Highway 51, to the Gulf of Mexico, to points in Mississippi, Louisiana, and those in Alabama north of U.S. Highway 80; (3) from those points in Florida on and south of Florida Highway 50, to those points in South Carolina north of U.S. Highway 1; (4) from those points in Florida north of a line beginning at the Florida-Georgia State line and extending along Florida Highway 50 to junction U.S. Highway 441, to junction Florida Highway 100, to junction U.S. Highway 17, to junction Florida Highway 46, to junction U.S. Highway 1, to the Atlantic Ocean, to those points in South Carolina north of Interstate Highway 85, and those in North Carolina on and west of U.S. Highway 29; and (5) from those points in Florida east of a line beginning at the Florida-Georgia State line and extending along U.S. Highway 441 to junction Florida Highway 100, to junction U.S. Highway 17, to junction Florida Highway 46, to junction U.S. Highway 1, to the Atlantic Ocean, to those points in South Carolina on and west of Interstate Highway 85, and those in North Carolina on and west of U.S. Highway 221. The purpose of this filing is to eliminate the gateways of Sylvester and Tifton, Georgia.

No. MC 108119 (Sub E36), filed May 19, 1974. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Roger S. Bond (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *commodities*, which, because of size or weight, require special handling or the use of special equipment; (2) *Related parts, materials*, and *supplies* (not requiring special handling or the use of special equipment) when the transportation of such items is incidental to the transportation by carrier of commodities which by reason of size or weight, require special handling or the use of special equipment; and (3) *Self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, restricted to commodities which are transported on trailers, (A) between points in the Commercial Zone of Chicago, Ill., on the one hand, and, on the other, points in that part of Texas on and west of a line extending southerly from the Texas-Oklahoma State line along U.S. Highway 83 to junction Texas, thence southeasterly along Interstate Highway 10 to San Antonio, Tex., thence southerly along U.S. Highway 181 to the Gulf of Mexico at Corpus Christi, Texas; (B) between points in South Dakota on and east of U.S. Highway 81, (except Union County, South Dakota), on the one hand, and, on the other, points in Alabama on and east of a line extending northerly from the Alabama-Florida State line along U.S. Highway 231 to Montgomery, Alabama thence northwesterly along U.S. Highway 82 to the Alabama-Mississippi State line, Arizona, California, Connecticut, Delaware, District of Columbia, that part of Florida, on and east of Interstate Highway 75 extending northerly from St. Petersburg, Florida to Ocala, Florida, thence northwesterly along U.S. Highway 27 to the Florida-Georgia State line, Georgia, that part of Illinois on and east of a line extending northerly from the Illinois-Kentucky State line to Bloomington, Illinois, thence northwesterly along Interstate Highway 74 to the Illinois-Iowa State line, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan (Lower Peninsula), that part of Mississippi on and north of a line beginning at the Mississippi-Alabama State line and extending westerly along U.S. Highway 82 to Columbus, Mississippi, thence northerly along U.S. Highway 45 to Tupelo, Mississippi, thence northwesterly along U.S. Highway 78 to the Mississippi-Tennessee State line, that part of Montana on and west of a line extending northerly from the Montana-Wyoming State line along U.S. Highway 87 to its junction with Montana Highway 19, thence northerly along Montana Highway 19 to its junction with U.S. Highway 191, thence northerly along U.S. Highway 191 to its junction with Montana Highway 242 at Malta, Montana, thence northerly along Montana Highway 242 to the Montana-Canadian Border, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, that part of Tennessee, on and east of U.S. Highway 51, Utah, Vermont, Virginia, West Virginia, and that part of Wyoming on and west of a line extending northerly from the Wyoming-Colorado State line along Wyoming Highway 789 to Creston, Wyoming, thence easterly along Interstate Highway 80 to Rawlins, Wyoming, thence northerly along U.S. Highway 287 to Muddy Gap, Wyoming, thence northeasterly along Wyoming Highway 220 to Casper, Wyoming, thence northerly along U.S. Highway 87 to the Montana-Wyoming State line. The operations authorized herein are restricted against the transportation of farm machinery to or from Alabama, Arizona, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, Nevada, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming. The purpose of this filing is to eliminate the gateway of Minnesota.

No. MC 108297 (Sub-No. E1), filed May 31, 1974. Applicant: FOX TRANSPORT SYSTEM, 21 South Fifth St., Philadelphia, Pa. 19106. Applicant's representative: Frederick W. Fox, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packing-house products and by-products*, including fresh meats, and packinghouse supplies and equipment, from Chester, Pa., and Atlantic City and Bridgeton, N.J., to Binghamton, N.Y. (Philadelphia, Pa.)*. (2) *Packing-house products and by-products*, including fresh meats, and packinghouse supplies and equipment (except commodities in bulk, and those requiring special equipment), from points in Delaware on and north of Delaware Highway 8, including Little Creek, Dover, and Pearson's Corner, Del., those in Maryland in Cecil County and in Baltimore and Hartford

Counties on and east of U.S. Highway 1 and those in the District of Columbia to Binghamton, N.Y. (Philadelphia, Pa.)*. (3) *Packing-house products and by-products*, including fresh meats, as is dealt in by wholesale, retail, and chain grocery and food business houses, and *packing-house supplies and equipment* (restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses), from points in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., those in Delaware on and north of U.S. Highway 40, and those in Pennsylvania east of the Susquehanna River and on and south of U.S. Highway 22 to Binghamton, N.Y. (Philadelphia or Bethlehem, Pa.)*.

(4) *Fruits, vegetables, farm products, poultry*, and *seafood*, from points in Delaware, those in New Jersey on and south of U.S. Highway 22, and those in Pennsylvania south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 22 to junction U.S. Highway 11, thence along U.S. Highway 11 to the Pennsylvania-Maryland State line to Binghamton, N.Y. (Bethlehem or Philadelphia, Pa.)*. (5) *Packing-house products and by-products*, including fresh meats, as are dealt in by retail grocery stores, and *packing-house supplies and equipment*, from points on and south of U.S. Highway 22 in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and points in Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., within 30 miles of Phillipsburg, N.J., and Easton, Pa., to Binghamton, N.Y. (Bethlehem, Pa.)*. (6) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and equipment* (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), from Philadelphia and Bethlehem, Pa., to points in that part of New York on, west, and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 7 to junction New York Highway 10, thence along New York Highway 10 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 73, thence along New York Highway 73 to junction New York Highway 9N, thence along New York Highway 9N to the New York-Vermont State line (Binghamton, N.Y.)*. (7) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and equipment*, from Syracuse, Hall, and Piermont, N.Y., to Philedalphia, Pa. (Easton or Scranton, Pa.)*. (8) *Packing-house products and by-products*, including fresh meats as is dealt in by wholesale, retail, and chain grocery and food business houses, and *packing-house supplies and equipment* (restricted to shipments moving from, to, or between plants, warehouses, retail outlets, or other facilities of grocery and food business houses), from Syracuse, Hall, and Piermont, N.Y., to points in Delaware on and north of U.S. Highway 40, and those in Pennsylvania east of the Susquehanna River and on and south of U.S. Highway 22 (Easton or Scranton Pa.)*.

(9) *Packing-house products and by-products*, including fresh meats, and *packing-house products and equipment*, as are dealt in by retail grocery stores, from Syracuse, Hall, and Piermont, N.Y., to points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., within 30 miles of Phillipsburg, N.J., and Easton, Pa. (Easton or Scranton, Pa.)*. (10) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and equipment*, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from Syracuse, Hall, and Piermont, N.Y., to points in Dauphin, Lancaster, Perry, and York Counties, Pa., Allegany, Baltimore, Carroll, Cecil, Frederick, Hartford, and Washington Counties, Md., Clarke and Frederick Counties, Va., and Berkeley and Jefferson Counties, W. Va. (restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and points in their respective commercial zones) (Easton or Harrisburg or Scranton, Pa.)*. (11) *Packing-house products* and *by-products*, including fresh meats, and *packing-house supplies and equipment* (except commodities in bulk, and those requiring special equipment); (a) between Mahanoy City, Pottsville, Shenandoah, and Williamsport, Pa., on the one hand, and, on the other, points in New Jersey on and south of New Jersey Highway 33, and those in Delaware on and north of Delaware Highway 8; (b) between Allentown, Easton, Hazleton, Lehighton, Scranton, and Wilkes-Barre, Pa., on the one hand, and, on the other, points in New Jersey on and south of New Jersey Highway 70, those in Delaware on and north of Delaware Highway 8, those in Cecil County, Md., those in Baltimore and Harford Counties, Md., on and east of U.S. Highway 1, and those in the District of Columbia; and (c) between Harrisburg, Pottstown, and Reading, Pa., on the one hand, and, on the other, points in the New York commercial zone as defined by the Commission, and those in New Jersey on and south of a line beginning at the New York-New Jersey State line and extending along New Jersey Highway 3 to junction New Jersey Highway 21, thence along New Jersey Highway 21 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Pennsylvania-New Jersey State line (Philadelphia, Pa.)*.

(12) *Packing-house products and by-products*, including fresh meats, as is dealt in by retail grocery stores, and *packing-house supplies and equipment*; (a) from Atlantic City and Bridgeton, N.J., to Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., Geneva, N.Y., and points in Pennsylvania on and east of U.S. Highway 15, and south of a line between Williamsport and Easton, Pa., in Lycoming, Northumberland, Montour, Columbia, Luzerne, Carbon, and Northampton Counties, Pa.; and (b) from Allentown, Easton, Hazelton, Lehighton, Scranton, and Wilkes-Barre, Pa., to Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., and Townsend, Del. (Philadelphia, Pa.)*. (13) *Packing-house products and by-products*, including fresh meats, as is dealt in by wholesale, retail, and chain grocery and food business houses, and *packing-house supplies and equipment* (restricted to shipments moving from, to, or between plants, warehouses, retail outlets, or other facilities of grocery and food business houses), between Williamsport, Pa., on the one hand, and, on the other, points in New Jersey in and south of Warren, Somerset, Middlesex, and Monmouth Counties, N.J., south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to High Point, N.J., and those in Delaware on and north of U.S. Highway 40 (Philadelphia, Pa.)*. (14) *Fruits, vegetables, farm products, poultry*, and *seafood*, from points in Delaware, and those in New Jersey on and south of New Jersey Highway 33 to Williamsport, Pa. (Philadelphia, Pa.)* (15) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from Allentown, Easton, Hazleton, Lehighton, Scranton, and Wilkes-Barre, Pa., and Atlantic City, N.J., to points in Arlington, Fairfax, and Loudoun Counties, Va., and points in Delaware (plant site and facilities of The Great Atlantic & Pacific Tea Co., Inc., at Fort Washington, Montgomery County, Pa.)*.

(16) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and equipment*, between Philadelphia, Pa., on the one hand, and, on the other, points on and north of U.S. Highway 22 in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., all within 30 miles of Phillipsburg, N.J. (Allentown or Easton, Pa.)*. (17) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from Allentown, Easton, Hazleton, Lehighton, Scranton, and Wilkes-Barre, Pa., and Atlantic City, N.J., to points in Prince William County, Va. (Fort Washington, Montgomery County, Pa.)*. (18) *Packing-house products and by-products*, including fresh meats, and *packing-house supplies and*

equipment (except commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Harrisburg, Reading, and Pottstown, Pa., on the one hand, and, on the other, points in that part of New York on, east, and north of a line beginning at the Pennsylvania-New York State line and extending along New York Highway 17 to junction New York Highway 30, thence along New York Highway 30 to junction New York Highway 23, thence along New York Highway 23 to the New York-Massachusetts State line, those in the New York, N.Y., commercial zone as defined by the Commission, those in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y., and those in that part of New Jersey on and south of a line beginning at the New York-New Jersey State line and extending along U.S. Highway 46 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Jersey-Pennsylvania State line (points in New Jersey)*. (19) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from Allentown and Easton, Pa., and Atlantic City, N.J., to points in Allegany, Garrett, and Washington Counties, Md. (Fort Washington, Pa.)*.

(20) *Canned goods*, and *such commodities* as are dealt in by retail grocery stores (except those of unusual value, and films, commodities in bulk, and those requiring special equipment), from points and places in the New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey on and east of U.S. Highway 1 to Richmond and Fredericksburg, Va., Washington, D.C., Baltimore, Md., Townsend, Del., points in Montour, Northumberland, Columbia, Schuylkill, Berks, Chester, Delaware, Lancaster, Lebanon, Dauphin, and York Counties, Pa. and those in Adams, Cumberland, Perry, Juniata, Snyder, Union, and Lycoming Counties, Pa. which are south and east of a line beginning at the Pennsylvania-New Jersey State line and extending through Easton and Hazleton, Pa., to Williamsport, Pa., thence along U.S. Highway 15 to the Pennsylvania-Maryland State line (restricted against service from Cape May County, N.J., to Townsend, Del.) (Philadelphia, Pa.)*. (21) *Such merchandise*, as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment*, *materials*, and *supplies* used in the conduct of such business (restricted to shipments moving from, to, or between plants, warehouses, retail outlets, or other facilities of grocery and food business houses (except those of unusual value, films, commodities in bulk, and those requiring special equipment), between points in Delaware on and north of Delaware Highway 8 and on and south of U.S. Highway 40 and points in Cecil County, Md., and those in Baltimore and Harford Counties, Md., on and east of U.S. Highway 1, on the one hand, and, on the other, points in Delaware, Chester, Lancaster, Dauphin, Lebanon, Berks, Bucks, Montgomery, Lehigh, Schuylkill, Northumberland, Columbia, Luzerne, Carbon, Northampton, Monroe, Pike, Wayne, Lackawanna, Susquehanna, and Wyoming Counties, Pa., that are east and south of a line beginning at the Pennsylvania-Maryland State line and extending along the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to the Delaware Water Gap (Marcus Hook or Philadelphia, Pa.)*.

(22) *Fruits, vegetables, farm products, poultry*, and *seafood* (except commodities in bulk, and those requiring special equipment); (a) from points in Delaware on and south of Delaware Highway 8 to points in the New York, N.Y., commercial zone, as defined by the Commission, and points in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line and on and north of U.S. Highway 30 (Marcus Hook or Philadelphia, Pa.)*. (23) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from points in the New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line, and on and north of U.S. Highway 30 to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudoun Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware (plant site and facilities of the Great Atlantic & Pacific Tea Co., Inc., at Fort Washington, Montgomery County, Pa.)*. (24) *Such commodities*, as are dealt in by retail grocery stores (except those of unusual value, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, and those requiring special equipment), between Philadelphia, Pa., on the one hand, and, on the other, points in Carbon, Lehigh, Monroe, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Morris, Somerset, Sussex and Warren Counties, N.J., within 30 miles of Phillipsburg, N.J., and Easton, Pa. (New Hope, Pa., or Lambertville N.J.)*.

(25) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk, and those requiring special equipment), from points in New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line to points in Prince William County, Va. (Fort Washington, Montgomery County, Pa.)*. (26) *General commodities* (except those of unusual value, Classes A, B, and other dangerous explosives, household goods as defined by the Commission, in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, films, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (a) between points in Cecil County, Md., those on and east of U.S. Highway 1 in Baltimore and Harford Counties, Md., and those in the District of Columbia, on the one hand, and, on the other, points on and east of Monroe, Ontario, Yates, Seneca, Tompkins, and Tioga Counties, N.Y., and points in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y.; and (b) betwen points in Delaware on and north of Delaware Highway 8, on the one hand, and, on the other, points in New York, and points in Connecticut in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y. (Camden, N.J.)*. (27) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk, and those requiring special equipment), from points and places in the New York, N.Y., commercial zone, and those in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line, and on and north of U.S. Highway 30, to points in Allegany, Garrett, and Washington Counties, Md. (Fort Washington, Pa.)*.

(28) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment*, *materials*, and *supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration (except those of unusual value), household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 367, films, commodities in bulk, between points and places in the New York, N.Y., commercial zone, as defined by the Commission, and those in New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line and extending along U.S. Highway 202 to junction U.S. Highway 22, thence along U.S Highway 22 to junction U.S. Highway 1–9, thence along U.S. Highway 1–9 to the New Jersey-New York State line, and on and north of U.S. Highway 30, on the one hand, and, on the other, points in Dauphin, Lancaster, Perry, and York Counties.

Pa., points in Allegany, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., points in Clarke and Frederick Counties, Va., and points in Berkeley and Jefferson Counties, W. Va., restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and points in their respective commercial zones (Philadelphia, Pa.)*. (29) *Canned goods*, and *such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., to Binghamton, N.Y. (Bethlehem or Philadelphia, Pa.)*. (30) *Canned goods*, and *such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., to points in Northhampton, Carbon, Luzerne, Wyoming, Susquehanna, Lackawanna, Wayne, Pike, and Monroe Counties, Pa., that are south of a line beginning at Nescopeck, Pa., and extending along the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porters Lake to Delaware Water Gap., Pa. (Lancaster, Oxford, or Philadelphia, Pa.)*. (31) *Fruits, vegetables, farm products, poultry*, and *seafood*, from points in Delaware to points in Carbon, Luzerne, and Monroe Counties, Pa., that are south of a line beginning at the Delaware River and extending through Easton and Hazleton, Pa., to Williamsport, Pa. (Philadelphia, Pa.)*.

(32) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles) which are dealt in by retail grocery stores, from Philadelphia, Pa., to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudoun Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware on and south of Delaware Highway 8 (plant site and facilities of the Great Atlantic & Pacific Tea Co., Inc., at Fort Washington, Montgomery County, Pa.)*. (33) *Such commodities* as are dealt in by retail grocery stores, from Baltimore, Md., to points in Berks, Bucks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., and Hunterdon, Mercer, Morris, Somerset, Sussex, and Warren Counties, N.J., all within 30 miles of Phillipsburg, N.J., and Easton, Pa. (Allentown or New Hope, Pa.)*. (34) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from Philadelphia, Pa. to points in Prince William County, Va. (Fort Washington, Montgomery County, Pa.)*. (35) *Canned goods*, and *such commodities* as are dealt in by retail grocery stores (except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Baltimore, Md., to points in New York (except points in Chatauqua, Cattaragus, Alleghany, Steuben, Chemung, and Schuyler Counties, N.Y.), and points in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y. (Geneva, N.Y., or Phillipsburg, N.Y.)*. (36) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from Philadelphia, Pa., to points in Allegany, Garrett, and Washington Counties, Md. (Fort Washington, Pa.)*.

(37) *Canned goods*, and *such commodities as* are dealt in by retail grocery stores (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., those in Delaware on and north of U.S. Highway 40, and those in Pennsylvania in and east of Lancaster, Dauphin, Northumberland, Montour, Columbia, Luzerne, Wyoming, and Susquehanna Counties, Pa., restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and their respective commercial zones (Towson, Md.)*. (38) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except commodities in bulk, in tank or hopper-type vehicles), from points in Philadelphia, Buds, Montgomery, Lehigh, Northampton, and Monroe Counties, Pa., and points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties that are south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., and, in and north of Burlington County, N.J., to points in that part of Maryland on and east of Interstate Highway 81, points in Arlington, Clarke, Fairfax, Frederick, and Loudon Counties, Va., points in Berkeley and Jefferson Counties, W. Va., and points in Delaware (plant site and facilities of the Great Atlantic & Pacific Tea Co., Inc., at Fort Washington, Montgomery County, Pa.)*. (39) *Such commodities* as are dealt in by retail grocery stores, between points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties that are south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., those in Delaware on and north of U.S. Highway 40, and those in Lancaster, Dauphin, Northumberland, Montour, Columbia, Luzerne, Wyoming, and Susquehanna Counties, Pa., that are east and south of a line beginning at the Pennsylvania-Maryland State line and extending north and east along the east bank of the Susquehanna River to West Nanticoke, Pa., thence through Tunkhannock, Nicholson, Forrest City, Honesdale, and Porter's Lake to the Delaware Water Gap, Pa., on the one hand, and, on the other, points in Sussex, Warren, Morris, Somerset, and Hunterdon Counties, N.J., and Pike County, Pa., all within 30 miles of Phillipsburg, N.J., and Easton, Pa. (Clinton or Phillipsburg, N.J., or Easton or Stroudsburg, Pa.)*.

(40) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from points in Philadelphia, Bucks, Montgomery, Lehigh, Northampton, and Monroe Counties, Pa., and points in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., that are south of a line beginning at Phillipsburg, N.J., and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., to points in Prince Williams County, Va. [Fort Washington (Montgomery County), Pa.]*.

(41) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business restricted to shipments moving from, to, or between plants, warehouses, retail outlets or other facilities of grocery and food business houses (except those of unusual value, 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 Dauphin, Lebanon, Berks, and Lancaster Counties, Pa., on the one hand, and, on the other, points in New York in and east of Oswego, Onondaga, Cortland, and Delaware Counties, N.Y., and points in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y. (Delaware Water Gap or Phillipsburg or Trenton or Camden or Pennsville, N.J.)*.

(42) *Dairy products*, in vehicles equipped with mechanical refrigeration, and *fruit juices* and *fruit drinks* (except in bulk), from points in Philadelphia, Bucks, Montgomery, Lehigh, Northampton, and Monroe Counties, Pa., and points in New Jersey in and south of Warren, Hunterdon, Somerset, Middlesex, and Monmouth Counties, N.J., south of a line beginning at Phillipsburg and extending through Clinton, Flemington, Jamesburg, and Cassville to Highpoint, N.J., to points in Alleghany, Garrett, and Washington Counties, Md. (Fort Washington, Pa.)*.

(43) *Such commodities* as are dealt in by retail grocery stores (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 Berks, Carbon, Lehigh, Monroe, Montgomery, Northampton, Pike, and Schuylkill Counties, Pa., within 30 miles of Easton, Pa., on the one hand, and, on the other, points in New York, New Jersey, and Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y. (Delaware Water Gap or Belvidere or Phillipsburg or Frenchtown or Lambertville, N.J.)*.

(44) *Such commodities* as are dealt in by retail grocery stores, between points in Sussex, Warren, Morris, Somerset, and Hunterdon Counties, N.J., and Pike

County, Pa., within 30 miles of Phillipsburg, N.J., and Easton, Pa., on the one hand, and, on the other, points in Dauphin, Lancaster, Perry, and York Counties, Pa., points in Allegheny, Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., points in Clarke and Frederick Counties, Va., and points in Berkeley and Jefferson Counties, W. Va., restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and points in their respective commercial zones (Lambertville, N.J., or Doylestown, or Bally, or Maxatawny, or Krumsville, Pa.)*.

(45) *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business (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), in vehicles equipped with mechanical refrigeration, between points in New York in and east of Oswego, Cayuga, Cortland, and Broome Counties, N.Y., those in Fairfield, Litchfield, and New Haven Counties, Conn., within 75 miles of Columbus Circle, N.Y., and those in New Jersey on and north of U.S. Highway 30, on the one hand, and, on the other, points in Dauphin, Lancaster, and York Counties, Pa., points in Baltimore, Carroll, Cecil, Frederick, Harford, and Washington Counties, Md., points in Clarke and Frederick Counties, Va., and points in Berkeley and Jefferson Counties, W. Va., restricted against service at Hershey, Elizabethtown, Mt. Joy, Lititz, and Milton, Pa., and points in their respective commercial zones (Delaware Water Gap or Phillipsburg or Trenton or Camden or Pennsville, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 108341 (Sub-E2), filed May 13, 1974. Applicant: MOSS TRUCKING CO. INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast stone*, which because of size or weight require the use of special equipment, and *cast stone*, which because of size or weight does not require the use of special equipment, when transported as part of the same shipment with cast stone which because of size or weight require the use of special equipment, (1) from points in Florida to points in Indiana; (2) from points in Florida in and east of Leon and Wakulla Counties, to points in Arkansas, Illinois, Kentucky, Missouri, Tennessee, and those in Alabama on and north of a line beginning at the Alabama-Mississippi State line and extending along U.S. Highway 78 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Alabama-Georgia State line (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); (3) from points in that part of Florida west of Leon and Wakulla Counties, to points in that part of Kentucky on and east of U.S. Highway 41; (4) from points in that part of Florida east of the Suwanee River, to points in that part of Louisiana in and north 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 junction U.S. Highway 165, thence along U.S. Highway 165 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Louisiana-Mississippi State line, and those in Mississippi on and north of U.S. Highway 80.

(5) From points in that part of Florida on and east of a line beginning at the Gulf of Mexico and extending along Florida Highway 24 to junction Florida Highway 121, thence along Florida Highway 121 to the Florida-Georgia State line, to points in that part of Mississippi on and north of U.S. Highway 80; (6) from those points in Georgia on and east of U.S. Highway 29 and north of Interstate Highway 20, to those points in Alabama south of U.S. Highway 278 (except those in Dale, Geneva, Henry, Houston, Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint, Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); (7) from those points in Georgia east of Interstate Highway 75 and south of Interstate Highway 20, to those points in Alabama north of U.S. Highway 278 (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); (8) from points in Georgia (except those north of Georgia Highway 6 and west of Georgia Highway 5) to points in Illinois and those in Arkansas on and north of U.S. Highway 79; (9) from points in Georgia (except those north of U.S. Highway 78 and west of U.S. Highway 19) to points in Indiana and Missouri; (10) from points in that part of Georgia on and south of U.S. Highway 78, to points in that part of Kentucky and Tennessee on and west of Interstate Highway 65; (11) from points in that part of Georgia on and east of a line beginning at the Georgia-North Carolina State line and extending along U.S. Highway 19 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean, to points in that part of Louisiana in and north of Avoylles, Concordia, Rapids and Vernon Counties, and those in Mississippi on and south of U.S. Highway 80.

(12) From those points in North Carolina on and east of North Carolina Highway 49 and south of U.S. Highway 64, to points in Arkansas (except those east of U.S. Highway 63), Louisiana, Mississippi, and Alabama (except points in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby and Coosa Counties). (13) from points in that part of North Carolina on and east of North Carolina Highway 18, to those points in Missouri on and west of U.S. Highway 63. (14) from points in South Carolina to points in Arkansas, Illinois (except those north of Interstate Highway 74), Louisiana, Mississippi, Missouri, and Alabama (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); (15) from points in that part of South Carolina east of a line beginning at the South Carolina-Georgia State line and extending along Interstate Highway 20 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line, to points in that part of Tennessee on and west of Interstate Highway 65 and that part of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 231 to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line; (16) from points in Virgina to points in Louisiana; (17) from those points in Virginia on and east of U.S. Highway 29 to points in Arkansas, Mississippi and Alabama (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties); and (18) from those points in Virginia west of U.S. Highway 29, to those points in Arkansas on and south of U.S. Highway 82, those in Mississippi on and south of Mississippi Highway 8, and those in Alabama on and south of U.S. Highway 278 (except those in Autauga, Chilton, Bibb, Jefferson, Tuscaloosa, Fayette, Walker, Winston, Cullman, Blount, Etowah, Saint Cloir, Calhoun, Talladega, Clay, Shelby, and Coosa Counties). The purpose of this filing is to eliminate the gateway of Peachtree City, Georgia.

No. MC 108341 (Sub-E9), filed May 13, 1974. Applicant: MOSS TRUCKING CO. INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *electric controllers and instruments*, requiring special equipment or special handling by reason of size or weight, and parts and attachments thereof, which are contractors' materials, supplies, and equipment, which because of size or weight do not require the use of special equipment, when moving in connection therewith, (1) from points in the District of Columbia to points in Alabama, Arizona, Arkansas, Colorado, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming; (2) from points in Delaware to Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, New Mexico, North Dakota, Okla-

homa, South Dakota, Tennessee, Texas, and Wyoming; (3) from points in Maryland to points in Alabama, Mississippi, Louisiana, Nebraska, New Mexico, Arizona, and Wyoming; (4) from points in that part of Maryland, east of U.S. Highway 522, to points in Arkansas, Colorado, Oklahoma, and Tennessee; (5) from points in that part of Maryland east of U.S. Highway 15, to points in Kansas, Kentucky, Missouri, Nebraska, North Dakota, and South Dakota; (6) from points in that part of Pennsylvania east of Susquehanna River to points in Alabama, Arizona, Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, Tennessee, Texas, and those in Kansas on and south of U.S. Highway 54.

(7) From points in New Jersey to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and those in Missouri on and south of Interstate Highway 70; (8) from points in New York east of New York Highway 14, to points in Alabama, Arizona, Louisiana, Mississippi, New Mexico, Texas, and those in Tennessee on and east of U.S. Highway 41; (9) from points in Rhode Island to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wyoming; (10) from points in Connecticut to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, Tennessee, Texas, and Wyoming; and, (11) from points in Massachusetts to points in Alabama, Arizona, Arkansas, Colorado, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, Texas, and Wyoming. The purpose of this filing is to eliminate the gateway of points in Virginia within the District of Columbia Commercial Zone, and Roanoke County, Virginia.

No. MC 108341 (Sub-E11), filed May 13, 1974. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, N.C. 28208. Applicant's representative: Jack T. Counts (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *transformers and switches*, which because of size or weight require the use of special equipment, and *transformers and switches* other than those described above, when transported in mixed loads with shipments of transformers and switches requiring special equipment, (1) from points in Florida to points in Maine, New Hampshire, Vermont, Ohio, Michigan, those in Pennsylvania on, north and west of a line beginning at the Pennsylvania-West Virginia State line and extending along Interstate Highway 70 to junction U.S. Highway 119, thence along U.S. Highway 119 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Pennsylvania-New York State line, and those in Tennessee on and east of U.S. Highway 127 (except those east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 25E to junction Tennessee Highway 32, thence along Tennessee Highway 32 to the Tennessee-North Carolina State line; (2) from points in that part of Florida on and west of a line beginning at the Georgia-Florida State line and extending along Florida Highway 121 to junction Florida Highway 100, thence along Florida Highway 100 to junction U.S. Highway 17, thence along U.S. Highway 17, to junction Florida Highway 44, thence along Florida Highway 44 to the Atlantic Ocean, to points in West Virginia.

(3) From points in that part of Florida west and south of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction Interstate Highway 95, thence along Interstate Highway 95 to junction Florida Highway 60, thence along Florida Highway 60 to the Atlantic Ocean to those points in Pennsylvania west of Susquehanna River; (4) from points in Georgia (except those in Rabun County) to points in Michigan; (5) from points in that part of Georgia on and west of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 20 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Georgia-Florida State line to points in West Virginia; (6) from points in that part of Georgia on, south and west of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 20 to junction U.S. Highway 23 in Henry County, thence along U.S. Highway 23 to the Georgia-Florida State line, to points in Ohio; (7) from points in that part of Georgia on and west of a line beginning at the Georgia-North Carolina State line and extending along U.S. Highway 23 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 1, thence along U.S. Highway 1 to the Georgia-Florida State line, to points in Maine, New Hampshire, Vermont, and those in Pennsylvania west of the Susquehanna River; (8) from points in Georgia (except those in Catoosa, Chattooga, Dade, Dawson, Fanin, Gilmer, Habersham, Lumpkin, Murray, Pickens, Rabun, Stephen, Towns, Union, Walker, White, and Whitfield Counties), to points in Tennessee on and west of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 127 to junction Tennessee Highway 28, thence along Tennessee Highway 28 to junction U.S. Highway 72, thence along U.S. Highway 72 to the Georgia-Alabama State line.

(9) From points in Georgia on, south and west of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Georgia-Florida State line, to points in Tennessee; (10) from points in that part of South Carolina on and south of a line beginning at the South Carolina-Georgia State line and extending along South Carolina Highway 72 to junction U.S. Highway 178, thence along U.S. Highway 178 to junction U.S. Highway 78, thence along U.S. Highway 78 to junction U.S. Highway 176, thence along U.S. Highway 176 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Atlantic Ocean, to points in Michigan; (11) from points in South Carolina to those points in Tennessee on and west of U.S. Highway 41; (12) from those points in North Carolina on and east of U.S. Highway 29, to those points in Tennessee on and west of U.S. Highway 41; and (13) from those points in Virginia on and east of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 29 to junction U.S. Highway 360, thence along U.S. Highway 360 to junction Interstate Highway 95, thence along Interstate Highway 95 to the Virginia-District of Columbia Boundary line, to those points in Tennessee on and west of U.S. Highway 41. The purpose of this filing is to eliminate the gateway of the plantsite of General Electric Company at or near Rome, Ga.

No. MC 113459 (Sub-E15), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, between points in Iowa on and east of U.S. Highway 61, on the one hand, and, on the other, points in Utah on and south of a line beginning at the Utah-Nevada State line and extending along U.S. Highway 50 to junction Utah Highway 26 to junction U.S. Highway 91 to junction Interstate Highway 70 to the Utah-Colorado State line. The purpose of this filing is to eliminate the gateway of Sterling, Illinois.

No. MC 113459 (Sub-E20), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and *self-propelled articles*, each weighing 15,000 pounds or more, and related machinery, tools and parts and supplies when moving in connection

therewith, restricted to commodities which are transported on trailer, between Malvern and Jones Mills, Ark., on the one hand, and, on the other, points in Ohio on and north of a line beginning at the Ohio-Indiana State line and extending along U.S. Highway 224 to junction Interstate Highway 80S to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Sterling, Illinois.

No. MC 113459 (Sub-No. E39), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINES, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, except in connection with main or trunk pipelines, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, except in connection with main or trunk pipelines; between points in Nebraska, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of points in Nebraska west of U.S. Highway 83 and points in Colorado east of U.S. Highway 87.

No. MC 113459 (Sub-E89), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Commodities, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors. Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts and supplies when moving in connection therewith, restricted to commodities which are transported on trailers, (1) between points in Louisiana, on the one hand, and, on the other, points in Missouri on and east of a line beginning at the Missouri-Iowa State line, and extending along U.S. Highway 63 to junction U.S. Highway 50 to junction Missouri Highway 47, to junction Missouri Highway 21 to junction Missouri Highway 8 to junction Missouri Highway 72, to junction Missouri Highway 51 to junction Missouri Highway 91, to junction U.S. Highway 61, to junction Missouri Highway 162, to the Missouri-Tennessee State line, and (2) between points in Missouri on and east of a line beginning at the Missouri-Iowa State line and extending along U.S. Highway 63 to junction U.S. Highway 50 to junction Missouri Highway 47 to junction Missouri 21 to junction Missouri Highway 8 to junction U.S. Highway 67 to junction Missouri Highway 72 to junction Missouri Highway 51 to junction Missouri Highway 91 to junction Missouri Highway 25 to junction Missouri 61 to junction Interstate Highway 55 to junction Missouri Highway 162 to the Missouri-Tennessee State line, on the one hand, and, on the other, points in Louisiana on and east of a line beginning at the Louisiana-Missouri State line, and extending along Louisiana Highway 139 to junction U.S. Highway 165 to junction U.S. Highway 167 to junction U.S. Highway 90 to junction Louisiana Highway 24 to junction Louisiana Highway 1 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 115331 (Sub E4), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *lime*, in bulk, (1) from Mosher and Ste. Genevieve, Mo., to points in Michigan, (points in Indiana in the Chicago, Ill. Commercial Zone)*, Oklahoma, Texas (except Houston and points in Texas within 50 miles), and those in Mississippi bounded by a line beginning at the Mississippi-Louisiana State line and extending along U.S. Highway 20 to junction Mississippi Highway 27, to junction U.S. Highway 84, to the Mississippi-Louisiana State line, to the point of beginning, and those in Mississippi south and west of a line beginning at the Misisippi-Louisiana State line and extending along Mississippi Highway 26, to junction U.S. Highway 49, to the Gulf of Mexico (Limedale, Ark)*, those in Wisconsin east of a line beginning at the Wisconsin-Illinois State line and extending along Interstate Highway 90 to junction Interstate Highway 94, to junction U.S. Highway 53, to the Wisconsin-Minnesota State line, (points in Indiana within the Chicago, Ill. Commercial Zone)*, and those in Florida on and south of Florida Highway 40, (Limedale, Ark., and Roberta, Ala.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 115841 (Sub-No. E32), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Allentown, Pa., to points in Louisiana, Mississippi, and points in Arkansas on and south of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 49 to junction Interstate Highway 40, to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., Atlanta, Ga., and Birmingham, Ala.

No. MC 115841 (Sub-No. E228), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from Brundidge, Ala., to points in North Carolina and points in South Carolina (except points in Chesterfield and Marlboro Counties; (2) from Birmingingham, Ala., to points in North Carolina, points in South Carolina (except points in Chesterfield and Marlboro Counties, S.C.), and points in Florida on and east of a line beginning at the Georgia-Florida State line and extending along U.S. Highway 221, to junction Florida Highway 361, to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 115841 (Sub-No. E232), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Mississippi on and north of a line beginning at the Alabama-Mississippi State line and extending along Mississippi Highway 30 to junction Mississippi Highway 6, to junction unnumbered Mississippi Highway at Clarksdale, to the Mississippi-Arkansas State line, points in Missouri, Oklahoma, Texas, and those points in Kansas and Nebraska on and east of U.S. Highway 81, and points in Arkansas and Iowa. The purpose of this filing is to eliminate the gateway of Birmingham, Ala., and points in Tennessee west of the Tennessee River.

No. MC 115841 (Sub-No. E251), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Arkansas on, north, and west of a line beginning at the Arkansas-Mississippi State line and extending along U.S. Highway 40 to junction U.S. Highway 79, to the Arkansas-Louisiana State line, and points in Missouri. The purpose of this filing is to eliminate the gateways of Chattanooga and Nashville, Tenn.

No. MC 115841 (Sub-No. E257), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, frozen edible meat products, and frozen edi-*

ble meat by-products, as defined by the Commission, in vehicles equipped in mechanical refrigeration, from Atlanta, Ga., to points in Delaware, Maryland, West Virginia, the District of Columbia, and points in Virginia on, north, and west of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 11 to junction U.S. Highway 221, to junction U.S. Highway 29, to junction Virginia Highway 3, to junction U.S. Highway 17, to junction U.S. Highway 301, to the Virginia-Maryland State line. The purpose of this filing is to eliminate the gateways of Chattanooga and Knoxville, Tenn.

No. MC 115481 (Sub-No. E258), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Arkansas, Iowa, points in Mississippi on, north, and west of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 72 to junction Mississippi Highway 7 to junction Mississippi Highway 6, to junction U.S. Highway 61, to junction Mississippi Highway 322 to the Mississippi-Arkansas State line, points in Missouri, Oklahoma, Texas, and those points in Kansas and Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateways of Birmingham, Ala., and points in Tennessee west of the Tennessee River.

No. MC 115841 (Sub-No. E259), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible dairy products*, in vehicles equipped with mechanical refrigeration, (1) from Dubuque, Iowa, to points in South Carolina on and east of South Carolina Highway 72 (except Chesterfield and Marlboro Counties), Atlanta, Ga., and points in Alabama on, south, and east of a line beginning at the Alabama-Georgia State line and extending along U.S. Highway 82 to junction U.S. Highway 231, to junction U.S. Highway 29, to junction Alabama Highway 55, to the Alabama-Florida State line; (2) from Hannibal, Mo., to points in South Carolina (except Chesterfield and Marlboro Counties), on and east of South Carolina Highway 72, Wilmington, N.C., and Atlanta, Ga.; (3) from Joliet, Ill., to Atlanta, Ga., and Beaufort and Augusta, S.C.; (4) from Moline, Ill., to Wilmington, N.C., Atlanta, Ga., Dothan, Eufaula, Troy, Ozark, and Dadeville, Ala., points in Henry, Houston, Geneva, Dale, Coffee, and Barbour Counties, Ala., and points in South Carolina on and east of South Carolina Highway 72 (except Chesterfield and Marlboro Counties); and (5) from Chester and Cairo, Ill., to Beaufort, S.C. The purpose of this filing is to eliminate the gateways of Knoxville, and Chattanooga, Tenn., and Atlanta, Ga.

No. MC 115841 (Sub-No. E293), filed May 22, 1975. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, in vehicles equipped with mechanical refrigeration, (1) from points in Chautauqua County, N.Y., to points in Louisiana, points in Mississippi on and south of Interstate Highway 20, and points in Alabama on and south of U.S. Highway 82, and on and east of U.S. Highway 31; (2) from points in New York on and west of U.S. Highway 11, and on and east of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 15 to junction Interstate Highway 90, to the United States-Canada International Boundary line, to points in Louisiana (except Metairie and Shreveport), points in Mississippi, points in Alabama on and east of U.S. Highway 31, and points in Arkansas on and south of U.S. Highway 82; and (3) from points in New York on and east of U.S. Highway 11, to points in Louisiana, (except Metairie and Shreveport), points in Mississippi, points in Alabama on and east of U.S. Highway 31, and points in Arkansas on and south of U.S. Highway 82. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Birmingham or Brundige, Ala.

No. MC 115841 (Sub-No. E342), filed May 22, 1975. Applicant: COLONIAL REFRIGERATION TRANSPORTATION, P.O. Box 10327, Birmingham, Ala. 35201. Applicant's representative: Roger M. Shaner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats*, in vehicles equipped with mechanical refrigeration, from Roanoke, Va., to points in Arkansas on and south of U.S. Highway 82, points in Louisiana, and points in Mississippi on and south of a line beginning at the Mississippi-Alabama State line and extending along U.S. Highway 278 to junction Mississippi Highway 8, to the Mississippi-Arkansas State line. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn., Atlata, Ga., and Birmingham, Ala.

No. MC 117344 (Sub-E24), filed August 20, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45125. Applicant's representative: Thomas L. Maxwell (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 those points in Kentucky on and east of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 421 to junction U.S. Highway 127, to junction U.S. Highway 150, to junction U.S. Highway 27, to the Kentucky-Tennessee State line, to points in Wisconsin, (Cincinnati, Ohio)*; and *refined vegetable oils*, in bulk, in tank vehicles, from those points in Kentucky on, south, and east of U.S. Highway 127, to points in Kansas (Cincinnati, Ohio, and the site of the Manufacturing plant of Mrs. Tucker's Foods, Division of Anderson Clayton Company, near Jacksonville, Ill.)* and those in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 74 to junction U.S. Highway 36, to the Indiana-Illinois State line (Cincinnati and St. Bernard, Ohio)* and from those points in Kentucky on and east of U.S. Highway 25, to those points in Missouri on, north, and west of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 66 to junction U.S. Highway 65, to the Missouri-Arkansas State line. (Cincinnati, Ohio and the site of the Manufacturing plant of Mrs. Tucker's Foods, Division of Anderson Clayton Company, near Jacksonville, Illinois.)* The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 117344 (Sub-E26), filed June 2, 1974. Applicant: MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: Thomas L. Maxwell (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 those points in Illinois north of U.S. Highway 52 (except Chicago), to those points in New York on, east, and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, to the New York-Vermont State line, (Cincinnati, Ohio)*, those in Ohio on, south, and east of a line beginning at the Ohio-Kentucky State line and extending along Ohio Highway 4 to junction Interstate Highway 70, to the Ohio-West Virginia State line, (those points in Hamilton County, Ohio, within the Covington, Ky., Commercial Zone)*, and those in Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 522, to junction U.S. Highway 11 to the Pennsylvania-New York State line, (Cincinnati, Ohio)*; (2) from those points in Indiana bounded by a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 52 to junction U.S. Highway 31, to junction U.S. Highway 35, to junction U.S. Highway 6, to the Indiana-Illinois State line, to the point of beginning (except Indianapolis), to those points in New York on, east and south of a line beginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to junction New York Highway 7, to the New York-Vermont State line, (Cincinnati, Ohio)*, those in Ohio on and south of a line beginning at

the Ohio-Kentucky State line and extending along U.S. Highway 22 to junction Interstate Highway 70, to the Ohio-West Virginia State line (points in Hamilton County, Ohio, within the Covington, Kentucky commercial zone)*, and those in Pennsylvania on and south of a line beginning at the Pennsylvania-West Virginia State line and extending along U.S. Highway 22 to junction U.S. Highway 522, to junction U.S. Highway 11, to the Pennsylvania-New York State line, (Cincinnati, Ohio)*; and (3) *soya bean oil*, from Chicago, Ill., to the destinations contained in (1) above. The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

No. MC 118831 (Sub-E22), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, North Carolina 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *dimethyl terephthlate*, in bulk, from those points in North Carolina on and east of a line beginning at the North Carolina-South Carolina State line and extending along U.S. Highway 276 to junction North Carolina Highway 280, to junction North Carolina Highway 191, to junction U.S. Highway 25, to the North Carolina-Tennessee State line, to points in Arkansas, Missouri, and those in Illinois on and west of a line beginning at the Illinois-Missouri State line and extending along Interstate Highway 57 to junction U.S. Highway 150, to junction U.S. Highway 51, to junction U.S. Highway 52, to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of Spartanburg County, S.C., and Robertson County, Tennessee.

No. MC 119641 (Sub-E9), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Agricultural machinery and parts from Davenport and Bettendorf, Iowa to points in Arkansas on and south of a line beginning at the Arkansas-Oklahoma State line on U.S. Highway 270, thence east to U.S. Highway 70 to Little Rock, thence northeast on U.S. Highway 67 to the Missouri-Arkansas State line; points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 40 to junction Illinois Highway 127, thence along Illinois Highway 27 to junction Illinois Highway 154, thence along Illinois Highway 154 to junction Illinois Highway 150, thence along Illinois Highway 150 to the Missouri-Illinois State line; points in Indiana on and south of a line beginning on the Indiana-Illinois State line and extending along U.S. Highway 36 to the Indiana-Ohio State line; points in Kentucky, Mississippi, and points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Ohio Highway 151, thence along Ohio Highway 151 to the Ohio-West Virginia State line, and points in Tennessee. The purpose of this filing is to eliminate the gateway of Shelbyville, Illinois.

No. MC 119641 (Sub-E12), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Illinois 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (except tractors with vehicle beds, bed frames or fifth wheels or those which because of size or weight require the use of special equipment and parts therefor, when transported in the same vehicle at the same time), from New Orleans, La., to points in Minnesota (except points in Minnesota north of U.S. Highway 2) on and north of a line beginning at the Minnesota and North Dakota State line and extending along U.S. Highway 10 to Minnesota Highway 210, thence along Minnesota Highway 210 to Minnesota Highway 25, thence along Minnesota Highway 25 to Minnesota Highway 95, thence along Minnesota Highway 95 to the Minnesota-Wisconsin State line and points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line and extending along U.S. Highway 8 to U.S. Highway 51, thence along U.S. Highway 51 to Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 160, thence along Wisconsin Highway 160 to the Wisconsin State line on Lake Michigan. The purpose of this filing is to eliminate the gateways of Springfield, Mo., and Shelbyville, Ill.

No. MC 119641 (Sub-E15), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from Greenville, Mississippi to points in Illinois on and south of a line beginning at the Indiana-Illinois State line and extending along U.S. Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Wisconsin-Illinois State line, points in Minnesota on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 14, to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Minnesota State line; points in New York, points in North Dakota on and north of U.S. Highway 52; points in Pennsylvania on and north of Interstate Highway 70; and points in Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line and extending along Interstate Highway 90 to junction U.S. Highway 12 and 18, thence along U.S. Highway 12 and 18 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub-E16), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Farm machinery, from Racine, Wisconsin, to points in Arkansas, points in Illinois on and south of a line beginning at the Missouri-Illinois State line and extending along U.S. Highway 67 to Illinois Highway 78, thence along Illinois Highway 78 to U.S. Highway 136, thence along U.S. Highway 136 to Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Indiana State line; points in Indiana on and west of a line beginning at the Illinois-Indiana State line and extending along Indiana Highway 64 to U.S. Highway 41, thence along U.S. Highway 41 to the Indiana-Kentucky State line; points in Kansas on and south of a line beginning at the Kansas-Colorado State line and extending along U.S. Highway 24, to the Kansas-Missouri State line; points in Kentucky on and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 41 to U.S. Highway 60, thence along U.S. Highway 60 to U.S. Highway 231, thence along U.S. Highway 231 to the Tennessee-Kentucky State line; points in Mississippi; points in Missouri on and south of a line beginning at the Kansas-Missouri State line and extending along Interstate Highway 70 to Missouri Highway 140, thence along Missouri Highway 140 to the Missouri-Illinois State line; and points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 231 to U.S. Highway 70, thence along U.S. Highway 70 to U.S. Highway 127, thence along U.S. Highway 127 to U.S. Highway 41, thence along U.S. Highway 41 to the Tennessee-Georgia State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Illinois.

No. MC 119641 (Sub-E17), filed May 10, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (not including tractor with vehicle beds, bed frames, or fifth wheels), attachments therefor when moving incidental to and in the same vehicle with said tractors and parts, from Charles City, Iowa, to points in Arkansas on and east of a line beginning at the Arkansas-Louisiana State line and extending along U.S. Highway 167 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line; points in Illinois on and south of a line beginning at the Illinois-Missouri State line and extending along U.S. Highway 66 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line,

points in Indiana on and south of a line beginning at the Illinois-Indiana State line and extending along U.S. highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line; points in Kentucky, Mississippi, points in Missouri on and east of a line beginning at the Arkansas-Missouri State line and extending along U.S. Highway 67 to the Missouri-Illinois State line; points in Ohio on and south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to junction Ohio Highway 150, thence along Ohio Highway 150 to Steubenville, Ohio; and points in Tennessee. The purpose of this filing is to elminate the gateway of Shelbyville, Illinois.

No. MC 119641 (Sub-E20), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes: transporting: *Roofing and roofing material* from Lockland, Ohio, to points in Iowa within one mile of the Mississippi River from Mediapolis, Iowa to the Iowa-Minnesota State line; and points in Wisconsin. The purpose of this filing is to eliminate the gateway of Whiting, Indiana.

No. MC 119641 (Sub-E23), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Composition building slabs*, loose or individually packaged from Post Newark, N.J., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub-E24), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building slabs*, loose or individually packaged, from Carteret, N.J., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub-E25), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Strip steel*, from New Castle, Pa., to points in Illinois, Iowa, Missouri, and points in Minnesota on and south of a line beginning at the Minnesota-South Dakota State line and extending along Minnesota Highway 23 to junction Minnesota Highway 48, and thence along Minnesota Highway 48 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Kokomo, Indiana.

No. MC 119641 (Sub-E26), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alabama, Mississippi and Tennessee, to Bettendorf and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Rock Island, Moline, East Moline, Silvis, Carbon Cliff, and Milan, Illinois.

No. MC 119641 (Sub-E27), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except Plywood and Veneer), from Saratoga, Warren, Hamilton, Essex and that portion of Herkimer County, New York on and north of New York Highway 287 to Bettendorf and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Rock Island, Moline, Silvis, Carbon Cliff, and Milan, Illinois.

No. MC 119641 (Sub-E28), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *composition building slabs*, loose or individually packaged, from Edgewater, New Jersey, to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Ind.

No. MC 119641 (Sub-E29), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hardboard and Composition board* from Covington, Tennessee to Bettendorf and Davenport, Iowa. The purpose of this filing is to eliminate the gateway of Rock Island, Moline, East Moline, Siluis, Carbon Cliff, and Milan, Illinois.

No. MC 119641 (Sub-E30), filed May 13, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition building slabs*, loose or individually packaged from Florence, Kentucky to points in Kansas on and north of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 183 to junction U.S. Highway 54 thence along U.S. Highway 54 to Pratt, Kansas, thence along Kansas Highway 61 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Kansas Highway 18, thence along Kansas Highway 18 to junction Kansas Highway 13, thence along Kansas Highway 13 to junction Kansas Highway 99, thence along Kansas Highway 99 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Kansas-Missouri State line; points in the Upper Peninsula of Michigan; points in Minnesota, Nebraska, North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of North Judson, Indiana.

No. MC 119641 (Sub-E38), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. BOX 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements*, from Indianapolis, Ind., to points in Iowa; and points in Missouri west of U.S. Highway 67 from Festus, Mo., to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateway of Champaign and Vermilion Counties, Ill.

No. MC 119641 (Sub-E39), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractors* (except truck tractors), moving on motor vehicle equipment other than flat bed trailers, from Baltimore, Md., to points in Arkansas, points in that portion of Kentucky on and west of a line beginning at the Kentucky-Indiana State line and extending along U.S. Highway 60 to junction U.S. Highway 641, thence along U.S. Highway 641 to junction Kentucky Highway 94, thence along Kentucky Highway 94 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Kentucky-Tennessee State line, points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 61 to Greenville, Mississippi; points in Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 45W to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Illinois.

Applicant: RINGLE EXPRESS, INC., Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural tractor* (not including tractors with vehicle beds, bed frames, or fifth wheels), and *attachments* therefore when transported in the same vehicle at the same time, from Detroit, Mich., to points in Arkansas, points in that portion of Illinois south and west of a line beginning at the Illinois-Iowa State line and extending along U.S. Highway 136 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Illinois Highway 130, thence along Illinois Highway 130 to

junction Illinois Highway 1, thence along Illinois Highway 1 to the Illinois-Indiana State line, points in that portion of Iowa on and south of Iowa Highway 2, to points in Kansas, points in Kentucky on and west of U.S. Highway 641, points in Mississippi, Missouri, points in Nebraska on and south of Nebraska Highway 2, and points in that portion of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line and extending along U.S. Highway 641 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of Shelbyville, Ill.

No. MC 119641 (Sub-No. E42), filed May 9, 1974. Applicant: RINGEL EXPRESS, INC. Route 1, Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Insulating and insulating materials*, from Joliet, Ill., to points in Iowa (except points within one mile of the Mississippi River) on and east of a line beginning at Middletown, Iowa and extending along U.S. Highway 34 to junction U.S. Highway 218, thence along U.S. Highway 218 to junction Iowa Highway 1, thence along Iowa Highway 1 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Iowa-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Lowell, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-25325 Filed 9-22-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 23, 1975

PART II:

FEDERAL HOME LOAN BANK BOARD

■

SAVINGS AND LOAN ASSOCIATIONS

Conflicts of Interest

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 561 and 563]

[No. 75-863]

SAVINGS AND LOAN ASSOCIATIONS

Conflicts of Interest

SEPTEMBER 15, 1975.

The following summary of the amendments proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulations. The ways in which the amendments proposed by this resolution differ from present regulations and from the amendments proposed in November, 1974, are discussed in the text of this preamble, which follows the summary. A number of these proposed amendments contain phase-in provisions.

I. GENERAL

A. The amendments proposed by this resolution would be applicable to all insured institutions.

B. Generally, the non-regulatory controls presently in effect would be stated in regulatory form, with allowances for phasing-in. Some of these requirements would be strengthened while others would be liberalized or eliminated.

C. The regulations presently applicable to Federal associations are generally limited, and a result of this proposal would be that the scope and rigor of such regulations would be generally extended. Federal regulations would be revoked to the extent they are inconsistent or redundant.

D. The regulations presently applicable to State-chartered insured institutions are more limited than those applicable to Federals, and the scope and rigor of these regulations thus would also be extended.

II. NEW INSURANCE REGULATIONS §§ 561.29, 561.30, 561.31 AND 561.32: DEFINITIONS

A. *Affiliated person.* An affiliated person of an insured institution is:

1. Any director, officer or controlling person (defined by § 561.28) of such institution;

2. A spouse of any director, officer or controlling person of such institution; and

3. A corporation, partnership or trust in which any of the persons in (1) or (2) has an equity or income beneficiary interest which exceeds 10 percent individually or 15 percent collectively.

B. *Immediate family.* A person's immediate family means:

1. Such person's spouse, father, mother, children, brothers, sisters and grandchildren;

2. The father, mother, brothers and sisters of such person's spouse; and

3. The spouse of a child, brother or sister of such person.

C. *Director.* The term "director" means any director, trustee or other person performing similar functions.

D. *Officer.* The term "officer" means the chairman of the board, the president, any vice president, (other than a second vice-president, assistant vice-president or other vice-president having similar authority) the secretary, the treasurer, the comptroller, and any other person performing similar functions.

III. NEW INSURANCE REGULATION § 563.33: DIRECTORS, OFFICERS AND EMPLOYEES

A. Sets forth restrictions concerning composition of boards of directors of insured institutions. Full compliance would be required by 1978 annual meeting. Existing directors could not assume new relationships which violates these restrictions. New directors could not be elected in violation of these restrictions. Director restrictions are:

1. A majority to live or work in institution's normal lending territory;

2. Not more than 2 (or ⅓ whichever is less) to be officers or employees of institution or an affiliate (affiliate defined in terms of 25% voting rights). This limitation does not apply to one director elected in connection with each merger until the third annual meeting after such merger, if the director was an officer or employee of the disappearing institution;

3. Not more than 2 (or ⅓, whichever is less) to be members of same immediate family;

4. Not more than 1 to be attorney with same law firm; and

5. Not more than 2 (or ⅓, whichever is less) to be directors of other financial institutions or their affiliates. Exceptions for full-time salaried officers and employees of insured institution and its affiliates, and for directors of other financial institutions and their affiliates if neither the financial institution nor any financial institution affiliate thereof has an office in any county or standard metropolitan statistical area in which the insured institution has an office. Not more than 1 to be director of same other financial institution or affiliate. None to be officers or employees of other financial institutions or affiliates. Exception to all restrictions in (5) for a financial institution and its affiliates if financial institution is an affiliate of the insured institution.

B. Precludes officers of insured institutions from being officers or employees of any other financial institution or its affiliates unless the financial institution is an affiliate of the insured institution. Same compliance provisions as for directors in A above.

C. Prohibits use of employees of an insured institution or its service corporation affiliates (defined in terms of at least 50% ownership) to do work for affiliated persons without compensation to such institution or service corporation.

D. Prohibits clearly excessive compensation to directors, officers and controlling persons of an insured institution and service corporation affiliates thereof by such institution or service corporation affiliate. Guidelines for determining clearly excessive compensation are provided.

IV. REVISED INSURANCE REGULATIONS 563.34: SELECTION OF DEPOSITORY

A. Revised regulation would prohibit an insured institution from establishing or maintaining a depository relationship with a depository with which such institution has an "interlock" unless approved in writing by the Corporation. Existing interlocks would not be not affected until 1978 annual meeting.

B. An "interlock" exists whenever a depository is an affiliated person of the insured institution, or any affiliated person of the institution is a director or officer of the depository or of an affiliate of the depository.

V. REVISED INSURANCE REGULATION § 563.35: RESTRICTIONS INVOLVING LOAN SERVICES

A. No insured institution could make a loan on condition that the borrower contract with any specific person or organization for the following:

1. Insurance services (as an agent, broker or underwriter), except insurance or guarantee provided by a government agency;

2. Building materials or construction services;

3. Legal services rendered to the borrower; or

4. Services of a real estate agent or broker.

B. Insured institutions would have to notify home borrowers ("home" defined in § 541.10-2 as 1-4 family dwelling) at or prior to commitment of their right to select person or organization rendering insurance services. However, an institution could refuse to make a loan if it believed on reasonable grounds that insurance services provided by person or organization selected by borrower would afford the institution insufficient protection.

C. An insured institution could require home borrowers to reimburse the institution for legal services rendered to the institution by its attorney, or to directly pay for such services, only if:

1. The fee was limited to legal services attributable to such loan;

2. Such fee was supported by a statement prepared by or on behalf of the attorney which described the legal services performed, set forth the time spent, and disclosed the hourly rate or other basis for determining the fee; and

3. After 1978 annual meeting, neither such attorney nor any attorney in his law firm was an affiliated person of such institution.

(D) After 1978 annual meeting, a home borrower could be required to reimburse the institution for appraisal services, or to directly pay for such services, only if neither the appraiser nor any appraiser in his firm was an affiliated person of such institution.

E. Exception from (C) and (D) for persons acting as attorneys and appraisers who are full-time salaried officers or employees of the institution, and do not receive additional compensation for such services.

VI. NEW INSURANCE REGULATION § 563.40: PAYMENT OF FEES TO AFFILIATED PERSONS

A. Prohibits affiliated persons of an insured institution from receiving, directly or indirectly, a loan procurement fee from the institution or any service corporation affiliate thereof .

B. Applies the kickback and unearned fee prohibitions in sec. 8 of the Real Estate Settlement Procedures Act of 1974 (RESPA) to all loans by insured institutions and their service corporation affiliates secured by real property, whether or not covered by RESPA. (RESPA generally covers only 1–4 family loans.)

VII. NEW INSURANCE REGULATION § 563.41: TRANSACTIONS WITH AFFILIATED PERSONS INVOLVING REAL PROPERTY

A. Prohibits insured institutions and their service corporation affiliates from purchasing from, jointly owning with, selling to or leasing from an affiliated person of such institution any interest in real property.

B. Exception for existing joint ownerships and office building leases. Existing office building leases cannot be renewed without Corporation approval. Renewals extending beyond January 1, 1980 require stricter approval standards.

VIII. NEW INSURANCE REGULATION § 563.42: OFFICE FACILITIES

A. Requires insured institutions to have independent principal and branch office quarters. Existing leases involving affiliated persons could not be renewed without Corporation approval. Renewals extending beyond January 1, 1980 require stricter approval standards.

B. Institutions not required to have quarters independent of affiliates.

IX. NEW INSURANCE REGULATION § 563.43: LOANS AND LOAN-RELATED TRANSACTIONS INVOLVING AFFILIATED PERSONS

A. Prohibits insured institutions and their service corporation affiliates from engaging in loan and other transactions with affiliated persons. Exceptions for the following types of loans:

1. Loans secured by a single-family dwelling owned and occupied as the borrower's principal dwelling place;

2. Loans for construction, adding to, improving, altering, repairing, equipping or furnishing a single-family dwelling owned and occupied as the borrower's principal dwelling place;

3. Loans secured by a mobile home owned and occupied as the borrower's principal dwelling place;

4. Loans secured by savings accounts maintained by the affiliated persons at the institution;

5. Loans for the payment of educational expenses; and

6. Consumer loans.

B. Prohibits insured institutions and their service corporation affiliates from engaging in the following types of transactions with third persons:

1. Making to or purchasing from third persons loans which are secured by property acquired directly from an affiliated person;

a. Exception from purchasing restriction for loans purchased through secondary market, such as FHLMC;

2. Making or purchasing loans secured by property in which an affiliated person has a security interest;

3. Accepting securities of an affiliated person as loan collateral;

4. Maintaining compensating balances with respect to a loan by a third party to an affiliated person; and

5. Guarantees or take-out commitments with respect to a loan by a third party to an affiliated person.

X. NEW INSURANCE REGULATION § 563.45: DISCLOSURE

A. Requires insured institutions to prepare a statement as of a date within 120 days before each annual meeting covering the preceding 12-month period, entitled "Statement of Transactions Involving Affiliated Persons", beginning with first annual meeting occurring twelve months after the effective date of the regulation. Three copies of each such statement to be filed with Supervisory Agent.

B. An insured institution would have to either (1) mail a copy of such statement to persons having voting rights in such institution at least 20 days prior to each annual meeting, (2) mail a notice by such date that such statement is available upon request at its principal and each branch office or by mail, or (3) have copies of such statement available on or near the counter where savings account deposit and withdrawal forms are kept at each such office for 20 days prior to each annual meeting, and post a conspicuous notice that copies of such statement are available.

C. Notwithstanding B above, an insured institution which mails a written notice of its annual meeting to persons having voting rights in such institution would have to include with such notice either (1) a copy of such statement, or (2) a notice that a copy of such statement is available upon request at the principal office and each branch office or by mail.

D. An insured institution would also have to promptly provide a copy of its most recent and two previous statements to persons having voting rights in such institution upon request.

E. All copies of statements required by B, C and D above would have to be provided without charge.

F. A "Statement of Transactions Involving Affiliated Persons" would have to contain information concerning loan transactions of the insured institution or any service corporation affiliate during the 12 month period covered by the statement as follows:

1. Loans aggregating more than $10,000 which were knowingly made to an affiliated person or any business entity in which an affiliated person was an officer or partner;

2. Loans in connection with which the institution or service corporation had knowledge that such an affiliated person or business entity received fees or other payments aggregating more than $10,000 for acting in one or more of the following capacities: as attorney for such institution or service corporation, appraiser, escrow agent, insurance agent/broker, real estate agent/broker, supplier of title examination or abstract services, or underwriter of title or other required insurance; and

3. Loans in connection with which the institution had knowledge that such an affiliated person or business entity received fees or other payments aggregating more than $10,000 for acting as a builder, building materials supplier or building subcontractor.

G. With respect to F.1. above, the statement would have to contain (1) the name of each such person and entity, (2) a brief summary of the loan transactions, including dollar amounts and interest rates, and (3) a description of such person's affiliation with the institution.

H. With respect to F.2. above, the statement would have to contain (1) the name of each such person and entity, (2) the aggregate fees or other compensation received by such person or entity, (3) the capacity or type of services rendered for which payments were received, (4) a description of such person's affiliation with the institution, and (5) in the case of attorneys, appraisers and escrow agents, the portion of the fees received by such person or entity in relation to total fees received for such services on all loan transactions.

I. with respect to F.3. above, the statement would have to contain (1) the name of each such person and entity, (2) the capacity and type of goods or services furnished for which payments were received, (3) the aggregate payments received by each such person or entity, and (4) a description of such person's affiliation with the institution.

J. As used in § 563.45, the term affiliated person would include the immediate families of directors, officers and controlling persons, and business entities in which immediate family members have a minimum ownership interest.

By Resolution No. 74-1219, dated November 22, 1974, the Board proposed to amend Parts 561 and 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 561 and 563) and Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) in order to regulate conflicts of interest more effectively by preventing unsafe and unsound practices. The proposal sought to accomplish this objective by restricting various types of conflict of interest practices and conditions which the Board believes are unsafe of unsound or inconsistent with economical home financing. These proposed amendments were published in the FEDERAL REGISTER on December 5, 1974 (39 FR 42382-91), for public comment until January 21, 1975. The Board subsequently extended the public comment period until February 20, 1975 (Board Resolution No. 74-1416; December 30, 1974), and notice of this extension was published in the FEDERAL REGISTER on January 6, 1975 (40

FR 1076–77). In furtherance of the objective set forth above, the Board considers it desirable to issue a revised proposal in this area.

The amendments to Parts 561 and 563 (12 CFR Parts 561 and 563) proposed by this resolution would add ten new sections thereto and revise four existing sections thereof. The amendments to Part 545 (12 CFR Part 545) would revise seven sections thereof by revoking certain provisions in these sections to the extent that such provisions would be rendered inconsistent or redundant by the amendments to Parts 561 and 563. These conforming amendments to Part 545 will be necessary because Federal savings and loan associations are presently circumscribed in their ability to engage in some of the practices to which the proposed amendments to Parts 561 and 563 would apply different restrictions with respect to all insured institutions.

Some of these proposed amendments to Parts 561 and 563 are inconsistent with the Conditions of Insurance and Agreements for Operating Policies pursuant to which some insured institutions presently operate. In addition, some institutions are operating pursuant to Conditions of Insurance and Agreements for Operating Policies which the Board has tentatively concluded, in conjunction with proposing these amendments, are unnecessary. (These provisions of Conditions of Insurance and Agreements for Operating Policies which the Board has tentatively concluded are unnecessary are discussed in this preamble as they occur). The Board plans to revise its standard Conditions of Insurance and Agreement for Operating Policies to eliminate these inconsistent and unnecessary provisions, in conjunction with this proposal. These revised standard Conditions of Insurance and Agreement for Operating Policies would be used in conjunction with applications for insurance of accounts and Federal charters filed after the adoption of the amendments proposed by this resolution. However, the Board considers it both cumbersome and superfluous to amend the Conditions of Insurance and Agreements for Operating Policies of institutions which are presently insured because all insured institutions have agreed to abide by Board regulations. Therefore, unless the amendments proposed by this resolution specify otherwise with respect to a particular regulation, no insured institution would need to continue to comply after adoption of these proposed amendments, with a Condition of Insurance or a provision of its Agreement for Operating Policies (1) which is inconsistent with such amendments, or (2) which corresponds to a provision which the Board, in conjunction with adopting such amendments, decides not to adopt.

Some of the regulations proposed by this resolution would have delayed effective dates. The purpose of these phase-in provisions is to permit existing practices to continue until a specified date in order to ensure that the new restrictions adopted by this resolution do not disrupt the orderly operation of insured institutions.

The amendments proposed by this resolution do not contain a number of the provisions contained in the November, 1974 proposal. Instead, the present proposal contains a new § 563.45, captioned *Disclosure*. This new section, which is discussed in detail under Part IIE of this preamble, generally replaces several proposed provisions which would have prohibited or restricted certain practices and relationships. The Board believes that some of the situations addressed by these proposed prohibitions and restrictions appear to be more appropriate for regulation by disclosure, but the Board may determine to impose additional restrictions or prohibitions if the disclosure provisions proposed by this resolution do not satisfactorily remedy certain past abuses with respect to insider transactions and relationships. The Board also believes that other regulations concerning disclosure, in addition to new § 563.45, may be desirable and the Board may propose such additional regulations at a later time.

In order to facilitate understanding of this complex set of proposed amendments, each proposed new and revised Insurance Regulation will be explained separately. The affected Federal Regulations will be discussed in connection with each such explanation. As an additional aid to the reader, related amendments are discussed together under the following four headings: (I) *Restrictions Concerning Composition of Boards of Directors, Officers and Other Related Matters;* (II) *Restrictions Concerning Affiliated Persons;* (III) *Restrictions Concerning Office Facilities;* and (IV) *Restrictions Concerning Loan Services.*

I. Restrictions Concerning Composition of Boards of Directors, Officers and Other Related Matters

A. New § 563.33: *Directors, officers and employees.*

Section 563.33(a) would define four terms for use in § 563.33. The term "financial institution" would be defined to mean "any savings and loan association, building and loan association, homestead association, cooperative bank, mutual savings bank, commercial bank or trust company." The definition has been clarified to exclude the Federal Home Loan Banks. An "affiliate" of any financial institution would be defined to mean "any person or company which controls, is controlled by or is under common control with, such financial institution." A person or company would be deemed to have control of an entity "if such person or company directly or indirectly or acting in concert with one or more other persons or companies, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 percent of the voting shares or rights of such entity; or controls in any manner the election or appointment of a majority of the directors of such entity; or is a general partner in or has contributed more than 25 percent of the capital of such entity." The term "service corporation affiliate" would have the meaning given to it by §§ 561.25, captioned *Affiliate*, 561.26, captioned *Service corporation*, and 561.27, captioned *Service corporation affiliate*. Thus, the term "service corporation affiliate", as used in § 563.33 (and elsewhere in the Insurance Regulations), would refer to a service corporation which is at least 50 percent owned by an insured institution, while an "affiliate" of a financial institution would refer to an entity which is at least 25 percent owned by such institution or its holding company parent, either directly or indirectly. A "service corporation affiliate" therefore would also be an "affiliate" of a financial institution unless specifically excepted.

Presently, the Board has no regulations concerning the composition of boards of directors of insured institutions; controls in this area are imposed through Conditions of Insurance and Agreements for Operating Policies. Section 563.33(b) of the November, 1974 proposal would have established ten regulatory limitations on the composition of insured institution boards of directors. The amendments proposed by this resolution involve a number of changes in these earlier proposed limitations, and these changes are discussed in connection with each of the limitations proposed in November, 1974.

First, § 563.33(b)(1) of the November, 1974 proposal would have required the board of directors of an insured institution to be composed of at least seven persons. Upon reconsideration, the Board has tentatively considered that it is unnecessary to impose this type of requirement, and the amendments proposed by this resolution therefore contain no such requirement. Thus, for example, a Federal association having Charter N, K or K(rev.) could have a board of directors with as few as five members. Elimination of this requirement has necessitated technical changes in some of the other limitations which would imposed by § 563.33(b), and these changes are discussed as they occur.

Second, proposed § 563.33(b)(2) of the November, 1974 proposal would have required that a majority of the directors of an insured institution live or work in one or more of the communities served by the institution. Although this requirement would have been a liberalization of the present standard Conditions of Insurance and Agreement for Operating Policies—which require a majority to both live and work in the community served by the institution, with the remainder either living or working in such community—the Board believes that the amendment proposed in November, 1974 might have unduly constrained the ability of some insured institutions in some parts of the country to obtain competent directors having diverse backgrounds. On the other hand, the Board believes that the maintenance of local thrift institutions continues to be a sound and very important concept. Proposed § 563.33(b)(2) has been modified in an attempt to balance these two concerns

by providing that a majority of the directors of an insured institution must live or work in the institution's normal lending territory. For most insured institutions, the term "normal lending territory" means the State in which an institution's principal office is located, plus any territory outside such State which is within a 100 mile radius of the principal office. This requirement concerning the geographical source of an insured institution's directors, which was proposed in November, 1974 as § 563.33(b)(2), is designated as § 563.33(b)(1).

Third, proposed § 563.33(b)(3) of the November, 1974 proposal would have provided that not more than one-third of the directors of an insured institution may be salaried officers or employees of such institution or an affiliate of such institution. This proposed one-third limitation has been revised to permit a maximum of either two or one-third, whichever is less, of the salaried officers and employees of an institution and its affiliates to be directors of that institution. This change would produce the same result as the November, 1974 proposal with respect to institutions having six, seven or eight directors. With respect to institutions having more than eight directors, the Board does not believe that the existence of a larger board necessitates the presence of additional salaried officers or employees on that board. With respect to institutions having fewer than six directors (which was not permitted under the November, 1974 proposal), permitting two salaried officers or employees to be directors could result in boards dominated by an institution's management. The purpose of a board of directors in all types of businesses is to provide independent oversight of management, and the Board believes that the "lesser of two or one-third" limitation should help to ensure that this independent oversight can occur in institutions having fewer than six directors.

The above-described revision of the proposed limitation on salaried officers and employees contains an exception in order to provide flexibility in connection with mergers. This exception would permit an institution to add an additional salaried officer or employee to its board in connection with each merger until its third annual meeting after such merger. Such additional officer or employee would have to have been an officer or employee of the disappearing institution.

The limitation concerning salaried officers and employees, which was designated as § 563.33(b)(3), in the November, 1974 proposal is now designated as § 563.33(b)(2). In connection with the revision of this limitation, it should be noted that the definition of the term "officer" in the November, 1974 proposal has been revised to include only the chairman of the board, the president, any vice-president, (other than a second vice-president, assistant vice-president, or any other vice-president having authority similar to a second or assistant vice-president), the secretary, the treasurer, the comptroller, and any other person performing similar functions. This proposed revision of the term "officer" is discussed in Part IIA of this preamble.

Fourth, § 563.33(b)(4) of the November, 1974 proposal would have provided that not more than one-third of the directors of an insured institution could be significantly engaged (other than through an affiliate of such institution) in a business materially engaged in certain designated activities. The activities set forth in the proposal were: underwriting, reinsuring, agency or brokerage services involving homeowners', credit life, credit health and accident, private mortgage or title insurance; consumer finance company activities; mobile home manufacturing or sales; building materials or supply sales; real estate development or investment; building construction; real estate sales; property management; mortgage banking; appraisals; escrow, abstract or deed of trust services; and legal services performed by attorneys regularly serving such insured institution as attorneys-at-law. Section 563.33(b)(4) of the November, 1974 proposal would also have provided that a director would be deemed to be significantly engaged in a business if the director was a salaried officer or employee, or general partner of, or had directly or indirectly a 10 percent or more equity or beneficial interest in, such business.

The amendments proposed by this resolution do not contain a limitation of the type proposed in § 563.33(b)(4). As discussed in the introductory portion of this preamble, the Board generally believes that situations involving affiliated persons having interests of the type listed above appear to be more appropriately regulated by disclosure, and the disclosure provision proposed by this resolution—§ 563.45—is discussed in Part IIE of this preamble. In addition, the November, 1974 proposal might have unduly restricted the ability of some institutions to obtain directors having the requisite expertise and business experience.

Fifth, § 563.33(b)(5) of the November, 1974 proposal would have provided that a majority of the directors of an insured institution shall be persons other than (1) those enumerated in proposed § 563.33(b)(3) and (4) thereof (insider officers and employees, and those engaged in certain businesses), and (2) those who are directors of certain other financial institutions or their affiliates. The effect of § 563.33(b)(5) of the November, 1974 proposal would have been to require a majority of the board of directors of an insured institution to be persons of basically independent judgment.

As discussed in the introductory portion of this preamble and in connection with § 563.33(b)(4) of the November, 1974 proposal, the Board generally believes that situations concerning directors having certain outside business interests appear to be more appropriately regulated by disclosure. Directors having such interests were included in the description of those who would not be considered independent for purposes of § 563.33(b)(5) of the November, 1974 proposal, and an effect of the elimination of proposed § 563.33(b)(4) is that proposed §563.33(b)(5) is no longer workable. The amendments proposed by this resolution therefore do not contain a provision of the § 563.33(b)(5) type. While the Board continues to believe that a majority of the directors of an insured institution should be persons of basically independent judgment, the Board believes that the amendments proposed by this resolution (including new § 563.45), together with subsequent amendments concerning disclosure, should help to ensure the existence of basically independent boards, and that it is therefore not presently necessary to consider a regulatory limitation of the type set forth in § 563.33(b)(5) of the November, 1974 proposal.

Sixth, proposed § 563.33(b)(6) of the November, 1974 proposal would have required that at least one-third of the directors of an insured institution be persons other than (1) those enumerated in § 563.33(b)(3) thereof (insider officers and employees), and (2) directors of affiliates of such institution other than service corporations. An effect of this provision would have been to limit the extent to which an insured institution's board of directors could be the same as that of its parent holding company. Upon reconsideration, the Board has tentatively concluded that this limitation is unnecessary, and the amendments proposed by this resolution therefore do not contain such a limitation.

Seventh, § 563.33(b)(7) of the November, 1974 proposal would have provided that not more than two directors of an insured institution may be members of the same "immediate family." The limitation concerning members of an immediate family is hereby reproposed without change, except that this limitation is now the lesser of two or one-third. This change is a result of eliminating the requirement in the November, 1974 proposal that the board of directors of an insured institution be composed of at least seven persons. The limitation concerning members of an immediate family, which was designated as § 563.33(b)(7) in the November, 1974 proposal is now designated as § 563.33(b)(3).

Eighth, § 563.33(b)(8) of the November, 1974 proposal would have provided that not more than one director of an insured institution shall be a member of the same law firm. This limitation, which is now designated as § 563.33(b)(4), is hereby reproposed without change, except that the phrase "member of the same law firm" now reads "attorney with the same law firm" in order to make clear that the proposed limitation includes both partners and non-partners.

Ninth, § 563.33(b)(9) of the November, 1974 proposal would have provided that not more than two directors of an insured institution may be directors of any other financial institution or affiliate, and that such two directors may not be directors of the same financial institution or affiliate. This restriction would not have applied to persons who were di-

rectors of affiliates (including financial institutions) of such institution. This proposed provision was intended to limit the influence over an insured institution of any other financial institution other than a financial institution affiliate.

Tenth, § 563.33(b)(10) of the November 1974 proposal would have provided that no director of an insured institution may be an officer or employee of any other financial institution or affiliate thereof. This proposed restriction would not have applied to any financial institution or affiliate which was an affiliate of such insured institution.

The amendments proposed by this resolution combine § 563.33 (b)(9) and (b)(10) of the November 1974 proposal and designate the new proposed provision as § 563.33(b)(5). Said § 563.33(b)(5) differs from the November 1974 proposal in four respects, as follows:

First, the proposed limitation that not more than two directors may be directors of other financial institutions or their affiliates would be changed to the lesser of two or one-third. This change is the result of eliminating the requirement that the board of directors of an insured institution be composed of at least seven persons.

Second, § 563.33(b)(5) of the new proposal would except directors of an insured institution which are also full-time salaried officers or employees of the institution or an affiliate from the restriction that not more than two (or one-third, whichever is less) directors may be directors of other financial institutions. The theory behind this exception is that a person who is a director of two financial institutions and also an officer of one of these institutions is likely to be more concerned with the well-being of the institution of which he is an officer, and that it is therefore unnecessary to restrict the extent to which such a person can be a director of other financial institutions.

Third, § 563.33(b)(5) of the new proposal would also except directors of certain financial institutions and their affiliates from the restriction that not more than two (or one-third, whichever is less) directors may be directors of other financial institutions. The directors of a financial institution would come within this exception if neither the financial institution nor any financial institution affiliate thereof has an office located within any county (or similar political subdivision) or standard metropolitan statistical area (SMSA) in which the insured institution under consideration has an office. For this purpose, the District of Columbia would be considered to constitute one county, as well as being within the Washington SMSA. The theory behind this exception is that the primary area of competition among financial institutions is savings accounts, and that a director interlock between an insured institution and another financial institution outside the insured institution's savings market area will probably not operate to the detriment of the insured institution.

Fourth, the exception in both § 563.33 (b)(9) and (b)(10) of the November, 1974 proposal for financial institutions and their affiliates which are affiliates of either the insured institution under consideration or one of its affiliates would be changed to except financial institutions and their affiliates only if such financial institutions are affiliates of the insured institution. (§ 563.33(a)(2) would define the term "affiliate" in terms of 25 percent ownership.) This exception was included in the November, 1974 proposal in recognition of the comparatively high number of director interlocks which exist within holding company systems—including savings and loan holding company systems. However, inclusion in this exception of affiliates of an insured institution which are also affiliates of other financial institutions could result in the exception's applicability to entities which are not part of the same holding company system as the insured institution. This result was not intended, and the holding company exception therefore has been limited to financial institutions and their affiliates which are affiliates of the insured institution.

Section 563.33(c) of the November, 1974 proposal would have restricted the relationships which may exist between officers of insured institutions and officers of other financial institutions in two ways. First, this section would have provided that not more than two officers of an insured institution may be officers or employees of any affiliate of such institution other than a service corporation. This would have meant, for example, that all the officers of an insured institution could not also have been officers of its parent holding company. Second, § 563.33 (c) also would have provided that no officer of an insured institution may be an officer or employee of any other financial institution or affiliate thereof, unless such financial institution or affiliate is an affiliate of such insured institution.

This resolution reproposes § 563.33(c) without change, with two exceptions. First, new proposed § 563.33(c) would not limit the extent to which officers of an insured institution may be officers or employees of affiliates. This change conforms with the elimination of the proposed limitation on director interlocks within a holding company system—§ 563.33(b)(6) of the November, 1974 proposal. Second, the affiliate exception to the prohibition on interlocks with officers and employees of other financial institutions and their affiliates would be limited to financial institutions and affiliates where the financial institution is an affiliate of the insured institution. This conforms with the change made in new proposed § 563.33(b)(5) with respect to directors of other financial institutions.

Section § 563.33(d) of the November, 1974 proposal would have set forth the manner in which insured institutions would have had to comply with § 563.33 (b) and (c) of that proposal, and the date by which such compliance would have had to be effected. Section 563.33 (d)(2) of the November, 1974 proposal would have provided that any insured institution which is operating pursuant to an agreement with the Corporation containing a provision less restrictive than the corresponding provision in § 563.33 (b) or (c) must *at least* be in compliance with such less restrictive provision until its 1984 annual meeting. Section 563.33(d)(2) of the November, 1974 proposal would have provided further that no person may become a director of an insured institution after the effective date of the regulation (as opposed to 1984) except in compliance with § 563.33 (b) and (c). Each insured institution would have had to be in compliance with § 563.33 (b) and (c) of that proposal after its 1984 annual meeting and an insured institution would have had to continue to comply with any provisions of its Conditions of Insurance not covered by § 563.33 (b) and (c) of that proposal. Section 563.33(d)(1) of the November, 1974 proposal would have required any insured institution presently operating pursuant to Conditions of Insurance containing a provision *more* restrictive than the corresponding provision in § 563.33 (b) or (c) of that proposal to continue to comply with such more restrictive provision. However, such an institution could have requested an amendment to such Conditions of Insurance by filing an application with the appropriate Supervisory Agent.

This resolution reproposes § 563.33(d), with four changes. First, all insured institutions would have to be in compliance with new proposed § 563.33 (b) and (c) by their 1978 annual meetings. Because many of the proposed limitations in new proposed § 563.33 (b) and (c) have either been eliminated or modified, the Board does not believe it is necessary to delay compliance beyond an institution's 1978 annual meeting.

Second, new proposed § 563.33(d) has been revised to make clear that all of the provisions in that section concerning compliance with existing Conditions of Insurance would also apply to existing Agreements for Operating Policies.

Third, new proposed § 563.33(d) has been revised to make clear that an insured institution would not need to continue to comply with any provision of its Conditions of Insurance or Agreement for Operating Policies concerning composition of its board of directors or its officers unless new proposed § 563.33 (b) or (c) contains a corresponding provision. For example, an insured institution operating pursuant to Conditions of Insurance and an Agreement for Operating Policies which require that such institution's board of directors be composed of at least seven members would no longer have to comply with this requirement upon the adoption of the amendments proposed by this resolution. Insured institutions, of course, have to continue to comply with all provisions of their Conditions of Insurance and Agreement for Operating Policies not relating to composition of boards of directors or officers.

Fourth, the provision which would have permitted an insured institution

to request waiver of any existing provision of its Conditions of Insurance or Agreement for Operating Policies which was more restrictive than the corresponding provision of § 563.33 (b) or (c) of the November, 1974 proposal has been modified. Under the amendments proposed by this resolution, an institution would have to continue operating pursuant to such more restrictive provision until its 1978 annual meeting, unless it agreed to fully comply with all the provisions of new proposed § 563.33 (b) and (c). Because waiver of a more restrictive provision would be automatic if new proposed § 563.33 (b) and (c) were accepted as a package, decision is unnecessary as to whether waiver would be granted. Therefore, delegation of authority to the Supervisory Agents to make such a decision has been eliminated from § 563.33(d).

Section 563.33(e) of the November, 1974 proposal would have provided that no insured institution or service corporation affiliate thereof may permit any officer or employee to work for any affiliated person of such institution during the hours of his employment by such institution or service corporation unless such affiliated person compensated the institution or service corporation for the time during which the officer or employee was engaged in such work. This resolution reproposes § 563.33(e) without change.

Presently, § 563.17(b)—*Management and financial policies*—provides that compensation to directors, officers and employees of insured institutions and their service corporations may not to exceed that which is reasonable and commensurate with their duties and responsibilities. Said § 563.17(b) sets forth no criteria for determining "reasonable" compensation.

Section § 563.33(f) of the November, 1974 proposal was based on §563.17(b), but differed from said § 563.17(b) in three respects. First, it would have applied only to service corporation affiliates—*i.e.*, at least 50 percent owned. Second, § 563.33 (f) of the November, 1974 proposal would not have applied to employees, but would have included advisory directors. Third, § 563.33(f) of that proposal would have included standards for determining the reasonableness of compensation. Thus, § 563.33(f) of the November, 1974 proposal would have clarified and liberalized § 563.17(b) in several respects.

This resolution reproposes § 563.33(f) with two changes. First, instead of requiring compensation to be reasonable and commensurate with duties and responsibilities, new proposal § 563.33(f) would prohibit compensation which is "clearly excessive." This change of approach is an attempt to make clear that the purpose of this section is not to involve the Board in the judgmental determination of appropriate salaries for such persons, but rather to prohibit such a person from receiving compensation in an amount which is so excessive as to constitute a waste of the institution's assets. Second new proposed § 563.33(f) would include controlling persons of insured institutions and their service corporation affiliates, but would exclude advisory directors. The Board believes this proposed revision more accurately reflects the operation of insured institutions and their service corporation affiliates. In connection with new proposed § 563.33(f), it should be noted that the definition of the terms "controlling person" in § 561.28 is in terms of controlling persons of insured institutions. As various sections of this proposal (including new proposed § 563.33(f)) refer to controlling persons of entities other than insured institutions, this resolution would amend that definition so as to apply to other types of entities.

B. *Revised § 563.34: Selection of depository.*

The revision of § 563.34 proposed in November, 1974 used the terms "affiliate" and "financial institution"; these terms would be defined in § 563.33 and would have the same meanings in § 563.34. As discussed in Part IA of this preamble, the definition of "financial institution" would be clarified to exclude the Federal Home Loan Banks. Section 563.34, as it would be revised by this resolution, would also use the term "affiliated person", and the new proposed definition of this term is discussed in Part IIA of this preamble.

Section 563.34(a) of the November, 1974 proposal would also have defined two additional terms for use therein. The term "depository", when used with respect to an insured institution, would mean any financial institution with which such insured institution maintains funds on deposit. An "interlock", would be deemed to exist between an insured institution and a depository whenever such depository was an affiliated person of such institution or whenever any affiliated person of such institution was a director, officer or controlling person of such depository or of an affiliate of such depository. These terms are reproposed without change except that (1) controlling persons have been added, and (2) an "interlock" would not result where an advisory director of an insured institution is a director or officer of a depository or an affiliate of a depository.

It should also be noted that the definition of "interlock" in the November, 1974 proposal differs from the present definition in § 563.34. Presently, an interlock is deemed to exist whenever an officer, director, or controlling person of an insured institution or attorney regularly serving the institution as an attorney-at-law, or a spouse of any of the foregoing, is an officer, partner, director or trustee of the depository or the owner of 10 percent or more of the depository's stock. The November, 1974 proposal would have deleted attorneys-at-law, partners, trustees and spouses from the interlock definition. The amendments proposed by this resolution follow the November, 1974 proposal in this respect, except that spouses of directors, officers and controlling persons would be included because they are affiliated persons.

Presently, § 563.34 prohibits insured institutions, except with prior written approval of the Corporation, from establishing depository relationships after July 1, 1972, but "grandfathers" relationships existing on that date, unless specifically disapproved by the Corporation. Present § 563.34 also permits an insured institution to seek approval to establish or maintain a relationship with a depository which is otherwise prohibited, and provides that Corporation approval will turn on certain considerations—*viz.*, (1) the size of the depository relative to the deposits maintained by such insured institution, (2) the degree of interlocking relationships, and (3) any other factor which is or may be detrimental to the institution or depositors therein or borrowers therefrom.

Section 563.34(b) of the November, 1974 proposal would have prohibited an insured institution from establishing a depository relationship with a depository with which it had an interlock after the effective date of § 563.34, and would have prohibited the maintenance of an existing depository relationship on and after January 1, 1976. An insured institution could have requested Corporation approval to establish or maintain a depository relationship not permitted by §563.34(b). Any such request would have had to be filed with the appropriate Supervisory Agent, and in taking action on such a request the Corporation would have considered the same factors set forth in present § 563.34.

This resolution would revise § 563.34 as proposed, with two changes. First, the effective date with respect to existing depository relationships would be changed, with the result that no relationship prohibited by proposed new § 563.34 could be maintained after an institution's 1978 annual meeting. Second, as mentioned above, the revision of § 563.34 proposed in November, 1974 would have permitted an insured institution to request permission to establish or maintain an otherwise prohibited interlock. The amendments to § 563.34 proposed by this resolution would permit such waivers, but differ from the November, 1974 proposal in that authority to approve or disapprove waiver requests would be delegated to the Principal Supervisory Agents.

II. RESTRICTIONS CONCERNING AFFILIATED PERSONS

A. *New §§ 561.29, 561.30, 561.31 and 561.32: Definitions of Affiliated Person, Immediate Family, Director and Officer.*

New §§ 563.40, captioned *Payment of fees to affiliated persons, 563.41*, captioned *Transactions with affiliated persons involving real property*, and 563.43, captioned *Loans involving affiliated persons*, would generally involve restrictions on various activities of insured institutions in which "affiliated persons" are involved. In addition, new § 563.44 would require insured institutions to disclose information concerning certain transactions in which affiliated persons are involved. Since all four of these sections would concern "affiliated persons" the proposed definition of that term, as well as the proposed definitions of "director" and "officer", will be discussed first.

Section 561.29 of the November, 1974 proposal would have defined an affiliated person of an insured institution as: (1) Any director, member of an advisory board of directors or advisory committee, officer or controlling person of such institution, and any attorney regularly serving such institution as an attorney-at-law; (2) any member of the immediate family of any of the persons enumerated in (1); (3) any law firm regularly serving such institution; and (4) any corporation, partnership or trust in which the persons enumerated in (1), (2), and (3) have directly or indirectly (other than through the insured institution) a 10 percent or more equity or beneficial interest, either individually or collectively. An attorney or law firm would not normally have been considered to be "regularly serving" an insured institution unless such attorney or firm served as a principal counsel for such institution. Section 561.28 defines a "controlling person" of an insured institution as "any person or entity owning or holding ten percent or more of the stock or voting rights of such institution or otherwise able, directly or indirectly, to direct or cause the direction of the management or policies of the insured institution." As noted above in connection with new proposed § 563.33(f), § 561.28 would be amended so as to apply to entities other than insured institutions.

The amendments proposed by this resolution would define the term "affiliated person" much less broadly than did the November, 1974 proposal. As revised, an affiliated person of an insured institution would refer to the institution's directors, officers and controlling persons, and their spouses. Members of the "immediate family" of directors, officers and controlling persons other than spouses would not be considered affiliated persons, except in § 563.45, captioned *Disclosure*. The affiliated person definition proposed by this resolution, would also exclude attorneys and law firms regularly serving an institution as attorneys-at-law. The Board believes that practices involving immediate family members of affiliated persons, attorneys and law firms appear to be more appropriate for regulation by disclosure. It should be noted however that an immediate family member, attorney or law firm could in some situations be a controlling person and therefore an affiliated person.

As in the November, 1974 proposal, the definition of "affiliated person" proposed by this resolution includes corporations, partnerships, trusts and other similar organizations in which directors, officers, controlling persons or their spouses have a minimum interest, either individually or collectively. The minimum interest in the November, 1974 proposal was 10 percent, either individually or collectively. The Board believes it is appropriate to distinguish between individual and collective interests, and the amendments proposed by this resolution therefore would change this test to include as affiliated persons those organizations in which an institution's directors, officers, controlling persons or their spouses have at least a 10 percent individual interest or a 15 percent collective interest. In addition, the amendments proposed by this resolution would modify the type of beneficial interest in a trust which would result in the trust's inclusion as an affiliated person. The Board believes that some beneficial interests in trusts, such as contingent remainders, are sufficiently remote that a trust in which an affiliated person has such an interest should not be considered an affiliated person. Therefore, the group of entities which would be considered affiliated persons would be modified to include only trusts in which affiliated persons have a minimum income interest.

As discussed above, the November, 1974 proposal would also have defined the terms "director" and "officer" in conjunction with the definition of affiliated person. Section 561.31 of the November, 1974 proposal would have defined the term "director" to mean "any director, trustee or other person performing similar functions with respect to any organization whether incorporated or unincorporated." Section 561.32 of the November, 1974 proposal would have defined the term "officer" to mean "the chairman of the board (if salaried), the president, any vice-president, the secretary, the treasurer, the principal financial officer, the comptroller, the principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated." When used with respect to an insured institution, the term "officer" would also have included "any loan officer or branch manager, and any other person performing similar functions." These new definitions of director and officer proposed in November, 1974 would have been applicable throughout the Insurance Regulations.

This resolution reproposes the definition of "director" without change. This resolution also reproposes the definition of "officer", with four changes. First, the terms "principal financial officer" and "principal accounting office" would be omitted. Upon reconsideration, the Board believes it is unnecessary to include these terms because the definition would include persons performing the functions of treasurer or comptroller. Second, the chairman of the board would be considered to be an officer whether or not he received a salary. The Board believes including the chairman of an institution's board in this definition would generally reflect correctly the way in which insured institutions operate. Third, the definition of "officer" proposed by this resolution would not include loan officers or branch managers. One result of inclusion in the "officer" definition would be that such persons would be automatically affiliated persons. The Board does not believe that loan officers and branch managers normally have the type of authority which requires that a person be subject to the restrictions which would be applicable to affiliated persons. Fourth, the definition of "officer" proposed by this resolution excludes assistant vice-presidents, second vice-presidents, and other vice-presidents having authority similar to an assistant or second vice-president. As with loan officers and branch managers, the Board does not believe such vice-presidents normally have the requisite authority to warrant their being subject to the restrictions which would be applicable to affiliated persons.

Section 561.30 of the November, 1974 proposal would have defined a person's "immediate family" as (1) such person's father, mother, children, brothers, sisters, and grandchildren (whether by the full or half blood or by adoption); (2) such person's spouse; (3) the father, mother, brothers and sisters of such person's spouse (whether by the full or half blood or by adoption); and (4) the spouses of the persons in (1). The amendments proposed by this resolution would change the definition of "immediate family" to exclude the spouses of a person's grandchildren. Spouses of grandchildren are remote and their exclusion would not significantly alter the scope of the definition.

The term "service corporation affiliate"—which is presently part of the Insurance Regulations—would be used throughout §§ 563.40, 563.41 and 563.43. This term is defined in § 561.27 in terms of the § 561.25 definition of "affiliate", which is phrased in terms of 50 percent ownership.

B. *New § 563.40: Payment of Fees to Affiliated Persons.*

Presently, § 545.6–10—captioned *Initial loan charges*—prohibits directors, officers and employees of a Federal association and persons or firms regularly serving such association as attorneys-at-law from receiving loan procurement fees. Section 563.40(a) of the November, 1974 proposal, captioned *Loan procurement fees*, would have prohibited an affiliated person of an insured institution from receiving, either directly or indirectly, any fee or other compensation in connection with procurement of a loan from or by such institution or any service corporation affiliate thereof. In addition, fees could not have been received by an affiliated person from the insured institution itself or from any other source. Thus, the November, 1974 proposal would have revised § 545.6–10 in two respects and also applied it to all insured institutions. First, § 563.40(a) of that proposal would have covered affiliated persons as opposed to only directors, officers and associated attorneys; however, § 563.40(a) of that proposal would not have prohibited receipt of loan procurement fees by employees of an insured institution. Second, § 563.40(a) of the November, 1974 proposal would have applied to loans by service corporation affiliates of insured institutions as well as to the institutions themselves. The first sentence of § 545.6–10 would have been deleted by that proposal because it would have been inconsistent with § 563.40(a) of that proposal. This resolution reproposes the amendments to § 545.6–10 concerning loan procurement fees and new § 563.40(a) without change. It should be noted, however, that the revised proposed definition of

affiliated person would not include attorneys unless they were officers, directors or controlling persons.

Presently, § 545.6–10 also provides that borrowers from a Federal association may be required to pay necessary initial loan charges but prohibits directors, officers, employees and persons or firms regularly serving such association as attorneys-at-law from receiving discounts, rebates or commissions on such initial loan charges. However, Federal associations are permitted to receive and retain such discounts, rebates and commissions in connection with services actually performed by their directors, officers, employees and insider attorneys.

Section 563.40(b) of the November, 1974 proposal, captioned *Discounts, rebates or commissions*, would have prohibited an affiliated person of an insured institution from receiving, either directly or indirectly, any discount, rebate or commission on any initial loan charge paid by a borrower or any other person in connection with a loan made by such institution or a service corporation affiliate thereof. Section 563.40(b) of that proposal would also have provided that no insured institution or service corporation affiliate thereof could receive, directly or indirectly, any such discount, rebate or commission unless such discount, rebate or commission represented compensation for services actually performed. Thus, § 563.40 of that proposal would have (1) extended the prohibition of the receipt of discounts, rebates and commissions to all affiliated persons of all insured institutions, and (2) made this prohibition inapplicable to employees. Section 563.40 of the November, 1974 proposal would have applied to loans by service corporation affiliates as well as to insured institutions. The provisions of § 545.6–10 concerning discounts, rebates and commissions on initial loan charges would have been deleted by that proposal because they would have been inconsistent with proposed § 563.40(b), and a conforming change would have been made in § 545.8(a). In addition, the requirement in § 545.6–10 that an association furnish a loan settlement statement to a borrower at the closing of a loan would have been deleted because this requirement is also set forth in § 563.17–1(c)(1)(viii).

The Board proposed these conflict of interest amendments—in November, 1974—before the adoption of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93–533). Section 8 of RESPA prohibits certain kickbacks and unearned fees in connection with federally-related mortgage loans. The Board believes the effect of these provisions is to prohibit "discounts, rebates and commissions" on initial loan charges. The Board believes it would be inappropriate to impose different restrictions with respect to loans covered by RESPA, and the amendments proposed by this resolution therefore would simply apply the RESPA prohibition to such loans. In addition, proposed § 563.40(b) would be revised to also apply to loans not covered by RESPA—*i.e.*, other than "federally-related" mortgage loans. (A federally-related mortgage loan is one which is, *inter alia*, secured by a 1–4 family home.) Proposed § 563.40(b), as revised, would use the RESPA terminology. The amendments to § 545.6–10 concerning discounts, rebates and commissions and the technical amendments to § 545.8 are reproposed without change.

C. *New § 563.41: Transactions With Affiliated Persons Involving Real Property.*

Presently, the second sentence of paragraph (a) of § 545.6–5, captioned *Purchase of loans*, prohibits a Federal association from purchasing a loan from an affiliated institution and from directors, officers, employees and persons or firms regularly serving the association as attorneys-at-law. This provision would have been revoked in connection with § 563.41 of the November, 1974 proposal.

Presently, § 545.10(b) prohibits a Federal association from acquiring from some affiliated persons real estate to be used for offices and related association facilities. Said § 545.10(b) would also have been revoked by the November, 1974 proposed amendments. The reference in § 545.10(a) to § 545.10(b) would have been deleted and § 545.10(c) would have been redesignated as § 545.10(b).

Section 563.41(a) of the November, 1974 proposal would have prohibited an insured institution or service corporation affiliate thereof from engaging in any transaction with an affiliated person involving the purchase or sale of an interest in real property. Section 563.41(a) of that proposal would also have prohibited an insured institution or service corporation affiliate thereof from engaging in any transaction involving the lease of an interest in real property from an affiliated person. Insured institutions could have continued to lease real property to affiliated persons without limitation. Section 563.41(b) of the November, 1974 proposal would have excepted from the § 563.41(a) prohibition office building leases from affiliated persons in existence on the effective date of the proposed regulation. However, with respect to renewals of such leases, said proposed § 563.41(b) would have further provided that no such lease could be renewed without prior Corporation approval, and that no such approval would be granted unless its terms were fair. In addition, with respect to leases whose renewal terms would expire after January 1, 1980, an insured institution would also have had to show that there was no other suitable location for the office or that moving to a new location would cause undue hardship.

This resolution reproposes § 563.41, with four changes. First, it would be made clear that § 584.3 of the Holding Company Regulations (12 CFR 584.3) is controlling with respect to transactions between a subsidiary insured institution of a savings and loan holding company and an affiliate of such institution. Second, new proposed § 563.41 would prohibit insured institutions and their service corporation affiliates from purchasing from, selling to or leasing from an affiliated person of such institution any interest in real property. This prohibition would replace the somewhat ambiguous language of the November, 1974 proposal, which would have prohibited transactions involving purchases from, sales to or leases from affiliated persons. Third, insured institutions and their service corporation affiliates would also be prohibited from jointly owning an interest in real property with an affiliated person of such institution. However, this prohibition would not apply to existing joint-ownership arrangements. Fourth, authority to approve or disapprove renewals of existing leases would be delegated to the principal supervisory agents.

D. *New § 563.43: Loans and Loan Related Transactions Involving Affiliated Persons.*

Presently, § 545.6–8, captioned *Loans to directors, officers or employees*, prohibits a Federal association from making loans (other than own-home loans) to directors, officers, employees and persons or firms regularly serving such association as attorneys-at-law, and to partnerships in which any such person has a specified interest. Federal associations are also prohibited from making loans to corporations in which any such person has a specified interest unless the association obtains prior approval from its board of directors, and the corporation to which the loan is made is not more than 15 percent owned by any such person and is not more than 25 percent owned by any group of such persons. Presently, § 545.8, captioned *Loans without requirement of security*, permits a Federal association to make loans to directors, officers, employees and persons or firms regularly serving such association as attorneys-at-law, for the purpose of alteration, repair, improvement or equipping of a home or combination of home and business property owned and occupied, or to be owned and occupied, as a home by the borrower.

Section 563.43(b) of the November, 1974 proposal would have prohibited an insured institution or service corporation affiliate thereof from making a loan to any affiliated person of such institution and from purchasing a loan made to any such person. Insured institutions and their service corporation affiliates would also have been prohibited from investing in the securities of affiliated persons and from purchasing securities from an affiliated person under a repurchase agreement. Thus, § 563.43(b) of that proposal would have differed from § 545.6–8 in that it would have (1) prohibited own-home loans to the persons covered by § 545.6–8, (2) prohibited all loans for affiliated persons not covered by § 545.6–8, and (3) permitted loans to employees. Said § 545.6–8 would have been revoked by the November, 1974 proposal. That proposal would also have revoked § 545.8(b) and made technical conforming changes in §§ 545.6–10(a), 545.6–20(a) and 545.8–3.

This resolution reproposes § 563.43(b), except that the following types of loans to affiliated persons would be excepted from the § 563.43(b) prohibition:

(1) loans secured by a single-family dwelling owned and occupied as the borrower's principal dwelling place, (2) loans for constructing, adding to, improving, altering, repairing, equipping, or furnishing such principal dwelling place, (3) loans secured by a mobile home owned and occupied as the borrower's principal dwelling place, (4) loans secured by savings accounts of the borrower at the institution, (5) loans for payment of educational expenses, and (6) consumer loans. In proposing to except these six types of loans from the proposed § 563.43(b) prohibition, the Board emphasizes that its action is not intended to encourage insured institutions and their service corporation affiliates to make such loans to affiliated persons. Rather, these exceptions would be included in recognition of the fact that these types of loans are less likely to be made in a manner which is unsafe or unsound than loans secured by, for example, commercial property. However, it should be noted that these excepted types of loans can be made in a manner which is unsafe or unsound, and that any such loan which is unsafe or unsound has been and continues to be a violation of § 571.7—the Board's policy statement on conflict of interest.

Section 563.43(c) of the November, 1974 proposal would have prohibited insured institutions and their service corporation affiliates from engaging, directly or indirectly, in the following loan-related transactions involving affiliated persons: (1) Making a loan to, or purchasing a loan made to, any third party (a) on the security of property acquired from any affiliated person of such institution or (b) with the knowledge that all or any portion of the proceeds of such loan would be paid to or used for the benefit of any affiliated person; (2) making a loan to, or purchasing a loan made to, any third party secured by real property with respect to which any affiliated person of such institution holds a security interest; (3) accepting the stock, bonds, notes or other securities of any affiliated person of such institution as security for a loan made by such institution or service corporation affiliate thereof to any third party; (4) maintaining a compensating balance with respect to a loan made by any third party to any affiliated person of such institution; and (5) entering into any guarantee arrangement or making any takeout commitment with respect to a loan made by any third party to any affiliated person of such institution.

This resolution reproposes § 563.43(c), with two changes. First, as discussed above, one of the provisions in § 563.43(c) of the November, 1974 proposal would have prohibited an insured institution and its service corporation affiliates from making a loan to any third party with the knowledge that all or any portion of the proceeds of such loan would be paid to or used for the benefit of any affiliated person. One effect of this proposed provision would have been to prohibit an insured institution from making loans in connection with which the institution had knowledge that an affiliated person would receive compensation for providing goods or services to the borrower—*i.e.*, loans in connection with which an affiliated person acted, for example, as a builder, building materials supplier, building subcontractor, escrow agent, insurance agent/broker, real estate agent/broker, supplier of title examination or abstract services, or underwriter of title or other required insurance. Upon reconsideration, the Board believes that situations in which affiliated persons provide such goods or services appear to be more appropriately regulated by disclosure, and the amendments proposed by this resolution therefore would not prohibit loans to third parties in connection with which affiliated persons are known to receive a part of the loan proceeds or to otherwise derive benefit from the loan.

Second, the prohibition in the November, 1974 proposal on making a loan to or purchasing a loan made to a third party on the security of property acquired from an affiliated person of the insured institution would be modified to exclude two types of purchase transactions. First, the amendments proposed by this resolution would exclude loans on the security of property acquired from an affiliated person other than loans involving property acquired "directly" from an affiliated person. This change would eliminate the possibility that a piece of property might become tainted as a result of having once been owned by an affiliated person. This exclusion would not, of course, cover a "straw party" situation, even though the security property was not acquired "directly" from an affiliated person. Second, this proposal would exclude loans purchased in a secondary market, such as through the Federal Home Loan Mortgage Corporation. Purchasers of loans in such a secondary market do not ordinarily know the identity of borrowers whose loans they purchase, and this exclusion is intended to eliminate the possibility of unintentional violations.

Both § 563.43 (b) and (c) of the November, 1974 proposal would have been applicable to transactions by a subsidiary insured institution of a savings and loan holding company unless the provisions in § 584.3 were less restrictive. The amendments proposed by this resolution would revise this exception to provide that § 584.3 of the Holding Company Regulations (12 CFR 584.3) is controlling with respect to transactions between a subsidiary insured institution of a savings and loan holding company and an affiliate of such institution.

E. New § 563.44: Disclosure.

As discussed in the introductory portion of this preamble, the Board believes that certain types of practices and relationships involving affiliated persons—which were proposed as prohibitions or restrictions—are more appropriately regulated by disclosure. The Board further believes that new § 563.45 should provide accountholders and stockholders having voting rights with sufficient information to prevent unsafe and unsound practices in connection with these practices and relationships without undue expense and inconvenience to insured institutions.

The amendments proposed by this resolution would require each insured institution to prepare an annual "Statement of Transactions Involving Affiliated Persons". Each such statement would have to be prepared for a period of approximately twelve months, ending within 120 days before an institution's annual meeting. An institution would be required to prepare its first such statement with respect to its first annual meeting occurring twelve months after the effective date of the regulation. An institution could choose the most convenient date within 120 days of each such meeting as the ending date for its statement. An institution would not have to choose the same date each year, but the periods covered by an institution's statements have to be consecutive.

An institution would be required to provide a copy of its most recent statement and two preceding statements, upon request, to persons having voting rights in such institution. Institutions would have to comply with this requirement at all times. It should be noted that a copy of these statements would have to be provided to any stockholder, accountholder or borrower having voting rights in such institution who requested such information. The phrase "persons having voting rights in such institution" would not refer to persons holding proxies of those persons having voting rights.

Additional requirements would be applicable in connection with annual meetings. If an institution were not mailing written notice of an annual meeting to persons having voting rights in such institution, then such institution would have three alternatives, as follows. Such institution could, at least twenty days before such annual meeting, either mail a copy of its most recent statement to persons having voting rights in such institution, or mail a notice to each such person that such statement was available on request. The third alternative for such an institution would be to have copies of such statement available for 20 days before such meeting on or near the counter or other structure where savings account deposit and withdrawal forms are kept in its principal office and each branch office and to post a conspicuous notice in its lobby to the effect that such information is available. If an institution were mailing notice of an annual meeting, then it would have to either include a copy of its most recent statement with such notice, or else enclose a notice stating that a copy was available upon request.

All copies of such statements would have to be provided without charge. In addition, three copies of each such statement would have to be filed with the appropriate principal supervisory agent by such institution.

Each "Statement of Transactions Involving Affiliated Persons" which would be prescribed by § 563.45 would have to contain information with respect to three types of transactions—loans by an

insured institution and its service corporation affiliates to affiliated persons of the institution and entities in which any affiliated person was an officer or partner, loans by such institution or service corporation in connection with which such an affiliated person or business entity received fees or other compensation aggregating more than $10,000 for acting in one or more of certain capacities (viz., as such institution's or service corporation's attorney, an appraiser, escrow agent, insurance agent/broker, real estate agent/broker, supplier of title examination or abstract services and underwriter of title or other required insurance), and loans in connection with which such an affiliated person or business entity received fees or other compensation for acting as a builder, building materials supplier or building subcontractor. An insured institution would be required to make these three types of disclosure only with respect to loans with which such institution (or service corporation, if the lender) knew or had reason to know that such a person or entity was involved, and only if the loans or fees involved total more than $10,000 with respect to a person or entity.

With respect to loans to affiliated persons and business entities in which any such person is an officer or partner, such statement would have to set forth (1) the name of each such person or entity, (2) a brief summary of each such loan transaction, including dollar amounts and interest rates, and (3) a description of such person's or entity's affiliation with the institution.

With respect to loans in connection with which the lender knows or has reason to know that such a person or business entity received fees or other compensation in one or more of the capacities listed in the first group (e.g., the institution's or service corporation's attorney), such statement would have to set forth (1) the name of each such person or entity, (2) the aggregate fees or other compensation received by each such person or entity, (3) the capacity or type of services rendered for which payments were received, (4) a description of such person's or entity's affiliation with such institution, and (5) in the case of attorneys, appraisers and escrow agents, the portion of the fees received by each such person or entity in relation to the total payments received for each such service in connection with all loans by the institution and its service corporation affiliates.

With respect to loans in connection with which the lender knows or has reason to know that such a person or business entity received fees or other payments for acting as a builder, building materials supplier or building subcontractor, such statement would have to set forth (1) the name of each such person or entity, (2) the capacity and type of goods or services furnished for which payments were received, (3) the aggregate payments received by each such person or entity, and (4) a description of such person's affiliation with the institution.

Fees or other compensation received by a person or entity acting in more than one capacity would have to be disclosed separately. However, payments for acting in more than one capacity would be aggregated for purposes of determining whether such a person or entity is exempt under the $10,000 limitation.

It should be noted that the term "affiliated person", as used in proposed § 563.45, would include members of immediate families of officers, directors and controlling persons, and business entities in which an immediate family member has 10 percent individual interest, or an interest which, together with the interests of other affiliated persons, exceeds 15 percent. Proposed § 563.45 would also make clear that the disclosure which would be required by that section would not restrict the Corporation's authority to take appropriate action as to unsafe or unsound practices, or violations of law or regulation, respecting the matters disclosed.

III. Restrictions Concerning Office Facilities

Paragraph (a)(1) of § 563.42 of the November, 1974 proposal, captioned Office facilities, would have required each principal and branch office of an insured institution to be located in quarters independent of other financial institutions and their affiliates. The term "branch office", as used in § 563.42(a), would have referred to any office of an insured institution (other than its principal office) at which savings account transactions were effected if the office occupied more than 500 square feet of floor space and had more than four teller stations which were operated by employees of such institution. The term "financial institution" would have had the same meaning as in § 563.33(a)(1) of the November, 1974 proposal—that is, savings and loan-type associations, mutual savings banks, commercial banks and trust companies and persons or companies which control, are controlled by, or are under common control with, such financial institutions, with control defined in terms of 25 percent ownership. The term "affiliate" would also have had the same meaning as in proposed § 563.33(b)(2) of that proposal—i.e., a 25 percent ownership test.

Principal and branch offices of insured institutions would also have been required to be independent of businesses—including service corporations—engaging in activities closely related to the savings and loan business. These closely related businesses were those listed in § 563.33(b)(4) of the November, 1974 proposal.

The requirements of proposed § 563.42(a) of the November, 1974 proposal concerning the independence of office quarters would not have affected the validity of any existing lease by or from an insured institution. With respect to such leases, § 563.42(a) also would have provided that no such lease could be renewed without written approval of the Corporation and any request for such an approval would have had to be filed with the appropriate Supervisory Agent. No such approval would have been granted unless the terms of the lease were fair, regardless of when the renewal term would expire. The regulation proposed in November, 1974 set forth two further requirements—one applicable to leases by an insured institution and the other to leases from an insured institution—with respect to all leases whose renewed terms would expire on or after January 1, 1978. An insured institution seeking approval to renew a lease as a lessee would have been required to show that there was no other suitable location for the institution's office or that moving the office to another location would cause undue hardship. An institution seeking to renew a lease as lessor would have been required to show that there was either no other suitable location for the lessee, that moving to another location would cause undue hardship for the lessee, or that there was no other suitable lessee.

This resolution reproposes § 563.42(a), with six changes. First, affiliates which are service corporations, parent holding companies or affiliates of parent companies would be excepted from the requirement that the principal and all branch offices of an insured institution be located in quarters independent of other financial institutions, their affiliates, and certain businesses. The Board believes these exceptions are necessary because of the way insured institutions having such affiliates customarily operate. Second, the term "independent" would be changed so as to clarify that office of an institution would be considered independent even though it was located in the same building as an office of another financial institution, an affiliate thereof, or certain businesses. Third, the term "branch office", as used in § 563.42(a), would be changed to refer only to an office which occupies more than 1000 square feet of floor space and has at least four teller stations occupied by employees of the institution. This change would be consistent with the Board's proposed amendments concerning satellite offices of Federal associations (Board Resolution No. 75-738; August 6, 1975), which would increase the permissible amount of floor space in such an office from 500 to 1000 square feet. Fourth, because § 563.33(b)(4) of the November, 1974 proposal is withdrawn by this resolution, new proposed § 563.40(a) would now list the businesses with respect to which an insured institution should maintain independent quarters. The businesses would be the same as those listed in § 563.33(b)(4) of the November, 1974 proposal. Fifth, authority to approve or disapprove requests with respect to existing leases would be delegated to the principal supervisory agents. Sixth, the effective date would be changed to January 1, 1980, so as to correspond with the effective date of new proposed § 563.41.

Section 563.42(b) of the November, 1974 proposal would have required the principal offices of all insured institutions to be on the ground floor. An insured institution could have requested permission to locate its principal office in non-

ground floor quarters, but no such approval would have been given unless the quarters involved were the equivalent of ground floor (such as an elevated walkway) or the use of such quarters would not have had an adverse effect on the institution. Upon reconsideration, the Board does not believe a ground floor requirement is necessary and the amendments proposed by this resolution do not contain a provision corresponding to § 563.41(b) of the November, 1974 proposal.

IV. Restrictions Involving Loan Services

Presently, § 563.35, captioned *Certain conditions prohibited*, prohibits an insured institution, and a director, officer, or employee thereof, from granting any loan on the prior condition that the borrower contract for any of the following services with any specific company, firm, agency or person: (1) Insurance (except insurance or a guarantee provided by a government agency); (2) building materials; (3) legal services, including title examination, escrow and abstract services; and (4) services of a real estate agent or broker. The application of the prohibition concerning insurance set forth in (1) above is subject to one limitation—viz., that such prohibition should not be construed to prohibit an insured institution from refusing to grant any type of loan or extend any other service if the borrower wishes, in connection with such loan or service, to contract with or select a particular company, firm, agency or person whose insurance services, in such connection, are believed by the insured institution on reasonable grounds to afford it insufficient protection. This limitation has been interpreted as requiring insured institutions to permit borrowers to select the company, firm, agency or person who is to render insurance services, except private mortgage insurance services. The November, 1974 proposal would have revised § 563.35 by adding construction services and sales or services relating to mobile homes to the list of services with respect to which tie-ins are prohibited. That proposal would also have applied the limitation on insurance to legal services, so that an institution could refuse to grant a loan if the borrower selected an attorney (as discussed in the following paragraph) which such institution believed, on reasonable grounds, afforded it insufficient protection.

Presently, § 563.35 also provides that the legal services prohibition should not be construed to prohibit an insured institution from requiring a borrower to pay an initial loan charge to reimburse such institution for legal services rendered to it by an attorney selected by such institution in connection with processing and closing a loan. The November, 1974 proposal would have completely revised this provision to prohibit an insured institution from requiring a home borrower to pay any part of the legal services performed in connection with processing and closing a loan unless such services were performed by a firm or person selected by the borrower. An insured institution, of course, would have been permitted to engage an attorney other than the attorney selected by the borrower. However, the institution could not have charged the borrower for the services performed by any such additional attorney. In conjunction with prohibiting required payment by home borrowers of legal closing fees unless performed by a borrower-selected attorney, the November, 1974 proposal also would have specifically required an insured institution to advise a borrower in writing reasonably in advance of the closing of a loan—but not later than the time of commitment to make such loan—of his right to freely select the company or person rendering legal services and insurance services. As indicated, this borrower-notice requirement and restriction concerning borrower payment would have applied only to home loans. Section 541.10–2 defines a home as "real estate upon which is located one or more single-family dwellings, or dwelling units, for not more than 4 families in the aggregate."

The amendments proposed by this resolution would significantly revise the proposed amendments to § 563.35, as follows: First § 563.35(a) would be reworded to make clear that the tie-in arrangements prohibited by that section only involve services for which the borrower contracts. In this connection, the term "insurance services" would be clarified to include services provided by an agent, broker or underwriter. The reference to "legal services" would also be shortened. In addition, the amendments proposed by this resolution do not add mobile home sales or services to the list of services with respect to which this type of tie-in arrangement is prohibited, as was proposed in November, 1974, because the Board does not believe their inclusion is necessary at the present time.

Second, insured institutions would not be required to permit home borrowers to select the institution's attorney, in order for the fee of such attorney to be paid by the home borrower. Upon reconsideration, the Board believes that a different approach will more effectively regulate unsafe and unsound practices and also eliminate some of the disadvantages of borrower-selection. The amendments proposed by this resolution would permit an insured institution to require a home borrower to pay the fee of the institution's attorney or reimburse the institution for such fee only if the following conditions are met: (1) The attorney's fee must be limited to legal services attributable to processing and closing such borrower's loan (and not unrelated services performed for the institution by the attorney), (2) the fee is supported by a statement prepared by or on behalf of the attorney which describes the legal services performed, sets forth the time spent by the attorney, and discloses the hourly rate or other basis for determining such fee, and (3) if, after an institution's 1978 annual meeting, such legal services are not rendered by an attorney who is an affiliated person of such institution or an attorney in the same law firm as an affiliated person. This provision does not apply to an attorney employed fulltime by the institution if the attorney receives no additional compensation for providing such services.

It appears to the Board that adoption of this provision will contribute to sound and economical home financing in that competition is likely to cause lower attorney fees in situations where legal closing services to insured institutions are provided by non-affiliated persons. If such services are provided by an affiliated person, such fees would have to be internalized, after the institution's 1978 annual meeting. Causing such fees to be internalized would mean that the institution's board would be under a significantly greater obligation to scrutinize the reasonableness of those fees. In addition, the market place would be likely to have a greater effect on any indirect payment resulting from the internalization of such fees which might be passed on to the borrower by points or similar charges.

Third, this resolution would amend § 563.35 to require notification to home borrowers that they may select the person or organization providing insurance services, subject to the institution's right to refuse to grant a loan if it reasonably believes that the services provided by the borrower-selected insurance company will afford it insufficient protection.

Fourth, the amendments proposed by this resolution would permit an insured institution to require a home borrower to reimburse such institution for appraisal services in connection with a home loan or to pay for such services directly, after its 1978 annual meeting, only if such services were provided by an appraiser who was neither an affiliated person of such institution nor an appraiser in the same firm as an affiliated person, unless such appraiser was employed full-time by such institution and received no additional compensation for performing appraisal services. This provision was not proposed in November, 1974 as part of the amendments to § 563.35. The Board's justification for this provision is similar to that given above for the attorney provision.

Upon consideration of the public comments on the proposal, past abuses involving matters encompassed within these revised proposed amendments and the necessity to prevent the reoccurrence of such abuses, and to prevent likely future abuses of a similar or related nature, and other relevant material, the Board has determined to propose the various provisions included in this proposal for one or more of the following reasons: (1) To safeguard and protect the insurance risk of the Federal Savings and Loan Insurance Corporation; (2) to prohibit financial, lending or managerial policies or practices of insured institutions which are detrimental to, or inconsistent with, sound and economic home-financing; (3) to prohibit unsafe or unsound practices in conducting the business of insured institutions; and (4) to delineate, and prohibit or control, transactions which are, or are likely to be, conflicts

of interest, or breaches of the fiduciary duties which officers, directors or controlling persons owe to insured institutions. The reasons and basis for proposing specific provisions of this proposal have been set forth and explained hereintofore in this preamble.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 561 by revising § 561.28 thereof and by adding §§ 561.29, 561.30, 561.31 and 561.32 thereto and proposes to amend Part 563 by revising §§ 563.17, 563.34 and 563.35 thereof and by adding §§ 563.33, 563.40, 563.41, 563.42, 563.43 and 563.45 thereto, as set forth below. The Federal Home Loan Bank Board also hereby proposes to amend Part 545 by revoking § 545.6–8 and by revising §§ 545.6–5(a), 545.6–10, 545.6–20(a), 545.8, 545.8–3 and 545.10 thereof, as set forth below. It should be noted that the amendments to § 563.17 of Part 563 and all of the above-listed amendments to Part 545 involve either deletions, redesignations of existing provisions, or alteration of references to other sections; no new substantive provisions would be added to these sections. The Federal Home Loan Bank Board also hereby withdraws Board Resolution 74–1219.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552, by November 10, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.5 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.5).

The proposed amendments to Parts 545, 561, and 563 are as follows.

PART 545—OPERATIONS

1. Section 545.6–5(a) is revised.

§ 545.6–5 Purchase of loans.

(a) *General provisions.* A Federal association may purchase any loan that it may make, unless expressly prohibited by other provisions of this part, and may also purchase any insured loan secured by a home or combination of home and business property located outside of the State (including the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States) in which such association's home office is located at an investment not exceeding the sum of (1) $55,000 for each single-family dwelling, or $82,500 with respect to each such dwelling in Alaska, Guam or Hawaii, (2) an amount per dwelling unit within the limits set forth in section 207(c)(3) of the National Housing Act, with such increases therein as may be made from time to time by the Federal Housing Commissioner in accordance therewith; and (3) the percentage of value acceptable to the insuring agency of such part of the property as is not attributable to dwelling use. If a Federal association increases its savings accounts as part of the purchase of any loan, it shall obtain such approval as is required by the rules and regulations for insurance of accounts.

* * * * *

§ 545.6–8 Loans to directors, officers or employees. [Revoked]

2. Section 545.6–8 is revoked.

3. Section 545.6–10 is revised.

§ 545.6–10 Initial loan charges.

Except as provided in §§ 563.35 (d) and (e) of this chapter, borrowers may be required to pay the necessary initial charges in connection with the making of a loan, including the actual costs of title examination, appraisal, credit report, survey, drawing of papers, closing of the loan, and other necessary incidental services and costs in such reasonable amounts as may be fixed by the board of directors; such necessary initial charegs may be collected by the association from the borrower and paid to the persons rendering such services.

4. In § 545.6–20 the introductory text of paragraph (a) and (a)(3) are revised as follows.

§ 545.6–20 Loans guaranteed under the Foreign Assistance Act of 1961.

(a) *General.* Without regard to the provisions of any other section of this part, a Federal association which has a charter in the form of Charter K (rev.) or Charter N may invest in any of the following loans, or any interest therein:

* * * * *

(3) Loans having the benefit of any guaranty under sections 221 or 222 of such Act, as in effect on December 30, 1969, and thereafter.

* * * * *

5. In § 548.8, the introductory text of paragraph (a) is revised and paragraph (b) is revoked.

§ 545.8 Loans without requirement of security.

(a) Without regard to any other provision of this part except § 545.6–10, any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association that has a charter in the form of Charter K (rev.) or Charter N may, upon adoption of such a loan plan by its board of directors, invest in loans of the following types, but no investment shall be made under this section if immediately after such investment the outstanding aggregate of all investments of the association made under this section would exceed 20 percent of the association's assets:

* * * * *

(b) [Revoked]

6. Section 545–8–3 is revised.

§ 545.8–3 Insured loans for title purchase.

Without regard to any other provision of this part, a Federal association which has a Charter in the form of Charter K (rev.) or Charter N may invest in loans, or interests therein, made for the purpose of financing the purchase by homeowners of the fee simple title to property on which their homes are located and as to which the association has the benefit of insurance under section 240 of the National Housing Act, as amended, or of a commitment or agreement for such insurance.

7. Section 545.10 is revised.

§ 545.10 Real estate for office and related facilities.

(a) A Federal association may invest in real estate (improved or unimproved) to be used for office and related facilities of the association, or for such office and related facilities and for rental or sale, if each such investment is made and maintained pursuant to a prudent program of property acquisition to meet ether the association's present needs or its reasonable future needs for office and related facilities. Except with the prior approval of the Board, no such investment may be made before the Board has approved an application for the establishment or maintenance of an office facility at the location of such real estate or the change of an office facility to such location, if, as a result of such investment, the outstanding aggregate book value of all such investments made before such Board approval would exceed 25 percent of the association's net worth. Except with the prior approval of the Board, no such investment may be made before or after the Board has approved an application, if any such application is required, for the establishment or maintenance of an office facility at the location of such real estate or the change of an office facility to such location, if, as a result of such investment, the outstanding aggregate book value of all such investments made before and after such Board approval would exceed the association's net worth.

(b) *Requests for Board approval of exceptions.* Any request by a Federal association for Board approval of an exception to the limitations contained in this section shall be transmitted to the Supervisory Agent, with a copy thereof to the Director, Office of Examinations and Supervision, 320 First Street, N.W., Washington, D.C. 20552. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of which the Federal association is a member or any other officer or employee of such bank designated by the Board as its agent pursuant to § 501.11 of this chapter.

PART 561—DEFINITIONS

8. Section 561.28 is revised.

§ 561.28 Controlling person.

A controlling person of any entity is any person or other entity owning or holding ten percent or more of the stock or voting rights of such entity or otherwise having the power, directly or indirectly, to direct or cause the direction of the management or policies of such entity.

9. Part 561 is amended by adding §§ 561.29 through 561.32.

§ 561.29 Affiliated person.

An "affiliated person" of an insured institution refers to the following:

(a) A director, officer or controlling person of such institution;

(b) A spouse of a director, officer or controlling person of such institution; and

(c) A corporation, partnership, trust or similar organization in which a director, officer or controlling person, either directly or indirectly (other than through the insured institution), has an equity or income beneficiary interest of 10 percent or more individually or 15 percent or more collectively with other directors, officers or controlling persons of such institution. For this purpose, a director, officer or controlling person will be deemed to have an equity or income beneficiary interest in an organization in which such person's spouse has such an interest.

§ 561.30 Immediate family.

The "immediate family" of any natural person refers to the following (whether by the full or half blood or by adoption):

(a) Such person's spouse, father, mother, children, brothers, sisters and grandchildren;

(b) The father, mother, brothers, and sisters of such person's spouse; and

(c) The spouse of a child, brother or sister of such person.

§ 561.31 Director.

The term "director" means any director, trustee or other person performing similar functions with respect to any organization whether incorporated or unincorporated.

§ 561.32 Officer.

The term "officer" means the chairman of the board of directors, the president, any vice-president (other than an assistant vice-president, second vice-president or other vice-president having authority similar to an assistant or second vice-president), the secretary, the treasurer, the comptroller, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

PART 563—OPERATIONS

10. Section 563.17 is revised.

§ 563.17 Management and financial policies.

For the protection of its insured members and other insured institutions, each insured institution and service corporation thereof shall maintain safe and sound management and shall pursue financial policies that are safe and consistent with the economical home financing and the purposes of insurance of accounts and are appropriate to their respective types of operations; in implementing this regulation the Corporation will take into consideration that service corporations may be authorized to engage in activities which involve a higher degree of risk than do activities permitted to insured institutions.

11. Section 563.33 is revised.

§ 563.33 Directors, officers and employees.

(a) *Definitions*—(1) *Financial institution.* As used in this section, the term "financial institution" means any savings and loan association, building and loan association, homestead association, cooperative bank, mutual savings bank, commercial bank or trust company. Such term does not include a Federal Home Loan Bank.

(2) *Affiliate.* As used in this section, an "affiliate" of any financial institution means any person or company which controls, is controlled by or is under common control with, such financial institution.

(3) *Control.* As used in this section, a person or company will be deemed to have control of an entity if such person or company directly or indirectly or acting in concert with one or more other persons or companies, or through one or more subsidiaries, owns, controls, or holds with power to vote, or holds proxies representing, more than 25 percent of the voting shares or rights of such entity; or controls in any manner the election or appointment of a majority of the directors of such entity; or is a general partner in or has contributed more than 25 percent of the capital of such entity.

(4) *Service corporation affiliate.* As used in this section, the term "service corporation affiliate" has the meaning given it by §§ 561.25, 561.26, and 561.27 of this chapter.

(b) *Directors.* The composition of the board of directors of an insured institution shall be in accordance with the following requirements:

(1) A majority of the directors of an insured institution shall live or work in the normal lending territory of such institution.

(2) Not more than two (or one-third, whichever is less) of the directors of an insured institution may be officers or employees of such institution or of any affiliate thereof. This paragraph (b)(2) does not apply to one director elected in connection with each merger until the third annual meeting following the merger, if such director was an officer or employee of the disappearing institution.

(3) Not more than two (or one-third, whichever is less) of the directors of an insured institution may be members of the same immediate family.

(4) Not more than one director of an insured institution may be an attorney with the same law firm.

(5) (i) Not more than two (or one-third whichever is less) of the directors of an insured institution may be directors of any other financial institution or affiliate thereof. The previous sentence does not apply (*a*) to full-time salaried officers and employees of such institution or an affiliate thereof, or (*b*) to a director of any other financial institution or affiliate thereof if neither such other financial institution nor any financial institution affiliate thereof has an office located within any county (or similar political subdivision) or standard metropolitan statistical area (SMSA) in which such insured institution has an office.

(ii) Not more than one director of an insured institution may be a director of the same other financial institution or affiliate thereof.

(iii) No director of an insured institution may be an officer or employee of any other financial institution or affiliate thereof.

(iv) This paragraph (b)(5) does not apply to a financial institution or affiliate thereof if such financial institution is an affiliate of such insured institution.

(c) *Officers.* No officer of an insured institution may be an officer or employee of any other financial institution or affiliate thereof unless such financial institution is an affiliate of such insured institution.

(d) *Compliance with paragraphs (b) and (c).* (1) *General requirements concerning compliance.* (i) After the effective date of this regulation, no insured institution need comply with any Condition of Insurance or provision of its Agreement for Operating Policies concerning the composition of its board of directors or its officers, pursuant to which it is presently operating, unless paragraph (b) or (c) of this section contains a corresponding type of provision.

(ii) No director or officer of an insured institution may assume any new relationship with any person or entity after the effective date of this regulation which would result in a violation of paragraph (b) or (c) of this section.

(2) *Compliance dates.* (i) No person may be elected or appointed as a director or officer of an insured institution (excluding reelections and reappointments) after the effective date of this regulation if such person's election or appointment would result in a violation of paragraph (b) or (c) of this section. (ii) All insured institutions must be in full compliance with said paragraphs (b) and (c) after such institution's 1978 annual meeting.

(3) *Compliance with inconsistent conditions of insurance and agreements for operating policies prior to 1978 annual meeting.* (i) Unless an insured institution agrees to comply fully with paragraphs (b) and (c) prior to its 1978 annual meeting, any insured institution presently operating pursuant to any Condition of Insurance or provision of its Agreement for Operating Policies concerning the composition of its board of directors which is more restrictive than the corresponding type of provision in paragraph (b) of this section shall continue to operate pursuant to such Condition or Agreement provision until such meeting. (ii) Any insured institution presently operating pursuant to any Condition of Insurance or provision of its Agreement for Operating Policies concerning the composition of its board of directors or its officers which is less restrictive than the corresponding type of provision in paragraph (b) or (c) of this section shall at least be in compliance

with such less restrictive provision until such meeting.

(e) *Other employment.* No insured institution or service corporation affiliate thereof shall permit any officer or employee to work for any affiliated person of such institution during the hours of his employment by such institution or service corporation unless such affiliated person compensates such institution or service corporation for the time during which such officer or employee is engaged in such work.

(f) *Excess compensation.* Compensation paid by an insured institution or service corporation affiliate thereof to directors, officers and controlling persons of such institution shall not be clearly excessive of that which is reasonable and commensurate with their duties and responsibilities. In determining whether the compensation of an affiliated person is clearly excessive of that which is reasonable and commensurate with his duties, the factors to be considered by the Corporation will include: (1) The compensation paid to other persons employed by such institution or service corporation; (2) the compensation paid to persons performing similar duties in comparable insured institutions or service corporations; (3) the qualifications of such person; (4) the size and complexity of such institution or service corporation, (5) the financial condition, income and growth record of such institution or service corporation; and (6) generally prevailing economic conditions.

12. Section 563.34 is revised.

§ 563.34 Selection of depository.

(a) *Definitions.* (1) The terms "affiliate" and "financial institution" as used in this section are defined in § 563.33(a). The term "affiliated person" as used in this section is defined in § 561.29.

(2) *Depository.* As used in this section, the term "depository", when used with respect to an insured institution, means any financial institution with which such insured institution maintains funds on deposit.

(3) *Interlock.* As used in this section, an "interlock" will be deemed to exist between an insured institution and a depository whenever such depository is an affiliated person of such institution or whenever any affiliated person of such insured institution is a director, officer, or controlling person of such depository or of an affiliate of such depository.

(b) *Restriction.* (1) Except with the prior written approval of the Corporation, no insured institution may establish a depository relationship with a depository with which it has an interlock after the effective date of this regulation or maintain any such depository relationship in existence on such date after its 1978 annual meeting.

(2) An insured institution may request approval from the Corporation to establish or maintain a depository relationship not permitted by paragraph (b)(1) of this section. Any such request shall be filed with a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of such institution is located. In taking action with respect to any such request, the Corporation will consider the size of the depository relative to the deposits maintained by such insured institution, the amount of the deposits relative to the size of such institution, the degree of interlocking relationships, and any other factor which may have a detrimental effect on such institution or investors or depositors therein or borrowers therefrom.

(3) Authority to approve and disapprove requests made pursuant to paragraph (b)(2) of this section is hereby delegated to the Principal Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of the insured institution making a request is located.

13. Section 563.35 is revised.

§ 563.35 Restrictions involving loan services.

(a) *Tie-in prohibitions.* No insured institution may grant any loan on the prior condition, agreement or understanding that the borrower contract with any specific person or organization for the following:

(1) Insurance services (as an agent, broker or underwriter), except insurance or a guarantee provided by a government agency;

(2) Building materials or construction services;

(3) Legal services rendered to the borrower; or

(4) Services of a real estate agent or broker.

(b) *Notice with respect to insurance on home loans.* An insured institution shall notify the borrower of his right to freely select the person or organization rendering the insurance services in connection with a loan on a home (as defined in § 541.10–2 of this chapter) occupied or to be occupied by the borrower at or prior to the time of the commitment to make such loan.

(c) *Limitation on paragraphs (a) and (b).* Notwithstanding paragraphs (a) and (b) of this section, an insured institution may refuse to make any loan if it believes on reasonable grounds that the insurance services provided by the person or organization selected by the borrower will afford insufficient protection to such institution.

(d) *Payment of attorney's fee by home borrowers.* In connection with a loan on a home (as defined in § 541.10–2 of this chapter) occupied or to be occupied by the borrower, an insured institution may require such borrower to reimburse it for legal services rendered by its attorney, or to directly pay such attorney for such services, only if (1) such attorney's fee is limited to legal services attributable to processing and closing such loan (and not unrelated services performed for the institution by the attorney), (2) such fee is supported by a statement prepared by or on behalf of such attorney which describes the legal services performed, sets forth the time spent by such attorney and the hourly rate or other basis for determining such fee, and (3) after its 1973 annual meeting, neither such attorney nor any attorney in his law firm is an affiliated person of such institution. This paragraph (d) does not apply to an attorney employed on a full-time salaried basis by such institution if such attorney receives no additional compensation for providing such services.

(e) *Payment of appraisal fees by home borrowers.* In connection with a loan on a home (as defined in § 545.10–2 of this chapter) occupied or to be occupied by the borrower, an insured institution may require such borrower to reimburse it for appraisal services rendered by an appraiser, or to directly pay such appraiser for such services, after its 1978 annual meeting, only if neither such appraiser nor any appraiser in his appraisal firm is an affiliated person of such institution. This paragraph (e) does not apply to an appraiser employed on a full-time salaried basis by such institution if such appraiser receives no additional compensation for providing such services.

14. Section 563.40 is revised.

§ 563.40 Payment of fees to affiliated persons.

(a) *Loan procurement fees.* No affiliated person of an insured institution may receive, directly or indirectly, from such institution, or from any other source any fee or other compensation of any kind in connection with the procurement of any loan from such institution or service corporation affiliate thereof.

(b) *Kickbacks and unearned fees.* The prohibitions contained in sections 8(a) and 8(b) of the Real Estate Settlement Procedures Act of 1974 (Public Law 93–533) shall apply to any fee, kickback, thing of value, and any portion, split or percentage of any charge given to or accepted by any insured institution, or service corporation affiliate or affiliated person thereof, in connection with any loan or real property made by an insured institution or service corporation affiliate thereof, without regard to whether the loan is within the term "federally related mortgage loan", as defined in section 3 (1) of the Act.

15. Section 563.41 is revised.

§ 563.41 Transactions with affiliated persons involving real property.

(a) *Scope of section.* Section 584.3 of this chapter is controlling with respect to transactions between a subsidiary insured institution of a savings and loan holding company (see definitions in §§ 583.6, 583.11 and 583.14 of this chapter) and an affiliate of such institution (as defined in § 583.15 of this chapter).

(b) *Prohibition.* Except as provided in paragraph (c) of this section, no insured institution or service corporation affiliate thereof may, either directly or indirectly, purchase from, jointly own with, sell to or lease from an affiliated person of such institution any interest in real property.

(c) *Exception for office building leases.* The prohibition set forth in paragraph (b) of this section does not apply to a joint ownership existing on the effective

date of this regulation, or to any lease by an insured institution or service corporation affiliate thereof of property on which such institution or service corporation maintains an office if such lease is in existence on such date. However, no such lease may be renewed without prior written approval of the Corporation, and any request for such approval shall be filed with a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of such institution or service corporation is located. No such approval will be granted without a showing by the insured institution or service corporation that the terms of such renewal are fair. If such lease, as so renewed, would expire on or after January 1, 1980, such institution or service corporation shall also show that there is no other suitable location for the office or that moving to another location would cause undue hardship.

(d) *Delegation to principal supervisory agents.* Authority to approve and disapprove requests made pursuant to paragraph (c) of this section is hereby delegated to the Principal Supervisory Agent of the Corporation at the Federal Home Loan Bank in the district in which the principal office of the insured institution making the request is located.

16. Section 563.42 is revised.

§ 563.42 Independent office facilities.

(a) *Terms.* (1) The terms "affiliate" and "financial institution" as used in this section are defined in § 563.33(a).

(2) For the purposes of this section, the quarters of an insured institution may be considered "independent" even though located in the same office building as the office quarters of some other financial institution or affiliate thereof, or of a business of the type described in paragraph (a)(4) of this section.

(3) For the purposes of this section, the term "branch office" refers to any office of an insured institution (other than its principal office) at which savings account transactions are effected, which occupies more than 1,000 square feet of floor space, and which has more than four teller stations operated by employees of such institution.

(4) The "businesses" referred to in paragraph (b) of this section are businesses which are materially engaged in the following activities: Underwriting, reinsuring, agency or brokerage services involving homeowners', credit life, credit health and accident, private mortgage or title insurance; consumer finance company activities; mobile home manufacturing or sales; building material or supply sales; real estate development or investment; building construction; real estate sales; property management; mortgage banking; appraisals; escrow, abstract, or deed of trust services; title examinations; and legal services. A business will be deemed materially engaged in an activity if 15 percent or more of its annual gross income is derived from such activity.

(b) *Requirements.* Each principal or branch office of an insured institution shall be located in quarters independent of other financial institutions and affiliates thereof and of the types of businesses described in paragraph (a)(4) of this section. The requirements in the previous sentence do not apply to affiliates of such insured institution which are service corporations, parent companies of affiliates of parent companies.

(c) *Exception for existing leases.* The requirements set forth in paragraph (b) of this section do not affect any lease by or from an insured institution in existence on the effective date of this regulation. However, no such lease shall be renewed without prior written approval of the Corporation and any request for such approval shall be filed with a Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of such institution is located. No such approval will be granted without a showing by the insured institution that the terms of such renewal are fair. If such a lease by an insured institution, as so renewed, would expire on or after January 1, 1980, such institution shall also show that there is no other suitable location for the office, or that moving to another location would cause undue hardship. If such a lease from an insured institution, as so renewed, would expire on or after January 1, 1980, then such institution shall also show that there is no other suitable location for the lessee, that moving to another location would cause undue hardship for such lessee, or that there is no other suitable lessee.

(d) *Delegation of authority to principal supervisory agents.* Authority to approve or disapprove requests pursuant to paragraph (c) of this section is hereby delegated to the Principal Supervisory Agent of the Corporation at the Federal Home Loan Bank in the district in which the principal office of the insured institution making the request is located.

17. Section 563.43 is revised.

§ 563.43 Loans involving affiliated persons.

(a) *Scope of section.* Section 584.3 of this chapter is controlling with respect to transactions between a subsidiary insured institution of a savings and loan holding company (see definitions in §§ 583.6, 583.11 and 583.14 of this chapter) and an affiliate of such institution (as defined in § 583.15 of this chapter).

(b) *Prohibitions concerning transactions with affiliated persons.* (1)(i) No insured institution or service corporation affiliate thereof may, either directly or indirectly, make a loan to any affiliated person of such institution or purchase such a loan.

(ii) The prohibitions in paragraph (b)(1)(i) of this section do not apply to the following types of loans:

(*a*) Loans secured by a single-family dwelling owned and occupied as the borrower's principal dwelling place;

(*b*) Loans for constructing, adding to, improving, altering, repairing, equipping, or furnishing a single-family dwelling owned and occupied as the borrower's principal dwelling place;

(*c*) Loans secured by a mobile home owned and occupied as the borrower's principal dwelling place;

(*d*) Loans secured by savings accounts maintained by the affiliated person at the institution;

(*e*) Loans for payment of educational expenses; and

(*f*) Consumer loans.

(2) No insured institution or service corporation affiliate thereof may invest, directly or indirectly, in the stock, bonds, notes or other securities of any affiliated person of such institution.

(3) No insured institution or service corporation affiliate thereof may, directly or indirectly, purchase securities under a repurchase agreement from any affiliated person of such institution.

(c) *Prohibitions concerning transactions with third persons.* No insured institution or service corporation affiliate thereof may, directly or indirectly:

(1) Make any loan to, or purchase (other than through a secondary market such as the Federal Home Loan Mortgage Corporation) any such loan made to, any third party on the security of property acquired directly from any affiliated person of such institution.

(2) Make a loan to, or purchase a loan made to, any third party secured by real property with respect to which any affiliated person of such institution holds a security interest;

(3) Accept the stock, bonds, notes or other securities of any affiliated person of such institution as security for a loan to any third party made or purchased by such institution or service corporation affiliate thereof;

(4) Maintain a compensating balance with respect to a loan made by any third party to any affiliated person of such institution; or

(5) Enter into any guarantee arrangement or make any takeout commitment with respect to a loan made by any third party to any affiliated person of such institution.

18. Section 563.45 is revised.

§ 563.45 Disclosure.

(a) *Statement of Transactions Involving Affiliated Persons.* With respect to each annual meeting held twelve months after the effective date of this section, each insured institution shall prepare a Statement of Transactions Involving Affiliated Persons clearly setting forth the information described in paragraph (b), of this section and shall provide copies of such statement to persons having voting rights in such institution and to the Principal Supervisory Agent in accordance with paragraph (c) of this section. Each such statement shall cover a period of approximately twelve months, ending within 120 days of the forthcoming annual meeting. Such statements shall be consecutive. Such statements need not include information as to any loan transaction involving an affiliated person of such institution unless the insured institution or service corporation affiliate making such loan knew or had reason to know of such person's involvement in such loan transaction.

(b) *Information to be contained in each Statement of Transactions Involving Affiliated Persons.* (1) Each Statement of Transactions Involving Affiliated Persons prepared by an insured institution shall contain the following information with respect to loans made by such institution or any service corporation affiliate thereof during the period covered by such statement to any affiliated person of such institution, or any business entity of which such person was an officer or partner:

(i) The name of each such person or entity receiving one or more loans totaling at least $10,000;

(ii) A description of the affiliation with such institution of such person or entity; and

(iii) A brief description of the loan transactions involving such person or entity, including dollar amounts and interest rates.

(2) Each Statement of Transactions Involving Affiliated Persons prepared by an insured institution shall contain the following information with respect to loans made by such institution and any service corporation affiliate thereof during the period covered by such statement in connection with which any affiliated person of such institution, or any business entity of which such person was an officer or partner, acted as attorney for such institution or service corporation, appraiser, escrow agent, insurance agent/broker, real estate agent/broker, supplier of title examination or abstract services, or underwriter of title or other required insurance:

(i) The name of each such person or entity receiving fees or other compensation totaling at least $10,000 for acting in one or more of such capacities;

(ii) A description of the affiliation with such institution of such person or entity;

(iii) Each capacity or type of service for which fees or other compensation were received by such person or entity;

(iv) The aggregate fees or other compensation received in each capacity in which such person or entity acted; and

(v) With respect to attorneys, appraisers and escrow agents, the portion of the fees and other compensation received by each such person or entity in relation to the total payments received for each such service in connection with all loans by such institution and its service corporation affiliates.

(3) Each Statement of Transactions Involving Affiliated Persons prepared by an insured institution shall contain the following inforfation with respect to loans made by such institution and any service corporation affiliate thereof during the period covered by such statement in connection with which any affiliated person of such institution, or any business entity of which such person was an officer or partner, acted as a builder, building materials supplier or building subcontractor:

(i) The name of each person or entity receiving fees or other compensation totaling at least $10,000 for acting in one or more of such capacities;

(ii) A description of the affiliation with such institution of such person or entity;

(iii) Each capacity and type of goods or services furnished for which such payments were received; and

(iv) The aggregate payments received in each capacity in which such person or entity acted.

(c) *Availability of each Statement of Transactions Involving Affiliated Persons.* (1) *General availability.* Each insured institution shall provide a copy of its most recent Statement of Transactions Involving Affiliated Persons and of the two statements immediately preceding such statement, upon request and at any time, to any person then having voting rights in such institution.

(2) *Availability in connection with annual meetings*—(i) *Persons having voting rights.* At least 20 days before each annual meeting held on or after January 1, 1978, each insured institution (other than institutions of the type described in the last sentence of paragraph (c)(2)(i) of this section) shall either:

(*a*) Mail a copy of its statement for the period ending within 120 days of such meeting to each person known to have voting rights in such institution at the time of such mailing, or

(*b*) Mail a notice to each such person that a copy of such statement is available upon request at the principal and all branch offices of such institution or by mail, or

(*c*) Have copies of such statement available on or near the counter or other structure where savings account deposit and withdrawal forms are kept in its principal and each branch office, continue to have copies so available until the date of such meeting, and post a conspicuous notice in the lobby of each such office to the effect that copies of such statement are available.

Each institution which sends persons having voting rights written notice by mail of an annual meeting shall include with such notice either a copy of its statement for the period ending within 120 days of such meeting, or a notice that a copy of such statement is available upon request at the principal and each branch office of such institution or by mail.

(ii) *Principal supervisory agents.* At least 120 days before each annual meeting held on or after January 1, 1978, each insured institution shall mail three copies of its statement for the period ending within 120 days of such meeting to the Principal Supervisory Agent of the Corporation at the Federal Home Loan Bank of the district in which the principal office of such institution is located.

(3) *Copies of statements to be provided without charge.* All copies of statements provided pursuant to this section shall be provided without charge.

(d) *Definition of affiliated person.* As used in this section, an affiliated person of an insured institution means:

(1) A director, officer or controlling person of such institution;

(2) The spouse of any such director, officer or controlling person;

(3) The immediate families of the persons listed in paragraph (c)(1); and

(4) Any corporation, partnership, trust or similar organization in which any of the persons listed in paragraphs (c)(1) or (c)(3), either directly or indirectly (other than through the insured institution), has an equity or income beneficiary interest of 10 percent or more individually or 15 percent or more collectively with any other such persons. For the purpose of this section, any person listed in paragraphs (c)(1) or (c)(3) will be deemed to have an equity or income beneficiary interest in an organization in which such person's spouse has an interest.

(e) *Effect of section.* Disclosure under this section does not restrict the Corporation's authority to take appropriate action as to unsafe or unsound practices, or violations of law or regulation, respecting the matters disclosed.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRADY PERRY, Jr.,
Acting Chairman.

[FR Doc.75-25289 Filed 9-22-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 23, 1975

PART III:

ENVIRONMENTAL PROTECTION AGENCY

■

ELECTRIC ARC FURNACES IN THE STEEL INDUSTRY

Standards of Performance

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 407-3]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Electric Arc Furnaces in the Steel Industry

On October 21, 1974 (39 FR 37466), under section 111 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) proposed standards of performance for new and modified electric arc furnaces in the steel industry. Interested persons participated in the rulemaking by submitting written comments to EPA. A total of 19 comment letters was received, seven of which came from the industry, eight from State and local air pollution control agencies, and four from Federal agencies. The Freedom of Information Center, Room 202 West Tower, 401 M Street, S.W., Washington, D.C., has copies of the comment letters received and a summary of the issues and Agency responses available for public inspection. In addition, copies of the issue summary and Agency responses may be obtained upon written request from the EPA Public Information Center (PM-215), 401 M Street, S.W., Washington, D.C. 20460 (specify—Public Comment Summary: Electric Arc Furnaces in the Steel Industry). The comments have been carefully considered, and where determined by the Administrator to be appropriate, changes have been made to the proposed regulation and are incorporated in the regulation promulgated herein.

The bases for the proposed standards are presented in "Background Information for Standards of Performance: Electric Arc Furnaces in the Steel Industry," (EPA-450/2-74-017a, b). Copies of this document are available on request from the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attention: Mr. Don R. Goodwin.

Summary of Regulation

The promulgated standards of performance for new and modified electric arc furnaces in the steel industry limit particulate matter emissions from the control device, from the shop, and from the dust-handling equipment. Emissions from the control device are limited to less than 12 mg/dscm (0.0052 gr/dscf) and 3 percent opacity. Furnace emissions escaping capture by the collection system and exiting from the shop are limited to zero percent opacity, but emissions greater than this level are allowed during charging periods and tapping periods. Emissions from the dust-handling equipment are limited to less than 10 percent opacity. The regulation requires monitoring of flow rates through each separately ducted emission capture hood and monitoring of the pressure inside the electric arc furnace for direct shell evacuation systems. Additionally, continuous monitoring of opacity of emissions from the control device is required.

Significant Comments and Changes Made to the Proposed Regulation

All of the comment letters received by EPA contained multiple comments. The most significant comments and the differences between the proposed and promulgated regulations are discussed below. In addition to the discussed changes, a number of paragraphs and sections of the proposed regulation were reorganized in the regulation promulgated herein.

(1) *Applicability.* One commentator questioned whether electric arc furnaces that use continuous feeding of prereduced ore pellets as the primary source of iron can comply with the proposed standards of performance since the standards were based on data from conventionally charged furnaces. Electric arc furnaces that use prereduced ore pellets were not investigated by EPA because this process was still being researched by the steel industry during development of the standard and was several years from extensive use on commercial sized furnaces. Emissions from this type of furnace are generated at different rates and in different amounts over the steel production cycle than emissions from conventionally charged furnaces. The proposed standards were structured for the emission cycle of a conventionally charged electric arc furnace. The standards, consequently, are not suitable for application to electric arc furnaces that use prereduced ore pellets as the primary source of iron. Even with use of best available control technology, emissions from these furnaces may not be controllable to the level of all of the standards promulgated herein; however, over the entire cycle the emissions may be less than those from a well-controlled conventional electric arc furnace. Therefore, EPA believes that standards of performance for electric arc furnaces using prereduced ore pellets require a different structure than do standards for conventionally charged furnaces. An investigation into the emission reduction achievable and best available control technology for these furnaces will be conducted in the future and standards of performance will be established. Consequently, electric arc furnaces that use continuous feeding of prereduced ore pellets as the primary source of iron are not subject to the requirements of this subpart.

(2) *Concentration standard for emissions from the control device.* Four commentators recommended revising the concentration standard for the control device effluent to 18 mg/dscm (0.008 gr/dscf) from the proposed level of 12 mg/dscm (0.0052 gr/dscf). The argument for the higher standard was that the proposed standard had not been demonstrated on either carbon steel shops or on combination direct shell evacuation-canopy hood control systems. Emission measurement data presented in "Background Information for Standards of Performance: Electric Arc Furnaces in the Steel Industry" show that carbon steel shops as well as alloy steel shops can reduce particulate matter emissions to less than 12 mg/dscm by application of well-designed fabric filter collectors. These data also show that combination direct shell evacuation-canopy hood systems can control emission levels to less than 12 mg/dscm. EPA believes that revising the standard to 18 mg/dscm would allow relaxation of the design requirements of the fabric filter collectors which are installed to meet the standard. Accordingly, the standard promulgated herein limits particulate matter emissions from the control device to less than 12 mg/dscm.

Two commentators requested that specific concentration and opacity standards be established for emissions from scrubber controlled direct shell evacuation systems. The argument for a separate concentration standard was that emissions from scrubber controlled direct shell evacuation systems can be reduced to only about 50 mg/dscm (0.022 gr/dscf) and, thus, even with the proposed proration provisions under § 60.274(b), it is not possible to use scrubbers and comply with the proposed concentration standard. The commentators also argued that a separate opacity standard was necessary for scrubber equipped systems because the effluent is more concentrated and, thus, reflects and scatters more visible light than the effluent from fabric filter collectors.

EPA would like to emphasize that use of venturi scrubbers to control the effluent from direct shell evacuation systems is not considered to be a "best system of emission reduction considering costs." The promulgated standards of performance for electric arc furnaces reflect the degree of emission reduction achievable for systems discharging emissions through fabric filter collectors. EPA believes, however, that the regulation does not preclude use of control systems that discharge direct shell evacuation system emissions through venturi scrubbers. Available information indicates that effluent from a direct shell evacuation system can be controlled to 0.01 gr/dscf or less using a high energy venturi scrubber (pressure drop greater than 60 in. w.g.). If the scrubber reduces particulate matter emissions to 0.01 gr/dscf, then the fabric filter collector is only required to reduce the emissions from the canopy hood to about 0.004 gr/dscf in order for the emission rates to be less than 0.0052 gr/dscf. Therefore, it is technically feasible for a facility to use a high energy scrubber and a fabric filter to control the combined furnace emissions to less than 0.0052 gr/dscf. A concentration standard of 0.022 gr/dscf for scrubbers would not require installation of control devices which have a collection efficiency comparable to that of best control technology (well-designed and well-operated fabric filter collector). In addition, electric arc furnace particulate matter emissions are invisible to the human eye at effluent concentrations less than 0.01 gr/dscf

when emitted from average diameter stacks. For the reasons discussed above, neither a separate concentration standard nor a separate opacity standard will be established as suggested by the commentators.

(3) *Control device opacity standard.* Four commentators suggested that the proposed control device opacity standard either be revised from less than five percent opacity to less than ten percent opacity based on six-minute average values or that a time exemption be provided for visible emissions during the cleaning cycle of shaker-type fabric filter collectors.

EPA's experience indicates that a time exemption to allow for puffing during the cleaning cycle of the fabric filter collector is not necessary. For this application, a well-designed and well-maintained fabric filter collector should have no visible emissions during all phases of the operating cycle. The promulgated opacity standard, therefore, does not provide a time exemption for puffing of the collector during the cleaning cycle.

The suggested revision of the proposed opacity standard to ten percent (based on six-minute average values) was considered in light of recent changes in Method 9 of Appendix A to this part (39 FR 39872). The revisions to Method 9 require that compliance with opacity standards be determined by averaging sets of 24 consecutive observations taken at 15-second intervals (six-minute averages). All six-minute average values of the opacity data used as the basis for the proposed opacity standard are zero percent. EPA believes that the ten percent standard suggested by the commentators would allow much less effective operation and maintenance of the control device than is required by the concentration standard. On the basis of available data, a five percent opacity standard (based on six-minute average values) also is unnecessarily lenient.

The proposed opacity standard of zero percent was revised slightly upward to be consistent with previously established opacity standards which are less stringent than their associated concentration standards without being unduly lax. The promulgated opacity standard limits emissions from the control device to less than three percent opacity (based on averaging sets of 24 consecutive observations taken at 15-second intervals). Use of six-minute average values to determine compliance with applicable opacity standards makes opacity levels of any value possible, instead of the previous method's limitation of values at discrete intervals of five percent opacity.

(4) *Standards on emissions from the shop.* Twelve commentators questioned the value of the shop opacity standards, arguing that the proposed standards are unenforceable, too lenient, or too stringent.

Commentators arguing for less stringent or more stringent standards suggested various alternative opacity values for the charging or tapping period standards, different averaging periods, and a different limitation on emissions from the shop during the meltdown and refining period of the EAF operation. Because of these comments, the basis for these standards was thoroughly reevaluated, including a review of all available data and follow-up contacts with commentators who had offered suggestions. The follow-up contacts revealed that the suggested revisions were opinions only and were not based on actual data. The reevaluation of the data bases of the proposed standards reaffirmed that the standards represented levels of emission control achievable by application of best control technology considering costs. Hence, EPA concluded that the standards are reasonable (neither too stringent nor too lenient) and that revision of these standards is not warranted in the absence of specific information indicating such a need.

Four commentators believed that the proposed standards were impractical to enforce for the following reasons:

(1) Intermingling of emissions from non-regulated sources with emissions from the electric arc furnaces would make enforcement of the standards impossible.

(2) Overlap of operations at multi-furnace shops would make it difficult to identify the periods in which the charging and tapping standards are applicable.

(3) Additional manpower would be required in order to enforce these standards.

(4) The standards would require access to the shop, providing the source with notice of surveillance and the results would not be representative of routine emissions.

(5) The standards would be unenforceable at facilities with a mixture of existing and new electric arc furnaces in the same shop.

EPA considered all of the comments on the enforceability of the proposed standards and concluded that some changes were appropriate. The proposed regulation was reconsidered with the intent of developing more enforceable provisions requiring the same level of control. This effort resulted in several changes to the regulation, which are discussed below.

The promulgated regulation retains the proposed limitations on the opacity of emissions exiting from the shop except for the exemption of one minute/hour per EAF during the refining and meltdown periods. The purpose of this exemption was to provide some allowance for puffs due to "cave-ins" or addition of iron ore or burnt lime through the slag door. Only one suspected "cave-in" and no puffs due to additions occurred during 15 hours of observations at a well-controlled facility; therefore, it was concluded that these brief uncontrolled puffs do not occur frequently and whether or not a "cave-in" has occurred is best evaluated on a case-by-case basis. This approach was also necessitated by recent revisions to Method 9 (39 FR 39872) which require basing compliance on six-minute averages of the observations. Use of six-minute averages of opacity readings is not consistent with allowing a time exemption. Determination of whether brief puffs of emissions occurring during refining and meltdown periods are due to "cave-ins" will be made at the time of determination of compliance. If such emissions are considered to be due to a "cave-in" or other uncontrollable event, the evaluation may be repeated without any change in operating conditions.

The purpose of the proposed opacity standards limiting the opacity of emissions from the shop was to require good capture of the furnace emissions. The method for routinely enforcing these capture requirements has been revised in the regulation promulgated herein in that the owner or operator is now required to demonstrate compliance with the shop opacity standards just prior to conducting the performance test on the control device. This performance evaluation will establish the baseline operating flow rates for each of the canopy hoods or other fume capture hoods and the furnace pressures for the electric arc furnace using direct shell evacuation systems. Continuous monitoring of the flow rate through each separately ducted control system is required for each electric arc furnace subject to this regulation. Owners or operators of electric arc furnaces that use a direct shell evacuation system to collect the refining and meltdown period emissions are required to continuously monitor the pressure inside the furnace free space. The flow rate and pressure data will provide a continuous record of the operation of the control systems. Facilities that use a building evacuation system for capture and control of emissions are not subject to the flow rate and pressure monitoring requirements if the building roof is never opened.

The shop opacity standards promulgated herein are applicable only during demonstrations of compliance of the affected facility. At all other times the operating conditions must be maintained at the baseline values or better. Use of operating conditions that will result in poorer capture of emissions constitutes unacceptable operation and maintenance of the affected facility. These provisions of the promulgated regulation will allow evaluation of the performance of the collection system without interference from other emission sources because the non-regulated sources can be shut down for the duration of the evaluation. The monitoring of operations requirements will simplify enforcement of the regulation because neither the enforcing agency nor the owner or operator must show that any apparent violation was or was not due to operation of non-regulated sources.

The promulgated regulation's monitoring of operation requirements will add negligible additional costs to the total cost of complying with the promulgated standards of performance. Flow rate monitoring devices of sufficient accuracy to meet the requirements of § 60.274(b) can be installed for $600–$4000 depending on the flow profile of the area being monitored and the complexity of the monitoring device. Devices that monitor

the pressure inside the free space of an electric arc furnace equipped with a direct shell evacuation system are installed by most owners or operators in order to obtain better control of the furnace operation. Consequently, for most owners or operators, the pressure monitoring requirements will only result in the additional costs for installation and operation of a strip chart recorder. A suitable strip chart recorder can be installed for less than $600.

There are no data reduction requirements in the flow rate monitoring provisions. The pressure monitoring provisions for the direct shell evacuation control systems require recording of the pressures as 15-minute integrated averages. The pressure inside the electric arc furnace above the slag and metal fluctuates rapidly. Integration of the data over 15-minute periods is necessary to provide an indication of the operation of the system. Electronic and mechanical integrators are available at an initial cost of less than $600 to accomplish this task. Electronic circuits to produce a continuous integration of the data can be built directly into the monitoring device or can be provided as a separate modular component of the monitoring system. These devices can provide a continuous integrated average on a strip chart recorder.

(5) *Emission monitoring.* Three commentators suggested deletion of the proposed opacity monitoring requirements because long path lengths and multiple compartments in pressurized fabric filter collectors make monitoring infeasible. The proposed opacity monitoring requirements have not been deleted because opacity monitoring is feasible on the control systems of interest (closed or suction fabric filter collectors). This subpart also permits use of alternative control systems which are not amenable to testing and monitoring using existing procedures, providing the owner or operator can demonstrate compliance by alternative methods. If the owner or operator plans to install a pressurized fabric filter collector, he should submit for the Administrator's approval the emission testing procedures and the method of monitoring the emissions of the collector. The opacity of emissions from pressurized fabric filter collectors can be monitored using present instrumentation at a reasonable cost. Possible alternative methods for monitoring of emissions from pressurized fabric filter collectors include: (1) monitoring of several compartments by a conventional path length transmissometer and rotation of the transmissometer to other groups of collector compartments on a scheduled basis or (2) monitoring with several conventional path length transmissometers. In addition to monitoring schemes based on conventional path length transmissometers, a long path transmissometer could be used to monitor emissions from a pressurized fabric filter collector. Transmissometers capable of monitoring distances up to 150 meters are commercially available and have been demonstrated to accurately monitor opacity. Use of long path transmissometers on pressurized fabric filter collectors has yet to be demonstrated, but if properly installed there is no reason to believe that the transmissometer will not accurately and representatively monitor emissions. The best location for a long path transmissometer on a fabric filter collector will depend on the specific design features of both; therefore, the best location and monitoring procedure must be established on an individual basis and is subject to the Administrator's approval.

Two commentators argued that the proposed reporting requirements would result in excessive paperwork for the owner or operator. These commentators suggested basing the reporting requirements on hourly averages of the monitoring data. EPA believes that one-hour averaging periods would not produce values that would meaningfully relate to the operation of the fabric filter collector and would not be useful for comparison with Method 9 observations. In light of the revision of Method 9 to base compliance on six-minute averages, all six-minute periods in which the average opacity is three percent or greater shall be reported as periods of excess emissions. EPA does not believe that this requirement will result in an excessive burden for properly operated and maintained facilities.

(6) *Test methods and procedures.* Two commentators questioned the precision and accuracy of Method 5 of Appendix A to this part when applied to gas streams with particulate matter concentrations less than 12 mg/dscm. EPA has reviewed the sampling and analytical error associated with Method 5 testing of low concentration gas streams. It was concluded that if the recommended minimum sample volume (160 dscf) is used, then the errors should be within the acceptable range for the method. Accordingly, the recommended minimum sample volumes and times of the proposed regulation are being promulgated unchanged.

Three commentators questioned what methodology was to be used in testing of open or pressurized fabric filter collectors. These commentators advocated that EPA develop a reference test method for testing of pressurized fabric filter collectors. From EPA's experience, development of a single test procedure for representative sampling of all pressurized fabric filter collectors is not feasible because of significant variations in the design of these control devices. Test procedures for demonstrating compliance with the standard, however, can be developed on a case-by-case basis. The promulgated regulation does require that the owner or operator design and construct the control device so that representative measurement of the particulate matter emissions is feasible.

Provisions in 40 CFR 60.8(b) allow the owner or operator upon approval by the Administrator to show compliance with the standard of performance by use of an "equivalent" test method or "alternative" test method. For pressurized fabric filter collectors, the owner or operator is responsible for development of an "alternative" or "equivalent" test procedure which must be approved prior to the determination of compliance.

Depending on the design of the pressurized fabric filter collector, the performance test may require use of an "alternative" method which would produce results adequate to demonstrate compliance. An "alternative" method does not necessarily require that the effluent be discharged through a stack. A possible alternative procedure for testing is representative sampling of emissions from a randomly selected, representative number of compartments of the collector. If the flow rate of effluent from the compartments or other conditions are not amenable to isokinetic sampling, then subisokinetic sampling (that is, sampling at lower velocities than the gas stream velocity, thus biasing the sample toward collection of a greater concentration than is actually present) should be used. If a suitable "equivalent" or "alternative" test procedure is not developed by the owner or operator, then total enclosure of the collector and testing by Method 5 of Appendix A to this part is required.

A new paragraph has been added to clarify that during emission testing of pressurized fabric filter collectors the dilution air vents must be blocked off for the period of testing or the amount of dilution must be determined and a correction applied in order to accurately determine the emission rate of the control device. The need for dilution air correction was discussed in "Background Information for Standards of Performance; Electric Arc Furnaces in the Steel Industry" but was not an explicit requirement in the proposed regulation.

(7) *Miscellaneous.* Some commentators on the proposed standards of performance for ferroalloy production facilities (39 FR 37470) questioned the rationale for the differences between the electric arc furnace regulation and the ferroalloy production facilities regulation with respect to methods of limiting fugitive emissions. The intent of both regulations is to require effective capture and control of emissions from the source. The standards of performance for electric arc furnaces regulate collection efficiency by placing limitations on the opacity of emissions from the shop. The performance of the control system is evaluated at the shop roof and/or other areas of emission to the atmosphere because it is not possible to evaluate the performance of the collection system inside the shop. In electric arc furnace shops, collection systems for capture of charging and tapping period emissions must be located at least 30 or 40 feet above the furnace to allow free movement of the crane which charges raw materials to the furnace. Fumes from charging, tapping, and other activities rise and accumulate in the upper areas of the building, thus obscuring visibility. Because of the poor visibility within the shop, the performance of the emission collection system can only be evaluated at the point where emissions are discharged to the atmosphere. Ferroalloy electric submerged arc fur-

nace operations do not require this large free space between the furnace and the collection device (hood). Visibility around the electric submerged arc furnace is good. Consequently, the performance of the collection device on a ferroalloy furnace may be evaluated at the collection area rather than at the point of discharge to the atmosphere.

Effective date. In accordance with section 111 of the Act, these regulations prescribing standards of performance for electric arc furnaces in the steel industry are effective on September 23, 1975, and apply to electric arc furnaces and their associated dust-handling equipment, the construction or modification of which was commenced after October 21, 1974.

Dated: September 15, 1975.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. The table of sections is amended by adding subpart AA as follows:

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Subpart AA—Standards of Performance for Steel Plants: Electric Arc Furnaces

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2. Part 60 is amended by adding subpart AA as follows:

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Subpart AA—Standards of Performance for Steel Plants: Electric Arc Furnaces

§ 60.270 Applicability and designation of affected facility.

The provisions of this subpart are applicable to the following affected facilities in steel plants: electric arc furnaces and dust-handling equipment.

§ 60.271 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act and in subpart A of this part.

(a) "Electric arc furnace" (EAF) means any furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. Furnaces from which the molten steel is cast into the shape of finished products, such as in a foundry, are not affected facilities included within the scope of this definition. Furnaces which, as the primary source of iron, continuously feed prereduced ore pellets are not affected facilities within the scope of this definition.

(b) "Dust-handling equipment" means any equipment used to handle particulate matter collected by the control device and located at or near the control device for an EAF subject to this subpart.

(c) "Control device" means the air pollution control equipment used to remove particulate matter generated by an EAF(s) from the effluent gas stream.

(d) "Capture system" means the equipment (including ducts, hoods, fans, dampers, etc.) used to capture or transport particulate matter generated by an EAF to the air pollution control device.

(e) "Charge" means the addition of iron and steel scrap or other materials into the top of an electric arc furnace.

(f) "Charging period" means the time period commencing at the moment an EAF starts to open and ending either three minutes after the EAF roof is returned to its closed position or six minutes after commencement of opening of the roof, whichever is longer.

(g) "Tap" means the pouring of molten steel from an EAF.

(h) "Tapping period" means the time period commencing at the moment an EAF begins to tilt to pour and ending either three minutes after an EAF returns to an upright position or six minutes after commencing to tilt, whichever is longer.

(i) "Meltdown and refining" means that phase of the steel production cycle when charge material is melted and undesirable elements are removed from the metal.

(j) "Meltdown and refining period" means the time period commencing at the termination of the initial charging period and ending at the initiation of the tapping period, excluding any intermediate charging periods.

(k) "Shop opacity" means the arithmetic average of 24 or more opacity observations of emissions from the shop taken in accordance with Method 9 of Appendix A of this part for the applicable time periods.

(l) "Heat time" means the period commencing when scrap is charged to an empty EAF and terminating when the EAF tap is completed.

(m) "Shop" means the building which houses one or more EAF's.

(n) "Direct shell evacuation system" means any system that maintains a negative pressure within the EAF above the slag or metal and ducts these emissions to the control device.

§ 60.272 Standard for particulate matter.

(a) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from an electric arc furnace any gases which:

(1) Exit from a control device and contain particulate matter in excess of 12 mg/dscm (0.0052 gr/dscf).

(2) Exit from a control device and exhibit three percent opacity or greater.

(3) Exit from a shop and, due solely to operations of any EAF(s), exhibit greater than zero percent shop opacity except:

(i) Shop opacity greater than zero percent, but less than 20 percent, may occur during charging periods.

(ii) Shop opacity greater than zero percent, but less than 40 percent, may occur during tapping periods.

(iii) Opacity standards under paragraph (a)(3) of this section shall apply only during periods when flow rates and pressures are being established under § 60.274 (c) and (f).

(iv) Where the capture system is operated such that the roof of the shop is closed during the charge and the tap, and emissions to the atmosphere are prevented until the roof is opened after completion of the charge or tap, the shop opacity standards under paragraph (a)(3) of this section shall apply when the roof is opened and shall continue to apply for the length of time defined by the charging and/or tapping periods.

(b) On and after the date on which the performance test required to be conducted by § 60.8 is completed, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from dust-handling equipment any gases which exhibit 10 percent opacity or greater.

§ 60.273 Emission monitoring.

(a) A continuous monitoring system for the measurement of the opacity of emissions discharged into the atmosphere from the control device(s) shall be installed, calibrated, maintained, and operated by the owner or operator subject to the provisions of this subpart.

(b) For the purpose of reports under § 60.7(c), periods of excess emissions that shall be reported are defined as all six-minute periods during which the average opacity is three percent or greater.

§ 60.274 Monitoring of operations.

(a) The owner or operator subject to the provisions of this subpart shall maintain records daily of the following information:

(1) Time and duration of each charge;

(2) Time and duration of each tap;

(3) All flow rate data obtained under paragraph (b) of this section, or equivalent obtained under paragraph (d) of this section; and

(4) All pressure data obtained under paragraph (e) of this section.

(b) Except as provided under paragraph (d) of this section, the owner or operator subject to the provisions of this subpart shall install, calibrate, and maintain a monitoring device that continously records the volumetric flow rate through each separately ducted hood. The monitoring device(s) may be installed in any appropriate location in the exhaust duct such that reproducible flow rate monitoring will result. The flow rate monitoring device(s) shall have an accuracy of ±10 percent over its normal operating range and shall be calibrated according to the manufacturer's instructions. The Administrator may require the owner or operator to demonstrate the accuracy of the monitoring device(s) relative to Methods 1 and 2 of Appendix A of this part.

(c) When the owner or operator of an EAF is required to demonstrate compliance with the standard under § 60.272 (a)(3) and at any other time the Administrator may require (under section 114 of the Act, as amended), the volu-

metric flow rate through each separately ducted hood shall be determined during all periods in which the hood is operated for the purpose of capturing emissions from the EAF using the monitoring device under paragraph (b) of this section. The owner or operator may petition the Administrator for reestablishment of these flow rates whenever the owner or operator can demonstrate to the Administrator's satisfaction that the EAF operating conditions upon which the flow rates were previously established are no longer applicable. The flow rates determined during the most recent demonstration of compliance shall be maintained (or may be exceeded) at the appropriate level for each applicable period. Operation at lower flow rates may be considered by the Administrator to be unacceptable operation and maintenance of the affected facility.

(d) The owner or operator may petition the Administrator to approve any alternative method that will provide a continuous record of operation of each emission capture system.

(e) Where emissions during any phase of the heat time are controlled by use of a direct shell evacuation system, the owner or operator shall install, calibrate, and maintain a monitoring device that continuously records the pressure in the free space inside the EAF. The pressure shall be recorded as 15-minute integrated averages. The monitoring device may be installed in any appropriate location in the EAF such that reproducible results will be obtained. The pressure monitoring device shall have an accuracy of ±5 mm of water gauge over its normal operating range and shall be calibrated according to the manufacturer's instructions.

(f) When the owner or operator of an EAF is required to demonstrate compliance with the standard under § 60.272 (a)(3) and at any other time the Administrator may require (under section 114 of the Act, as amended), the pressure in the free space inside the furnace shall be determined during the meltdown and refining period(s) using the monitoring device under paragraph (e) of this section. The owner or operator may petition the Administrator for reestablishment of the 15-minute integrated average pressure whenever the owner or operator can demonstrate to the Administrator's satisfaction that the EAF operating conditions upon which the pressures were previously established are no longer applicable. The pressure determined during the most recent demonstration of compliance shall be maintained at all times the EAF is operating in a meltdown and refining period. Operation at higher pressures may be considered by the Administrator to be unacceptable operation and maintenance of the affected facility.

(g) Where the capture system is designed and operated such that all emissions are captured and ducted to a control device, the owner or operator shall not be subject to the requirements of this section.

§ 60.275 Test methods and procedures.

(a) Reference methods in Appendix A of this part, except as provided under § 60.8(b), shall be used to determine compliance with the standards prescribed under § 60.272 as follows:

(1) Method 5 for concentration of particulate matter and associated moisture content;

(2) Method 1 for sample and velocity traverses;

(3) Method 2 for velocity and volumetric flow rate; and

(4) Method 3 for gas analysis.

(b) For Method 5, the sampling time for each run shall be at least four hours. When a single EAF is sampled, the sampling time for each run shall also include an integral number of heats. Shorter sampling times, when necessitated by process variables or other factors, may be approved by the Administrator. The minimum sample volume shall be 4.5 dscm (160 dscf).

(c) For the purpose of this subpart, the owner or operator shall conduct the demonstration of compliance with 60.272(a)(3) and furnish the Administrator a written report of the results of the test.

(d) During any performance test required under § 60.8 of this part, no gaseous diluents may be added to the effluent gas stream after the fabric in any pressurized fabric filter collector, unless the amount of dilution is separately determined and considered in the determination of emissions.

(e) When more than one control device serves the EAF(s) being tested, the concentration of particulate matter shall be determined using the following equation:

$$C_s = \frac{\sum_{n=1}^{N} (C_s Q_s)_n}{\sum_{n=1}^{N} (Q_s)_n}$$

where:

C_s = concentration of particulate matter in mg/dscm (gr/dscf) as determined by method 5.

N = total number of control devices tested.

Q_s = volumetric flow rate of the effluent gas stream in dscm/hr (dscf/hr) as determined by method 2.

$(C_s Q_s)_n$ or $(Q_s)_n$ = value of the applicable parameter for each control device tested.

(f) Any control device subject to the provisions of this subpart shall be designed and constructed to allow measurement of emissions using applicable test methods and procedures.

(g) Where emissions from any EAF(s) are combined with emissions from facilities not subject to the provisions of this subpart but controlled by a common capture system and control device, the owner or operator may use any of the following procedures during a performance test:

(1) Base compliance on control of the combined emissions.

(2) Utilize a method acceptable to the Administrator which compensates for the emissions from the facilities not subject to the provisions of this subpart.

(3) Any combination of the criteria of paragraphs (g)(1) and (g)(2) of this section.

(h) Where emissions from any EAF(s) are combined with emissions from facilities not subject to the provisions of this subpart, the owner or operator may use any of the following procedures for demonstrating compliance with § 60.272 (a)(3):

(1) Base compliance on control of the combined emissions.

(2) Shut down operation of facilities not subject to the provisions of this subpart.

(3) Any combination of the criteria of paragraphs (h)(1) and (h)(2) of this section.

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(Secs. 111 and 114 of the Clean Air Act, as amended by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1678 (42 U.S.C. 1857c-6, 1857c-9))

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federal register

TUESDAY, SEPTEMBER 23, 1975

PART IV:

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

BOATS AND ASSOCIATED EQUIPMENT

Safe Loading and Safe Powering Standards

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-250]

PART 183—BOATS AND ASSOCIATED EQUIPMENT

Safe Loading and Safe Powering Standards

The purpose of these miscellaneous amendments to the definition section of Subpart A, the Safe Loading Standard (Subpart C), and to the Safe Powering Standard (Subpart D) in Part 183, of Title 33, Code of Federal Regulations, is to clarify certain undefined or vague terms used in the standards and to allow a more flexible application of the standards.

A notice of proposed rulemaking was published in the FEDERAL REGISTER on March 6, 1975 (40 FR 10650) proposing adoption of these miscellaneous amendments.

No public hearing was held. However, the notice did provide that any person who wished to present his comments orally and informally before an appropriate Coast Guard official at Coast Guard Headquarters could do so. A comment period was held during which any interested person could submit written comments on the proposal. The written comment period ended April 21, 1975.

During the comment period a comment was received concerning the definitions of "length" and "beam". The comment states that the proposed definitions would impose an excessive derating of horsepower rating for applicable boats, because of the maximum of one inch restriction when including fenders, joiner strips, and extensions in the length and beam measurements. In some cases where the de-rating of the horsepower is a small increment of 5 horsepower, it may in fact result in a derating of as much as 25 horsepower because there is no motor currently available at such an intermediate horsepower. In addition, because of the large derating of the horsepower, a subsequent re-rating of the weight capacity is necessary.

The comment also stated that the "length" definition will affect the class line breakdowns for boats which could change the navigation light configuration requirements. Some boats which are presently greater than 20 feet in length would no longer be exempt from the recreational boating standards because of "shrinkage" due to re-definition of "length".

Because of these re-definitions, substantial alterations of some boats will be required from the design aspect, and also the re-rating of horsepower and load capacity will be necessary.

The Coast Guard agrees with the comment and will remove the one inch restriction from the definitions of "length" and "beam". The comment did bring to the Coast Guard's attention the length determinations for class line breakdowns for boats. Reviewing "Rules and Regulations for Uninspected Vessels", Subchapter C (Title 46 CFR Parts 24, 25, and 26) and the Federal Trade Commission's "Trade Practice Rules for the Pleasure Boat Industry" (August 4, 1961), it was obvious that the definition for "length" in 33 CFR 183.3 and in the proposed rule was not entirely consistent with the other established definitions. In order to be consistent the Coast Guard will adopt these definitions for "length" with minor additions. The definition for "beam" will reflect the same changes as for "length" with slight modification to be consistent with the "length" definition. When the horsepower capacity is determined in § 183.53 of the proposed amendments, the maximum transom width allows the one inch extension. The one inch extension limit will be removed for the final rule, and the new definition for "beam" will be adopted.

In the proposed definition for "sheer" the Coast Guard noticed that the last sentence of the definition had been excluded inadvertently. The sentence defined the conditions when a boat is horizontal. It will be included in the final rule. The Coast Guard felt there may be some confusion when using the alternate capacity plate for horsepower. The confusion may arise when the manufacturer chooses to use the alternate capacity plate, and then places only the horsepower capacity of the as shipped steering configuration on the plate, leaving the other horsepower capacity blank. When the alternate capacity plate which displays horsepower capacities for both steering configurations is used, the horsepower capacities for both steering configurations must be placed upon the plate by the manufacturer regardless of the as shipped configuration.

The Coast Guard will allow manufacturers, at their option, to use these miscellaneous amendments after publication of these amendments in the FEDERAL REGISTER as a final rule but before their effective date. During this interval, manufacturers who use the alternate methods of determining maximum displacement and display maximum weight or horsepower capacity according to the alternate methods will be considered by the Coast Guard to be in compliance with the requirements of § 183.23.

In consideration of the foregoing, Part 183 of Title 33, Code of Federal Regulations, is amended as follows:

1. By revising § 183.3 to read as follows:

§ 183.3 Definitions.

(a) "Beam" means the transverse distance between the outer sides of the boat excluding handles, and other similar fittings, attachments, and extensions.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Full transom" means a transom with a maximum width which exceeds one-half the maximum beam of the boat.

(d) "Length" means the straight line horizontal measurement of the overall length from the foremost part of the boat to the aftermost part of the boat, measured from end to end over the deck excluding sheer, and measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, handles, and other similar fittings, attachments, and extensions are not included in the measurement.

(e) "Monohull boat" means a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve. For example, a catamaran, trimaran, or a pontoon boat is not a monohull boat.

(f) "Remote steering" means any mechanical assist device which is rigidly attached to the boat and used in steering the vessel, including but not limited to mechanical, hydraulic, or electrical control systems.

(g) "Sailboat" means a boat designed or intended to use sails as the primary means of propulsion.

(h) "Sheer" means the topmost line in a boat's side. The sheer intersects the vertical centerline plane of the boat at the forward end and intersects the transom (stern) at the aft end. For the purposes of this definition, the topmost line in a boat's side is the line defined by a series of points of contact with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical plane normal to the outside edge of the boat as seen from above and which are brought into contact with the outside of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

(i) "Transom" means the surface at the stern of a boat projecting or facing aft. The upper boundary of the transom is the line defined by a series of points of contact, with the boat structure, by straight lines at 45 degree angles to the horizontal and contained in a vertical longitudinal plane and which are brought into contact with the stern of the horizontal boat. A boat is horizontal when it is transversely level and when the lowest points at 40 percent and 75 percent of the boat's length behind the most forward point of the boat are level.

(j) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

2. By revising § 183.25(b)(1) to read as follows:

§ 183.25 Display of Markings.

* * * * *

(b) * * *

(1) For outboard boats:

U.S. COAST GUARD CAPACITY INFORMATION

Maximum horsepower xxx
Maximum persons capacity (pounds) ... xxx
Maximum weight capacity (persons, motor, and gear) (pounds) xxx

or

U.S. COAST GUARD CAPACITY INFORMATION

Maximum horsepower:
With remote steering xxx
Without remote steering xxx
Maximum persons capacity (pounds) ... xxx
Maximum weight capacity (persons, motor, and gear) (pounds) xxx

* * * * *

3. By revising § 183.33(b)(1) to read as follows:

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

* * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

4. By revising § 183.35(b)(1) to read as follows:

§ 183.35 Maximum weight capacity: Outboard boats.

* * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displayed by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over 3 inches for outboard motor controls or fuel lines. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

* * * * *

5. By revising § 183.37(b)(1) to read as follows:

§ 183.37 Maximum weight capacity: Boats without mechanical propulsion.

* * * * *

(b) * * *

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and when either of the two following conditions are met:

(i) The forward point where the sheer intersects the vertical centerline plane and the aft point where the sheer intersects the upper boundary of the transom (stern) are equidistant above the water surface or are equidistant below the water surface.

(ii) The most forward point of the boat is level with or above the lowest point of water ingress.

* * * * *

6. By revising § 183.53(a) to read as follows:

§ 183.53 Horsepower capacity.

* * * * *

(a) Compute a factor by multiplying the boat length in feet by the maximum transom width in feet excluding handles, and other similar fittings, attachments, and extensions. If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat.

* * * * *

(Secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228; 46 U.S.C. 1451, 1454, 1456, 1488)

Effective Date. This amendment is effective on March 23, 1976.

Dated: September 15, 1975.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.75-25240 Filed 9-22-75;8:45 am]

federal register

TUESDAY, SEPTEMBER 23, 1975

PART V:

PRIVACY ACT OF 1974

■

VARIOUS AGENCIES

Systems of Records

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

Notice of Systems of Records; Correction

In FR Doc. 75-22666 published in the Federal Register (40 FR 39137) of August 27, 1975, setting forth the systems of records prescribed by the Privacy Act of 1974 within the General Services Administration (GSA), the following systems of records were omitted due to oversight.

Included also in this notice are routine use corrections to several of the systems of records that were described in the original GSA notice in the Federal Register (40 FR 39137) on August 27, 1975. These routine uses were omitted due to oversight.

Any public comments, including written data, views or arguments concerning the following systems of records and routine use corrections should be submitted to General Services Administration (CA), Washington, D.C. 20405. Comments must be submitted on or before September 26, 1975.

GSA/FSS—14

System name: Key Personnel Directory and Key Contact Card—GSA/FSS

System location: Administrative Services Staff, Crystal Mall Building 4, Arlington, Virginia (Mail: Washington, D.C. 20406).

Categories of individuals covered by the system: Central Office and Regional Office FSS employees, branch chief and above.

Categories of records in the system: Contains the name, position, office telephone, home address and home telephone number of the individual. The purpose of this system is to provide contact points for day-to-day operations and emergencies.

Authority for maintenance of the system: The Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses of these records, as defined in 5 USC 552a(a)(7) and provided for in 5 USC 552a(b)(3), are described in the Appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper, cards, and Vydek work processing tape.

Retrievability: Indexed by name.

Safeguards: Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of FSS.

Retention and disposal: Disposition of records shall be in accordance with HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: The official responsible for the system of records is the Director, Administrative Services Staff, Office of the Executive Director, Federal Supply Service, Crystal Mall Building 4, Washington, D.C. 20406.

Notification procedure: Information may be obtained from the official listed above.

Record access procedures: An individual can obtain information on the procedures for gaining access to and contesting records from the official cited above.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: Information provided by individual.

GSA/FSS—15

System name: Foreign Gift Records—GSA/FSS

System location: General Services Administration, 7th and D Sts., SW., Washington, D.C. 20407.

Categories of individuals covered by the system: Individuals receiving gifts/decorations from foreign governments.

Categories of records in the system: Description of gifts/decorations received from foreign governments; donors. The information contained in these records is used as an accounting of those U.S. Government officials receiving gifts/decorations from foreign governments on a need-to-know basis to personnel of the GSA as may be required in the performance of their official duties.

Authority for maintenance of the system: 22 U.S.C. 2621-2625.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system is provided to the Executive Office of the President, State Department, Congress, media organizations, and general public. The information may also be released to other government agencies who have statutory or other lawful authority to maintain such information. Other routine uses are contained in the appendix following the GSA Notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Hard copy; microfilm, computer.

Retrievability: By individual name, report number, item number, nomenclature.

Safeguards: Access to records and files in the program are limited and controlled by the Commissioner, FSS. Records are maintained in security cabinets with access limited to four senior ranking employees. The building is controlled by security guards. Computer data is coded to protect privacy of individuals.

Retention and disposal: These records are retained permanently. They are retired in accordance with published schedules of the GSA. More specific information may be obtained by writing the Director, Utilization and Donation Division, Crystal Square, Building 5, Room 900, Arlington, Virginia 20406.

System manager(s) and address: Director, Utilization and Donation Division, Crystal Square, Building 5, Room 900, Arlington, Virginia 20406.

Notification procedure: Individuals who have reasons to believe GSA might have records pertaining to them should write the Commissioner, Federal Supply Service, Crystal Mall Building 4, Room 1121, Arlington, Virginia 20406. The individual must specify that he wished the record of Gift Program to be checked. At a minimum, the individual must include name, date, and place of birth; current mailing address and zip code; signature of requester; a brief description of the circumstance, including the appropriate data which gives the individual cause to believe that GSA/FSS might have records pertaining to him or her.

Record access procedures: Individuals who wish to gain access to or amend records pertaining to them should write the Director, Utilization and Donation Division, Crystal Square, Building 5, Room 900, Arlington, Virginia 20406.

Contesting record procedures: GSA rules for access to system of records, contesting the contents of a system of record, and appealing initial determinations are promulgated in 41 CFR 105-64, published in the Federal Register.

Record source categories: The individual; employees; public references; other officials in the GSA; other government agencies; other public and professional institutions possessing relevant information.

GSA/OAD—37

System name: Employee Credit Reports GSA/OAD

System location: The system is located in the General Services Administration, Office of Finance, Financial Management Division, Credit and Finance Branch, 18th and F Streets, NW., Washington, D.C. 20405.

Categories of individuals covered by the system: Present and former employees who have refused to abide by the terms of their training agreement and other employment related contracts, and thereby have incurred a liability to the Government. If appropriate, similar information will be gathered on spouses.

Categories of records in the system: The categories are as follows: Name and address; age; number of dependents; name of employer; nature of business; position held/length held; full time or part-time employment; prospects for continued permanent employment; net worth and what it consists of; annual earned income; additional income; reputation; credit record; financial record and personal history. Records are used in GSA to investigate employees who have defaulted on employment related contracts.

Authority for maintenance of the system: 31 U.S.C. 951-953.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to GAO. Also transferred for the routine uses listed in the appendix following the GSA notices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records for both GSA and the contractor will be stored on paper.

Retrievability: The records within the system will be kept in alphabetical order by name.

Safeguards: All correspondence between GSA and the contractor will be secured in a locked file cabinet in the Credit and Finance Branch. Only those people designated authority will handle this data. The contractor will retain his records in a secured office.

Retention and disposal: Disposal is in accordance with HB GSA Record Maintenance and Disposition System (OAD P 1820.2).

System manager(s) and address: Chief, Credit and Finance Branch, Financial Management Division, Office of Finance, OAD, 18th and F Streets, NW., Washington, D.C. 20405.

Notification procedure: Information may be obtained from official listed above.

Record access procedures: Procedures for contesting records are contained in 41 CFR 105-64.

Contesting record procedures: Procedures for access to records are contained in 41 CFR 105-64.

Record source categories: Credit companies, individuals, employers/supervisors, former employers, banks and GSA contracted credit investigators.

Routine Use Corrections

1. The routine use section of the GSA systems of records GSA/OAD—15 should be deleted and changed to read as follows:

Information in this system may be disclosed to training and educational facilities outside the agency both Government and non-government. Other routine uses are as described in the Appendix following the GSA notices.

2. The following routine use is to be added to the Appendix of routine uses following the GSA notices:

Routine Use—Private Relief Legislation

The information contained in the following systems of records—GSA/OAD 1 through 37; GSA/ADTS 3, 5, 6, and 7; GSA/PBS 1 and 2; GSA/FMPO 1; GSA/FSS—8; GSA/OCR 2; and GSA/FPA 1 through 12—will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that circular.

Dated: September 17, 1975.

W. E. Burton,
Temporary Chairman, GSA Privacy Board.

[FR Doc.75-25150 Filed 9-17-75;3:30 pm]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

Privacy Act of 1974

Proposed Notice of Systems of Records

Notice is hereby given that the Board of Governors of the Federal Reserve System, pursuant to section (e) of the Privacy Act, 5 U.S.C. Sec. 552a, proposes to adopt the following notice of the existence and character of systems of records which it maintains. Public comment is invited on these notices on or before September 28, 1975, addressed to the Secretary of the Board, Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, N.W., Washington, D.C. 20551. The Board will accept any comments received after this date in considering any future amendments to the proposed notice of systems of records.

By order of the Board of Governors.

Theodore E. Allison
Secretary of the Board

BGFRS—1

System name: FRB—Recruiting and Placement Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Persons who have applied for employment with or are employed by the Federal Reserve Board.

Categories of records in the system: These records may contain information relating to the education, training, employment history and earnings, appraisal of past performance, convictions for offenses against the law; results of tests, appraisal of potential, honors, awards of fellowships; military service; veteran status, school transcripts, work samples and examples; birth date; social security number; shipping authorizations; travel vouchers, offer letters and correspondence, reference checks, and home address of persons who have applied for Board employment or are employed by the Federal Reserve Board.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. To refer applicants for purposes of consideration for placement in positions for which an applicant has applied and is qualified. This includes various government organizations.

b. To refer current Board employees for consideration for reassignment and promotion within the Board.

c. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research of other personnel management functions.

d. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state or local, charged with the responsibility of investigating or prosecuting such violation with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

e. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

f. To provide information or disclose to a Federal Agency, or any other employer or prospective employer in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, punched cards, microfilm, cards, lists, forms, and in folders.

Retrievability: Records are indexed by name, combination of birth date, social security account number, and identification number that is applicable.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal:

a. Files of eligibles Retained for a minimum of one year after date of determination that no suitable position exists currently.

b. Index cards Destroyed when no longer needed.

c. Cancelled and ineligible applications Same as "a" above.

d. Inquiries and replies regarding availability for appointment. Same as "a" above.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of position with which concerned to the System Manager, address above.

Record source categories: Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualifications; and statements supplied by references.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—2

System name: FRB Personnel Background Investigation Reports

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former applicants for employment by the Board of Governors; Federal Reserve System employees considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to the Board. Individuals who are neither applicants nor employees of the Board but are or were involved in Board programs under a cooperative assignment or similar agreement; individuals who are neither applicants nor employees of the Board but are or were involved in matters related to the operation of the Board.

Categories of records in the system: These records may contain investigative information regarding an individual's character, financial responsibility, conduct, behavior; arrests and convictions for any violations against the law; reports of interviews with former supervisors, co-workers, associates, educators, etc.; reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers; educa-

tional institutions attended; and other information developed from the above.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed to and used as follows:

a. To assist in determining the suitability for access to classified information.

b. To designated officers and employees of other agencies and departments of the Federal Government, and the District of Columbia Government, having an interest in the individual for employment purposes, in connection with performance of a service to the Federal Government, under a contract or other agreement, including a security clearance or access determination, and a need to evaluate qualifications, suitability, and loyalty to the United States Government.

c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested by the Board in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation and to identify the type of information requested.

e. In the event of an indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; such referral shall also include, and be deemed to authorize any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing.

f. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personnel identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and index cards in steel file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed by name in alphabetical order.

Safeguards: Access to and use of these records are limited to those persons whose official duties require access and have appropriate security clearance.

Retention and disposal: The indexing cards are retained indefinitely, the reports of investigation are returned to the originating agency after separation of employment.

System manager(s) and address:

Special Assistant to the Board
Office of Board Members
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: An individual may inquire as to whether or not the system contains a record pertaining to him or to her by addressing a written request to:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

The request should include the full name and date and place of birth of the individual, and any available information regarding the type of record involved, and the category of individual under which the inquirer feels he or she fits.

Record access procedures: In response to a written request by an individual to determine whether or not the system contains a record pertaining to him or to her, the Director will set forth the procedure for gaining access to the record. If the individual desires to contest the contents of a record, he or she may do so by writing to the:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record source categories: Information contained in the system is obtained from the following:

1. Applications and other personnel and security forms furnished by the individual.
2. Investigative material furnished by other Federal agencies. Notices of personnel actions furnished by other Federal agencies.
3. By personal investigation or written inquiry from sources such as:

Employers
Schools
References
Neighbors
Associates
Police Departments
Courts
Credit Bureau
Medical Records
Probation Officials
Prison Officials

4. Newspapers, magazines, periodicals, and other publications.
5. Published hearings of Congressional Committees.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record access procedures: Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name of office or division in which currently or formerly employed, and annuity account number, if any has been assigned, to the System Manager, address above.

Record source categories:

1. The individual to whom the record pertains.
2. Personal physicians.
3. Medical institutions.
4. Official records of other Federal agencies.
5. Federal Reserve Board Official Personnel Records.
6. Federal Reserve System Personnel Management Records Systems.

BGFRS—3

System name: FRB—Medical Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: 1. Applicants who have been medically examined for Board employment.

2. Applicants for disability retirement under the Civil Service Retirement Law or Federal Reserve System Retirement Plan.

3. Current and former Federal Reserve Board employees.

Categories of records in the system: 1. Information relating to an individual's medical qualifications to hold a position with the Board.

2. Medical information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held.

3. Information relating to an employee's participation in an occupational health services program.

4. Information relating to pre-employment or periodic medical examinations to assure that the incumbent is qualified (physically and mentally) to satisfactorily perform the duties of the position.

5. Information attesting to an annuitant's state of health as required for "insurable interest" survivor annuity elections.

6. Information relating to handicaps

7. Information relating to employee participation in the Federal Civilian Employee Alcoholism and Drug Abuse Programs.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. Information in these records is used to:

a. determine veteran disability status
b. support applications for Disability Retirement
c. support "insurable interest" survivor annuity elections
d. determine suitability for employment or continued employment
e. assist in medical counseling

2. Information in these records may be provided to officials of other Federal agencies responsible for Federal benefit programs administered by:

a. Office of Workmen Compensation Programs
b. Retired Military Pay Centers
c. Veterans Administration
d. Social Security Administration
e. Specific private contractors engaged in providing benefits under Federal contracts.
f. Civil Service Commission.

3. Information in these records is used:

a. to refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

b. to request information from a Federal, state or local agency maintaining civil, criminal or other relevant enforcement or other pertinent information, such as a license, if necessary to obtain relevant information to the Board's decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a grant or other benefit.

c. to provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

d. as a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in folders.

Retrievability: Records are indexed by name, social security number, identification number, date of birth and/or claim number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are stored in lockable metal containers.

Retention and disposal:

a. Medical certificates and other medical records of examination used to determine an employee's fitness for a job 6 years after separation

b. Miscellaneous medical records, correspondence dispensary records and similar papers, 6 months after separation

c. Applicant's medical records, 6 years after separation

d. Disability retirement medical files, 6 years after separation

Systems exempted from certain provisions of the act: None; however, see special procedures provided at 12 CFR 261a.6.

BGFRS—4

System name: FRB—General Personnel Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former employees of and consultants to the Federal Reserve Board and the surviving spouses, and children of former Board employees, if any.

Categories of records in the system: This system of records consists of a variety of documents relating to personnel actions of the Board and its determinations made about an individual for, and during the course of his employment by the Board. These records may contain information about employees and former employees relating to employment, placement, personnel actions, performance considerations and evaluations; training and development activities and plans, background investigations; reference checks; salary history and other personnel matters. It also includes minority group designator; records relating to benefits and designation of beneficiary; emergency contact, documentation supporting personnel actions or decisions made about an individual; awards; employee parking and other information relating to the status of the individual either while considered for employment or while employed by the Board.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used:

a. For purposes of review in connection with appointments, transfers, promotions, reassignments, training and development needs, adverse actions, disciplinary actions, and determination of qualifications of an individual, and in assisting the individual in locating other employment.

b. For purposes of making a decision when a Board employee or former Board employee is questioning the validity of a specific document in the individual's record.

c. By the courts to render a decision.

d. To provide information to a prospective employer of a current or former Board employee.

e. To provide data for the automated Personnel records.

f. To provide information to a Federal agency, or any other employer or prospective employer, in response to its request in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information or other pertinent information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of contract, or the issuance of a grant or other benefit.

h. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

i. As a data source of management information for production of statistical and analytical studies and reports in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

j. Determine eligibility for coverage, benefits due, and payment of benefits under the various benefits programs available to the Board and its staff.

k. Transfer information necessary to support a claim for benefits under the various benefit programs in operation at the Federal Reserve Board.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, disc, punched cards, index cards and microfilm.

Retrievability: Records are indexed by any combination of name, date of birth, Social Security Number, or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require it.

Retention and disposal: The General Personnel Record is retained until five years after death or an individual achieves age 75 where he or she does not separate employment by retirement.

System manager(s) and address: For current and former Federal Reserve Board employees:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Inquiries, including name, date of birth, and Social Security Number should be addressed to the System Manager, address above.

Record access procedures: Current and former Federal Reserve Board employees who wish to gain access to or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security Number.

Record source categories: Information in this system of records comes from the individual to whom it applies or is derived from the information the individual supplied, except information provided by Board officials. Information is also obtained from the following sources for administration of the benefits portion of the system:

1. FRB General Personnel Records
2. CSC Personnel Management Records System
3. Personnel records of other Government agencies
4. Personnel Records of Federal Reserve Banks

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—5

System name: FRB—EEO Discrimination Complaint File

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Applicants for Board employment, current and former Board employees, and annuitants who file a complaint of discrimination or appeal a determination made by an official of the Board relating to equal employment opportunities.

Categories of records in the system: This system of records contains information or documents relating to a complaint, the decision or determination made by the Board affecting an individual under the Board's EEO regulations and procedures. The records consist of the initial complaint or appeal letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to the Board and/or individual about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a Court subpoena and or to refer to a District court in connection with a civil suit.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

g. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories:

a. Individual to whom the record pertains
b. Board employees
c. Affidavits or statements from employee
d. Testimonies of witnesses
e. Official document relating to the appeal, grievance, or complaints
f. Correspondence from specific organization or persons

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS—6

System name: FRB—Adverse Information and Action, Disciplinary, Outside Business Activity and Financial Responsibility Records.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former Board employees, (including special employees) and annuitants who are involved in an Adverse Action; Board officials providing annual financial responsibility statements; employees who suffer a withholding of a Progress Step Increase; employees who file an Outside Business Activity application; and those employees who have creditors contacting the Board relative to credit problems.

Categories of records in the system: This system of records may contain information or documents relating to a determination made by the Board affecting an individual. The records consist of the letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, and related correspondence, opinions and recommendations. Also, copies of Financial Responsibility Statements and Outside Business Interest applications filed by the employee; and letters from creditors.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in the records may be used:

a. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.

b. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.

c. To respond to a court subpoena and/or to refer to a District court in connection with a civil suit.

d. To adjudicate an appeal, complaint, or grievance.

e. As a data source for management information for production of descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel management functions.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

g. To request information from a Federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to a Board decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a grant, or other benefit.

h. To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

i. To identify or determine conflict of interest situations or potential conflict of interest.

j. To advise an employee of potential problems.

k. To administer various aspects of established personnel management programs.

Storage: These records are maintained in file folders, binders, index cards, magnetic tape and disk.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: The records are maintained indefinitely after cessation of employment unless deemed unnecessary, and thus destroyed.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

Record access procedures: Individuals should provide name, date of birth, Social Security Number, identification number (if known), approximate date of record, and type of situation with which concerned to the System Manager, address above.

Record source categories: a. Individual to whom the record pertains

b. Board officials

c. Affidavits or statements from employees

d. Testimonies of witnesses

e. Official documents relating to an action, appeal, grievance, or complaints.

f. Correspondence from specific organizations or persons.

Systems exempted from certain provisions of the act: None.

BGFRS—6

System name: FRB—Payroll

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present employees and members of the Board.

Categories of records in the system: Varied payroll records including payment vouchers, comprehensive listing of employees, requests for deductions, tax forms, W-2 forms, overtime requests, leave data, workmen's compensation data.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in the preparation of Board payroll, as input to several management reports and, from time to time, input to other contributing programs and as input to Board studies, analyses, and reports.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On tape, disk, punched cards, index cards, folders and document files.

Retrievability: Filed by name, social security number, employee number.

Safeguards: Access is restricted to authorized personnel only. Records in cabinets, safe, and limited access to computer records by "limited access" employees.

Retention and disposal: Various: minimum of one year from date of annual audit; maximum of indefinite.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record access procedures: Current and former employees who wish to gain access or contest their records should contact System Manager, address above. Individuals should provide name, date of birth, social security number, identification number (if known).

Record source categories: Internal personnel forms, Federal, state, and local tax forms, employee authorizations and directive

forms, insurance forms, leave and overtime reports, Federal and state garnishment forms.

Systems exempted from certain provisions of the act: None.

BGFRS—7

System name: FRB—Leave Records

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Present employees, former employees for a period of three years following their separation from the Board.

Categories of records in the system: Contains timekeeper records, leave cards, payroll notifications, supporting memorandum, periodic leave statements, and creditable service documentation.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as a data source for management information and payment of leave, for production of statistics and analytical studies in support of the function for which records are collected and maintained or for related personnel management functions and manpower studies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched card, tape, disk, index card, folder, and print out.

Retrievability: Filed by date, but may be filed by name or identifying number.

Safeguards: Stored in locked metal file cabinets, other records stored in secured limited access computer facilities.

Retention and disposal: Detailed information destroyed after two years. Summary data is a part of permanent official personnel file.

System manager(s) and address:

Division of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the System Manager above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security number.

Record access procedures: Individuals wishing to gain access or contest their records should contact the System Manager, address above. Former Board employees should direct such a request in writing, including their name, date of birth, and Social Security Number.

Record source categories: Records, files and forms of the Board, information provided by the employee and previous Federal Government employers.

Systems exempted from certain provisions of the act: None.

BGFRS—8

System name: FRB—Consultant File

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Individuals providing consulting services to the Board in accordance with a formal agreement.

Categories of records in the system: Documents, letters, memorandum of understanding relating to agreement, rates of pay, payment, records, vouchers, invoices, and selection; negotiation, implementation, scope and performance of work. Additional information may be found on reemployed annuitants in the FRB-General Personnel Records.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses include, but are not restricted to, selection, monitoring, evaluation and control, audit and analysis, routine management activity, and statistical use without individual indentification; verification and confirmation; and referral when used as a basis for prospective employment by other than the Board; to provide information or disclose to a Federal agency, or any other employer or prospective employer, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folder, punched card, tape, disk and index card.

Retrievability: File by name, and cross index by voucher number and date, or identifying number.

Safeguards: Stored in secured area.

Retention and disposal: Indefinite.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Individuals who have filed appeals or grievances are aware of that fact and have been provided a copy of the records. They may, however, contact the System Manager, address above. Individuals should provide their name, date of birth, and the approximate date of employment or application, and the kind of action taken by the Board when making inquiries about records.

Record access procedures: Individuals who have appealed or filed a grievance about a decision or determination made by the Board or about conditions existing in the Board already have been provided a copy of the records. However, to gain access or contest the records in this system, individuals should contact the System Manager, address above. Individuals should provide their name, date of birth, approximate date of employment or application, and the kind of action taken by the Board when requesting access to, or contest of records.

Record source categories: Information in this system of records is obtained from the individual to whom it applies or is derived from information supplied by the individual, except information provided by Board staff, and for reemployed annuitants where the inactive General Personnel File is activated.

Systems exempted from certain provisions of the act: Pursuant to subsections (k)(2) and (k)(5) of the Privacy Act and the Board's regulation relating thereto (12 CFR 261a), certain portions of this system of records may be exempted from certain provisions of the Act where: (1) such portions represent investigatory material compiled for law enforcement purposes, or (2) such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—9

System name: FRB—General File on Board Members

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present members of the Board of Governors.

Categories of records in the system: Biographies of past and present members of the Board, oaths of office, and miscellaneous correspondence relating to such Governors.

Authority for maintenance of the system: Section 10 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for background information to determine qualifications for appointment, reappointments, for compiling information for news releases and other publications, and for recording correspondence concerning the Governors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—10

System name: FRB—Official General Files

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Correspondents with the Board and System Personnel.

Categories of records in the system: Incoming and outgoing correspondence concerning Board business. Records relating to System Personnel in official capacities such as instructors, consultants, and Board representatives to various committees, conferences, etc.

Authority for maintenance of the system: Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes in preparing responses to inquiries from public and used in recording official duties of System Personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: System Manager, address above.

Record access procedures: System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—11

System name: FRB—Biographical File of Federal Reserve Personnel

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Current and former Federal Reserve System officers, and their staff.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal Reserve System. These records contain information about an individual relating to birth date; education; veteran status; tenure; handicap; past and present salaries, grades, and position titles; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer, and separation; photograph, awards; and other information relating to the status of the individual.

Authority for maintenance of the system: Sections 4, 11 and 22 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records may be used:

a. By Federal Reserve System officials for purposes of review in connection with appointments, transfers, promotion, reassignments, adverse actions, disciplinary actions, and determination of qualifications of an individual.

b. By the Board of Governors for purposes of making a decision when a listed employee or former listed employee is questioning the validity of a specific document in the individual's record.

c. By the courts to render a decision when the Board has refused to release to current or former System employee a record under the Freedom of Information Act.

d. To publish name and title data for the Directory of officers of Federal Reserve Banks.

e. To provide reports to Congress, agencies, and the public on characteristics of the System work force.

f. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punched cards and disk.

Retrievability: Records are indexed by combination of name or identification number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Director of Personnel
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Inquiries, including name, date of birth, and Social Security Numbers should be addressed to the System Manager, address above.

Record access procedures: Current and former System employees who wish to gain access to and contest their records, should direct such a request in writing, including their name, date of birth, and Social Security Number to the System Manager, address above.

Record source categories: Information in this system of records comes from either the individual to whom it applies, extracted from documents he supplied, or data provided by Federal Reserve System officials and employees.

Systems exempted from certain provisions of the act: None.

BGFRS—12

System name: FRB—General File of Examiners and Assistant Examiners at Federal Reserve Banks.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present examiners and assistant examiners at Federal Reserve Banks.

Categories of records in the system: Brief biographies of past and present examiners and assistant examiners, oaths of office, and miscellaneous correspondence.

Authority for maintenance of the system: Section 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: System Manager, as indicated above.

Record access procedures: Same as "notification" above.

Record source categories: Individuals themselves, references such as "Who's Who" and miscellaneous correspondence from system personnel and others.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—13

System name: FRB—General File of Federal Reserve Bank and Branch Directors.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present Federal Reserve Bank and Branch Directors.

Categories of records in the system: Biographies of past and present Federal Reserve Bank and Branch Directors, oaths of office, resignations, and miscellaneous correspondence.

Authority for maintenance of the system: Sections 3, 4 and 11 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for compiling information for news releases and other publications, and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individuals incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—14

System name: FRB—General Files of Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Past and present Federal Reserve Agents, Alternates and Representatives at Federal Reserve Banks.

Categories of records in the system: Biographies of past and present examiners; oath of office and miscellaneous correspondence relating to such persons.

Authority for maintenance of the system: Sections 20 and 21 of the Federal Reserve Act (12 U.S.C. Sec. 221 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used as background information for determining qualifications for appointment, reappointment, etc.; for completing information for news releases and other correspondence; and recording correspondence concerning such persons.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records.

Retrievability: Indexed by name.

Safeguards: Locked in diebold power file. Access limited to Board staff on a restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Notification procedure: Same as System Manager, address above.

Record access procedures: Same as System Manager, address above.

Record source categories: Generated by individual's incoming correspondence and staff response thereto.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(5) of the Privacy Act and the Board's regulations relating thereto, certain portions of this system of records may be

exempted from certain provisions of the Act where such portions represent investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Board employment to the extent that disclosure of such portions would reveal the identity of a source who furnished information under a promise of confidentiality.

BGFRS—15

System name: FRB—Regulation G Reports

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Individuals other than banks, brokers and dealers who extend credit in specified amounts secured by margin securities.

Categories of records in the system: Reports filed by persons registered pursuant to Regulation G.

Authority for maintenance of the system: Sections 7, 17, and 23 of the Securities Exchange Act of 1934 and Regulation G (12 CFR 207).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Aid the Federal Reserve System in securing compliance with Regulation G, assist registrants regarding interpretation, and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and files.

Retrievability: Indexed by name.

Safeguards: Retained in locked metal file cabinets. Access to Board staff on restricted basis.

Retention and disposal: Indefinite.

System manager(s) and address:

Director, Office of Saver and Consumer Affairs
Board of Governors
Federal Reserve System
Washington, D.C. 20551

Notification procedure:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record access procedures: Same System Manager address above.

Record source categories: Reports and forms filed by individuals to whom records pertain.

Systems exempted from certain provisions of the act: Pursuant to subsection (k)(2) of the Privacy Act and the Board's regulations relating thereto (12 CFR 261a) certain portions of this system of records may be exempted from certain provisions of the Act where such portions represent investigatory material compiled for law enforcement purposes.

BGFRS—16

System name: FRB—Regulation F Ownership Reports

System location:

Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Categories of individuals covered by the system: Bank officers, directors and principal stockholders of state member banks registered with the Board pursuant to Regulation F and the Securities Exchange Act of 1934.

Categories of records in the system: Records of transactions by officers, directors, and principal shareholders of the bank in the banks stock.

Authority for maintenance of the system: Section 12(i) of the Securities Exchange Act of 1934 and Section 206.6 of the Board's Regulation F (12 CFR 206).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by staff for reconciliation of transactions in bank stock, made available for public inspection pursuant to the provisions of the Securities Exchange Act of 1934 and where this system indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and paper records.

Retrievability: Indexed by name.

Safeguards: Retained in metal file cabinets.

Retention and disposal: Indefinite.

System manager(s) and address:

Director, Division of Banking Supervision and Regulation
Board of Governors
Federal Reserve System
Washington, D.C. 20551

Notification procedure:

Secretary of the Board
Board of Governors
Federal Reserve System
20th and Constitution, N.W.
Washington, D.C. 20551

Record access procedures: Same as "Notification" above.

Record source categories: Reports and forms filed by individuals to whom records pertain.

Systems exempted from certain provisions of the act: None.

[FR Doc.75-24588 Filed 9-11-75;3:02 pm]

DEPARTMENT OF JUSTICE

Office of the Attorney General

Order No. 621-75

PRIVACY ACT OF 1974

Notices of Systems of Records

Attached hereto is a notice of a proposed records system (which was inadvertantly omitted from the group of notices published on August 27, 1975) maintained by the Department of Justice and required to be published in the Federal Register and in annual compilation form pursuant to the provisions of the Privacy Act of 1974, P.L. 93-579.

Pursuant to 5 U.S.C. 552a (e)(11) interested persons are invited to submit written comments on those portions of the notice which describe the routine uses of the system of records listed. Comments may be submitted in writing to the individual listed under the heading "Notifications Procedure" in the record system description. All comments must be received by the thirtieth day following the date of publication of this notice.

No oral hearings are contemplated.

Dated: September 9, 1975.

Edward H. Levi,
Attorney General.

JUSTICE/ATR—007

System name: Antitrust Caseload Evaluation System (ACES)—Time Reporter

System location: U.S. Department of Justice; 10th and Constitution Avenue, NW., Washington, D.C. 20530

Categories of individuals covered by the system: Professional Employees (Lawyers and Economists) of the Antitrust Division of the U. S. Department of Justice.

Categories of records in the system: The file contains the employee's name and allocations of his/her work time.

Authority for maintenance of the system: The file will be established and maintained pursuant to the following authorities: 28 CFR. 40(f) and 28 U.S.C. 522.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocations of resources (professional time) to particular products and industries (e.g., oil, autos, chemicals) and to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases and Freedom of Information Act requests. In addition, the file will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained electronically in the Economic Policy Office's ACES computerized information system and in file folders.

Retrievability: Information is retrieved by a variety of key words.

Safeguards: Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and to employees of the Antitrust Division.

Retention and disposal: Information contained in the file is retained for 14 months or the life of the matter to which the lawyer or economist is assigned whichever is longer.

System manager(s) and address: Director of the Economic Policy Office; Antitrust Division, U.S. Department of Justice, Star Building; 11th and Pennsylvania Avenue, NW., Washington, D.C. 20530.

Notification procedure: Same as System Manager.

Record access procedures: Same as Notification.

Contesting record procedures: Same as Notification.

Record source categories: Information on time allocation is provided by Antitrust Division section and field office chiefs.

Systems exempted from certain provisions of the act: None.

[FR Doc.75-25244 Filed 9-18-75;10:47 am]