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rules and regulations

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

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

Title 7—Agriculture

CHAPTER VI—SOIL CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—CONSERVATION OPERATIONS

PART 612—SNOW SURVEYS AND WATER SUPPLY FORECASTS

On May 9, 1974, the Soil Conservation Service (SCS) published in the FEDERAL REGISTER (39 FR 16480) for comment proposed guidelines for Snow Surveys and Water Supply Forecasts.

Written comments received on the proposed SCS guidelines published in the FEDERAL REGISTER May 9, 1974, were given full consideration in developing the final guidelines. SCS consulted with all agencies making written comments in finalizing the guidelines. The full text of all comments received are on file and available for public inspection in Room 5251, South Bldg., USDA.

Substantive comments received and their consideration follow.

1. Section 612.2(a) Comment suggested that planning for such networks be carried out in accordance with OMB Circular A–62.

We agree and appropriate wording has been added.

2. Section 612.2(b) Comment: Rewrite as follows:

Determines and provides information on the expected water supply, including seasonal streamflow data. If pertinent and appropriate to the needs of cooperators and not otherwise available to them, may provide necessary interpretative analyses and forecasts required for operation of water-control structures and/or agricultural operations.

We concur and have revised the wording of this section.

3. Section 612.2(e) Comment: Add "and water supply forecasts" after snow survey activities. Then, delete "and" and start new sentence: "By." Or, this statement on agreements might better serve the original intent by moving it to 612.2 (c).

We concur and have revised the referred to sections.

4. Section 612.3(a) Comment. This item describes the basic data snow course location adequately, but throughout the western mountains, SCS has many aerial markers which only measure snow depth. The water equivalent at these sites is usually derived by a mathematical correlation procedure. It is also noted that a snow pillow-type site measures only the water equivalent of the snowpack and a depth figure would have to be similarly extrapolated.

We agree and have made appropriate word changes.

SCS herewith publishes final 7 CFR Part 612—Snow Surveys and Water Supply Forecasts, which are to be effective on March 17, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.907, National Archives Reference Services.)

Dated: March 7, 1975.

KENNETH E. GRANT,
Administrator,
Soil Conservation Service.

Part 612 is added as set forth below:

Sec.

612.1 Purpose and scope.
612.2 Snow survey and water supply forecasts activities.
612.3 Data collected and forecasts.
612.4 Eligible individuals or groups.
612.5 Dissemination of water supply forecasts and basic data.
612.6 Application for water supply forecast service.
612.7 Forecast user responsibility.

AUTHORITY: 26 Stat. 653; Sec. 8, Reorg. Plan No. IV of 1940, 54 Stat. 1234 (5 U.S.C. App. II); 5 FR 2421, 3 CFR 1938–1943 Comp. P. 1288.

§ 612.1 Purpose and scope.

This part sets forth Soil Conservation Service (SCS) policy and procedure for the administration of a cooperative snow survey and water supply forecast program. The program provides agricultural water users and other water management groups in the western states area with water supply forecasts to enable them to plan for efficient water management. The program also provides the public and the scientific community with a data base that can be used to accurately determine the extent of the snow resource. The western states area comprises Alaska, Arizona, California (east side of the Sierra Nevada mountain range only), Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

§ 612.2 Snow survey and water supply forecast activities.

To carry out the cooperative snow survey and water supply forecast program, SCS:

(a) Establishes, maintains, and operates manual and automated snow course and related hydrometeorological networks. Planning for such networks is carried out in accordance with OMB Circular A–62.

(b) Determines and provides information on the expected water supply, including seasonal streamflow data. If pertinent and appropriate to the needs of cooperators and not otherwise available to them, may provide necessary interpretative analyses and forecasts required for operation of water-control structures and/or agricultural operations.

(c) On request and to the extent SCS resources and any required cooperator contributions are available, establishes hydrometeorological stations to collect and provide data and necessary interpretive analyses to the requesting party. By written agreement SCS may accept cooperators' funds, materials, equipment, and services for this purpose.

(d) Develops and encourages use of new techniques and improving data collection and processing.

(e) Cooperates with other federal, state, and local agencies, organizations, and Canadian provinces and agencies.

§ 612.3 Data collected and forecasts.

(a) Basic data are currently collected at numerous sites in the western states area. Data sites generally include a snow course where both snow depth and water equivalent of snow are measured. However, special sites may measure only snow depth or water equivalent. Many of these sites also provide related hydrometeorological data, such as precipitation, temperature, humidity, solar radiation, and wind.

(b) Water supply forecasts in the western states area are generally made monthly from January through June. Forecasts may be made more frequently for an established need when data are available to SCS.

§ 612.4 Eligible individuals or groups.

(a) Any individual or group who is a significant water user and who would benefit from a water supply forecast may obtain forecasts from SCS on a regular basis provided data are available to SCS to develop a forecast at the desired location.

(b) The program collects and interprets data as a service and an aid to agricultural interests, particularly those served by or affiliated with soil, water, and other conservation districts. Information collected by SCS for these agricultural users is also made available to other federal, state, and private agencies and to the general public without charge. Cooperator financial contribution is usually required for special measurements or interpretations beyond the scope of the regular program.

§ 612.5 Dissemination of water supply forecasts and basic data.

Water supply outlook reports prepared by SCS and its cooperators containing water supply forecasts and basic data are usually issued monthly by each SCS state office in the western states area for the months of January through June.

Other reports jointly issued by SCS and its cooperators include a fall water supply summary, annual and accumulative summaries of data, and a western states area report covering water supply outlook.

§ 612.6 Application for water supply forecast service.

Requests for obtaining water supply forecasts or related assistance may be directed to any SCS office in the western states area. SCS offices are described in Part 600 of this chapter.

§ 612.7 Forecast user responsibility.

The forecast user's obligation to the federal government is to give appropriate credit and recognition to SCS for information furnished. The federal government does not assume any responsibility for management decisions the user makes which may be based in whole or part on information provided by SCS.

[FR Doc.75-6898; Filed 3-14-75;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 22—LOANS IN AREAS HAVING SPECIAL FLOOD HAZARDS

Clarification of Lending Prohibition

The Comptroller of the Currency is amending the regulation governing loans in areas having special flood hazards (12 CFR Part 22, 39 FR 7129, February 25, 1974). This amendment incorporates into the section of the regulation prohibiting loans in nonparticipating communities the one-year grace period following identification of a special flood hazard area provided in section 201(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001, et seq.).

Under this amendment a national bank may make, increase, extend or renew a loan secured by improved real estate or a mobile home located in a special flood hazard area, if the community is not participating in the national flood insurance program, until July 1, 1975, or the expiration of one year from the date of identification of the special flood hazards by the Secretary of Housing and Urban Development, whichever is later. After that date any such loan will be prohibited unless the community is participating and the borrower obtains flood insurance in the required amount.

Since the Act prescribes the directions to be contained in this amendment and the times that they are to become effective, notice, public participation and deferred effective date are not required. This amendment, therefore, will become effective upon publication.

Part 22 of Chapter I, Title 12 of the Code of Federal Regulations is amended as follows:

Section 22.3 is revised to read as follows:

§ 22.3 Prohibition as to loans in nonparticipating communities.

On and after July 1, 1975, or after one year following the date of official notification to the chief executive officer of the community of identification of special flood hazards, whichever is later, no bank shall make, increase, extend, or renew any loan secured by improved real estate or a mobile home located or to be located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards, unless the community in which such area is situated is then participating in the national flood insurance program.

Effective date: March 17, 1975.

Dated: March 11, 1975

JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.75-6857 Filed 3-14-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 72-SW-10; Amdt. 39-2128]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A and 206B Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of the cabin roof straps, P/N 206-031-200-23 and -24, with straps P/N 206-032-200-37 and -38, on Bell Models 206A and 206B helicopters, serial numbers 1 through 1163, to supersede Amendment 39-1437, was published in 40 FR 3784.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Only one comment was received. A repair station mechanic stated that due to their inspections of the fittings and straps on Bell 206 helicopters, they felt that an additional AD was not necessary.

The agency has given due consideration to the comment received, but due to the number of reports of additional cases of cracked cabin roof straps, the agency concludes that the rule should be adopted as proposed.

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

BELL.—Applies to Bell Models 206A and 206B helicopters, serial numbers 1 through 1163, certificated in all categories.

Compliance required within the next 1200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible failure of the cabin roof straps, P/N 206-031-200-23 and -24, accomplish the following:

a. Remove the cabin roof straps, P/N 206-031-200-23 and -24, in accordance with items 1 through 4 of Bell Helicopter Company Service Bulletin No. 206-01-74-2, dated November 12, 1974, or later approved revision.

b. Install the cabin roof straps, P/N 206-032-200-37 and -38, in accordance with items 5 through 9 of Bell Helicopter Company Service Bulletin No. 206-01-74-2, dated November 12, 1974, or later approved revision.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

This supersedes Amendment 39-1437 (37 FR 8438), AD 72-9-2.

This amendment becomes effective April 15, 1975.

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

Issued in Fort Worth, Texas, on March 6, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.75-6830 Filed 3-14-75;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 545—HOMEWORKERS IN INDUSTRIES IN PUERTO RICO

Minimum Wage Rates for Piece Work

Pursuant to the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended (29 U.S.C. 206), including the Fair Labor Standards Amendments of 1974 (Pub. L. 93-259; 84 Stat. 35)), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp.; p. 1004), Secretary's Order No. 13-71 (36 FR 8755) and Employment Standards Order 1-74 (39 FR 33841), I hereby amend Part 545 of Title 29 of the Code of Federal Regulations by increasing proportionately the piece rates in industries in Puerto Rico as the result of the Fair Labor Standards Amendments of 1974. Those piece rates deemed obsolete including those in § 549.9(e), are deleted. As the revised rates are commensurate with and reflect the increase in rates under the Fair Labor Standards Amendments of 1974 and are made pursuant to section (6) of the Act, it is found that notice and public procedure are unnecessary and good cause is found to curtail extensive delay in the effective date. Accordingly, this revision shall be effective March 17, 1975.

As revised, § 545.9 reads as follows:

§ 545.9 Minimum piece rates prescribed by the Administrator.

Pursuant to the provisions of section 6(a)(2) of the Act, each homeworker shall be paid in lieu of the applicable minimum hourly rates established by wage order, not less than the piece rates prescribed in this section for the operations described herein. On and after the effective date of any increase in any applicable minimum hourly rate established by said wage orders and until the effective date of corresponding revisions in this section, the minimum piece rates which shall be paid are those given in this section adjusted in the same ratio as the change in the old and new applicable minimum hourly rates.

(a) *Minimum piece rates for the gloves and mittens industry in Puerto Rico.* The piece rates given below have been adjusted to reflect increases in the minimum hourly wage rates for the "hand-sewing on fabric gloves" and the "hand-sewing on leather gloves" classifications. These rates are effective May 1, 1974 as a result of the Fair Labor Standards Amendments of 1974. The piece rates for operations on fabric gloves are based upon the minimum hourly rate for the "hand-sewing on fabric gloves" classification which was increased from 50 cents to $1.20; and the piece rates for operations on leather gloves are based upon the minimum hourly rate for the "hand-sewing on leather gloves" classification which was increased from 80 cents to $1.20. Each piece rate below has been increased by the same percent as the hourly rate upon which it is based was increased.

Rate No.	Operations	Fabric gloves for ladies (cents)	Leather gloves		Unit of payment
			Ladies' (cents)	Men's (cents)	
5	Feather stitch, 5 to 6 stitches per inch	1.877	0.491		Per inch.
6	Large stitch (husky), 5 to 6 stitches per inch			1.479	Do.
7	Regular stitch, 5 to 6 stitches per inch	1.231	1.553	1.479	Do.
9	Slip stitch, hem only, 5 to 6 stitches per inch	0.794	1.061	1.061	Do.
10	Swagger stitch, 5 to 6 stitches per inch	1.231	1.553	1.479	Do.
11	Whip stitch, 5 to 6 stitches per inch	1.231	1.553	1.479	Do.

(b) *Minimum piece rates for the handkerchief, scarf, and art linen industry in Puerto.* The piece rates given below have been adjusted to reflect increases in the minimum hourly wage rates in the industry. These rates became effective May 1, 1974 as a result of the Fair Labor Standards Amendments of 1974. Of the rates given below, number 37(b) is based upon the increase in the minimum hourly rate from $1.60 to $1.75 for activities in the "oblong scarves" classification. Rates numbered 106, 107, and 108 are based upon the minimum hourly rate for the "other operations on products other than oblong scarves" classification, which was increased from 85 cents to $1.20. All other piece rates are based upon the minimum hourly rate for the "hand-sewing on products other than oblong scarves" classification, which was increased from 78 cents to $1.20. Each piece rate below has been increased by the same percent as the hourly rate upon which it is based was increased.

Rate No.	Operations	Cents	Unit of payment
1	Arenillas (seed stitch), close, 1/8 in squares	144.00	Per dozen squares.
2	Arenillas (seed stitch), scattered 1/4-in squares	72.00	Do.
5	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	6.00	Per dozen inches.
6	Basting and folding hem on edges up to 1 1/2-in hem	2.40	Do.
7	Blind hemstitch	24.00	Do.
8	Buttonhole stitch, 16 stitches per inch	24.00	Do.
9	Buttonhole stitch, 24 to 30 stitches per inch	36.00	Do.
10	Chain stitch, 4 stitches per inch	6.00	Do.
11	Chain stitch, 8 stitches per inch	12.00	Do.
12	Cord, solid, on stem	37.55	Do.
15	Couching or flat cord, 4 stitches per inch	6.00	Do.
16	Cross stitch, 6 crosses per inch	26.55	Do.
18	Daisies, 12 to 15 stitches, with double embroidery thread	36.00	Per dozen.
20	Dots, baby, not finished off, 2 to 3 stitches	9.95	Do.
21	Dots, large, not filled in, finished off, 12 stitches	18.00	Do.
22	Dots, large, filled in, finished off, over 12 stitches	36.00	Do.
23	Dots, large, not filled in, finished off, over 12 stitches	24.00	Do.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches	15.85	Do.
25	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread	10.22	Do.
26	Dots, medium, finished off, 5 stitches, with double embroidery thread	13.55	Do.
28	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose	48.00	Per dozen inches.
29	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose	36.00	Do.
31	Feather stitch, 12 stitches per inch	26.68	Do.
32	Feather stitch cord	14.08	Do.
34	French knots, not finished off	5.05	Per dozen.
35	French knots, finished off, with double embroidery thread	9.60	Do.
37	Hand or french rolling, 10 stitches or less per inch:		
	(a) Square scarves	33.92	Per 48 inches.
	(b) Oblong scarves	49.46	Do.
38	Hand or french rolling, 11 stitches or more per inch	40.75	Do.

Rate No.	Operations	Cents	Unit of payment
46	Leaves, simple	4.48	Per dozen.
47	Leaves, solid, not finished off, ¼ in long	15.95	Do.
48	Leaves, solid, not finished off, ¾ in to ½ in long	24.00	Do.
49	Leaves, solid, not finished off, ⅝ in to ¾ in long	48.09	Do.
69	Rose buds, worm stitch, 4 worms, 2 colors or tones	35.65	Do.
71	Shadow stitch, up to ⅜ in wide	77.31	Per dozen inches.
72	Spiders, 4 legs	24.00	Per dozen.
73	Spiders, 8 legs	45.94	Do.
	SCALLOP CUTTING		
	Hand-cutting machine-embroidered shallow, curved scallops on handkerchiefs or square scarves:		
106	Small, measuring from 9/16 in up to but not including ⅝ in along outside edge.	63.54	Per dozen scallops.
107	Medium, measuring from ⅝ in up to but not including ¾ in along outside edge.	80.00	Do.
108	Large, measuring from ¾ in to and inclusive of 1¼ in along outside edge.	120.00	Do.
	NEEDLEPOINT OPERATIONS [1]		
109	Compact florals, figures, and landscapes [2]	121.80	Per 1,000 stitches.
110	Scattered florals [3]	134.40	Do.
111	Scattered florals consisting of borders or garlands only	144.00	Do.
112	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	134.40	Do.
113	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	144.00	Do.
114	9.00 cents must be added to the above piece rates to cover thumbtack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with section 545.10.		

[1] These piece rates do not apply to the following types of needlepoint:
a. Florals having more than 10,000 stitches.
b. Florals having more than 36 color tones.
c. Figures and landscapes having more than 3,000 stitches.
d. Figures and landscapes having more than 25 color tones.
e. Petit point.
f. Stamped grospoint.

[2] A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

[3] A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.

(c) *Minimum piece rates for the children's dress and related products industry in Puerto Rico.* The piece rates given below have been adjusted to reflect increases in the minimum hourly wage rates for this industry. All activities covered in this industry increased from $1.60 to $1.75 an hour effective May 1, 1974 as a result of the Fair Labor Standards Amendments of 1974. Each piece rate below has been increased by the same percent as the hourly rate was increased.

Rate No.	Operations	Cents	Unit of payment
11	Buttons sewed on with double thread, 2 to 3 stitches	24.37	Per dozen.
14	Buttonhole stitch, close	157.50	Per yard.
23	Dots, baby, not finished off, 2 to 3 stitches	14.58	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches	23.09	Do.
29	Feather stitch, 12 stitches per inch	116.66	Per yard.
30	Feather stitch cord	61.41	Do.
32	French knots, not finished off	6.81	Per dozen.
41	Leaves, open ¼ in long	70.00	Do.
42	Leaves, open, ⅜ to ½ in long	105.00	Do.
43	Leaves, simple	6.54	Do.
44	Leaves, solid, not finished off, ⅛ in long	19.21	Do.
45	Leaves, solid, not finished off, ¼ in long	23.34	Do.
46	Leaves, solid, not finished off, ⅜ to ½ in long	35.00	Do.
47	Leaves, solid, finished off, ⅝ to ¾ in long	70.00	Do.
61	Rose buds, worm stitch 4 worms, 1 or 2 colors or tones	52.00	Do.
62	Running stitch on hems up to 1 in wide, 12 stitches per inch	50.39	Per yard.
63	Running stitch on lace	46.45	Do.
64	Running stitch for plain sewing	31.65	Do.
72	Smocking	1.44	Per dozen stitches.
78	Tucks, stamped, 1/16 to ¼ in wide, up to 6 in long	54.75	Per dozen.

(d) *Minimum piece rates for the women's and children's underwear and women's blouse industry in Puerto Rico.* The piece rates given below have been adjusted to reflect the increase in the minimum hourly wage rate for activities in the "pre-1961 coverage" classification of this industry. These activities are covered under a minimum wage rate that has increased from $1.54 to $1.69 an hour effective May 1, 1974 as a result of the Fair Labor Standards Amendments of 1974. Each piece rate below has been increased by the same percent as the hourly rate upon which it is based was increased. The piece rates for rates numbered 11, 38 and 73 are not applicable when the operations are performed on articles wholly machine sewn or machine knit.

Rate No.	Operations	Blouses, neckwear, and silk and synthetic underwear and nightwear (cents)	Cotton underwear and nightwear (cents)	Unit of payment
11	Buttons sewed on with double thread, 2 to 3 stitches	22.08	19.86	Per dozen.
14	Buttonhole stitch, close	152.10	136.89	Per yard.
16	Cutting material applied over lace with hand-embroidered solid cord stitch.	23.18	20.83	Do.
17	Hand-cutting material over lace applique or other materia and at edges of garment following machine embroidered cord, large outline, around scallops measuring 1 in. or more.	3.43		Do.
18	Hand-cutting material over lace applique or other material and at edges of garment following machine embroidered cord, small outline around scallops measuring less than 1 in.	7.75		Do.
19	Cutting material under lace or at seams, straight outline, following hand-sewing operation.	9.50	8.56	Do.
20	Cutting material under lace or at seams, straight outline, following machine operations.	9.50	9.50	Do.
21	Hand-cutting material underneath straight or nearly straight outline.	2.63		Do.
22	Hand-cutting material underneath irregular outline	3.93		Do.
23	Dots, baby, not finished off, 2 to 3 stitches	14.07	12.70	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches	22.31	20.09	Do.
29	Feather stitch, 12 stitches per inch	112.68	101.40	Per yard.
30	Feather stitch cord	59.30	53.37	Do.
32	French knots, not finished off	7.06	6.34	Per dozen.
38	Hemming stitch for felling, cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.	75.69	68.05	Per yard.
41	Leaves, open, ¼ in long	67.60	60.84	Per dozen.
42	Leaves, open, ⅜ to ½ in long	101.40	91.26	Do.
43	Leaves, simple	7.06	5.66	Do.
44	Leaves, solid, not finished off, ¼ in long	18.57	16.71	Do.
45	Leaves, solid, not finished off, ½ in long	22.52	20.28	Do.
46	Leaves, solid, not finished off, ¾ to 1 in long	33.80	30.42	Do.
47	Leaves, solid, finished off, ¾ to 1 in long	67.60	60.84	Do.
52	Pasadas, short, 1 to 8 in		15.76	Per dozen pasadas.
53	Patches, sewed on with single point de ture	336.65	302.99	Per yard.
54	Patches, rectangular, sewed on with blind stitch, up to 1½ in.	21.26	19.12	Per dozen inches.
55	Patches, sewed on with solid cord, cutting and basting included.	331.24	298.12	Per yard.
61	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones	50.22	45.18	Per dozen.
66	Shadow stitch, up to ¾ in wide	326.72	294.06	Per yard.
72	Smocking	1.39	1.24	Per dozen stitches.
73	Snaps, sewing on both sides	33.80	30.42	Per dozen.
78	Tucks, stamped, 1/16 to ¼ in wide, up to 6 in long	52.87	47.59	Do.

(e) [Reserved]

(f) *Minimum piece rates for the leather, leather goods and related products industry in Puerto Rico.* The piece rates given below have been adjusted to reflect the increase in the minimum hourly wage rate from $1.425 to $1.575 for the "other products and activities" classification of the industry. This increase became effective May 1, 1974 as a result of the Fair Labor Standards Amendments of 1974. Each piece rate below has been increased by the same percent as the hourly rate upon which it is based was increased.

Rate No.	Operations	Cents	Unit of payment
1	Hand-lacing, single stitch, with plastic lacing material, of leather wallets and leather wallet covers.	1.92	Per dozen stitches.
2	Hand-lacing, double stitch, with plastic lacing material, of leather wallets and leather wallet covers.	4.73	Do.
3	Hand-lacing, double stitch, with plastic lacing material, of plastic wallets	5.57	Do.

(52 Stat. 1060 (29 U.S.C. 206))

Signed at Washington, D.C. this 7th day of March 1975.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.75-6744 Filed 3-14-75;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 9—ORGANIZATION, FUNCTIONS AND AVAILABILITY OF INFORMATION—PANAMA CANAL COMPANY

Freedom of Information Act Amendments

This document revises Part 9 of Title 35, Code of Federal Regulations. The revision is required by The Freedom of Information Act, 5 U.S.C. 552, as amended by Pub. L. 93-502.

As part of the amendatory process, on January 21, 1975 the Panama Canal Company published in the FEDERAL REGISTER (40 FR 3316-17) its notice of proposed rule making with regard to the schedule of fees to be assessed against persons requesting information and copies of records under the Act. No comments or suggestions for revision concerning this proposed fee schedule were received by the Company and the same is therefore promulgated without change as part of this revision.

The text of the amendments to Part 9 are set forth below. The Part, as amended, becomes effective on March 1, 1975.

1. Part 9 is amended by revising the table of contents, authority paragraph and note as follows:

Sec.
9.1 Organization.
9.2 Functions.
9.3 Requests for information or copies of records.
9.4 Procedures for processing requests for records.
9.5 Uniform schedule of fees.
9.6 Current index.
9.7 Matters exempt from disclosure.
9.8 Reports.

AUTHORITY: The provisions of this Part 9 are issued pursuant to 5 U.S.C. 552, 81 Stat. 54, as amended by Pub. L. 93-502, 88 Stat. 1561.

NOTE: This part is not applicable to the Canal Zone Government. See 5 U.S.C. 551 (1)(c) and 552(e). For statutory provisions concerning public records of that agency, see 2 C.Z.C. 451-53, 76A Stat. 28 and 5 C.Z.C. 3102, 76A Stat. 403.

* * * * *

2. Section 9.3 is revised to read as follows:

§ 9.3 Requests for information or copies of records.

(a) Information concerning the Panama Canal Company and copies of its publications, such as the agency's annual reports, may be obtained from the Company's Information Officer, Balboa Heights, Canal Zone.

(b) All requests for copies of Panama Canal Company records under the Freedom of Information Act, 5 U.S.C. 552, and this part shall:

(1) Be in writing, addressed to the Chief, Administrative Services Division (Agency Records Officer), Box M, Balboa Heights, Canal Zone and be clearly marked on the exterior with the words "Request Under Freedom of Information Act"; and

(2) Reasonably describe the records sought.

3. Section 9.4 is revised to read as follows:

§ 9.4 Procedures for processing requests for records.

(a) Upon receipt of a request, made in accordance with § 9.3, for information or documents, the Administrative Assistant to the President, Panama Canal Company shall determine whether or not such request shall be granted.

(b) Except as provided in paragraph (f) of this section, the Administrative Assistant shall make and dispatch his determination within ten (10) working days after the receipt of such request. He shall notify the requester of such determination and of the reasons therefor and, in the case of a denial of the request, of the requester's right to appeal

that determination to the Vice President, Panama Canal Company. In addition, notification of an adverse determination shall include a statement that the determination is that of the Administrative Assistant whose name shall also be given.

(c) A person whose request for information or documents is denied in whole or in part by the Administrative Assistant may appeal such determination. Any such appeal must:

(1) Be in writing, addressed to the Vice President, Panama Canal Company and be clearly marked on the exterior with the words, "Appeal under the Freedom of Information Act"; and

(2) Be submitted within ten (10) working days after receipt of the Administrative Assistant's notification of denial of the request.

(d) Upon receipt of an appeal, made in accordance with paragraph (c) of this section, the Vice President, Panama Canal Company shall make a determination with respect to that appeal.

(e) Except as provided in paragraph (f) of this section, the Vice President shall make and dispatch his determination within twenty (20) working days after receipt of such appeal. If on appeal the denial of the request is, in whole or in part, upheld, the Vice President shall notify the requester of the provisions for judicial review of that determination under section 502(a)(4)(B) of the Freedom of Information Act, as amended. In addition, such notification shall include a statement that the determination is that of the Vice President, Panama Canal Company whose name shall also be given.

(f) In unusual circumstances as specified in this paragraph, the time limits prescribed in either paragraph (b) with respect to initial actions or paragraph (e) with respect to actions on appeal, may be extended by written notice from the Administrative Assistant to the President, Panama Canal Company to the requester. Such notice shall set forth the reasons for the extension and the date on which the determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten (10) working days. As used in this paragraph, the term "unusual circumstances" means to the extent reasonably necessary to the proper processing of a request—

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous quantity of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(g) If in processing a request for records under the Freedom of Information Act, 5 U.S.C. 552, and this part, the Panama Canal Company fails to comply with the time limit provisions in this section, the requester shall be deemed to have exhausted his administrative remedies with respect to his request.

4. Part 9 is further amended by adding thereto the following new §§ 9.5, 9.6, 9.7 and 9.8:

§ 9.5 Uniform schedule of fees.

(a) Except as provided in paragraph (d) of this section, persons requesting information or copies of records from the Panama Canal Company under the Freedom of Information Act, 5 U.S.C. 552, and this part shall be charged for the direct search and duplication costs incurred by the Company in accordance with the following schedule:

(1) The fee for copies shall be $.07 per page.

(2) The search fee shall be $5.00 per hour for services performed by clerical personnel and $12.50 per hour for services performed by supervisory and professional personnel.

(3) The fee for searches requiring the use of computers shall be $100.00 for the first two hours or fraction thereof and $50.00 for each additional hour.

(b) A request that is expected to involve fees in excess of $50.00 will not be deemed to have been received until the requester has been advised of the anticipated costs and agrees to bear it.

(c) Except as provided in paragraph (d) of this section, search fees are assessable against a requester even when no records responsive to the request, or no records exempt from duplication under the Freedom of Information Act, 5 U.S.C. 552, are found.

(d) Information and documents shall be furnished without charge, or at a reduced charge, when the Administrative Assistant to the President, Panama Canal Company, or, if the request is on appeal, the Vice President, Panama Canal Company, determines that waiver or a reduction of the fees provided for in paragraph (a) of this section is in the public interest because furnishing the information can be considered as primarily benefiting the public. In the case of a reduced charge, the Administrative Assistant, or the Vice President if the request is on appeal, shall determine the amount of the reduction.

§ 9.6 Current index.

The Panama Canal Company shall maintain and make available for public inspection and copying a current index of the agency's opinions, policy statements, administrative staff manuals and instructions to staff that affect a member of the public. Publication of this index has been determined by the Company to be unnecessary. Copies of the index shall, nonetheless, be provided to requesting members of the public at a cost not in excess of the direct cost of duplication in accordance with the fee schedule contained in § 9.5.

§ 9.7 Matters exempt from disclosure.

This Part does not apply to those matters listed in section 552(b) of the Freedom of Information Act as being exempt from disclosure.

§ 9.8 Reports.

On or before March 1 of each calendar year, the Panama Canal Company shall submit a report of its activities with regard to public information requests during the preceding calendar year to the Speaker of the House of Representatives and to the President of the Senate. This report shall include—

(a) The number of determinations made by the Company not to comply with requests for records made to the agency under the provisions of this part and the reasons for each such determination.

(b) The number of appeals made by persons under such provisions, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information.

(c) The names and titles or positions of each person responsible for the denial of records requested under the provisions of this part and the number of instances of participation for each.

(d) The results of each proceeding conducted pursuant to subsection (a)(4)(F) of the Freedom of Information Act, as amended November 21, 1974, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(e) A copy of every rule made by the Company implementing the provisions of the Freedom of Information Act, as amended November 21, 1974.

(f) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section.

(g) Such other information as indicates efforts to administer fully the provisions of the Freedom of Information Act, as amended.

[5 U.S.C. 552]

Dated: March 1, 1975.

[SEAL] DAVID S. PARKER,
President,
Panama Canal Company.

[FR Doc.75-6826 Filed 3-14-75;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY EXCHANGE AUTHORITY (INCLUDING COMMODITY EXCHANGE COMMISSION), DEPARTMENT OF AGRICULTURE

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Use of Microfilm in Recordkeeping

A proposal was published in the FEDERAL REGISTER on August 22, 1974 (39 FR 30357), pursuant to the authority of sections 4g and 8a of th Commodity Exchange Act (7 U.S.C. 6g and 12a) to amend § 1.35 of the regulations under the Commodity Exchange Act (17 CFR Part 1) to facilitate the use of microfilm in recordkeeping by futures commission merchants and clearing members of contract markets, so long as reproduced copies of the financial ledger record required by paragraph (b)(1) are made available which show the required information separately for each customer, and reproduced copies of the record of transactions required by paragraph (b)(2) are made available which show the required information separately for each account. Interested persons were given an opportunity to request a hearing or to make written submissions on the matter on or before October 15, 1974.

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

Effective date: This amendment shall become effective on April 18, 1975.

(Section 4g as added by Section 5, 49 Stat. 1496, and amended by Section 8, 82 Stat. 28, and Section 8a as added by Section 10, 49 Stat. 1500, and amended by 69 Stat. 535 and by Sections 20-23, 82 Stat. 32, 33 (7 U.S.C. 6g, 12a))

Issued: March 12, 1975.

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

§ 1.35 Records of cash commodity and futures transactions.

* * * * *

(b) Futures commission merchants and clearing members of contract markets. Each futures commission merchant and each clearing member of a contract market shall, as a minimum requirement prepare regularly and promptly, and keep systematically and in permanent form, the following:

(1) A financial ledger record which will show separately for each customer all charges against and credits to such customer's account, including but not limited to funds or securities deposited, withdrawn, or transferred, and charges or credits resulting from losses or gains on closed transactions;

(2) A record of transactions which will show separately for each account (including proprietary accounts) all commodity futures transactions executed for such account, including the date, price, quantity, market, commodity, and future; and

(3) A record or journal which will show separately for each business day complete details of all commodity futures transactions executed on that day, including the date, price, quantity, market, commodity, future, and the person for whom such transaction was made.

Provided, however, That where reproductions on microfilm are substituted for hard copy in accordance with the provisions of § 1.31(b) of the regulations, the requirements of paragraphs (b)(1) and (b)(2) of this § 1.35 will be considered met if the person required to keep such records is ready at all times to provide, and immediately provides in the same city as that in which such person's regulated commodity books and records are maintained, at the expense of such person, reproduced copies which show the records as specified in paragraphs (b)(1) and (b)(2) of this section, on request by any representative of the U.S. Department of Agriculture or the U.S. Department of Justice.

[FR Doc.75-6863 Filed 3-14-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1002—RECORDS AND REPORTS

Sunlamps and Medical Ultraviolet Lamps

Correction

In FR Doc. 75-5777 appearing at page 10175 in the issue of Wednesday, March 5, 1975 the following corrections should be made in the first column:

1. In item numbered 1, the second paragraph, 23d line down, "mm" should read "nm".

2. In item numbered 2, the second paragraph, the 6th line down "changed" should read "charged" and, the second line from the bottom "mm" and "used" should read "nm" and "user".

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT; DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-75-322]

PART 580—MODEL CITIES TRANSITION POLICIES

The purpose of Part 580 is to set forth policies regarding the termination of Federal categorical grant assistance to comprehensive city demonstration programs as provided by Title I of the Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754. Because a number of cities plan to terminate their Model Cities programs in the immediate future, the Assistant Secretary for Community Planning and Development has determined that the public interest would be best served by making these policies available immediately. Therefore, they shall become effective on March 17, 1975.

All interested parties are invited, however, to submit comments or suggestions regarding these policies to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material will be considered and where appropriate, amendments may be made to these policies.

Accordingly, Title 24 is amended as follows: A new Part 580, Model Cities Transition Policies is added to Chapter V to read as set forth hereinafter:

Subpart A—General Provisions

Sec.
580.1 Applicability.
580.2 Deadline for approval of new projects and activities.
580.3 Deadline for city to obligate funds.
580.4 Deadline for completion of model cities grant assistance to CCDP.
580.5 Exceptions to grant assistance completion deadline.

Subpart B—Policies for Program Closeout

580.6 Final HUD audit of CCDP.
580.7 Certification of program completion.
580.8 Reports on projects and activities continuing after the grant assistance completion deadline.
580.9 Letters of credit adjustment and draw downs.
580.10 Final local evaluation of the model cities program.
580.11 Citizen participation requirements.

Subpart C—Disposition of Property Purchased With Model Cities Funds

580.12 Disposition of personal property.
580.13 Assets held by economic and housing development corporations.
580.14 Disposition of real property.

AUTHORITY: Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 580.1 Applicability.

The purpose of this part is to prescribe policies to be followed to complete the program of Federal categorical grant assistance to comprehensive city demonstration programs provided under Title I of the Demonstration Cities and Metropolitan Development Act of 1966, Pub. L. 89-754.

§ 580.2 Deadline for approval of new projects and activities.

(a) *General.* The deadline for HUD approval of new projects and activities, to be carried out with funds committed by tender letter from HUD to the city on or prior to December 31, 1974, is June 30, 1975.

(b) *Reprogramming.* Prior to June 30, 1975, grant funds may be reprogrammed into both previously approved and new projects and activities, as well as into program administration. Thereafter, model cities grant funds may only be reprogrammed into previously approved projects and activities and into program administration.

(c) *Budget revision requirements.* In revising budgets prior to June 30, 1975, the city shall adhere to existing budget requirements. After June 30, 1975, the budget revision requirements listed below shall apply:

(1) HUD approval of budget revisions will be required only for substantial

changes in the program and for changes in model neighborhood boundaries which add or subtract ten percent of the model neighborhood population. Substantial changes, whether in key projects or administrative arrangements, are those which represent a major departure from the direction of the program as previously approved.

(2) The city shall report to HUD an increase of a program category budget of more than the greater of 5 percent of the model cities grant funded portion of its budget or $25,000 in model cities grant funds.

(3) Any increase in program administration must take into consideration that the model cities grant shall not exceed 80 percent of the eligible costs for program administration.

(4) No budget revisions may be made which will cause the total amount of the model cities grant to be exceeded.

§ 580.3 Deadline for city to obligate grant funds.

Model cities grant funds must be obligated under contracts between the city and third parties (i.e. operating agencies and contractors) or under formal cooperation agreements between the City Demonstration Agency and other city departments on or prior to September 30, 1975, except for program administration. Any grant funds not so obligated by that date will be recaptured by HUD. Any grant funds which become de-obligated after the obligation deadline date, may be reprogrammed into previously approved projects and activities or into program administration.

§ 580.4 Deadline for completion of model cities grant assistance to CCDP.

HUD, in consultation with each city, shall establish a grant assistance completion deadline date by which all model cities grant fund assistance to the comprehensive city demonstration program shall end subject to exceptions set forth in § 580.5. Any costs incurred with respect to the comprehensive city demonstration program after the grant assistance completion deadline shall be considered ineligible for funding under the Grant Agreement, with the exception of costs incurred for activities listed in § 580.5 below.

§ 580.5 Exceptions to grant assistance completion deadline.

Costs may continue to be incurred after the grant assistance completion deadline date in the following areas: (a) *Program administration.* The city must continue to provide an adequate number of knowledgeable staff to carry out its responsibilities under the model cities grant agreement until all HUD audit findings with respect to the comprehensive city demonstration program have been cleared by HUD. The cost of providing such staff may be paid either with model cities grant funds on an 80-20 percent basis or with other funds at the option of the city. If the city elects to continue to pay for such staff with model cities grant funds, such funds should be budgeted for program administration, in order that grant funds will be available to pay staff expenses until all HUD audit findings have been resolved.

(b) *Capital projects and relocation activities.* Grant funds for completion of capital projects and relocation activities shall be obligated under contracts between the city and third parties or under formal cooperation agreements between the City Demonstration Agency and other city departments on or prior to September 30, 1975 (see § 580.3). However, such grant funds may be budgeted for expenditure after the grant assistance completion deadline, subject to a written agreement between HUD and the city.

(c) *Economic and housing development corporations.* Grant funds for economic and housing development corporations shall be obligated under contracts between the city and the development corporations on or before September 30, 1975 (see § 580.3). However, such grant funds may be budgeted for expenditure after the grant assistance completion deadline, subject to a written agreement between HUD and the city.

(d) *Special Circumstances.* In order to facilitate the establishment of a grant assistance completion deadline when there are projects and activities, not subject to paragraphs (a), (b), or (c) of this section, which involve longer term contractual obligations than other projects and activities, HUD Regional Administrators may allow additional exceptions to the grant assistance completion deadline. Grant funds for projects and activities excepted from the deadline by HUD Regional Administrators shall be obligated under contracts between the city and third parties or under formal cooperation agreements between the City Demonstration Agency and other city departments on or prior to September 30, 1975 (see § 580.3). However, such grant funds may be budgeted for expenditure after the grant assistance completion deadline, subject to a written agreement between HUD and the city.

Subpart B—Policies for Program Closeout

§ 580.6 Final HUD audit of CCDP.

The final HUD audit of the comprehensive city demonstration program shall be conducted as early as possible after the grant assistance completion deadline. HUD, in consultation with the city, shall determine the specific date on which the audit will begin. Capital projects, relocation activities, development corporations, and other excepted projects and activities for which funds are budgeted for expenditure after the grant assistance completion deadline, will remain subject to additional HUD audits. Program administration costs incurred by the city after the final audit of the comprehensive city demonstration program will be certified to on a certificate of program completion. (See § 580.7.) The costs will be reviewed by HUD field representatives and are subject to audit.

§ 580.7 Certification of program completion.

When all audit findings contained in the final HUD audit report have been cleared, and if applicable, when HUD and the city have entered into a written agreement regarding the completion of any activities continuing after the grant assistance completion deadline, the city shall be required to certify program completion on a form prescribed by HUD.

§ 580.8 Reports on projects and activities continuing after grant assistance completion deadline.

The city shall be required to submit to HUD such reports as HUD shall deem necessary with respect to capital projects, relocation activities, development corporations, and other excepted projects and activities continuing beyond the grant assistance completion deadline.

§ 580.9 Letter of credit adjustment and draw downs.

Upon HUD approval of the certificate of program completion and final financial statements, the city's letter of credit will be adjusted to equal the amount of the undisbursed allowable grant due to the city as shown on the certificate.

§ 580.10 Final local evaluation of model cities program.

HUD will require a final evaluation of each locality's model cities program. The manner and forms for the final evaluation will be provided by HUD.

§ 580.11 Citizen participation requirements.

Model cities policies relating to citizen participation remain in effect until the grant assistance completion deadline has been reached.

Subpart C—Disposition of Property Purchased With Model Cities Funds

§ 580.12 Disposition of personal property.

All office equipment, supplies, materials, and other personal property, purchased in whole or in part with grant funds and used for the administration of the program or in the administration of a project or activity operated by the city, shall be the sole property of the city. Final disposition of personal property, as described above, in the hands of a non-city operating agency shall be a contract matter between the city and the operating agency.

§ 580.13 Assets held by economic and housing development corporations.

Investment assets derived from the use of grant funds, such as loan notes, collateral in a guarantee fund and real property, are the property of the city or the development corporation, depending upon the contract between them. When such investment assets return to liquid form upon the completion of their specific investment purpose, the proceeds will belong to the city or the development corporation, depending upon the contract between them. Income derived from investment assets shall also belong

to the city or the development corporation, depending upon the contract between them. If the ownership of investment assets and the income derived therefrom is not otherwise specified by contract or law, the city shall be the sole owner of such assets and income.

§ 580.14 Disposition of real property.

Following HUD approval of the certificate of program completion, HUD concurrence in the transfer of title to real property shall no longer be required.

Effective date. This part shall be effective on March 17, 1975.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community-Planning and Development.

[FR Doc.75-6866 Filed 3-14-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7347]

PART 420—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Certain Election Provisions

This document contains temporary regulations on procedure and administration under the Employee Retirement Income Security Act of 1974 (26 CFR Part 420). The temporary regulations contain rules for the election provided by section 1017(d) of the Employee Retirement Income Security Act of 1974 (88 Stat. 934) to have certain provisions of the Internal Revenue Code of 1954 apply to a plan in existence on January 1, 1974, before the otherwise applicable effective dates of such provisions.

Section 1017(d) of the Employee Retirement Income Security Act of 1974 provides that a plan administrator (as defined in section 414(g) of the Code) may make an irrevocable election to have the provisions of the Code relating to participation, vesting, funding, and form of benefit (as in effect from time to time) apply to a plan that was in existence on January 1, 1974. The provisions referred to are those contained in the amendments made by sections 1011, 1012, 1013, 1015 (sections 414 (b) and (c) of the Code), 1016(a) (1) through (11) and (13) through (27), 1021, and 1022(b) of the Employee Retirement Income Security Act of 1974. If the election is made, these provisions will be applied to a plan year selected by the plan administrator which begins after September 2, 1974, but before the otherwise applicable effective dates of such amendments determined under sections 1017(b) or (c), 1021, or 1024 of the Employee Retirement Income Security Act of 1974, and to all subsequent plan years.

Under sections 211(d) and 306(d) of the Employee Retirement Income Security Act of 1974, if an election is made under section 1017(d) of the Act, the provisions of parts 2 and 3 of title I of the Act corresponding to the above-cited amendments to the Code will apply to plan years beginning after September 2, 1974, and prior to the otherwise applicable effective dates.

If this election is made, sections 414 (b) and (c) of the Code may apply to a plan before section 415 of the Code (relating to limitations on benefits and contributions) applies to such plan. Section 415, which was added by section 2004(a) (2) of the Employee Retirement Income Security Act of 1974, generally does not apply until years beginning after December 31, 1975. Therefore, the references in sections 414 (b) and (c) to section 415 will have no effect until section 415 applies to the plan.

The temporary regulations provide that an election is to be made by attaching a statement to either the annual return required with respect to a plan under section 6058(a) (or an amended return) which return is to be filed for the first plan year for which the election is to be effective or to a written request for a determination letter relating to the qualification of the plan under section 401(a), 403(a), or 405(a) of the Code and, if trusteed, the exempt status under section 501(a) of the Code of a trust constituting a part of the plan. If the election is made with a written request for a determination letter, the election may be conditioned upon issuance of a favorable determination letter and will become irrevocable upon issuance of such letter. The statement is to indicate that the election is made under section 1017(d) of the Employee Retirement Income Security Act of 1974 and the first plan year for which the election is to be effective.

Adoption of amendments to the regulations. In order to prescribe temporary regulations on procedure and administration (26 CFR Part 420) relating to the election provided under section 1017(d) of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 934) to have certain provisions of the Internal Revenue Code of 1954 apply to a plan in existence on January 1, 1974, before the otherwise applicable effective dates of such provisions, the following temporary regulations are hereby adopted:

§ 420.0-1 Certain existing plans may elect new provisions.

(a) *In general.* The plan administrator (as defined in section 414(g)) of a plan that was in existence on January 1, 1974, may elect to have the provisions of the Code relating to participation, vesting, funding, and form of benefit (as in effect from time to time) apply to a plan year selected by the plan administrator which begins after September 2, 1974, but before the otherwise applicable effective dates determined under section 1017 (b) or (c), 1021, or 1024 of the Employee Retirement Income Security Act of 1974, and to all subsequent plan years. The provisions referred to are the amendments to the Code made by sections 1011, 1012, 1013, 1015, 1016(a) (1) through (11) and (13) through (27), 1021, and 1022(b) of the Employee Retirement Income Security Act of 1974.

(b) *Election is irrevocable.* Any election made under this section, once made, shall be irrevocable.

(c) *Procedure and time for making election.* An election under this section shall be made by attaching a statement to either the annual return required under section 6058(a) (or an amended return) with respect to the plan which is filed for the first plan year for which the election is effective or to a written request for a determination letter relating to the qualification of the plan under section 401 (a), 403(a), or 405(a) of the Code and, if trusteed, the exempt status under section 501(a) of the Code of a trust constituting a part of the plan. If the election is made with a written request for a determination letter, the election may be conditioned upon issuance of a favorable determination letter and will become irrevocable upon issuance of such letter. The statement shall indicate that the election is made under section 1017 (d) of the Employee Retirement Income Security Act of 1974 and the first plan year for which the election is effective.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, 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.

(This Treasury decision is issued under the authority contained in sections 1017 (d) of the Employee Retirement Income Security Act of 1974 (88 Stat. 934) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; (26 U.S.C. 7805)).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 12, 1975.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

[FR Doc.75-6897 Filed 3-14-75;8:45 am]

SUBCHAPTER A—INCOME TAX

[TD 7348]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Percentage To Be Used by Foreign Life Insurance Companies in Computing Income Tax for the Taxable Year 1974 and Estimated Tax for the Taxable Year 1975

This document contains the proclamation of the Secretary of the Treasury of a percentage to be used in determining a "minimum figure" for each foreign corporation carrying on a life insurance business, as provided for under section 819 of the Internal Revenue Code of 1954.

Where this minimum figure exceeds such a corporation's surplus held in the United States, the amount of the "policy and other contract liability requirements" (determined under section 805

without regard to section 819), and the amount of the "required interest" (determined under section 809(a) without regard to section 819), must each be reduced by an amount determined by multiplying such excess by the "current earnings rate" (as defined in section 805 (b)(2)).

Proclamation. It is hereby determined that for purposes of computing the 1974 income tax for foreign corporations carrying on a life insurance business a percentage of 15.5 shall be used in determining the "minimum figure" under section 819.

It is presently anticipated that the data with respect to domestic life insurance companies for 1974 required for the computation of the percentage to be used by foreign corporations carrying on a life insurance business in computing their estimated tax for the taxable year 1975 will not be available in time for the filing of the declaration of estimated tax for such taxable year. Accordingly, it is hereby determined that for purposes of computing the estimated tax for the taxable year 1975 and payments of installments thereof by such corporation a percentage of 15.5 (the percentage applicable for 1974) shall be used in determining the minimum figure under section 819. No additions to tax shall be made because of any underpayment of estimated tax for the taxable year 1974 which results solely from the use of this percentage.

Because the percentage announced in this Treasury decision is computed from information contained in the income tax returns of domestic life insurance companies for the year 1973, which are not open to public inspection, the public accordingly cannot effectively participate in the determination of such figure. Therefore, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under subsection (b) of 5 U.S.C. 553 or subject to the effective date limitation of subsection (d) of that section.

[SEAL] FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

MARCH 13, 1975.

[FR Doc.75-7073 Filed 3-13-75;4:33 pm]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Interest Rate Change

The Veterans Administration is amending §§ 36.4212(a) (2) and (3), 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations to reduce the maximum allowable interest rate on new loans.

Sections 36.4311 and 36.4503, Title 38 of the Code of Federal Regulations are being amended to reduce the maximum interest rate on new guaranteed, insured and direct loans from 8½ to 8 percent. Section 36.4212(a) (2) and (3), Title 38 of the Code of Federal Regulations, relating to that portion of a mobile home loan which finances the purchase of a lot and the cost of necessary site preparation is amended, except for that portion of §§ 36.4212(a)(3) relating to loans that do not exceed $2,500, to reduce the maximum interest rate from 8½ to 8 percent. Thus, the interest rate on such loans will be consistent with that in effect on other guaranteed and insured loans for real estate purposes.

Compliance with the provision of § 1.12 of this chapter is waived in this instance because failure to do so would delay the effective date of the amendments for a period in excess of 40 days and deprive veteran-purchasers of the benefit of the interest rate reductions during that time.

1. In § 36.4212, paragraph (a) introduction, (2) and (3) are revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to March 3, 1975.

* * * * *

(2) 8 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 8 percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting non-real-estate loans insured under 38 U.S.C. 1815 and loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 8 per centum per annum, effective March 3, 1975, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 8 per centum per annum on the unpaid principal balance.

* * * * *

3. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after December 31, 1974, shall not exceed an amount which bears the same ratio to $25,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 8 percent per annum.

* * * * *

These VA Regulations are effective March 3, 1975.

Approved: February 28, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-6880 Filed 3-14-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 1—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 141]

PART 1-1—GENERAL

Office of Federal Procurement Policy

This amendment incorporates appropriate references to the Office of Federal Procurement Policy (OFPP) Act in Subpart 1-1.0 of the Federal Procurement Regulations. The amendment also provides that policies and procedures on the procurement of automatic data processing equipment, software, maintenance services, and supplies are mandatorily applicable to the Department of Defense.

1. The table of contents for Part 1-1 is amended by adding the following new entries:

Sec.	
1-1.011	Office of Federal Procurement Policy Act.
1-1.011-1	General.
1-1.011-2	Declaration of policy.

Subpart 1-1.0—Regulation System

2. Section 1-1.003 is revised to read as follows:

§ 1-1.003 Authority.

The Federal Procurement Regulations System is prescribed by the Administrator of General Services under the Federal Property and Administrative Services Act of 1949, as amended. The Federal Procurement Regulations are developed in cooperation with the Administrator for Federal Procurement Policy and the procurement agencies and are issued by the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, and other authorities especially cited.

3. Section 1-1.004 is revised to read as follows:

§ 1-1.004 Applicability.

The Federal Procurement Regulations apply to all Federal agencies to the extent specified in the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), or in other law. Except for standard Government forms and clauses, Federal Specifications and Standards, procurement of automatic data processing equipment (ADPE),

software, maintenance services, and supplies, and except as directed by the President, Congress, or other authority, these regulations are not made mandatory on the Department of Defense. Therefore, the extent of their implementation within the Department of Defense and participation in the System will be determined by that Department. The regulations apply to procurements made within and outside the United States unless otherwise specified.

4. Section 1-1.011 is added regarding the Office of Federal Procurement Policy Act as follows:

§ 1-1.011 Office of Federal Procurement Policy Act.

§ 1-1.011-1 General.

(a) The Commission on Government Procurement urged the establishment by law of a central Office of Federal Procurement Policy in the Executive Office of the President, preferably in the Office of Management and Budget, with specialized competence to take the leadership in procurement policy and related matters. This was the first recommendation (A-1) of the Commission's Report because of its overall importance in achieving the improvements that the Commission proposed in the procurement process. The idea was also repeated in the Report's second recommendation (A-2).

(b) In response to these recommendations, the Office of Federal Procurement Policy was established by Pub. L. 93-400; i.e., the Office of Federal Procurement Policy Act (41 U.S.C. 401-412). The Conference Report on the Act notes that the Commission on Government Procurement urged the creation of the Office by statute. The Act states that it is the policy of the Congress to promote economy, efficiency, and effectiveness in the procurement of property and services by and for the executive branch of the Federal Government.

§ 1-1.011-2 Declaration of policy.

Section 2 of the Act provides as follows:

Sec. 2. It is declared to be the policy of Congress to promote economy, efficiency, and effectiveness in the procurement of property and services by and for the executive branch of the Federal Government by—(1) Establishing policies, procedures, and practices which will require the Government to acquire property and services of the requisite quality and within the time needed at the lowest reasonable cost, utilizing competitive procurement methods to the maximum extent practicable;

(2) Improving the quality, efficiency, economy, and performance of Government procurement organizations and personnel;

(3) Avoiding or eliminating unnecessary overlapping or duplication of procurement and related activities;

(4) Avoiding or eliminating unnecessary or redundant requirements placed on contractor and Federal procurement officials;

(5) Identifying gaps, omissions, or inconsistencies in procurement laws, regulations, and directives and in other laws, regulations, and directives, relating to or affecting procurement;

(6) Achieving greater uniformity and simplicity, whenever appropriate, in procurement procedures;

(7) Coordinating procurement policies and programs of the several departments and agencies;

(8) Minimizing possible disruptive effects of Government procurement on particular industries, areas, or occupations;

(9) Improving understanding of Government procurement laws and policies within the Government and by organizations and individuals doing business with the Government;

(10) Promoting fair dealing and equitable relationships among the parties in Government contracting; and

(11) Otherwise promoting economy, efficiency, and effectiveness in Government procurement organizations and operations."

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

Effective date. This amendment is effective April 28, 1975, but may be observed earlier.

Dated: February 28, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-6821 Filed 3-14-75;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER H—UTILIZATION AND DISPOSAL

[FPMR Amdt. H-88]

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Miscellaneous Changes

Section 101-47.203-7(c) is revised to require GSA to secure the concurrence of the Office of Management and Budget in transfers of real property to other Federal agencies when the property has a total appraised fair market value in excess of $1,000,000 or is an unusual case. Section 101-47.301-4 is revised to clarify the authority of a disposal agency designated under Subpart 101-47.3 to offer credit terms. Section 101-47.-301-5 is revised to require holding agencies to report real property disposals made pursuant to delegated authorities in § 101-47.6 on GSA Form 1100, Report of Surplus Real Property Disposals and Inventory, as provided in the instructions for preparation of the form. Section 101-47.306-2 is revised to amend the title of the National Industrial Reserve Act of 1948 to the Defense Industrial Reserve Act as provided by Pub. L. 93-155 (50 U.S.C. 451), dated November 16, 1973. Sections 101-47.312 (b) and 101-47.4909 are deleted because the President has determined that these procedures are no longer required. Section 101-47.402-2(a) is revised to reflect that the holding agency's occupancy of excess property will not affect the date that GSA may become responsible for the expense of physical care, handling, protection, maintenance and repair of such property, unless the occupancy is detrimental to the orderly disposal of the property. Section 101-47.700 is revised to correct the United States Code reference. Section 101-47.801 is amended so that the guidelines to be followed by executive agencies in making their annual review of real property holdings will agree with the guidelines provided for this purpose in par. 7 of Federal Management Circular FMC 73-5 (34 CFR Part 231). Section 101-47.802(a)(2) is revised to require that executive agencies include, as a part of the written record of their annual review of the agencies' real property holdings, an overall map of each facility showing property boundaries, major land uses, improvements, safety zones, proposed uses, and regulations or other authorizations that sanction the requirement for and usage made of or proposed for individual parcels. Section 101-47.802(b)(3)(ii)(C) is revised to require that in connection with GSA surveys of properties detail maps of properties be available which show the same data as required by § 101-47.802(a)(2) but in greater detail. Sections 101-47.802(b)(3)(ii) (D) and (E) are deleted as these requirements will be satisfied by the data required in § 101-47.802(b)(3)(ii)(C). Section 101-47.802(b)(5) is revised to provide that survey teams should discuss the facts they have obtained with local officials at the end of this survey, to afford executive agencies a period of 30 workdays from the date of notice to comment on GSA's survey findings, and to prescribe the procedure GSA will follow in resolving differences between GSA and executive agencies concerning survey findings and required action. Section 101-47.4907 is revised to update the list of Federal real property holding agencies. Section 101-47.4908 is deleted since Office of Management and Budget Circular No. A-2, Revised, has been replaced by Federal Management Circular FMC 73-5 (34 CFR Part 231). Section 101-47.4910 is revised to update the list of field offices of the Department of Health, Education, and Welfare. Section 101-47.4914 is revised to illustrate Executive Order 11724 which superseded Executive Order 11508, as amended. Executive Order 11724 abolished the Property Review Board and established the Federal Property Council. References to OMB Circular No. A-2, Revised, Executive Order 11508, as amended, and the Property Review Board have been updated. The Utilization and Disposal Service, GSA, has been abolished. Responsibility for the disposition of real property has been transferred to the Office of Real Property, Public Buildings Service, GSA. The pertinent references have been updated to reflect this change.

The table of contents for Part 101-47 is amended as follows:

Sec.	
101-47.306-2	Defense Industrial Reserve properties.
101-47.4904	GSA Form 1334, Request for Transfer of Excess Real and Related Personal Property.
101-47.4908	[Reserved.]
101-47.4909	[Reserved.]
101-47.4910	Field offices of Department of Health, Education, and Welfare.
101-47.4914	Executive Order 11724.

Subpart 101–47.2—Utilization of Excess Real Property

1. Section 101–47.201–1(a) is revised as follows:

§ 101–47.201–1 Policy.

* * * * *

(a) To stimulate the identification and reporting by executive agencies of excess real property consistent with the objectives expressed in Federal Management Circular FMC 73–5 (34 CFR Part 231).

* * * * *

2. Section 101–47.201–2 is amended by revising (a)(1) as follows:

§ 101–47.201–2 Guidelines.

(a) Each executive agency shall:

(1) Survey real property under its control (including property assigned on a permit basis to other Federal agencies, or outleased to States, local governments, other public bodies, or private interests) at least annually to identify property which is not needed, underutilized, or not being put to optimum use. When other needs for the property are identified or recognized, the agency shall determine whether continuation of the current use or another Federal or other use would better serve the public interest, considering both the agency's needs and the property's location. In conducting each review, agencies shall be guided by § 101–47.801(b), other applicable General Services Administration regulations, and such criteria as may be established by the Federal Property Council;

* * * * *

3. Section 101–47.203–1 is revised as follows:

§ 101–47.203–1 Reassignment of real property by the agencies.

Each executive agency shall, as far as practicable and within the policies expressed in this Subpart 101–47.2 and in Federal Management Circular FMC 73–5 (34 CFR Part 231), make reassignments of real property and related personal property under its control and jurisdiction among activities within the agency in lieu of acquiring such property from other sources.

4. Section 101–47.203–2 is revised as follows:

§ 101–47.203–2 Transfer and utilization.

Each executive agency shall, as far as practicable and within the policies expressed in this Subpart 101–47.2 and in Federal Management Circular FMC 73–5 (34 CFR, Part 231), transfer execess real property under its control to other Federal agencies and to the organizations specified in § 101–47.203–7, and shall fulfill its requirements for real property by obtaining excess real property from other Federal agencies. Transfers of property shall be made in accordance with the provisions of this subpart.

5. Section 101–47.203–7 is amended by revising paragraphs (a), (c), and (d) as follows:

§ 101–47.203–7 Transfers.

(a) The agency requesting transfer of excess real property and related personal property reported to GSA shall prepare and submit to the proper GSA regional office GSA Form 1334, Request for Transfer of Excess Real and Related Personal Property (§ 101–47.4904). Instructions for the preparation of GSA Form 1334 are set forth in § 101–47.4904–1.

* * * * *

(c) GSA will secure the concurrence of OMB in the transfer of excess land which together with any improvements thereon has a total appraised fair market value in excess of $1,000,000 or is an unusual case.

(d) Transfers of property to executive agencies shall be made when the proposed land use is in compliance with the provisions of Federal Management Circular FMC 73–5 (34 CFR Part 231) and is consistent with the policy of the Administrator of General Services as prescribed in § 101–47.201–1 and the policy guidelines prescribed in § 101–47.201–2. In determining whether a proposed transfer should be approved under the policy guidelines, GSA and OMB may consult informally to obtain all available data concerning actual program needs for the property.

* * * * *

Subpart 101–47.3—Surplus Real Property Disposal

1. Section 101–47.301–4 is revised as follows:

§ 101–47.301–4 Credit disposals and leases.

Where credit is extended in connection with any disposal of surplus property by a disposal agency designated under this Subpart 101–47.3, the disposal agency shall offer such credit pursuant to the guidelines in § 101–47.34–4. When the disposal agency considers that the offering of more liberal credit terms is necessary to obtain greater competition, invitation for bids may provide for submission of offers on such alternate terms of payment as may be recommended by the disposal agency and approved by the Administrator of General Services. (See § 101–47.304–4(b).) The disposal agency shall administer and manage such credit, lease, or permit and any security therefor and may enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as that agency deems to be in the best interest of the Government.

2. Section 101–47.301–5 is revised as follows:

§ 101–47.301–5 Records and reports.

All agencies designated as disposal agencies in § 101–47.302 (except GSA), shall submit to GSA reports on GSA Form 1100, Report of Surplus Real Property Disposals and Inventory (see § 101–47.4903), covering surplus real property and related personal property disposed of pursuant to the authority contained in § 101–47.302, § 101–47.6, or otherwise delegated by the Administrator of General Services. Reports shall be based on appropriate agency records which shall be maintained to show full compliance with applicable statutory provisions relating to each disposal action and with the provisions of this Subpart 101–47.3. A disposal action shall be reported when a legally binding agreement is reached on terms and conditions mutually acceptable by an authorized official of the disposal agency and the party to which the disposal is made. Surplus real and related personal properties awaiting disposal as of the end of the reporting period shall be reported as inventory.

3. Section 101–47.306–2 is revised as follows:

§ 101–47.306–2 Defense Industrial Reserve properties.

In the event that any disposal agency is unable to dispose of any surplus industrial plant because of the application of the conditions and restrictions of the National Security Clause imposed under the Defense Industrial Reserve Act (50 U.S.C. 453), after making every practicable effort to do so, it shall notify the Secretary of Defense, indicating such modifications in the National Security Clause, if any, which in its judgment will make possible the disposal of the plant. Upon agreement by the Secretary of Defense to any or all of such modifications, the plant shall be reoffered for disposal subject to such modifications as may have been so agreed upon; or if such modifications are not agreed to, and upon request of the Secretary of Defense, the plant shall be transferred to the custody of GSA.

4. Section 101–47.312 is amended by revising (b) as follows:

§ 101–47.312 Non-Federal interim use of property.

* * * * *

(b) [Reserved]

Subpart 101–47.4—Management of Excess and Surplus Real Property

Section 101–47.402–2(a) is revised as follows:

§ 101–47.402–2 Expense of care and handling.

(a) The holding agency shall be responsible for the expense of physical care, handling, protection, maintenance, and repair of such property pending transfer or disposal for not more than 12 months, plus the period to the first day of the succeeding quarter of the fiscal year after the date that the property is available for immediate disposition. If the holding agency requests deferral of the disposal, continues to occupy the property beyond the excess date to the detriment of orderly disposal, or otherwise takes actions which result in a delay in the disposition, the period for which that agency is responsible for such

expenses shall be extended by the period of delay. (See § 101–47.202–9.)

* * * * *

Subpart 101–47.7—Conditional Gifts of Real Property to Further the Defense Effort

Section 101–47.700 is revised as follows:

§ 101–47.700 Scope of subpart.

This subpart provides for acceptance or rejection on behalf of the United States of any gift of real property offered on condition that it be used for a particular defense purpose and for subsequent disposition of such property (Act of July 27, 1954, (50 U.S.C. 1151–1156)).

Subpart 101–47.8—Identification of Unneeded Federal Real Property

1. Section 101–47.800 is revised as follows:

§ 101–47.800 Scope of subpart.

This subpart is designed to implement section 3(a) of Executive Order 11724 (see § 101–47.4914), which provides, in part, that the Administrator of General Services shall (a) conduct surveys of real property holdings of executive agencies on a continuing basis and in a manner consistent with the needs of the Federal Property Council to identify properties which are not utilized, are underutilized, or are not being put to their optimum use and (b) make reports to the President, through the Federal Property Council, describing any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of the Administrator is either not utilized, is underutilized, or is not being put to optimum use, and which he recommends should be reported as excess property. The terms "executive agency," "property," and "excess property" as used in this subpart are defined in Executive Order 11724. The provisions of this subpart are presently limited to fee-owned properties and supporting leaseholds and lesser interests located within the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. The scope of this subpart may be enlarged at a later date to include properties in additional geographical areas and other interests in property.

2. Section 101–47.801 is amended by revising (b)(2)(iii), (b)(2), (b)(4), (b)(6), (b)(7), (b)(8), (b)(10), (b)(13) and (b)(15) as follows:

§ 101–47.801 Standards.

* * * * *

(b) * * *

(1) * * *

(iii) Consider whether Federal use of the property would be justified if rental charge equivalent to commercial rates were added to the program costs for the function it is serving.

(2) Are operating and maintenance costs excessive compared with those of other similar facilities?

* * * * *

(4) Is all of the property essential for program requirements?

* * * * *

(6) Are buffer zones kept to a minimum?

(7) Is the present property inadequate for approved future programs?

(8) Can net savings to the Nation be realized through relocation considering property prices or rentals, costs of moving, occupancy, and increase in efficiency of operations?

* * * * *

(10) If Federal employees are housed in Government-owned residential property, is the local market willing to acquire Government-owned housing or can it provide the necessary housing and other related services that will permit the Government-owned housing area to be released? (Provide statistical data on cost and availability of housing on the local market.)

* * * * *

(13) Is any land being retained merely because it is considered undesirable property due to topographical features or to encumbrances for rights-of-way or because it is believed to be not disposable?

* * * * *

(15) Is there land or space in Government-owned buildings that can be made available for utilization by others within or outside Government on a temporary basis?

3. Section 101–47.802 is amended as follows:

§ 101–47.802 Procedures.

(a) *Executive agency annual review.* Each executive agency shall make an annual review of its property holdings, which review, to the extent of the properties covered by the review, also shall constitute compliance with the annual review requirements of Federal Management Circular FMC 73–5 (34 CFR Part 231).

* * * * *

(2) A written record of the review of each individual facility shall be prepared. The written review record shall contain comments relative to each of the above guidelines and an overall map of the facility showing property boundaries, major land uses, improvements, safety zones, proposed uses, and regulations or other authorizations that sanction the requirement for and usage made of or proposed for individual parcels of the property. A copy of the review record shall be made available to GSA upon request or to the GSA survey representative at the time of the survey of each individual facility.

* * * * *

(b) *GSA survey.* Pursuant to section 3(a) of Executive Order 11724, GSA will conduct, on a continuing basis, a survey of real property holdings of all executive agencies to identify properties which, in the judgment of the Administrator of General Services, are not utilized, are underutilized, or are not being put to their optimum use.

* * * * *

(3) * * *

(ii) * * *

(C) Detail maps which show property boundaries, major land uses, improvements, safety zones, proposed uses, and regulations or other authorizations that sanction the usage made or proposed for individual parcels or the entire property; drawings; and layout plans.

(D) [Reserved.]

(E) [Reversed.]

* * * * *

(5) Upon completion of the field work for the survey:

(i) The GSA representative will so inform the executive agency official designated pursuant to § 101–47.802(b)(1). To avoid any possibility of misunderstanding or premature publicity, conclusions and recommendations will not be discussed with this official. However, survey teams should discuss the facts they have obtained with local officials at the end of the survey to ensure that all information necessary to conduct a complete survey is obtained. The GSA regional office will evaluate and incorporate the results of the field work into a survey report and forward the survey report to the GSA Central Office.

(ii) The GSA Central Office will notify the head of the executive agency or his designee, in writing, of the survey recommendation. A copy of the survey report will be enclosed when a recommendation is made that some or all of the property should be reported excess, and the comments of the executive agency will be requested thereon. The executive agency will be afforded a period of 30 workdays from the date of the notice in which to submit such comments. If the case is resolved, GSA Central Office will notify the head of the executive agency or his designee, in writing, of the resolution, and the case will be completed at such time as the agency completes all resolved excess and/or disposal actions. The agency will be afforded a period of 90 calendar days from the date of the notice to complete such actions.

(iii) If the case is not resolved, GSA Central Office will submit the case to the Office of Management and Budget (OMB) for review. If the case is resolved as a result of the submission to OMB, the GSA Central Office will notify the head of the executive agency or his designee, in writing, of the resolution, and the case will be completed at such time as the agency completes all resolved excess and/or disposal actions. The agency will be afforded a period of 90 calendar days from the date of the notice to complete such actions.

(iv) If the case is not resolved, the GSA Central Office will notify the head of the executive agency or his designee, in writing. A copy of a draft action paper will be enclosed and the position of the executive agency will be requested thereon. The executive agency will be afforded a period of 20 calendar days from the date of the notice in which to

submit its position. If the case is resolved, the GSA Central Office will notify the head of the executive agency or his designee, in writing, of the resolution, and the case will be completed at such time as the agency completes all resolved excess and/or disposal actions. The agency will be afforded a period of 90 calendar days from the date of the notice to complete such actions.

(v) If the case is not resolved, the GSA Central Office will submit a report on the case to the Federal Property Council for submission by the Council of appropriate reports and recommendations to the President as prescribed in section 3(2) of Executive Order 11724. The head of the executive agency or his designee will be notified of the resolution, and the case will be completed at such time as the agency completes all resolved excess and/or disposal actions. The agency will be afforded a period of 90 calendar days from the date of the notice to complete such actions.

Subpart 101–47.49—Illustrations

1. Section 101–47.4900 is revised as follows:

§ 101–47.4900 Scope of subpart.

This subpart sets forth certain forms and illustrations referred to previously in this part. Agency field offices should obtain the GSA forms prescribed in this subpart by submitting their future requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration (BRAF), Washington, DC 20405. Standard forms should be obtained from the nearest GSA supply distribution facility.

2. Sections 101–47.4903, 101–47.4904, 101–47.4907, 101–47.4908, 101–47.4909, 101–47.4910 and 101–47.4914 are revised as follows:

§ 101–47.4903 GSA Form 1100, Report of Surplus Real Property Disposals and Inventory.

§ 101–47.4904 GSA Form 1334, Request for Transfer of Excess Real and Related Personal Property.

§ 101–47.4907 List of Federal real property holding agencies.

§ 101–47.4908 [Reserved]

§ 101–47.4909 [Reserved]

§ 101–47.4910 Field offices of Department of Health, Education, and Welfare.

§ 101–47.4914 Executive Order 11724.

NOTE: The illustrations listed in §§ 101–47.4903, 101–47.4904, 101–47.4907, 101–47.4910, and 101–47.4914 are filed as part of the original document.

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

Effective date. This regulation is effective March 17, 1975.

Dated: March 3, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75–6900 Filed 3–14–75;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

Utilization of Property

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subparts 114–43.1 and 114–47.2, Chapter 114, Title 41, of the Code of Federal Regulations, are amended as set forth below.

Since these amendments relate to matters of internal policy only, it is determined that the proposed rule making procedure is unnecessary and these amendments shall become effective on March 17, 1975.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

MARCH 10, 1975.

PART 114–43—UTILIZATION OF PERSONAL PROPERTY

Subpart 114–43.1—General Provisions

Section 114–43.102–52 is amended to read as follows:

§ 114–43.102–52 Screening reportable available property.

Reportable available personal property shall be circularized to the offices listed in IPMR Temporary Regulation No. 8, except where its nature, location or condition virtually precludes further utilization by such offices. Property not transferred as a result of the screening prescribed in IPMR Temporary Regulation No. 8, should be determined to be excess to the needs of the Department of the Interior and promptly reported to the appropriate GSA regional office in accordance with 41 CFR 101–43.311. The excess determination should be evidenced in writing and made a part of the disposal file.

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 114–47.2—Utilization of Excess Real Property

12. Section 114–47.203–1(c) is revised to read as follows:

§ 114–47.203 Utilization.

§ 114–47.203.1 Reassignment of real property by the agencies.

* * * * *

(c) *Circularization of real property $1,000 and over.* Available real property having an estimated fair market value of $1,000 or over shall be offered to bureaus and offices of the Department of the Interior as provided in IPMR Temporary Regulation No. 6 before it is determined to be excess: Provided, That where the head of the regional, area or State office responsible for the property determines that its nature or location virtually precludes further Departmental utilization, and such determination is made a part of the disposal record, then the property shall be subject to such circularization as he may direct. (See also IPMR 114–47.203–1(f).)

* * * * *

[FR Doc.75–6823 Filed 3–14–75;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 173—FINANCIAL ASSISTANCE FOR COMMUNITY SERVICE AND CONTINUING EDUCATION PROGRAMS

Notice of proposed rule making was published in the FEDERAL REGISTER on May 6, 1974 (39 FR 15952), setting forth regulations and guidelines for the Community Service and Continuing Education Program (Title I of the Higher Education Act of 1965, Pub. L. 89–329 as amended, (20 U.S.C. 1001–1011)). Pursuant to section 503 of the Education Amendments of 1972, a public hearing on the proposed regulations was held on May 24, 1974 in Washington, D.C. In addition, written comments on the proposed regulations were received.

A. *Summary of comments; changes in the regulations.* The following comments were submitted to the Office of Education regarding the proposed regulations. After the summary of each comment a response is set forth stating changes which have been made in the regulations or the reasons why no change is deemed necessary. The comments are arranged in order of the sections of the final regulations.

1. § 173.14 *Annual program plan. Comment.* One commenter recommended that the regulations require that public notice of the State Agency's intention to develop an annual program be published in newspapers of general circulation in order to allow the public to contribute to the selection of priorities.

Response. The regulation, as it stands, requires the State to consult with representative community leaders, organizations, and associations in the development of the plan. This requirement should result in the general public being fully represented in the formulation of program priorities. There is no bar to the utilization of newspapers. The regulation, rather than requiring a particular method, enables the State to determine the most effective method of consultation. No change in the regulation is deemed necessary.

2. § 173.42 *Eligible applicants. Comment.* A commenter suggested that the definition of eligible applicants for discretionary awards be enlarged to include a "Higher Education Authority within a State."

Response. The statute limits applicants for these awards to institutions of higher education or combinations thereof. A State Higher Education Authority is eligible only if it comes within the statutory definition of an institution of higher education as set forth in section 1201 of the Higher Education Act.

3. § 173.43 *Applications for grants. Comment.* One commenter suggested

that the ten percent cost sharing requirement might preclude participation by well qualified institutions.

Response. This requirement is contained in section 106 of the Act.

Comment. The regulations also contain a requirement that applicants for discretionary awards under section 106 give the State Agency responsible for Title I within their State the opportunity to comment on the proposal. This requirement was instituted to facilitate coordination between the State and national programs. One commenter recommended that this provision either be dropped or strengthened to the extent that the State would have approval authority.

Response. The statute rests sole authority to make awards with the Commissioner of Education. It is felt that the consultation requirement serves an important coordinative function without imposing an undue burden on either the applicant or the State agency. No change in the regulation is deemed necessary.

4. Appendix A. Section 1.2 *Purpose of section 106. Comment.* A commenter recommended that this section be amended to include "and continuing education" so as to read "grants to strengthen the community service and continuing education programs of colleges and universities."

Response. The wording does clarify the intent of the program and has been incorporated into the final regulations.

B. *Other Changes.* 1. § 173.43 *Applications for grants.* The requirement that a project proposed in an application not be for a period of more than 30 months has been deleted. Projects will ordinarily be funded for twelve month periods.

Some minor changes have been made to affect chiefly technical matters.

After consideration of the above comments, Part 173 of Title 45 of the Code of Federal Regulations is amended to read as set forth below.

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

(Catalog of Federal Domestic Assistant Program No. 13.491, University Community Service)

Dated: February 11, 1975.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

Approved: March 10, 1975.

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

Sec.

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AUTHORITY: Secs. 101-112, 1201-1204, 79 Stat. 1219, 1269-1270, as amended; (20 U.S.C. 1001-1011, 1141-1143).

Subpart A—General

§ 173.1 Definitions.

As used in this part:

"Act" means Title I of the Higher Education Act of 1965, as amended. (20 U.S.C. 1001-1011)

"Combination of institutions" means a group of institutions of higher education that have entered into a cooperative arrangement for the purpose of carrying out a common objective, or a public or nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective on their behalf.

"Community service program" pursuant to Section 102 of the Act means an educational program, activity, or service offered by an institution(s) of higher education and designed to assist in the solution of community problems in rural, urban, or suburban areas with particular emphasis on urban and suburban problems. Such programs may include but are not limited to research, technical assistance or consultation, or an extension or continuing education activity or course, provided that any such course is fully acceptable toward an academic degree, or is of college level as determined by the institution offering the course. (20 U.S.C. 1002)

"Educational service" means an aspect of the community service program involving the resources of an institution(s) of higher education, including but not limited to equipment and library materials used in support of efforts to solve community problems. (20 U.S.C. 1002)

"Educational research activity" means a research program of experimental or demonstration nature carried out on an objective and systematic basis using the resources of an institution(s) to identify and develop new or improved approaches to the solution of community problems. (20 U.S.C. 1002)

"Extension and continuing education activity" refers to the extension, on a basis of temporal and geographic convenience, of the teaching and research resources of an institution of higher education to meet the special educational needs of the adult population which has either completed or interrupted formal training. Instructional methods include, but are not limited to, formal classes, lectures, demonstrations, counseling and correspondence, radio, television, and other innovative techniques of instruction and study. (20 U.S.C. 1002)

"Institution of higher education" means an educational institution in any State which meets the requirements of section 1201(a) of the Act. (20 U.S.C. 1141(a))

"Special project or special program" means an experimental activity or demonstration of regional or national significance carried out pursuant to section 106 of the Act on an objective and systematic basis using the resources of an institution of higher education or combinations thereof, to identify and develop new or improved educational approaches to problems relating to technological and social changes and environmental pollution. (20 U.S.C. 1005a (a))

"School or department of divinity" means an institution, or a department or branch of an institution, whose educational program is specifically designed to prepare students to become ministers of religion (or to provide continuing training for any such programs), to enter into some other religious vocation or to teach theological subjects. (20 U.S.C. 1141(1))

"State agency or institution" or "State agency" means the State agency or State institution designated or created pursuant to section 105(a) of the Act and § 173.10. (20 U.S.C. 1005(a))

§ 173.2 Applicability of general provisions.

Assistance under this part is subject to applicable general provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters). (20 U.S.C. 1001 et seq; 45 CFR Part 100; 38 FR 30654 (November 6, 1973); as amended 39 F.R. 19211 (May 31, 1974)).

Subpart B—State Plan Program

§ 173.10 Purpose and Scope.

The program described in this subpart shall be administered by the State agency or institution pursuant to a State plan developed and submitted through the State agency or institution and approved by the Commissioner. The State plan shall set forth a comprehensive, coordinated, and statewide system of community service programs designed to assist in the solution of community problems in rural, suburban areas (with particular emphasis on urban and suburban problems), such as, but not limited to, housing, poverty, government, recreation, employment, youth opportunities, transportation, health, and land use, by utilizing the resources of institutions of higher education: *Provided however*, That where funds are insufficient to support such a program, the State plan may set forth one or more proposals for community service programs in lieu thereof. The State plan and amendments thereof, once approved by the Commissioner, shall constitute the basis on which Federal allotments are paid to the State as well as the basis for determining the allowable expenditures by the State and participating institutions where support for a community service and continuing education program is derived in whole or in part from Federal funds. (20 U.S.C. 1005)

§ 173.11 State agency or institution.

(a) The State shall designate or create a single State agency or institution to develop, submit, administer and supervise the administration of the State plan. The agency or institution so designated or created shall include individuals who have special qualifications or experience in working with and solving community problems, and who are broadly representative of institutions of higher education in the State, public and private, which are competent to offer community service programs. The State may, however, designate an existing State agency or institution which does not meet the above requirements, provided that (1) such State agency or institution takes whatever action is necessary to meet such requirements, or (2) the State designates or creates an advisory council which does meet the requirements to consult with the designated State agency or institution in the preparation of the State plan and amendments thereto and in connection with any policy matters arising in the administration of the plan.

(b) The State agency or institution shall notify the Commissioner within 15 days of changes in the composition of either the State agency or institution, or the State advisory council, if any, affecting its special qualifications with respect to solving community problems or its being broadly representative of institutions of higher education in the State, public and private, which are competent to offer community service programs.

(c) If there is a change in the composition of the State agency or institution, the State shall also designate the official of the State agency or institution to whom communications shall be directed and who shall be responsible for submitting the State plan to the Commissioner for approval. (20 U.S.C. 1005)

§ 173.12 State plan provisions.

(a) *Administrative.* The State plan shall contain a statement of the name and composition of the designated or created State agency or institution. It shall also contain assurances that the State agency or institution shall be the sole agency for the administration of the State plan or for supervision of the administration of the State plan, and that, where applicable, such agency or institution shall consult with any required State advisory council with respect to policy matters arising in the preparation and administration of the plan.

(b) *Program selection policies and procedures.* The State plan shall contain a general statement setting forth the policies and procedures which will be followed by the State agency in selecting those community problem(s) or specific aspects thereof for the solution of which Federal funds allotted under this program will be used. The statement shall describe any general methods and/or criteria which the State agency has determined will be used in making such selection(s). The statement shall also describe the procedures that will be used by the State agency to give adequate notice of the selection(s) to eligible institutions of higher education within the State.

(c) *Institutional selection policies and procedures.* The State plan shall set forth policies and procedures to be used in selecting institution(s) of higher education for participation in community service programs under the plan. Such policies and procedures shall adequately describe the criteria for review of applications and shall indicate the criteria which will be used in selecting institutions for participation and the degree of consideration to be given the following:

(1) Whether the program, service, or activity proposed to be undertaken by an institution of higher education is specifically designed directly to assist in the solution of urban, rural, or suburban problems with special emphasis upon urban and suburban problems;

(2) Whether the relative capacity and willingness of the particular institution(s), public or private, will be utilized to provide effective community service programs;

(3) Whether the program, service, or activity will effectively utilize the special resources of the institution(s) of higher education and its faculty;

(4) Whether the program, service, or activity will be consistent with the overall educational program of the institution(s) of higher education;

(5) Whether a single community service program will be undertaken by two or more institutions of higher education within the State or, by or with one or more institutions in other States; and

(6) Whether the results of periodic, objective and systematic evaluations of the programs, services, and activities will be considered in the light of information regarding current and anticipated community problems. (20 U.S.C. 1005)

§ 173.13 State plan amendments.

(a) *Annual.* (1) The State plan shall be amended annually, on or before such date as the Commissioner may designate, in order that the State plan will contain the information required by § 173.14. The amendement shall meet the certification requirements of § 173.21 and shall become effective upon approval by the Commissioner.

(2) Notwithstanding the approval of a State plan during any prior year, unless and until the annual amendment has been submitted by the State agency or institution and approved by the Commissioner, there is no basis on which commitments of funds for new projects may be made by the State agency.

(b) *Other amendments.* The State plan shall be appropriately amended whenever there is any material change in the designation of the State agency, the content or administration of the State plan, or when there has been a change in pertinent State law. Such amendment shall clearly indicate the changes and shall meet the certification requirements of § 173.21 and shall become effective upon approval by the Commissioner. (20 U.S.C. 1005)

§ 173.14 Annual program plan.

(a) The annual program plan shall be submitted as an amendment on an annual basis as required under § 173.13.

(b) The annual program submission shall contain a statement describing the specific aspects of the comprehensive, coordinated, and statewide system of community service programs or, if it is determined that a comprehensive, coordinated, and statewide system of community service programs cannot be effectively carried out by reason of insufficient funds, a brief summary of the basis of this determination, a description of the community service program proposed in lieu thereof for which financial assistance is requested, and the basis for selection thereof. The description of the method followed by the State agency in determining the community problem(s) or aspects thereof to be solved shall indicate the degree to which:

(1) The State agency has consulted with representative community leaders, associations, and organizations, and with representatives of institutions of higher education;

(2) Due consideration has been given to the existence of other federally financed programs dealing with similar and other community problems in the State and to coordination with such programs, particularly in determining priorities of problems;

(3) Due consideration has been given to the resources of institutions of higher

education especially relevant or adaptable to develop and carry out community service programs related to the community problems selected;

(4) Due consideration has been given to the relationship of the community problem(s) selected to other significant problems in the State; and

(5) Other criteria have been used in selecting community service problems to be included under the program. (20 U.S.C. 1005)

(c) In describing the particular community problem(s) and the aspects thereof that the State will attempt to solve, the annual program statement submitted by the State agency shall indicate the scope, prevalence, complexity, duration, and other appropriate specific aspects of the problems; and the relationship between the types of activities proposed and similar types of existing and contemplated activities in the State. The statement shall also indicate whether the problem(s) and specific aspects thereof exist in all types of communities or whether they are of general significance to the State as a whole although not specifically manifested in all communities thereof. The statement also shall indicate the approximate amount from the State's allotment that the State agency estimates will be required in order to carry out each type of program which will be undertaken in attempting to solve these problems. (20 U.S.C. 1005)

(d) If a State desires to carry out community service programs other than those possible under its allotment, it may indicate such programs with the same specificity as given those presently undertaken and the priority of importance and the basis therefor together with budgetary estimates of each program, service, or activity. Such programs, services, and activities may be considered for funding with any funds reallotted under section 103(b) of the Act. (20 U.S.C. 1003(b))

(e) An estimated budget itemizing the amount of funds which will be required by the State agency for developing and administering the State plan shall be submitted as a part of the annual program plan. (20 U.S.C. 1005(a)(5) and (6))

§ 173.15 Approval of State plan, noncompliance; judicial review.

(a) The Commissioner shall approve any State plan or amendment thereof which complies with the provisions set forth in the Act and in this subpart. No plan, or amendment thereof, shall be finally disapproved until the State agency or institution submitting the plan is afforded reasonable notice and opportunity for a hearing. (20 U.S.C. 1005(b))

(b) Where the Commissioner, after giving reasonable notice and opportunity for a hearing to the State agency or institution administering a State plan approved under Section 105(b) of the Act, finds that (1) the State plan has been so changed that it no longer complies with any provision of section 105(b) of the Act, or that (2) in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify the State agency that the State is no longer regarded as eligible to participate in the program until the Commissioner is satisfied that there is no longer any such failure to comply. (20 U.S.C. 1007(b))

(c) Final actions of the Commissioner with respect to approval of a State plan or amendment thereto or changes in or noncompliance with an approved State plan or amendment thereto are subject to judicial review, pursuant to section 108 of the Act. (20 U.S.C. 1008)

§ 173.16 Ineligible programs.

No payment may be made from a State's allotment under this part for (a) any community service program which relates to sectarian worship, or (b) any community service program which is provided by a school or department of divinity. An institution of higher education which has a school, branch, department, or other administrative unit within the definition of "school or department of divinity" as set out in § 173.1 is not precluded for that reason from participating in the program described in this subpart, if the community service program is not offered by that school, branch, department, or administrative unit and, as in all other cases, the community service program is not related to sectarian instruction or religious worship. (20 U.S.C. 1011)

§ 173.17 [Reserved]

§ 173.18 Fiscal assurances.

The State plan shall contain:

(a) A statement of the policies and procedures designed to assure that Federal funds allotted to the State for the program described in this subpart will not be used to supplant State or local funds or funds of institutions of higher education but to supplement and, to the extent practicable, to increase the amount of such funds that would otherwise be available for community service programs.

(b) A statement of assurance that the State agency will, prior to approval of any community service program under the plan, provide the certification required under § 173.24. (20 U.S.C. 1005(a)(4))

§ 173.19 Fiscal procedures.

The State plan shall meet the requirements of § 105(a)(5) of the Act pertaining to fiscal and accounting procedures. (20 U.S.C. 1005(a)(5))

§ 173.20 Institutional assurances.

(a) The State plan shall contain a statement of assurance that, prior to approval of any community service program under the plan, each institution of higher education proposing such community service program shall submit to the State agency an assurance:

(1) That the proposed program is not otherwise available;

(2) That the conduct of the program or performance of the activity or service is consistent with the institution's overall educational program and is of such a nature as is appropriate to the effective utilization of the institution's special resources and the competencies of its faculty; and

(3) That, if courses are involved, such courses are extension or continuing education courses, and (i) that they are fully acceptable toward an academic degree, or (ii) that they are of college level as determined by the institution offering the courses.

(b) Copies of such assurances required by paragraph (a) of this section shall be maintained by the State agency and made available to the Commissioner upon request. (20 U.S.C. 1002)

§ 173.21 Certification of State plan.

The State plan or amendment shall include as a part or appendix thereto:

(a) A certification by the official of the State agency authorized to submit the State plan that the plan (or amendment) has been adopted by the State agency and will constitute the basis for operation and administration of the programs described therein;

(b) A certification by the appropriate State legal officer that the State agency named in the plan is the sole State agency for the preparation and administration of the plan and has authority under State law to develop, submit, and administer or supervise the administration of the plan, and that all the provisions contained in the plan are consistent with State law. (20 U.S.C. 1005(a)(1))

§ 173.22 Reports.

(a) The State plan shall provide that the State agency will make and submit to the Commissioner the reports listed below in accordance with procedures established by the Commissioner:

(1) A detailed statement, describing the proposed operation of each community service program, to be submitted immediately upon approval of such program by the State agency;

(2) A report of the total amount of a State's allotment obligated or expended during a particular fiscal year, to be submitted at the close of such fiscal year;

(3) An annual report containing an evaluation of the State plan program and its administration in terms of the plan provisions and program objectives;

(4) A copy of any independent evaluations of the State plan, its program, objectives, and/or administration, if obtained by any State, State agency or institution, or State advisory council; and

(5) Any other reports containing such information in such form as the Commissioner may from time to time require in order to carry out his functions under the Act.

(b) The State shall maintain such records, afford such access thereto, and comply with such other provisions as the Commissioner may find necessary to substantiate and verify the information contained in the reports. (20 U.S.C. 1005(a)(6))

§ 173.23 Allotment and reallotment.

(a) Of the sums appropriated the Commissioner, pursuant to section 103 (a) of the Act, shall allot $25,000 each to Guam, the Commonwealth of Puerto Rico, American Samoa, and the Virgin Islands and $100,000 to each of the other States, and he shall allot to each State an amount which bears the same ratio to the remainder of such sums as the population of the State bears to the population of all States.

(b) In order to provide a basis for reallotment by the Commissioner pursuant to section 103(b) of the Act, each State agency will submit, upon request of the Commissioner by such date(s) as the Commissioner may specify, a statement showing all estimated anticipated needs during the remainder of the current fiscal year for carrying out the State plan. The statement will contain estimates based on the estimated costs (1) of completing community service programs already approved without expansion, (2) of expanding or modifying already approved community service programs, and (3) of approving new community service programs which will further carry out the objectives of the plan. The Commissioner may also request any additional information on such statement as he desires for the purpose of making reallotment.

(c) Subsequent to the review of the above described required statement and prior to the date fixed by the Commissioner for reallotment of funds, the Commissioner will notify each State agency affected by reallotment of his determination respecting the State's allotment. The Commissioner shall thereafter either modify the amount authorized for payment to the State or, if an overpayment has already been made, direct the State to return to the Commissioner whatever amount the Commissioner determines the State does not require. (20 U.S.C. 1003(b))

§ 173.24 Federal financial participation.

(a) The Federal Government will pay from each State's allotment an amount equal to 66⅔ percent of the total amount expended by the State agency and the institutions participating under the State plan, except that, in calculating such total amount, there shall be excluded any amounts received for the same purpose under any other Federal program and the matching funds required therefor. Where fees, if any, exceed the non-Federal share of the cost of the program, as determined above, the Federal share shall be reduced by the amount of this excess. (20 U.S.C. 1006)

(b) No payment for any fiscal year will be made, however, with respect to expenditures for developing or administering the plan by the State agency which exceed 5 percent of the total eligible costs for that year or $25,000, whichever is greater. (20 U.S.C. 1006)

§ 173.25 Certification of non-Federal share.

As a condition to receipt of any payments under the program described in this subpart, the State agency must submit to the Commissioner, both at the time that it initially determines the institutions of higher education to participate under the State plan, and each time that it approves a new program involving an institution not previously participating, a certification that all institutions participating under the plan will together have available during that year from non-Federal sources for expenditure for extension and continuing education programs not less than the total amount actually expended by those institutions for extension and continuing education programs from such sources during the Fiscal Year 1965, plus an amount which is not less than the non-Federal share of the costs of community service programs for which Federal financial assistance is requested. The certification shall also state that the State agency has obtained all information including records documenting expenditures necessary to make the above-noted finding and that such documents shall be kept by the State agency and made available to the Commissioner upon request. The certification required under this section shall constitute the basis for the finding required to be made by the Commissioner under section 107(b) of the Act. (20 U.S.C. 1006(b))

§ 173.26 Interstate transfer of allotments.

Where two or more States agree that a portion of the Federal allotment of one State be added to and combined with that of the other State, there shall be submitted to the Commissioner, as part of both State plans or as amendments thereto, the following information:

(a) A request that a specified amount of one State's allotment be transferred to the other State for purposes described therein;

(b) A description of the community service program(s) for which the funds will be used by the recipient State;

(c) A statement of the total amount to be expended for such program(s) and the amount of the non-Federal share thereof;

(d) A statement indicating how the requirements for matching funds and/or maintenance of effort will be assumed by either or both States;

(e) A statement showing how such program(s) will assist in the solution of community problems of concern to both participating States; and

(f) A certified statement from the recipient State agency that it will use the funds for the purposes identified by the State requesting such transfer. (20 U.S.C. 1003(c))

Subpart C—Special Programs and Projects

§ 173.40 Applicability.

The regulations in this subpart apply to awards made by the Commissioner pursuant to section 106 of the Act for special community service and continuing education programs and projects designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution. (20 U.S.C. 1005a(b))

§ 173.41 Eligible projects.

(a) From funds available under section 106 of the Act, the Commissioner may provide financial support for special programs and projects of national or regional significance which are consistent with the purposes of section 101 of the Act and which involve:

(1) Innovative methods, systems, or materials which the Commissioner determines may have national or regional significance or be of special value in promoting effective solutions to defined problems; or

(2) Innovative programs carried out in cooperation with other Federal, or federally assisted State and local, programs which the Commissioner determines have unusual promise in promoting a coordinated or comprehensive educational approach to problems in an entire region or the nation as a whole; or

(3) Demonstrations of educational strategies which may prove effective on a national or regional basis in assisting community leaders, government officials, and others involved in the search for solutions to community problems.

(b) Each project is expected to complement and advance current programs, investigations, or experimentation in continuing education for adults.

(c) Projects must also be designed to be of optimum use in the further development of State programs of community service and continuing education by having a high potential for replication or adaptation by other institutions of higher education. (20 U.S.C. 1005a; S. Rept. 92-346, p. 10)

§ 173.42 Eligible applicants.

Only the following are eligible to apply for financial assistance under this subpart;

(a) Institutions of higher education; and

(b) Combinations of institutions of higher education. (20 U.S.C. 1005a)

§ 173.43 Applications for grants.

(a) Applications under this subpart shall contain (in addition to the requirements of Part 100a, Subpart B of this chapter):

(1) The portion of the total project cost to be borne by the applicant, which shall be not less than 10 per centum;

(2) An assurance that no fees and charges will be collected from participants with respect to any training or instruction offered in the project; and

(3) An assurance that the State Agency for the Community Service and Continuing Education Program has been given an opportunity to comment on the proposed application. (S. Rept. 92-346, p. 10)

(b) Requests for application information shall be sent to: Community Service and Continuing Education Program, Bureau of Postsecondary Education, U.S. Office of Education, Washington, D.C. 20202. (20 U.S.C. 1005a)

§ 173.44 Review of applications.

In evaluating applications that meet the requirements of § 173.41 of this subpart the Commissioner will also consider the following criteria, in addition to the criteria set forth in § 100a.26(b) of this chapter:

(a) The extent to which the project is responsive to such regional or national priorities for Community Service and Continuing Education as the Commissioner, after consultation with the National Advisory Council on Extension and Continuing Education, may establish and publish in the FEDERAL REGISTER.

(b) The extent to which the project has unusual promise in establishing or improving programs of community service and continuing education in institutions of higher education;

(c) The extent to which the project employs or will result in new approaches, methods and materials which will be of value in increasing the effectiveness of continuing education programs for adults; and

(d) The extent to which the project is coordinated with related Federal, State or institutional programs in order to promote a comprehensive approach to community problem solving through the continuing education of adults. (20 U.S.C. 1005a)

§ 173.45 Public information.

The grantee is responsible for making announcements concerning the project and noting the availability of Federal support therefor. For certain projects a brochure or circular may be developed which will provide concerned adults with information by which they may participate in the project. Pertinent information concerning any other type of public information shall be sent to the Community Service and Continuing Education Program, U.S. Office of Education, Washington, D.C. 20202. (20 U.S.C 1005a)

§ 173.46 Reporting requirements.

(a) Progress reports shall be submitted in accordance with the requirement stated in the award. Each report shall include a brief description of work completed during the reporting period, problems encountered, and plans for the next reporting period.

(b) Special reports shall be submitted upon request from the Office of Education.

(c) Before or at the expiration of the grant, the grantee shall submit thirty duplicated copies of a final report and an accompanying abstract.

(d) The Office of Education shall be provided with a copy of any independent evaluations of the project, its operations and accomplishments, or studies of any other nature.

(e) Submission of Reports. All reports are to be submitted to: Grant and Procurement Management Division, Postsecondary Education Branch, U.S. Office of Education, Washington, D.C. 20202. (20 U.S.C. 1005a)

APPENDIX A

GUIDELINES COMMUNITY SERVICE AND CONTINUING EDUCATION

Special Experimental and Demonstration Projects (Section 106, Title I, Higher Education Act of 1965, as amended)

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PART 1—INTRODUCTION

SEC. 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Higher Education Act, Title I, section 106. The legal requirements include the Act itself (20 USC 1001–1011) and the regulations (45 CFR Part 173). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied upon. (20 USC 1001 et. seq.; 113 Cong. Rec. 5936, (daily ed. May 23, 1967) (*United States v. Jefferson County Board of Education*, 372 F 2d 836, 857 (1966)).

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guideline. For example, if the legal authority for the guideline is 20 USC 1005a and the guideline affects section 173.41 of the regulations (45 CFR 173.41) the following citation will be placed on the line immediately following the guideline: (20 USC 1005a; 45 CFR 173.41). If no particular section of the regulation is affected, no citation to the Code of Federal Regulations (CFR) will be made. (20 U.S.C. 1232(a)).

SEC. 1.2 *Purpose of section 106.* (a) Title I of the Higher Education Act of 1965 (Pub. L. 89–329) established a State grant program designed to assist * * * the people of the United States in the solution of community problems * * * by making grants to strengthen the community service and continuing education programs of colleges and universities.

(b) Thus, the Community Service and Continuing Education Program is implementing the concept of education as a continuing life-long and dynamic process through which adults may lead more meaningful and useful lives and through which concerned communities can improve their operations and services. Since 1966 this Federal program has supported through State determined programs the development of educational activities for adults in more than 1,000 colleges and universities.

(c) With the passage of the Education Amendments of 1972 (Pub. L. 92–318) the Commissioner of Education is now authorized to make awards to institutions of higher education for special programs and projects which are designed to seek solutions to national and regional problems relating to technological and social changes and environmental pollution.

(d) These guidelines describe the provisions for Special Programs and Projects contained in section 106 of the Act, and outline procedures for proposal preparation and submission, and set forth general policies and priorities for experimental and demonstration projects related to national and regional problems. (20 U.S.C. 1005a)

PART 2—ELIGIBILITY

SEC. 2.1 *Eligible applicants.* A single, accredited institution of higher education, or combinations of such institutions, are the only eligible applicants for grants under section 106 of the Act. "Combinations of such institutions" means two or more colleges or universities grouped in a consortial arrangement. (20 U.S.C. 1005a; 45 CFR 173.42)

SEC. 2.2 *Eligible projects.* Projects should be based on a design for and implementation of an organized continuing education activity for adults. Special projects may be either experimental or demonstration activities, carried out on an objective and systematic basis, which seek solutions to national or regional problems related to technology and social changes and environmental pollution, and which involve:

(a) Innovative methods, systems, or materials which the Commissioner determines may have national or regional significance or be of special value in promoting effective solutions to such problems; or

(b) Innovative programs carried out in cooperation with other Federal, federally assisted, State, or local programs which the Commissioner determines have unusual promise in promoting a coordinated or comprehensive approach to problems in an entire region or the nation as a whole, or

(c) Demonstrations of educational strategies which may prove effective on a national or regional basis in assisting community leaders, government officials, and others involved in the search for solutions to community problems. In addition:

(d) Each project is expected to complement and advance current programs, investigations, or experimentation in continuing education for adults.

(e) Projects must also be designed to be of optimum use in the further development of State programs of community service and continuing education by having a high potential for replication or adaptation by other institutions of higher education. (20 U.S.C. 1005a; S. Rept. 92-346, p. 10; 45 CFR 173.41)

PART 3—PROPOSAL EVALUATION

SEC. 3.1 *Review and assessment.* The following criteria will be employed in the review and assessment of each proposed project:

(a) The extent to which the project is responsive to such regional or national priorities for Community Service and Continuing Education as the Commissioner may establish;

(b) The extent to which the project has unusual promise in establishing or improving programs of community service and continuing education in institutions of higher education;

(c) The extent to which the project employs or will result in new approaches, methods and materials which will be of value in increasing the effectiveness of continuing education programs for adults;

(d) The extent to which the project is coordinated with related Federal, State or institutional programs in order to promote a comprehensive approach to community problems through the continuing education of adults. (20 U.S.C. 1005a; 45 CFR 173.44)

PART 4—PROPOSAL SUBMISSION

SEC. 4.1 *Number of copies.* One copy of the application form must bear the signature(s) of the official(s) authorized to submit the proposal. On the remaining copies the name(s) of the official(s) need only be typed. Completed proposals are to be submitted in six (6) copies.

(20 U.S.C. 1005a; 45 CFR 173.43(c))

SEC. 4.2 *State agency consultation.* The institution(s) submitting a proposal should attach a letter describing the extent to which the proposed project has been discussed with State Administrator(s) for Community Service and Continuing Education in the state(s) affected. (20 U.S.C. 1005a; 45 CFR 173.43 (a)(7))

PART 5—GENERAL POLICIES

SEC. 5.1 *Public information.* The recipient is responsible for making announcements concerning the project and noting the availability of Federal support therefor. For certain projects a brochure or circular may be developed which will provide concerned adults with information by which they may participate in the project. (20 U.S.C. 1005a; 45 CFR 173.45)

SEC. 5.2 *Reporting requirements*—(a) *Progress Report.* Three (3) copies of progress reports shall be submitted in accordance with the requirement stated in the award. Each report shall include a brief description of work completed during the reporting period, problems encountered, and plans for the next reporting period.

(b) *Special Reports.* Special reports shall be submitted upon request from the Office of Education.

(c) *Final Project Report.* Before or at the expiration of the grant, the grantee shall submit thirty (30) duplicated copies of a final report and an accompanying abstract.

(d) *Independent Evaluations.* The Office of Education shall be provided with a copy of any independent evaluations of the project, its operations and accomplishments, or studies of any other nature.

(e) *Submission of Reports.* All reports are to be submitted to:

Grant and Procurement Management Division Postsecondary Education Branch
U.S. Office of Education
Washington, D.C. 20202

(20 U.S.C. 1005a)

[FR Doc.75-6886 Filed 3-14-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19631; RM-2044; FCC 75-269]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Table of Assignments

1. The Commission here considers the notice of proposed rule making and Orders to Show Cause, adopted September 26, 1973 (38 FR 27845), proposing (i) amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) by assigning Channel 249A as a first FM channel assignment to Goshen, Indiana, and substituting Channel 221A for 249A occupied by WDOW-FM at Dowagiac, Michigan, and (ii) change of the channel assignment of noncommercial educational FM Station WETL, South Bend, Indiana, from Channel 220 to Channel 219. Orders to Show Cause were addressed to Stations WDOW-FM and WETL: to the former as concerns the proposed change of its channel of operation from 249A to 221A; and to the latter about prospective change of operation from Channel 220 to 219. Those filing comments and other pleadings are the petitioner, Kosciusko Broadcasting Company, Inc., licensee of AM Station WKAM, Goshen, Indiana (Kosciusko); Dowagiac Broadcasting Company, Inc., licensee of Station WDOW-FM, Channel 249A, Dowagiac, Michigan (Dowagiac Broadcasting); and South Bend Community School Corporation, licensee of Station WETL, Channel 220, South Bend, Indiana (South Bend). Kosciusko favors the proposed changes, Dowagiac Broadcasting opposes the proposed changes, and South Bend is only concerned about reimbursement.

2. Goshen, Indiana, population 17,171, is the seat of Elkhart County, population 176,529.[1] Aural broadcast service at Goshen consists of AM Station WKAM and noncommercial educational FM Stations WGCS. As relevant to the issues before us, Goshen is about 10 miles south of Elkhart, Indiana, about 33 miles southeast of Dowagiac, Michigan, and about 18 miles southeast of South Bend, Indiana. Kosciusko had filed its petition for the stated purpose of providing better nighttime aural service to Goshen. It had asserted that AM Station WKAM's nighttime operation is severely restricted in some areas because of its directional antenna pattern and high interference from co-channel stations. Petitioner also noted that noncommercial educational FM Station WGCS, licensed to Goshen College, is limited and restricted because of low power and antenna height (390 watts, 65 feet a.a.t.). Kosciusko proposed to reimburse Stations WDOW-FM and WETL for actual cost of changes of the channels of these operating stations.

3. Dowagiac Broadcasting vigorously disputes the need for additional service at Goshen. It urges that Goshen is well served by AM Station WKAM and noncommercial FM Station WGCS. It construes Kosciusko's main concern as a desire to provide additional aural broadcast service to Elkhart County which Dowagiac Broadcasting contends is more than adequately served by seven full-time aural broadcast facilities—in addition to the two stations at Goshen, the five licensed to Elkhart (AM Stations WCMR and WTRC, Class B FM Stations WYEZ and WXAX, and noncommercial educational FM Station WVPE). Dowagiac Broadcasting asserts that the assignment of Channel 221A to Dowagiac would preclude the use of noncommercial educational Channels 218, 219, and 220 in the area within the Grade B contour of Station WJIM-TV, Channel 6, Lansing, Michigan; and that Station WETL would be barred from future improvement of facilities if reassigned to Channel 219. Finally, WDOW-FM claims that it would be adversely affected economically because operation on Channel 221A would force it to lose a faithful listening audience established over the years at South Bend, Indiana.

4. With the exception of the issue of reimbursement, Kosciusko's comments incorporate by reference its petition and the supporting engineering information which it says show that Goshen is the largest city in Indiana outside of an urbanized or Standard Metropolitan Statistical Area without a commercial FM channel assignment and further demonstrate the technical feasibility of its proposal to assign Channel 249A to Goshen. We need not repeat the details which are summarized in the Notice. South Bend's comments only deal with reimbursement.

5. We first consider Dowagiac Broadcasting's various arguments in opposition to the proposal. In general, these are not well taken. Dowagiac Broadcasting argues that there is no need for additional service at Goshen since there are two local services within the community (AM Station WKAM and noncommercial educational Station WGCS) and there is incoming service from Elkhart and South Bend. In determining the amount of aural broadcast service to a community, we consider only commercial service; it is not that educational stations do not provide service but it is wholly at a different character and without the same requirements as commercial stations (for example, minimum hours of service and the requirement to serve the needs of the community of license). Thus, Goshen has only a single local aural broadcast outlet. Dowagiac's contentions about the availability of nighttime service to Goshen from Elkhart (and South Bend) are not supported.[2] The AM stations listed are either Class IV with limited nighttime interference-free service or operate directionally (and no showing is made as to where the nighttime interference-free contours of these stations would fall). Of the FM stations, only Elkhart's Station WXAX provides the requisite 70 dBu service to Goshen to be considered adequate service; see In re Relationship Between the AM and FM Broadcasting Services, 39 F.C.C. 2d 642, 674 (1973).[3] Dowagiac also avers that petitioner is actually urging that there is a need for additional aural broadcast service in surrounding Elkhart County and that this is the actual issue. Dowagiac contends that there is already an abundance of such service from four commercial Elkhart aural stations. This contention apparently is based on Kosciusko's showing that WKAM's restricted nighttime operation still covers a large part of the county. The existence of service from other stations in that area does not alter the fact that there is a substantial diminuation of WKAM's service at night. It always has been a priority to provide an FM channel when a community's single

[1] All population data are from the 1970 Census.

[2] Noncommercial educational Station WVPE also does. But, as already noted, we consider only commercial service.

[3] AM and FM are parts of a single aural broadcast service. *Anamosa and Iowa City*, 46 F.C.C. 2d 520 (1974).

AM station suffers serious interference at night.

6. Dowagiac Broadcasting's contention that the assignment of Channel 221A to Dowagiac would have an adverse impact on noncommercial educational FM Channels 218, 219, and 220 is erroneous because Class B noncommercial educational FM Stations WBEZ (Channel 218, Chicago, Illinois) and WUOM (Channel 219, Ann Arbor, Michigan) already preclude a Class B facility on noncommercial educational Channels 218, 219, and 220 within the area enclosed by the WJIM-TV Grade B contour and the 65 mile radius contour (the first adjacent mileage separation between a Class A and a Class B channel) from Dowagiac. However, it is possible to make Class A assignments on Channels 220 and 218 in a portion of this area: Channel 220 may be assigned to Battle Creek, Michigan (population 38,931) or to one of the three small communities immediately west of it and Channel 218 might be used at Colon (population 1,172) or Bronston (population 2,390).[4] Nor is Dowagiac Broadcasting's assertion correct that if Station WETL is reassigned to Channel 219 it would be "locked-in" to a Class A operation, for Station WETL is already limited to a Class A operation by Station WVSH, Channel 220A, at Huntington, Indiana, 67 miles from South Bend (the required separation would be 110 miles). WDOW-FM's argument that it would be deprived of a well established audience at South Bend which receives a "listenable" signal within the 200 uV/m contour is completely unpersuasive; in rulemaking proceedings, we are concerned with service within the 60 dBu contour, which falls far short of South Bend.

7. The differences between Kosciusko and South Bend concern reimbursement. As the Notice said, it is well-settled Commission policy that a licensee is entitled to reimbursement when a change is made which requires a station to change frequency. It is equally clear that the right to reimbursement is circumscribed. There is no point in discussing the differences, if any, between Kosciusko and South Bend on this matter (which, in any event, are more apparent than real), for South Bend will be reimbursed by whoever is the party benefitting from the channel changes which are made here. More specifically, reimbursement would be made by the recipient of the construction permit for the Goshen channel. See *Elizabethtown*, 26 F.C.C. 2d 162, 166 (1970). It is anticipated that the parties will make a good faith determination subject to the Commission's approval in the event of disagreement. See *Lake City*, 47 F.C.C. 2d 1067, 1078 (1974).[5]

8. The Notice in this proceeding was adopted on the basis that the public interest, convenience, and necessity might be served by the assignment of a first FM channel to Goshen. In this respect, in establishing the FM Table of Assignments in 1963, Goshen was assigned Channel 232A in accordance with the priorities set out in Paragraph 3 of the Further Notice of Proposed Rule Making in Docket No. 14185 (FCC 62-867) incorporated by reference in Paragraph 25 of the Third Report, Memorandum Opinion and Order (40 F.C.C. 747, 758 (1963)) but that assignment was deleted in 1965 in order to reassign that channel to Plymouth, Indiana (40 F.C.C. 954 (1965)). We initiated action here on the premise that Channel 249A could be assigned to Goshen if the assignments of Stations WDOW-FM and WETL were respectively changed to Channels 249A and 219. The Notice discussed objections about engineering and reimbursement, but we did not find them persuasive. Nor are those (either singly or in the aggregate) which Dowagiac Broadcasting has raised in comments (see paras. 5 and 6 above).

9. Dowagiac Broadcasting in a separate pleading in response to the Order to Show Cause has requested a hearing under Section 316(a) of the Communications Act of 1934, as amended. In view of our disposition to allow WDOW-FM to continue to broadcast on Channel 249A under its present license authorization, its request is moot. See *Transcontinent Television Corp. v. F.C.C.*, 308 F. 2d 339 (D.C. Cir. 1962).[6]

10. In view of the foregoing, we find the public interest, convenience, and necessity would be served by assigning Channel 249A to Goshen, Indiana, amending the FM Table of Assignments to substitute Channel 221A for 249A at Dowagiac, and ordering noncommercial educational Station WETL, South Bend, Indiana, to amend its channel assignment from Channel 220 to 219. The assignment of Channel 249A would provide Goshen with a first local commercial FM broadcast outlet while FM assignment changes required to accomplish that objective are not onerous.

11. Accordingly, *it is ordered*, That effective April 18, 1975, the FM Table of Assignments (§ 73.302(b) of the Commission's Rules and Regulations) is amended, as concerns the communities named to read as follows:

City:	*Channel No.*
Goshen, Ind	[1] 249A
Dowagiac, Mich	[1] 221A

[1] Effective 3 a.m. local time October 1, 1976 (concurrently with the expiration of the outstanding license for Station WDOW-FM on Channel 249A at Dowagiac, Michigan), or such earlier date as Station WDOW-FM, upon its request, ceases operation on Channel 249A.

12. *It is further ordered*, That the licensee of Station WDOW-FM, Dowagiac, Michigan, shall specify operation on Channel 221A in its renewal application for the license period commencing October 1, 1976. The station may continue to operate on Channel 249A until October 1, 1976, or it may apply for temporary authorization to operate on Channel 221A prior to October 1, 1976, subject to the following conditions:

(a) At least 30 days before operation on Channel 221A, the licensee of Station WDOW-FM shall submit to the Commission the technical information normally required of an applicant for a construction permit on Channel 221A;

(b) At least 10 days prior to commencing operation on Channel 221A, the licensee of Station WDOW-FM shall submit the measurement data required of an applicant for a FM broadcast station license; and

(c) The licensee of Station WDOW-FM shall not commence operation on Channel 221A without prior Commission authorization.

If Station WDOW-FM requests and is granted authorization to operate on Channel 221A prior to termination of its present license authorization, the Commission will view such request a relinquishment of Channel 249A and a waiver of any rights it may have with regard to that channel.

13. *It is further ordered*, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by South Bend Community School Corporation for Station WETL(FM), South Bend, Indiana, is modified, effective April 18, 1975, to specify operation on Channel 219 instead of Channel 220. The licensee shall inform the Commission in writing by no later than April 18, 1975, of its acceptance of this modification. The renewal application of Station WETL for the license period commencing August 1, 1976, shall specify operation on Channel 219. Station WETL may continue to operate on Channel 220 until it is ready to operate on Channel 219, or the Commission sooner directs. It may apply for authorization to operate on Channel 219 prior to termination of its present license authorization. If it applies for authorization to operate on Channel 219, or the Commission directs such operation, prior to termination of its present license authorization, it shall comply with the following conditions:

(a) At least 30 days before commencing operation on Channel 219, the licensee of Station WETL shall submit

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[4] Here, consideration has also been given to Class B Station WGRA, Channel 217, Grand Rapids, Michigan.

[5] For convenience, we repeat the citations to the leading authorities about reimbursement referred to in the Notice: *Cocoa Beach*, 1 F.C.C. 2d 643, 646 (1965); *Wenatchee*, 2 F.C.C. 828, 830 (1966); *Kenton and Bellefontaine*, 3 F.C.C 2d 598, 603-5 (1966); *Gretna and Danville*, 5 F.C.C. 2d 333, 341 (1966); and *Circleville*, 8 F.C.C. 2d 159 (1967). And see also *Lake City*, 47 F.C.C. 2d at 1975 (1974).

[6] See also *Kenton and Bellefontaine*, 3 F.C.C. 2d 598, 605-6 (1966); *Circleville*, 8 F.C.C. 2d 159, 164-5 (1967); and *Rockford, Mendota, and Peru*, 17 F.C.C. 2d 949, 950-951 (1969). See also *Wisconsin Dells*, 35 F.C.C. 2d 473, 477 (1972).

to the Commission the technical information normally requested of an applicant for Channel 219;

(b) At least 10 days prior to commencing operation on Channel 219, the licensee of Station WETL shall submit the measurement data required of an applicant for a broadcast station license; and

(c) The licensee of Station WETL shall not commence operation on Channel 219 without prior Commission authorization.

14. Authority for the actions taken here is found in Sections 4(i), 303(g) and (r), 307(b), and 316(a) of the Communications Act of 1934, as amended.

15. *It is further ordered*, That, the request of Dowagiac Broadcasting Co., Inc., for a hearing under Section 1.87 of the Commission's Rules and Regulations is dismissed.

16. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083 & Sec. 316, Sec. 12, 66 Stat. 717; (47 U.S.C. 154, 303, 307, 316).)

Adopted: March 4, 1975.

Released: March 11, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-6868 Filed 3-14-75;8:45 am]

[Docket No. 19622; FCC 75-279]

PART 73—RADIO BROADCAST SERVICES

Public TV Stations; Prime Time Excess Rule

1. The Second Report and Order herein, making some modifications in the prime time access rule (§ 73.658(k) of the Commission's rules) effective September 8, 1975, was adopted January 16, and released January 17, 1975.[1] In a Petition for Reconsideration filed February 16, 1975, Public Broadcasting Service (PBS) calls attention to the fact that the rule as revised appears to cover, in addition to commercial stations in the top 50 markets, public or educational television stations with respect to their use of material from the PBS network. It is stated that this change in the rule must have been inadvertent, and clarification is sought to make it clear that public stations are not included.

2. This change in the provisions of the rule was inadvertent; it was never intended that the prime time access rule apply to public television stations. It appears desirable to make this clear.

3. Accordingly, *it is ordered*, That § 73.758(k) of the Commission's Rules, the prime time access rule, does not apply to noncommercial educational or public television stations.[2]

Adopted: March 5, 1975.

Released: March 7, 1975.

FEDERAL COMMUNICATIONS COMMISSION[3]

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75-6869 Filed 3-14-75;8:45 am]

[1] 40 FR 4001 (January 27, 1975). Various parties have sought judicial review of this decision in the U.S. Court of Appeals for the Second Circuit. A stay of the new rules pendite lite was denied by that Court on February 11; briefs and argument on the merits of the appeal are expected to be completed by early March.

[2] Appropriate changes in the language of the rule to this effect will be adopted at a later date.

[3] Concurring opinion of Commissioner Hooks in which Commissioner Lee joins, filed as part of original document.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1-5; Notice 16]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hoses

This notice amends 49 CFR 571.106-74, Standard No. 106-74, *Brake hoses*, by modifying several labeling requirements and the deformation test requirement for vacuum brake hose, in response to petitions for reconsideration of amendments which were published June 28, 1974 (39 FR 24012) (Notice 11). Several of the petitions are denied; others requested changes which are outside the scope of a petition for reconsideration, and will be considered as petitions for future rulemaking.

Ford Motor Company petitioned for a relaxation of the labeling requirements of the standard as they apply to brake hose end fittings. Recognizing that labeling of all components of an end fitting is not feasible, the NHTSA in notice 11 interpreted S5.2.3 to require that all unlabeled components of an end fitting be made by the manufacturer whose designation appears on one part. Ford pointed out that, because end fitting components made by different manufacturers and purchased according to the assembler's specifications are virtually interchangeable, this interpretation would preclude the cost saving practice of purchasing individual components from the source offering the most favorable price. Because most of the performance requirements of the standard apply to assemblies, responsibility for noncompliance and for safety defects will usually belong to the assembler. Accordingly, the standard is amended to require labeling on at least one component of an end fitting, thus permitting the practice of mixing parts from different sources to continue as requested by Ford.

Several vehicle manufacturers petitioned for changes in the interpretation of the labeling requirements, to allow labels on hose and end fittings to be obscured by paint or by masking materials. New information indicates that spray painting of end fittings leaves their labeling visible in most cases and that, in the occasional instances where labeling is obscured, excess paint may be easily scraped off. In addition, painting protects the labels and fittings against corrosion. Therefore, the NHTSA will not consider the painting of end fittings to be a violation of the standard. Painting of hose labels, however, presents different considerations, because removal of paint from a hose may damage both the label and the hose. Therefore, the label on a hose must remain visible after painting unless it is protected by masking which can be removed manually to permit inspection. Because masking material can protect the label from obscuration by road grime, and because the expense required to remove it after painting does not appear justified, hose labels may remain masked after painting provided that the masking material is affixed in such a way that no adhesive contacts any part of the label.

BMW petitioned for a relaxation of the deformation test requirements for wire-reinforced vacuum hose. S9.2.10 in its present form requires a vacuum brake hose to return to 90 percent of its original diameter within 60 seconds after five applications of force as specified in S10.9. The NHTSA has determined that a reduction of the 90 percent figure to 85 percent will facilitate the use of wire-reinforced hose having greater resistance to collapse under vacuum, and is in the public interest. Therefore, BMW's petition is granted.

The Rubber Manufacturers Association (RMA) and Gates Rubber Company requested an exception to the hose labeling requirement for hose lengths shorter than the length of a complete legend plus the space between legends. These petitions are denied. The NHTSA has no reason to believe the hose labeling cannot be reduced in length to fit virtually any hose length. The 6-inch distance between legends specified in S5.2.2 is a maximum, and for hose which is to be cut into short lengths, this distance can be reduced or eliminated. Also, lettering width may be reduced because there is no width requirement in S5.2.2 for specified lettering. In addition, Notice 11 modified the standard to permit the required information to appear in any order to facilitate hose cutting.

Kugelfischer Georg Schafer & Co. of Germany expressed dissatisfaction with the banding requirement for brake hose assemblies. Requests to eliminate this requirement were responded to in Notice 10 (39 FR 7425, February 26, 1974). Kugelfischer also suggested exemption from the banding requirement of assemblers who manufacture both the hose and end fittings in their assemblies. Such an exemption would make it impossible to identify the assembler of a defective or noncomplying assembly in which hose and end fittings were made by the same manufacturer, and to which no band was attached. Therefore the Kugelfischer petition is denied.

Several manufacturers petitioned for substitution of a ball-vacuum test for the adhesion test described in S8.6 in the case of a hose which is reinforced with wire braid. The RMA petitioned for a change in the method of expressing the

results of the adhesion test, to permit averaging of the values recorded on the chart. The NHTSA has tentatively found these petitions to have merit, and is considering the issuance of a notice of proposed rulemaking on these subjects.

Several of the petitions requested changes which are outside the scope of a petition for reconsideration of a rule. A petition for reconsideration is appropriate to assert that the petitioner believes that compliance with the rule as issued is not practicable, is unreasonable, or is not in the public interest, and to suggest changes on that basis (49 CFR 553.35 (a)). Requests for new requirements that do not contest the appropriateness of the issued ones are properly submitted as petitions for rulemaking. Gates and the RMA petitioned for an amendment of S7.3.3 to require an internal as well as external inspection of the hose surface after an air brake hose is subjected to the low temperature resistance test of S8.2. Stratoflex petitioned for changes in S7.3.10 and S7.3.11 to require higher tensile strength values for hoses used in certain applications. Stratoflex also petitioned for the addition to S7.3 of a flexion resistance test for air brake hose. The NHTSA considers these requests to merit further consideration and accordingly, the NHTSA will treat these petitions as petitions for rulemaking.

Several inconsistencies resulted from amendments made to the standard in Notice 11. In one case, the modification of the definition of "Permanently attached end fitting" inadvertently changed the requirements for hydraulic brake hose assemblies in S5.1. The modification was not intended to permit use of renewable fittings in hydraulic brake hose assemblies. Accordingly, S5.1 is amended to require that hydraulic brake hose assemblies incorporate only those permanently attached end fittings which are attached by deformation of the fitting about the hose by crimping or swaging. To correct another inadvertent error, S6.7.2(c) is amended to bring the brake fluid compatibility test for hydraulic hose into conformity with the constriction test as changed by Notice 11. In response to an inquiry from BMW, new entries are made in Tables V and VI to cover 7/16-inch diameter vacuum hose. To clarify the meaning of S5.2.2, the words "may appear" in the first paragraph are changed to read "need appear". In addition, several typographical errors have been corrected.

In consideration of the foregoing, Standard No. 106–74 (49 CFR 571.106–74) is amended as follows:

§ 571.106–74 [Amended]

1. S5.1 is amended to read as follows:

S5.1 *Construction.* Each hydraulic brake hose assembly shall have permanently attached brake hose end fittings which are attached by deformation of the fitting about the hose by crimping or swaging.

2. S6.7.2(c) is amended to read:

S6.7.2 * * *

* * * * *

(c) Drain the brake hose assembly, immediately determine that every inside diameter of any section of the hose assembly, except for that part of an end fitting which does not contain hose, is not less than 64 percent of the nominal inside diameter of the hose, and conduct the test specified in S6.2.

3. Table V is amended by the addition of an entry for 7/16-inch hose (located between the entries for 3/8-inch and 15/32-inch hose) which reads:

7/16	11	2	20½	4	14	13/41	3/41

4. Table VI is amended by the addition of an entry for 7/16-inch hose (located between the entries for 3/8-inch and 15/32-inch hose) which reads:

7/16	9/64	1	¼	5/64

5. S5.2.2 is amended as follows:

(A) In the first sentence of S5.2.2, "(d)" is replaced by "(e)".

(B) The second sentence of S5.2.2 is amended to read:

In the case of hose which has been installed by a vehicle manufacturer in vehicles manufactured by him, the information need appear only once and the information may remain masked if (i) the masking material is affixed in such a way that no adhesive contacts any part of the label and (ii) the masking is manually removable.

(C) In S5.2.2(b), "Office of Standards Enforcement, 'Brake Hose Identification,'" is replaced by "Office of Crash Avoidance, Handling and Stability Division,".

6. S5.2.3 is amended in part to read:

S5.2.3 Except for an end fitting that is attached by deformation of the fitting about a hose by crimping or swaging, at least one component of each hydraulic brake hose fitting shall be permanently etched, embossed, or stamped, in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

(a) The symbol DOT, constituting a certification by the manufacturer of that component that the component conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of that component of the fitting, which shall be filed in writing with: Office of Crash Avoidance, Handling and Stability Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of symbols other than the block capital letters specified by S5.2.2.

* * * * *

7. In S5.2.4(b), "Office of Standards Enforcement, 'Brake Hose Identification,'" is replaced by "Office of Crash Avoidance, Handling and Stability Division,".

8. The first sentence of S9.2.10 is amended to read:

A vacuum brake hose shall return to 90 percent of its original outside diameter within 60 seconds after five applications of force as specified in S10.9, except that a wire-reinforced hose need only return to 85 percent of its original outside diameter.

Effective date: March 17, 1975. Because these amendments relieve restrictions and create no additional burdens, the NHTSA finds, for good cause shown, that an immediate effective date is in the public interest.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on: March 10, 1975.

NOEL C. BUFE,
Acting Administrator.

[FR Doc.75–6677 Filed 3–14–75;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. No. 1179–A]

PART 1033—CAR SERVICE

Texas and Pacific Railway Co. Ordered To Operate Trains of the National Railroad Passenger Corp. (AMTRAK)

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 7th day of March 1975.

Upon further consideration of Service Order No. 1179 (39 FR 11369, 40640, 33427; 40 FR 1147), and good cause appearing therefor:

It is ordered, That:

§ 1033.1179 Service Order 1179 [Reserved]

(a) *The Texas and Pacific Railway Company ordered to operate trains of National Railroad Passenger Corporation (Amtrak)* be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)).)

It is further ordered, That this order shall become effective on March 12, 1975, that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–6926 Filed 3–14–75;8:45 am]

[Amdt. No. 4 to Rev. ICC Ord. No. 76 under Rev. S.O. No. 994]

PART 1034—ROUTING OF TRAFFIC

Rerouting of Traffic—Appointment of Agents

Upon further consideration of I.C.C. Order No. 76 (Reading Company) and good cause appearing therefor:

It is ordered, That: I.C.C. Order No. 76 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 15, 1975, unless otherwise modified, changed or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1975, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-6923 Filed 3-14-75;8:45 am]

[ICC Ord. No. 136-A Under Rev. S. O. No. 994]

PART 1034—REROUTING OF TRAFFIC

Reading Co.

Upon further consideration of ICC Order No. 136 (Reading Company (Andrew L. Lewis, Jr., and Joseph L. Castle, Trustees)), and good cause appearing therefor:

It is ordered, That: ICC Order No. 136 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 10, 1975.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.75-6924 Filed 3-14-75;8:46 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Black Bay National Wildlife Refuge, Virginia

Special regulations governing public access, use and recreation on the Black Bay National Wildlife Refuge, Virginia, were published as document 75-3047 on page 4917 of the February 3, 1975, issue of the FEDERAL REGISTER, and became effective for the period ending December 31, 1975. The above-mentioned special regulations are hereby revised to include the regulation of beach access and use by motorized vehicles as provided for in a memorandum opinion and order issued February 26, 1975, by the United States District Court for the Eastern District of Virginia, with reference to Civil Action No. 145-73-N. Accordingly, the following revised special regulations are issued and are effective during the period from March 22, 1975 through December 31, 1975.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

BACK BAY NATIONAL WILDLIFE REFUGE

Entry on foot or by motor vehicle on designated travel routes in public use areas is permitted for the purpose of nature study, sightseeing, wildlife observation, photography, hiking, surf fishing, surfing, swimming, and bicycling during daylight hours. Swimming and surfing are permitted only on that portion of the beach lying between the north boundary of the refuge and the dune crossing at the field headquarters. No lifeguards are provided. Swimming and surfing will be at the visitor's own risk. The parking lot at the field headquarters is reserved for persons engaged in surf fishing and nature study. Surf fishing is permitted in accordance with applicable State regulations.

Open fires are not permitted. Portable grills with a contained fuel supply are permitted on the beach north of the field headquarters. Pets on a leash not exceeding 10 feet in length are permitted on refuge public use areas.

Bicycles and registered motor vehicles are permitted on the refuge access road and parking area. Snowmobiles, air cushion, all-terrain, unregistered motorcycles, or other similar vehicles are not permitted on the refuge.

Access to and travel along the ocean beach portion of the refuge by motorized vehicles will be allowed between the dune crossing entrance at the field headquarters and the south boundary of the refuge only after a permit has been issued by the refuge manager or his designated representative. Permits will be issued for a specific period depending upon reasonable requirements, but not extend beyond December 31 of the year of issuance. Permits must be displayed at all times in such manner as to be readily visible on any motor vehicle, and shall be nontransferable.

Permits will be issued without charge only in accordance with the following:

a. To persons now residing, owning, or leasing land south of the refuge in the False Cape State Park acquisition area, Virginia.

b. To permanent, year-round residents who can furnish legal proof of residency prior to January 12, 1972, on the Outer Banks in Currituck County, North Carolina, from the North Carolina line south to the village Corolla, North Carolina their successors and assigns, as long as they remain permanent, year-round, residents.

c. To commercial fishermen who have verified their dependence for a livelihood upon ingress, egress, or crossing refuge land.

d. To persons for the operation of a school bus transporting resident students to and from the False Cape area during the school term.

e. To operators of service and public utility vehicles on business calls, upon verification of a request from a resident as described in a. or b. above.

Service vehicles. Any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including but not limited to building, plumbing, septic tanks, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection, and delivery services.

Public utility vehicles. Any vehicle owned or operated by a public utility or a public service company enfranchised or licensed to supply Outer Banks residents with bottle gas, electricity, fuel oil, water, or telephone service.

Excluded from the restriction of these regulations are any military, fire, emergency, or law enforcement vehicle when used for emergency purposes and official use by an employee, agent, or designated representative of the Federal, State, or local government in the course of his official duties. Also excluded are vehicles required for medical assistance, or to transport sick, injured, aged, handicapped, or other persons needing medical attention or treatment.

In an emergency, the refuge manager may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the refuge manager may close all or any portion of the refuge to vehicular

travel for such period as he shall deem advisable in the interest of public safety.

Violators of these special regulations and all other regulations pertaining to the Back Bay National Wildlife Refuge will be subject to legal action as prescribed by 50 CFR 27.10.

The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke #2 Bldg., Suite 218, 257 Pembroke Office Park, Virginia Beach, Virginia 23462, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack, Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

RICHARD E. GRIFFITH,
Regional Director,
U.S. Fish and Wildlife Service.

MARCH 7, 1975.

[FR Doc.75-6904 Filed 3-14-75;8:45 am]

PART 33—SPORT FISHING

Lacassine National Wildlife Refuge, Sabine National Wildlife Refuge; Correction

In FR Doc. 75-2736, appearing on page 4407 of the issue for Thursday, January 30, 1975, make the following corrections:

1. Under § 33.5, paragraph (6) under Lacassine National Wildlife Refuge should read as follows:

* * * * *

(6) Boats with outboard motors no larger than 25 horsepower permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

2. Also under § 33.5, paragraph (6) under Sabine National Wildlife Refuge should read as follows:

* * * * *

(6) Boats with outboard motors not larger than 25 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

RAY R. VAUGHN,
Acting Regional Director,
U.S. Fish and Wildlife Service.

MARCH 7, 1975.

[FR Doc.75-6822 Filed 3-14-75;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED DRIED BEANS (OTHER THAN CANNED PORK AND BEANS)

Proposed Grade Standards; Correction

In F.R. Doc. 75-5076, published at page 8208 in the issue dated Wednesday, February 26, 1975, under § 52.418, (d) *Definitions*—(1) Similar varietal characteristics, paragraph (iii) is corrected to read as follows:

* * * * *

"Practically similar varietal characteristics" means that the beans are practically alike in size, shape, color, general characteristics, and that there may be present not more than 0.5 percent, by weight, of contrasting varieties; and not more than 5 percent, by weight, of varieties that blend.

* * * * *

Dated: March 11, 1975.

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

[FR Doc.75-6862 Filed 3-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 52b]

NATIONAL CANCER INSTITUTE CONSTRUCTION GRANTS

Notice of Proposed Rulemaking

Section 408(b) of the Public Health Service Act, as added by the National Cancer Act of 1971 (Pub. L. 92-218), authorized the Director of the National Cancer Institute to make grants for the construction of centers for clinical research, training, and demonstration of advanced diagnostic and treatment methods relating to cancer. The Director has been further authorized by section 410(a)(9) of the Public Health Service Act, as added by the 1974 National Cancer Act Amendments (Pub. L. 93-352), to make grants for new construction or renovation of basic research laboratory facilities.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the regulations set forth in tentative form below for the purpose of implementing the foregoing construction authorities.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views and arguments relating to the regulations may be presented in writing in triplicate, to the Office of the Director, National Cancer Institute, National Institutes of Health, Building 31, Room 11A-52, 9000 Rockville Pike, Bethesda, Maryland 20014. All comments received will be available for public inspection at said Office on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received on or before April 16, 1975, will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective upon publication in the FEDERAL REGISTER.

Dated: January 30, 1975.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 5, 1975.

CASPAR W. WEINBERGER,
Secretary.

It is therefore proposed to amend Title 42 of the Code of Federal Regulations by adding the following new Part 52b:

PART 52b—NATIONAL CANCER INSTITUTE CONSTRUCTION GRANTS

Sec.

52b.1 Applicability.
52b.2 Definitions.
52b.3 Eligibility.
52b.4 Application.
52b.5 Evaluation.
52b.6 Nondiscrimination.
52b.7 Rate of Federal financial participation.
52b.8 Terms and conditions.
52b.9 Acquisition of facilities.
52b.10 Applicability of 45 CFR Part 74.
52b.11 Additional conditions.
52b.12 Minimum standards of construction and equipment.

AUTHORITY: Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 408(b), 85 Stat. 781 (42 U.S.C. 286b(b)); sec. 410(a)(9), 88 Stat. 359 (42 U.S.C. 286d(a)(9)).

§ 52b.1 Applicability.

The provisions of this part apply to award of grants under section 408(b) of the Public Health Service Act for the construction of centers for clinical research, training and demonstration of advanced diagnostic and treatment methods relating to cancer, and to the award of grants under section 410(a)(9) for construction of basic research laboratory facilities.

§ 52b.2 Definitions.

(a) "Act" means the Public Health Service Act, as amended.

(b) "Director" means the Director of the National Cancer Institute and any officer or employee of the National Cancer Institute to whom the authority involved may be delegated.

(c) "Construction grant" means a grant of funds for construction pursuant to sections 408(b) and 410(a)(9) of the Act, and in accordance with these regulations.

(d) "Construction" includes the construction of new buildings; acquisition of land or existing buildings provided such acquisition occurs after the filing of the application; the expansion, remodeling, and alteration of existing buildings provided the cost of such expansion, remodeling, and alteration is not less than $75,000; and the initial equipment of any such buildings; but excludes the cost of off-site improvements.

(e) "Equipment" includes those items which are necessary to the functioning of the facility or portion thereof with respect to which the grant is made, but does not include items of current operating expense such as glassware, chemicals, food, fuel, drugs, paper, printed forms, books, pamphlets, periodicals, and disposable housekeeping items.

§ 52b.3 Eligibility.

In order to be eligible for a construction grant under section 408(b) or section 410(a)(9) of the Act, the applicant must be:

(a) A public or private nonprofit agency or institution; and

(b) Located in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, American Samoa, the Trust Territory of the Pacific Islands or Guam.

§ 52b.4 Application.

(a) *Submittal.* Applications for construction grants under section 408(b) or section 410(a)(9) of the Act, including both detailed narrative descriptions and detailed estimates of the cost of the respective projects, shall be filed in such form and manner as the Director may from time to time prescribe.

(b) *Amendment.* Any amendment which substantially alters the original application shall be submitted to the Director for processing in the same manner as the original application.

(c) *Execution.* Each application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant all the obligations imposed by the terms and conditions of the grant, including the regulations of this part.

(d) *Environmental impact.* In accordance with Chapter PHS: 1-503 of Department of Health, Education and Wel-

fare Grants Administration Manual,[1] each applicant shall furnish its analysis of the environmental impact of the proposed construction taking into account the consideration set forth in the National Environmental Policy Act, Pub. L. 91-190 ((42 U.S.C. 4321 et seq.), 83 Stat. 852).

(e) *Flood hazards.* Each applicant shall furnish its assessment of the project site in light of the considerations set forth in Executive Order 11296, 31 FR 10663 (August 10, 1966) concerning the evaluation of flood hazards in locating Federally supported facilities.

(f) *Review by State and local comprehensive health planning agency.* In the case of a project for the construction of a facility intended, at least in part, for the provision of health services, the applicant shall provide an opportunity for comment and approval with respect to such project to (1) the State agency administering or supervising the administration of the State plan approved under section 314(a) of the Act, and (2) the public or nonprofit private agency or organization responsible for the plan or plans referred to in section 314(b) of the Act and covering the area in which such project is to be located or if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria of the Director, similar functions.

(g) *Clearinghouse review.* As required by OMB Circular A-95 and in accordance with Chapter 1-140 of the Grants Administration Manual, the applicant must provide timely notice to the planning and development clearinghouse of the State and the region, if there is one, or of the metropolitan area in which the project is to be located, of its intent to apply for a grant under this part, and of the nature of the project for which assistance has been sought, including a summary description of such project. Any comments received by the applicant from the clearinghouse pursuant to such notification shall be considered by the applicant and shall be included in or attached to the application.

§ 52b.5 Evaluation.

In approving applications for construction grants under this part, the Director shall take into account, among other factors, the following: (a) The scientific merits of the program for which construction is proposed, (b) the scientific or professional standing or reputation of the agency or institution and of its existing or proposed officers and research staff, (c) the availability, by affiliation or other association, of other scientific or health personnel and facilities to the extent necessary to carry out effectively the contemplated program, including the adequacy of an acceptable biohazard control and containment program where warranted, (d) the need to accomplish appropriate geographical distribution of facilities, and (e) the financial need of the applicant.

§ 52b.6 Nondiscrimination.

(a) *Executive Order 11246.* Each construction grant is subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, September 24, 1965 (30 FR 12319), as amended, relating to nondiscrimination in construction contract employment, and the applicable rules, regulations, and procedures prescribed pursuant thereto.

(b) *Civil Rights Act of 1964.* Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 ((42 U.S.C. 2000d), 78 Stat. 252) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, applicable to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80).

(c) *Discrimination on the basis of sex prohibited.* Attention is also called to the requirements of Title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

§ 52b.7 Rate of Federal financial participation.

(a) The amount of a construction grant may not exceed 75 percent of the necessary allowable cost of construction as determined by the Director, except that in situations where the Director finds good cause for waiving requirements, for example, in order to achieve sufficient geographical distribution of facilities, the amount of the construction grant may exceed 75 percent of the necessary allowable cost of construction.

(b) Subject to paragraph (a) of this section, the Director shall set the actual rate of Federal financial participation in the necessary allowable cost of construction taking into consideration the most effective use of available Federal funds to further the purposes of section 408(b) or section 410(a)(9).

(c) In determining "necessary allowable cost of construction" the Director shall exclude an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction to be supported under this part, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

§ 52b.8 Terms and conditions.

In addition to any other requirement imposed by law or determined by the Director to be reasonably necessary with respect to any particular grant to fulfill the purposes thereof, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances, supported by such documentation as the Director may reasonably require. The Director may for good cause shown approve exceptions to these conditions and assurances where he finds that such exceptions are not inconsistent with the Act and the purposes of the program:

(a) *Title.* That the applicant has a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for the estimated useful life of the facility, as determined by the Director, undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) *Plans and specifications.* That approval by the Director of the final working drawings and specifications will be obtained before the project is advertised or placed on the market for bidding and that such approval shall include a determination by the Director that the final plans and specifications conform to the minimum standards of construction and equipment as set forth in § 52b.12 of this part.

(c) *Competitive bids.* That, except as otherwise provided by State or local law, all contracting for construction (including the purchase and installation of fixed equipment) shall, except as provided by the Director in accordance with applicable Department of Health, Education, and Welfare policies, be on a lump sum fixed-price basis, and contracts will be awarded on the basis of competitive bidding obtained by public advertising with award of the contract to the lowest responsive and responsible bidder.

(d) *Relocation assistance.* That in the case of a public applicant with an approved project which involves the displacement of persons or businesses on or after January 4, 1971, the applicant will comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ((42 U.S.C. 4601 et seq.), 84 Stat. 1984) the applicable regulations issued thereunder (45 CFR Part 15), and Chapter 4-57 of the Grants Administration Manual.

(e) *Approval of changes in estimated cost.* That the applicant will not enter into any construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Director.

[1] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Printing Office, Washington, D.C. 20402.

(f) *Approval of changes in project.* That the applicant will submit to the Director for prior approval changes that materially alter the scope of work, space utilization, function, utilities, or safety of the facility.

(g) *Completion responsibility.* That the applicant will construct the project, or cause it to be constructed, to final completion in accordance with the grant application and approved plans and specifications.

(h) *Construction supervision.* That the applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications.

(i) *Records and accounts.* That the applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project.

(j) *Progress reports.* That the applicant will furnish progress reports and such other information as the Director may require.

(k) *Non-Federal share.* That sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility.

(l) *Funds for operation.* That sufficient funds will be available when construction is completed for effective use of the facility for the purposes for which it is being constructed.

(m) *Authorized uses.* That the facility will be used for the purposes for which the application has been made. The applicant will promptly notify the Director in writing if at any time during its useful life the facility or any portion thereof is no longer to be used for the purposes for which it was constructed.

(n) *Labor standards: insurance, inspection.* (1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (42 U.S.C. 276 et seq.) and shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (42 U.S.C. 327–332).

(2) That the following conditions and provisions will be included in all construction contracts:

(i) The provisions set forth in "DHEW Requirements for Federally Assisted Construction Contracts Regarding Labor Standards and Equal Employment Opportunity", Form DHEW 514 (May 1972) (issued by the Office of Grants and Procurement Management, U.S. Department of Health, Education, and Welfare) pertaining to the Davis-Bacon Act, the Contract Work Hours Standards Act, and the Copeland Act (Anti-Kickback) regulations, except in the case of contracts in the amount of $2,000 or less; and pertaining to Executive Order 11246, September 24, 1965 (30 FR 12319), relating to nondiscrimination in construction contract employment except in the case of contracts in the amount of $10,000 or less;

(ii) The Director and his representatives shall have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(o) *Accessibility to handicapped.* That, in accordance with Chapter 4–50 of the Grants Administration Manual, the facility shall be designed to comply with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped", American National Standards Institute, Inc. (ANSI) No. A117.1 1961, as modified by other standards prescribed by the Director or the Administrator of General Services. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(p) *Minimum standards of construction and equipment.* That the plans and specifications for the project will conform to the minimum standards of construction and equipment as set forth in § 52b.12 of this part.

§ 52b.9 Acquisition of facilities.

In addition to the other requirements of this part, the following provisions are applicable to the acquisition of existing facilities:

(a) *Minimum standards of construction and equipment.* That a determination by the Director that the facility conforms (or upon completion of any necessary construction will conform) to the minimum standards of construction and equipment as set forth in § 52b.12 of this part, shall be obtained before entering into a final or unconditional contract for such acquisition. Where the Director finds that exceptions to or modification of any such minimum standards of construction and equipment would be consistent with the purposes of section 408(b) or section 410(a)(9) of the Act, he may authorize such exceptions or modifications;

(b) *Estimated cost of acquisition and remodeling: suitability of facility.* Each application for a project involving the acquisition of existing facilities shall include in the detailed estimates of the cost of the project, the cost of acquiring such facilities, and any cost of remodeling, renovating or altering such facilities to serve the purposes for which they are acquired. Such application shall demonstrate to the satisfaction of the Director that the architectural, structural and other pertinent features of the facility, as modified by any proposed expansion, remodeling, renovation, or alteration, will be clearly suitable for the purposes of section 408(b) or section 410(a)(9) of the Act, and, to the extent of the costs in which Federal participation is requested, are not in excess of what is necessary for the services proposed to be provided in such facilities;

(c) *Determination of necessary cost.* The necessary cost of acquisition of existing facilities will be determined on the basis of such documentation submitted by the applicant as the Director may prescribe (including the reports of such real estate appraisers as the Director may approve) and other relevant factors;

(d) *Bona fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant and will result in additional or improved facilities for purposes of section 408(b) or section 410(a)(9) of the Act; and

(e) *Facility which has previously received Federal grant.* No grant for the acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee from any obligation of accountability imposed by the Federal Government by reason of such prior grant.

§ 52b.10 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this subpart:

45 CFR PART 74

Subpart:
- A General.
- B Cash depositories.
- C Bonding and insurance.
- D Retention and custodial requirements for records.
- F Grant-related income.
- G Matching and cost sharing.
- K Grant payment requirements.
- L Budget revision procedures.
- M Grant closeout, suspension, and termination.
- O Property.
- Q Cost principles.

§ 52b.11 Additional conditions.

The Director may with respect to any grant award impose additional conditions consistent with these regulations prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of the National Cancer Program, or the conservation of grant funds.

§ 52b.12 Minimum standards of construction and equipment.

The standards set forth in this section have been determined by the Director to constitute minimum requirements for construction and equipment, including remodeling, renovation, or alteration of existing buildings, and shall apply to all projects for which Federal assistance is requested under section 408(b) or section 410(a)(9) of the Act. In accordance with 5 U.S.C. 552(a)(1), the publications to

which reference is made in this section, unless otherwise indicated, are hereby incorporated by reference and made a part hereof. These documents are available for inspection at the Department and Regional Offices' Information Centers listed in 45 CFR 5.31 and copies of such documents may be purchased as specified. The Director may for good cause shown approve plans and specifications which contain deviations from the requirements prescribed, if he is satisfied that the purposes of such requirements have been fulfilled. In addition to these requirements, it is recognized that each project will have to meet the requirements of State and/or local codes and ordinances relating to construction.

(a) *"General"*. The structural design, construction, and fire safety provisions of all project facilities shall comply with the standards of the Uniform Building Code, (available from International Conference of Building Officials, 5360 South Workman Road, Whittier, California 90601) or with applicable State or local codes and ordinances, whichever is more restrictive.

(b) *"Mechanical"*. All installations of fuel burning equipment, steam, heating, air conditioning and ventilation, plumbing and other piping systems, incinerators, and boilers shall comply with the following standards:

(1) Handbook of Fundamentals: American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), United Engineer Center, 345 East 47th Street, New York, New York 10017.

(2) National Standard Plumbing Code: National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.

(3) Standard for Non-Flammable Medical Gas Systems, 1973, NFPA Bulletin No. 56F; National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

(4) Standard for Medical-Surgical Vacuum Systems in Hospitals, Pamphlet P-2.1: Compressed Gas Association (CGA), 500 Fifth Avenue, New York, New York 10036.

(c) *"Fire and safety"*. The fire-resistant design criteria for the facility will be governed by the criteria necessary for that portion of the facility which is subject to the most severe usage. Remodeled structures shall be up-graded, in total, unless it is feasible to isolate the improved portion of the building with fire walls and fire doors. Fire-resistant design shall be in accordance with the standards of Life Safety Code, NFPA No. 101, 1973, National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

(d) *"Emergency electrical service"*. Fire alarm systems and other electrical service shall conform to the standards as specified in Life Safety Code, NFPA No. 101, 1973, National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

(e) *"Electrical"*. All electrical installations and equipment shall be in accordance with State and local codes and applicable sections of National Electric Code, NFPA Bulletin No. 70, 1971, National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02110.

(f) *"Radiation protection"*. All areas in which X-ray, gamma-ray, beta-ray producing and similar equipment is located shall be protected from radiation in accordance with the standards which are in the Handbook Reports No. 33 and 34: National Council on Radiation Protection (NCRP), P.O. Box 30175, Washington, D.C. 20008.

(g) *"Earthquake"*. All facilities shall be designed and constructed in accordance with the standards specified in the Uniform Building Code, 1973, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, unless more restrictive State and local codes govern.

(h) *"Zoning"*. State and local codes shall apply.

[FR Doc.75-6785 Filed 3-14-75;8:45 am]

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Deductions; Reductions; Nonpayments; Increases

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the revisions and amendments to the regulations set forth in the tentative form below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments reflect the amendments to the Social Security Act made by sections 102, 108, and 114 of Pub. L. 92-603, which provide for saving clauses to protect the benefit amounts of those who otherwise would be subject to reductions because of enactment of other provisions of that law.

Under section 203(a) of the Social Security Act, the total of benefits payable on the record of each insured person is limited. The amendments made to the Act by Pub. L. 92-603 did not provide a general benefit increase which would have increased the limits on the total of benefits payable on these records. However, these amendments did provide for:

(1) Increases in a widow's or widower's insurance amount under section 102; and

(2) New benefit entitlements for children disabled between age 18 and 22 under section 108; and

(3) New benefit entitlements for surviving divorced mothers because the requirement of previous law that such persons have been supported by the insured person was eliminated under section 114.

Once these increases in benefits or new entitlements became effective, the benefits of those previously entitled on an insured person's record might necessarily have to be reduced to keep the total benefits payable on that record within the limits provided by section 203(a) of the Social Security Act. To insure that such benefit reductions would not occur, sections 102, 108, and 114 of Pub. L. 92-603 contained "saving clause" provisions. These provisions permit the total benefits payable on an insured person's record to exceed the limits under section 203(a) if necessary to prevent a benefit reduction for those entitled persons who would otherwise have their benefits reduced because of the provisions of sections 102, 108, and 114 of Pub. L. 92-603.

These proposed amendments also describe the provisions of section 202(q) of the Social Security Act which relate to reductions made in benefits to take into account months a person receives such benefits prior to age 65. The percentage reductions for old-age insurance, wife's, or husband's insurance, and widow's or widower's benefits for months prior to age 65 are described. The special method of computing these reductions when an individual is entitled to two or more monthly benefits is also explained. In addition, the provision which permits adjustment of the percentage reduction to exclude certain months of entitlement for which payment of benefits was not made is described. Once an individual's benefits have been reduced for age, any subsequent increase in these benefits (due to an increase in the primary insurance amount following a recomputation, general benefit, or cost-of-living increase) is separately reduced for months of entitlement to the increase before age 65; this provision is also explained in these proposed amendments. A description of these provisions is incorporated into the proposed amendments to the regulations in lieu of citations to this section of the Act for the convenience of the user.

In addition, the proposed amendments to the regulations delete former references to benefit increases, which are more properly the subject of Subpart C of Part 404 of the regulations.

Consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before April 16, 1975. The regulation will be effective upon final publication in the FEDERAL REGISTER.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed regulation is to be issued under the authority of sections 202(q), 203(a), 205(a), and 1102 of the Social Security Act, 70 Stat. 871, 876, 49 Stat. 623, as amended; 53 Stat. 1368, as amended; 49 Stat. 647, as amended (42 U.S.C. 402(q), 403(a), 405(a), and 1302). Sections 101(b), 104(c), and 170 of Pub.

L. 90–248, 81 Stat. 826, 830, and 875; section 1002(b) of Pub. L. 91–172, 83 Stat. 739; section 201(b) of Pub. L. 92–5, 85 Stat. 8; sections 201(b) and 202(a) of Pub. L. 92–336, 86 Stat. 410 and 412; and sections 102(e), 102(g), 108(g), and 114 (e) of Pub. L. 92–603, 86 Stat. 1336, 1338, 1344, and 1348.

(Catalog of Federal Domestic Assistance Program Nos. 13.802 Social Security—Disability Insurance and 13.803, Social Security—Retirement Insurance.)

Dated: February 18, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 11, 1975.

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

Subpart E of Regulations No. 4 of the Social Security Administration, as amended (20 CFR Part 404) is further amended as follows:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950)

1. The heading of the subpart is revised to read as follows:

Subpart E—Deductions; Reductions; and Nonpayments of Benefits

2. Section 404.401 is revised to read as follows:

§ 404.401 Deduction, reduction, and nonpayment of monthly benefits or lump-sum death payments.

Under certain conditions the amount of a monthly insurance benefit (see §§ 404.377–404.380 for provisions concerning special payments at age 72) or the lump-sum death payment as calculated under the pertinent provisions of sections 202 and 203 of the Act (including reduction for age under section 202(q) of a monthly benefit) must be increased or decreased to determine the amount to be actually paid to a beneficiary. Increases in the amount of a monthly benefit or lump-sum death payment are based upon recomputation and recalculations of the primary insurance amount (see Subpart C of this part). A decrease in the amount of a monthly benefit or lump-sum death payment is required in the following instances:

(a) *Reductions.* A reduction of a person's monthly benefit is required where:

(1) The total amount of the monthly benefits payable on an earnings record exceeds the maximum that may be paid (see § 404.403);

(2) An application for monthly benefits is effective for a month during a retroactive period, and the maximum has already been paid for that month or would be exceeded if such benefit were paid for that month (see § 404.406);

(3) An individual is entitled to old-age or disability insurance benefits in addition to any other monthly benefit (see § 404.407);

(4) An individual under age 62 is entitled to disability insurance benefits and to certain periodic workmen's compensation payments after 1965 because of disability (see § 404.408);

(5) An individual is entitled in a month to a widow's or widower's insurance benefit that is reduced under sections 202 (e)(4) or (f)(5) of the Act and to any other monthly insurance benefit other than an old-age insurance benefit (see § 404.407(b)); or

(6) An individual is entitled in a month to old-age, disability, wife's, husband's, widow's, or widower's insurance benefit and reduction is required under section 202(q) of the Act (see § 404.410).

(b) *Deductions.* A deduction from a monthly benefit or a lump-sum death payment may be required because of:

(1) An individual's earnings or work (see §§ 404.415 and 404.417);

(2) Failure of certain beneficiaries receiving wife's or mother's insurance benefits to have a child in her care (see § 404.421);

(3) The earnings or work of an old-age insurance beneficiary where a wife, husband, or child is also entitled to benefits (see §§ 404.415 and 404.417);

(4) Failure to report within the prescribed period either certain work outside the United States or not having the care of a child (see § 404.451);

(5) Failure to report within the prescribed period earnings from work in employment or self-employment (see § 404.453);

(6) Refusal to accept rehabilitation services in certain cases (see § 404.422); or

(7) Certain taxes which were neither deducted from the wages of maritime employees nor paid to the Federal Government (see § 404.457).

(c) *Adjustments.* Adjustments may be required because an error has been made in payments to an individual (see Subpart F of this part).

(d) *Nonpayments.* Nonpayment of monthly benefits may be required because the individual is an alien who has been outside the United States for more than 6 months (see § 404.460), because the individual on whose earnings record entitlement is based has been deported (see § 404.464), or because the individual is engaged in substantial gainful activity while entitled to disability insurance benefits based on "statutory blindness" (see § 404.467).

(e) *Recalculation.* A reduction by recalculation of a benefit amount may be prescribed because an individual has been convicted of certain offenses (see § 404.465) or because the primary insurance amount is recalculated (see Subpart C of this part).

(f) *Suspensions.* Suspension of monthly benefits may be required pursuant to section 203(h)(3) of the Act (the Social Security Administration has information indicating that work deductions may reasonably be expected for the year), or pursuant to section 225 of the Act (the Social Security Administration has information indicating a beneficiary is no longer disabled).

3. Section 404.402 is revised to read as follows:

§ 404.402 Interrelationship of Deductions, Reductions, Adjustments, and Nonpayment of Benefits.

(a) *Deductions, Reductions, Adjustments.* Deductions because of earnings or work (see §§ 404.415 and 404.417), failure to have a child "in her care" (see § 404.421), refusal to accept rehabilitation services (see § 404.422), as a penalty (for failure to timely report noncovered work outside the United States, failure by a woman to report that she no longer has a child "in her care," or failure to timely report earnings (see §§ 404.451 and 404.453)), or because of unpaid maritime taxes (see § 404.457), are made:

(1) Before making any reductions because of the "maximum" (see § 404.403),

(2) Before applying the benefit "rounding" provisions (see § 404.409), and,

(3) Except for deductions imposed as a penalty (see §§ 404.451 and 404.453), before making any adjustment necessary because an error has been made in the payment of benefits (see Subpart F). However, for purposes of charging excess earnings for taxable years beginning after December 1960 or ending after June 1961, see paragraph (b) of this section and § 404.437 for reductions that apply before such charging.

(b) *Reductions, Nonpayments.*

(1) Reduction because of the "maximum" (see § 404.403) is made:

(i) Before reduction because of simultaneous entitlement to old-age or disability insurance benefits and to other benefits (see § 404.407);

(ii) Before reduction in benefits for age (see §§ 404.410–404.413);

(iii) Before adjustment necessary because an error has been made in the payment of benefits (see Subpart F of this part);

(iv) Before reduction because of entitlement after 1965 to a periodic benefit under a workmen's compensation law or plan of the United States or a State (see § 404.408);

(v) Before nonpayment of an individual's benefits because he is an alien living outside the United States for 6 months (see § 404.460), or because of deportation (see § 404.464); and

(vi) Before the redetermination of the amount of benefit payable to an individual who has been convicted of certain offenses (see § 404.465).

(2) Reduction of benefits because of entitlement after 1965 to a periodic benefit under a workmen's compensation law or plan (see § 404.408) is made before deductions:

(i) Under section 203 of the Act relating to work (see §§ 404.415, 404.417, 404.451, and 404.453 and failure to have care of a child (see §§ 404.421 and 404.451), and

(ii) Under section 222(b) of the Act on account of refusal to accept rehabilitation services (see § 404.422).

(c) *Alien Outside the United States; Deportation Nonpayment—Deduction.* If an individual is subject to nonpayment of a benefit for a month under § 404.460

or § 404.464, no deduction is made from his benefit for that month under § 404.415, § 404.417, or § 404.421, and no deduction is made because of that individual's work from the benefit of any person entitled or deemed entitled to benefits under § 404.420, on his earnings record, for that month.

(d) *Order of Priority—Deductions and Other Withholding Provisions.* Deductions and other withholding provisions are applied in accordance with the following order of priority:

(1) Current nonpayments under §§ 404.460, 404.464, 404.465, and 404.467;

(2) Current deductions under §§ 404.417, 404.421, and 404.422;

(3) Current withholding of benefits under § 404.456;

(4) Unpaid maritime tax deductions (§ 404.457);

(5) Withholdings to recover overpayments (see Subpart F of this part);

(6) Penalty deductions under §§ 404.451 and 404.453.

4. Section 404.403 is amended by revising paragraph (a) to read as follows:

§ 404.403 Reduction where total monthly benefits exceed maximum family benefits payable.

Where more than one individual is entitled to benefits for the same month on the same earnings record, a reduction in the total benefits payable for that month is required (except in cases involving a "savings clause"—see § 404.405) if the maximum family benefit, as described in the following paragraphs of this section, is exceeded:

(a) *Determining maximum amounts for months after 1964.* Where more than one person is entitled to monthly benefits for the same month on the same earnings record and the total of such monthly benefits exceeds the amount appearing in column V of the applicable table in section 215(a) of the Act on the line on which appears in column IV the primary insurance amount of the insured individual whose earnings record is the basis for the benefits payable, the total benefits for each month after 1964 are reduced to the amount appearing in column V; provided that when any of the persons entitled to benefits on such insured individual's earnings would, except for the limitation described in § 404.353(d), be entitled to child's insurance benefits on the basis of the earnings record of one or more other insured individuals, the total benefits payable may not be reduced to less than the smaller of: (1) the sum of the maximum amounts of benefits payable on the basis of the earnings records of all such insured individuals, or (2) the last figure in column V of the applicable table in section 215(a) of the Act. The "applicable" table in section 215(a) of the Act means that table which is effective for the month the benefit is payable or in the case of a lump-sum payment, the month the individual died.

* * * * *

5. Section 404.405 is amended by adding paragraphs (j) through (p) to read as follows:

§404.405 Situations where total benefits can exceed maximum because of "saving clause."

The following provisions are "savings clauses" and describe exceptions to the rules concerning the maximum amount payable on an individual's earnings record in a month as described in § 404.403. The effect of a "savings clause" is to avoid lowering benefit amounts or to guarantee minimum increases to certain persons entitled on the earnings record of the insured individual when a statutory change has been made that would otherwise disadvantage them. The reduction described in § 404.403 does not apply in the following instances:

* * * * *

(j) *Months after January 1968.* The reduction described in § 404.403(a) shall not apply to benefits for months after January 1968 where two or more persons were entitled to monthly benefits for February 1968 based upon the filing of an application in February 1968 or earlier. In such a case, the maximum family benefit amount payable on the insured individual's earnings record for any month after January 1968 may not be less than the larger of:

(1) The maximum family benefit for that month determined under the applicable table in section 215(a) of the Act (the "applicable" table in section 215(a) of the Act is that table which is effective for the month the benefit is payable or in the case of a lump-sum payment, the month the individual died); or

(2) The total obtained by multiplying each benefit, after reduction for the maximum and before deduction or reduction for age, in effect before enactment of the Social Security Amendments of 1967 by 113 percent and raising each such increased amount, if it is not a multiple of 10 cents, to the next higher multiple of 10 cents.

(k) *Months after December 1969.* The reduction described in § 404.403(a) shall not apply to benefits for months after December 1969 in the following cases:

(1) Where two or more persons were entitled to monthly benefits for January 1970 based upon the filing of an application in January 1970 or earlier and at least one of such persons was so entitled for December 1969, the maximum family benefit amount payable on the insured individual's earnings record for any month after December 1969 may not be less than the larger of:

(i) The maximum family benefit for that month determined under the applicable table in section 215(a) of the Act (the "applicable" table in section 215(a) means that table which is effective for the month the benefit is payable or in the case of a lump-sum payment, the month the individual dies); or

(ii) The total obtained by multiplying each benefit, after reduction for the maximum and before deduction or reduction for age, in effect before January 1970 by 115 percent and raising each such increased amount, if it is not a multiple of 10 cents, to the next higher multiple of 10 cents.

(2) Where two or more persons were entitled to benefits for any month after December 1969 and at least one such person was so entitled for a month before January 1971 on the basis of an application filed before 1971, the total of benefits to which such persons are entitled after reduction for the maximum and before reduction for age shall be no less than the total benefits they would be entitled to if the Social Security Amendments of 1969 had not been enacted.

(l) *Months after December 1970.* The reduction described in § 404.403(a) shall not apply to benefits for months after December 1970 in the following cases:

(1) Where two or more persons were entitled to monthly benefits for January 1971 based upon the filing of an application in January 1971 or earlier and at least one such person was so entitled for December 1970, the maximum family benefit on the insured individual's earnings record for any month after December 1970 may not be less than the larger of:

(i) The maximum family benefit for that month determined under the applicable table in section 215(a) of the Act (the "applicable" table in section 215(a) of the Act is that table which is effective for the month the benefit is payable or in the case of a lump-sum payment, the month the individual died); or

(ii) The total obtained by multiplying each benefit, after reduction for the maximum and before deduction or reduction for age, in effect before January 1971 by 110 percent and raising each such increased amount, if it is not a multiple of 10 cents, to the next higher multiple of 10 cents.

(2) Where two or more persons were entitled to benefits for any month after 1969 and the provisions of paragraph (k)(2) of this section were applicable in determining total benefits, such total benefits after reduction for age shall not be less for months after 1970 than the amount that was determined, after reduction for the family maximum and reduction for age, for the first month the provisions of paragraph (k)(2) of this section were applicable.

(m) *Months after December 1971.* The reduction described in § 404.403(a) shall not apply to benefits for months after December 1971 where two or more persons were entitled to benefits for a month, at least one such benefit was reduced for age, and the total benefits were subject to reduction for the maximum under § 404.403 (or would have been subject to such reduction except for this paragraph). In such a case, if the insured individual's primary insurance amount is increased, then the total amount of benefits for all persons entitled on his earnings record shall be increased by the smallest amount necessary to insure that such total is no less than the total benefit amount (after reduction for the maximum and for age) for the month immediately before the month of increase in the primary insurance amount.

(n) *Months after August 1972.* The reduction described in § 404.403(a) shall not apply to benefits for months after August 1972 where two or more persons were entitled to benefits for August 1972 based upon the filing of an application in August 1972 or earlier and the total of such benefits was subject to reduction for the maximum under § 404.403 (or would have been subject to such reduction except for this paragraph) for January 1971. In such a case, maximum family benefits on the insured individual's earnings record for any month after August 1972 may not be less than the larger of:

(1) The maximum family benefits for such month determined under the applicable table in section 215(a) of the Act (the "applicable" table in section 215(a) is that table which is effective for the month the benefit is payable or in the case of a lump-sum payment, the month the individual died); or

(2) The total obtained by multiplying each benefit for August 1972 after reduction for the maximum but before deduction or reduction for age, by 120 percent and raising each such increased amount, if it is not a multiple of 10 cents, to the next higher multiple of 10 cents.

(o) *Months after December 1972.* The reduction described in § 404.403(a) shall not apply to benefits for months after December 1972 in the following cases:

(1) In the case of a redetermination of widow's or widower's benefits, the reduction described in § 404.403(a) shall not apply if:

(i) Two or more persons were entitled to benefits for December 1972 on the earnings records of a deceased individual and at least one such person is entitled to benefits as the deceased individual's widow or widower for December 1972 and for January 1973; and

(ii) The total of benefits to which all persons are entitled for January 1973 is reduced (or would be reduced if deductions were not applicable) for the maximum under § 404.403. In such case, the benefit of each person referred to in paragraph (o)(1)(i) of this section for months after December 1972 shall be no less than the amount it would have been if the widow's or widower's benefit had not been redetermined under the Social Security Amendments of 1972.

(2) In the case of entitlement to child's benefits based upon disability which began between ages 18 and 22 the reduction described in § 404.403(a) shall not apply if:

(i) One or more persons were entitled to benefits on the insured individual's earnings record for December 1972 based upon an application filed in that month or earlier; and

(ii) One or more persons not included in paragraph (o)(2)(i) of this section are entitled to child's benefits on that earnings record for January 1973 based upon disability which began in the period from ages 18 to 22; and

(iii) The total benefits to which all persons are entitled on that record for January 1973 is reduced (or would be reduced if deductions were not applicable) for the maximum under § 404.403. In such case, the benefit of each person referred to in paragraph (o)(2)(i) of this section for months after December 1972 shall be no less than the amount it would have been if the person entitled to child's benefits based upon disability in the period from ages 18 to 22 were not so entitled.

(3) In the case of entitlement of certain surviving divorced mothers, the reduction described in § 404.403(a) shall not apply if:

(i) One or more persons were entitled to benefits on the insured individual's earnings record for December 1972 based upon an application filed in December 1972 or earlier; and

(ii) One or more persons not included in paragraph (o)(3)(i) of this section are entitled to benefits on that earnings record as a surviving divorced mother for a month after December 1972; and

(iii) The total of benefits to which all persons are entitled on that record for any month after December 1972 is reduced (or would be reduced if deductions were not applicable) for the maximum under § 404.403. In such case, the benefit of each such person referred to in paragraph (o)(3)(i) of this section for months after December 1972 in which any person referred to in paragraph (o)(3)(ii) of this section is entitled shall be no less than it would have been if the person(s) referred to in paragraph (o)(3)(ii) of this section had not become entitled to benefits.

(p) *Months after December 1973.* The reduction described in § 404.403(a) shall not apply to benefits for months after December 1973 where two or more persons were entitled to monthly benefits for January 1971 or earlier based upon applications filed in January 1971 or earlier, and the total of such benefits was subject to reduction for the maximum under § 404.403 for January 1971 or earlier. In such a case, maximum family benefits payable on the insured individual's earnings record for any month after January 1971 may not be less than the larger of:

(1) The maximum family benefit for such month shown in the applicable table in section 215(a) of the Act (the "applicable" table in section 215(a) of the Act is that table which is effective for the month the benefit is payable or in the case of a lump-sum payment, the month the individual died); or

(2) The largest amount which has been determined payable for any month for persons entitled to benefits on the insured individual's earnings records; or

(3) In the case of persons entitled to benefits on the insured individual's earnings record for the month immediately preceding the month of a general benefit or cost-of-living increase after September 1972, an amount equal to the sum of the benefit amount for each person (excluding any part of an old-age insurance benefit increased because of delayed retirement under the provisions of § 404.305(a)) for the month immediately before the month of increase in the primary insurance amount (after reduction for the family maximum but before deductions or reductions for age) multiplied by the percentage of increase. Any such increased amount, if it is not a multiple of 10 cents, will be raised to the next highest multiple of 10 cents.

6. Section 404.409 is revised to read as follows:

§ 404.409 Rounding of reduced benefit amounts.

Any monthly benefit, after applicable computation, reduction, and/or deduction, which is not a multiple of 10 cents is raised to the next higher multiple of 10 cents. Since a fraction of a cent is not a multiple of 10 cents, any benefit amount which contains any such fraction is raised to the next higher multiple of 10 cents. Thus, a child's insurance benefit of $26.104 is rounded to $26.20.

7. Sections 404.410, 404.411, 404.412, and 404.413 are added to read as follows:

§ 404.410 Reduction in benefits for age—general.

An individual's old-age insurance benefit, wife's or husband's benefit, or widow's or widower's benefit is reduced if he or she is entitled to the benefit for a month before retirement age. For purposes of this section and §§ 404.411–404.413, retirement age is age 65; except that for months prior to January 1973, retirement age for widows and widowers is age 62. However, in the case of an individual entitled to wife's benefits, there is no reduction in benefits for any month she has in her care a child of the insured individual on whose earnings record she is entitled if the child is entitled to child's insurance benefits. Similarly, in the case of an individual entitled to widow's benefits, such benefits will not be reduced below the amount an individual entitled to morther's benefits would receive for any month she has in her care a child of the insured individual on whose earnings record she is entitled if the child is entitled to child's benefits. Reduction in benefits are, subject to §§ 404.411–404.413, made in the amounts described below:

(a) In the case of old-age insurance benefits, the individual's primary insurance amount is reduced by $\frac{5}{9}$ of 1 percent multiplied by the number of months preceding the month in which he attains retirement age for which he is entitled to such benefits;

(b) In the case of wife's or husband's benefits, the individual's benefit amount before any reduction (see § 404.315 and § 404.318) is reduced first (if necessary) for the family maximum under § 404.403, and then further reduced by $\frac{25}{36}$ of 1 percent multiplied by the number of months preceding the month in which he or she attains retirement age for which he or she is entitled to such benefits (but not including any month in which such wife has in her care a child of the insured individual on whose earnings record she is entitled if the child is entitled to child's benefits);

(c) In the case of widow's or widower's benefits, the individual's benefit amount (for months after December 1972, the amount equal to the insured person's primary insurance amount and for earlier months, the amounts described in § 404.330 and § 404.333), after any reduction for the family maximum under § 404.403, is reduced or further reduced by 19/40 of 1 percent multiplied by the number of months in the period beginning with the month of attainment of age 60 and ending with the month immediately before the month of attainment of age 65, for which he or she is entitled to such benefits (but not including any month in which such widow has a child of the insured individual in her care if the child is entitled to child's benefits). For months prior to January 1973, the widow's or widower's benefit is reduced in the way described in the preceding sentence except that the percentage rate is 5/9 of 1 percent multiplied by the number of months from age 60 to 62 instead of 19/40 of 1 percent multiplied by the number of months from age 60 to 65. In the case of widow's or widower's benefits based upon a disability, effective for months after December 1972, the benefits are further reduced by 43/240 of 1 percent multiplied by: (1) The benefit before any reduction for age; and (2) The number of months of entitlement to such benefit in the period beginning with the month of attainment of age 50 and ending with the month immediately preceding the month of attainment of age 60. For months prior to January 1973 the reduction described in the preceding sentence is the same except that the percentage rate is 43/108 of 1 percent instead of 43/240 of 1 percent.

Benefits reduced under this paragraph may be later adjusted to eliminate reductions for certain months of entitlement prior to retirement age as provided in § 404.412. For special provisions on reducing benefits for months prior to retirement age involving entitlement to two or more benefits and for reducing widow's and widower's benefits on the earnings record of a deceased individual previously entitled to old-age insurance benefits, see § 404.411 and § 404.330(b), and § 404.333(b), respectively.

§404.411 Special reduction in benefits for age involving entitlement to two or more benefits.

(a) *General.* Except as specifically provided in this section, benefits of an individual entitled to more than one benefit will be reduced for months of entitlement before retirement age according to the provisions of § 404.410. Such age reductions are made before any reduction under the provisions of § 404.407.

(b) *Reduction in disability insurance benefits after entitlement to old-age insurance benefits, widow's, or widower's benefits.* An individual's disability insurance benefits are reduced following entitlement to old-age insurance benefits, widow's, or widower's insurance benefits (or following the month in which all conditions for entitlement to widow's or widower's insurance benefits are met except that the individual is entitled to an old-age insurance benefit which equals or exceeds the primary insurance amount on which the widow's or widower's insurance benefit is based) in accordance with the following provisions:

(1) In the case of an individual entitled to disability insurance benefits for a month after the month in which he becomes entitled to an old-age insurance benefit which is reduced for age under § 404.410, the disability insurance benefit is reduced by the amount by which the old-age insurance benefit would be reduced under § 404.410 if he attained age 65 in the first month of his most recent period of entitlement to disability insurance benefits.

(2) In the case of an individual who is first entitled to disability insurance benefits for a month in which or after which he or she attains age 62 and for which he or she is first entitled to a widow's or widower's insurance benefit (or would be so entitled except for entitlement to an equal or higher old-age insurance benefit as explained in the material preceding paragraph (b) of this section) before retirement age, the disability insurance benefits are reduced by the larger of:

(i) The amount the disability insurance benefit would have been reduced under paragraph (b)(1) of this section; or

(ii) The amount equal to the sum of the amount the widow's or widower's benefit would have been reduced under the provisions of § 404.410 if retirement age were 62 (instead of 65) plus the amount by which the disability insurance benefit would have been reduced under paragraph (b)(1) of this section if the benefit were equal to the excess of such benefit over the amount of the widow's or widower's benefit (without consideration of this paragraph (b)(2)).

(3) In the case of an individual who is first entitled to disability insurance benefits for a month before the month in which he or she attains age 62 and he or she is also entitled to a widow's or widower's insurance benefit (or would be so entitled except for entitlement to an equal or higher old-age insurance benefit as explained in the material preceding paragraph (b) of this section), the disability insurance benefit is reduced as if the widow or widower attained retirement age in the month immediately preceding the first month of his or her most recent period of entitlement to disability insurance benefits;

(c) *Reduction in old-age insurance benefits after entitlement to widow's or widower's insurance benefits.* An individual's old-age insurance benefit is reduced if, in his or her first month of entitlement to that benefit, he or she is also entitled to a widow's or widower's insurance benefit to which he or she was first entitled for a month before attainment of retirement age or if, before attainment of retirement age, he or she met all conditions for entitlement to widow's or widower's benefits in or before the first month for which he or she was entitled to old-age insurance benefits except that the old-age insurance benefit equals or exceeds the primary insurance amount on which the widow's or widower's insurance benefit would be based. Under these circumstances, the old-age insurance benefit is reduced by the larger of the following:

(1) The amount by which the old-age insurance benefit would be reduced under the regular age reduction provisions of § 404.410; or

(2) An amount equal to the sum of:

(i) The amount by which the widow's or widower's insurance benefit would be reduced under § 404.410 for months prior to age 62; and

(ii) The amount by which the old-age insurance benefit would be reduced under § 404.410 if it were equal to the excess of the individual's primary insurance amount over the widow's or widower's insurance benefit before any reduction for age (but after any reduction for the family maximum under § 404.403).

(d) *Reduction in wife's or husband's insurance benefits when entitled to reduced old-age insurance benefits in the same month.* A wife's or husband's insurance benefit to which a person is first entitled in or after the month of attainment of age 62 is reduced if, in his or her first month of entitlement to that benefit, he or she is also entitled to an old-age insurance benefit (but is not entitled to a disability insurance benefit) to which he or she was first entitled for a month before attainment of age 65. Under these circumstances, the wife's or husband's insurance benefit is reduced by the sum of:

(1) The amount by which the old-age insurance benefit would be reduced under the provisions of § 404.410; and

(2) The amount by which the wife's or husband's insurance benefit would be reduced under the provisions of § 404.410 if it were equal to the excess of such benefit (before any reduction for age but after reduction for the family maximum under § 404.403) over the individual's own primary insurance amount.

(e) *Reduction in wife's, husband's, widow's or widower's insurance benefit because of entitlement to disability insurance benefits in the same month.* A wife's, husband's, widow's, or widower's insurance benefit to which a person is first entitled in or after the month of attainment of age 62 (or in the case of widow's or widower's insurance benefits, age 50) is reduced if, in his or her first month of entitlement to that benefit, he or she is also entitled to a disability insurance benefit. Under these circumstances, the wife's, husband's, widow's, or widower's insurance benefit is reduced by the sum of:

(1) the amount (if any) by which the disability insurance benefit is reduced under paragraph (b)(1) of this section, and

(2) the amount by which the wife's, husband's, widow's, or widower's insurance benefit would be reduced under § 404.410 if it were equal to the excess of such benefit (before any reduction for age but after reduction for the family

maximum under § 404.403) over the disability insurance benefit (before any reduction under paragraph (b) of this section).

§ 404.412 Adjustments in benefit reductions for age.

(a) *General.* The following months are not counted for purposes of reducing benefits in accordance with § 404.410:

(1) Months subject to deduction under § 404.415, § 404.417, or § 404.422;

(2) In the case of wife's insurance benefits, any month in which she had a child of the insured individual in her care and for which the child was entitled to child's benefits;

(3) In the case of wife's or husband's insurance benefits, any month for which entitlement to such benefits is precluded because the insured person's disability ceased (and, as a result, the insured individual's entitlement to disability insurance benefits ended);

(4) In the case of widow's insurance benefits, any month in which she had in her care a child of the deceased insured individual and for which the child was entitled to child's benefits;

(5) In the case of widow's or widower's insurance benefits, any month before attainment of age 62 and any month between age 62 and attainment of age 65 for which he or she was not entitled to such benefits;

(6) In the case of old-age insurance benefits, any month for which the individual was entitled to disability insurance benefits.

(b) *Adjustment by Social Security Administration.* Adjustments in benefits to exclude those months of entitlement which are described in paragraphs (a)(1)–(6) of this section from consideration in determining the amount by which such benefits are reduced are made automatically. Each year the Social Security Administration examines beneficiary records to identify those instances in which an individual has attained age 65 (or age 62 in the case of widow's or widower's insurance benefits) and one or more months described in paragraphs (a)(1)–(6) of this section occurred prior to such age during the period of entitlement to benefits reduced for age. Increases in benefit amounts based upon this adjustment are effective with the month of attainment of age 65, or in the case of widow's and widower's insurance benefits, the month of attainment of age 65 or age 62 (whichever applies).

§ 404.413 Reduction in benefits for age following an increase in primary insurance amounts.

When an individual's benefits have been reduced for age under the provisions of §§ 404.410–404.411, the primary insurance amount on which such benefits are based may be subsequently increased because of recomputation, a general benefit increase pursuant to an amendment of the Act, or increases based upon rises in the cost-of-living under section 215(i) of the Social Security Act. Where the individual's benefits are increased because of an increase in the primary insurance amount, such benefits are reduced separately under § 404.410 and § 404.411. The benefit amount for months before the effective date of the increase in the primary insurance amount is reduced under § 404.410 (and § 404.411, if applicable) and added to the amount of increase in benefit amount which has been reduced for months of entitlement to the increase prior to the individual's retirement age; the resulting sum will be the total benefit amount to which the individual is entitled for the month of such increase and months thereafter.

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[20 CFR Part 405]

[Regulations No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Enrollment, and Grievance and Appeals Procedures for Health Maintenance Organizations

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations set forth the procedures to be followed by health maintenance organizations (HMO's) in enrolling and disenrolling Medicare beneficiaries, and handling grievances, complaints, and appeals of its Medicare enrollees.

Section 1876 of the Social Security Act (42 U.S.C. 1395mm), which was added to title XVIII by section 226 of Pub. L. 92–603, provides for Medicare to pay participating HMO's on the basis of an annual capitation rate for covered services that are furnished to enroll Medicare beneficiaries. The law further provides, in section 1876(d), that every individual entitled to benefits under the hospital insurance and supplementary medical insurance programs or the supplementary medical insurance program only, shall be eligible to enroll in any participating HMO which serves the geographic area in which the individual resides.

The requirements in the proposed regulations that HMO's and Medicare beneficiaries must meet in carrying out the enrollment and disenrollment processes primarily implement section 1876(e) of the Act which provides that an individual may enroll with an HMO or terminate such enrollment in the manner prescribed by regulations, section 1876(b)(9) of the Act which requires an HMO to hold an open-enrollment period at least once every year during which it accepts Medicare beneficiaries in the order in which they apply, and section 1876(b)(7) which requires that at least half of the enrolled members be individuals under age 65.

Under the proposed regulations an open-enrollment period of at least 30 consecutive days is required at least once during the HMO's contract year. In addition, the HMO may limit its enrollment only where: (1) It is filled to capacity; or (2) enrolling Medicare beneficiaries would cause the percentage of its members who are age 65 or older to exceed 50 percent or result in membership which would be substantially nonrepresentative of the population in its area; or (3) such an enrollment would cause the HMO to violate the qualifying conditions for HMO's (§§ 405.2001–405.2012 of Subpart T of Regulations No. 5, published with a notice of proposed rule making on August 27, 1974 (39 FR 30935)); or (4) a denial of membership to a beneficiary is in accordance with a selection policy approved by the Secretary.

The proposed regulations allow an HMO to initiate disenrollment of a Medicare beneficiary only in the following circumstances: (1) Failure of the enrollee to pay the required premiums; (2) the enrollee's permanent move from the HMO's enrollment area; (3) the death of the enrollee; or (4) the termination of the enrollee's entitlement to benefits under the supplementary medical insurance program. A beneficiary is permitted to disenroll at any time, provided he gives formal notice to the HMO at least 30 days prior to the month in which he wishes disenrollment to take effect.

The proposed regulations also explain the benefits to which Medicare HMO enrollees are entitled pursuant to section 1876 of the Act, the extent to which the HMO and the beneficiary are liable for covered services which the beneficiary receives, the beneficiary's liability for payment of applicable deductibles and coinsurance, and the Medicare program's liability for making monthly capitation payments to an HMO upon the enrollment or disenrollment of a Medicare beneficiary. The proposed enrollment regulations, in addition, impose certain requirements with respect to the marketing procedures which HMO's use in soliciting Medicare enrollees, and prohibit certain marketing practices, such as door-to-door solicitation.

Proposed regulations are also set forth to implement section 1876(f) of the statute, which provides for the establishment of appeals procedures for use by HMO's and their enrollees in initiating, addressing, and resolving disputes involving certain minimum monetary amounts. In addition, the proposed regulations set forth procedures for establishing an internal mechanism for handling HMO enrollees' grievances where no money amount is involved, as required by the proposed conditions for HMO's (§§ 405.2001–405.2012 of proposed Subpart T of Regulations No. 5).

In cases involving grievances, other than those involving Medicare benefits, the proposed regulations would require the HMO to establish both initial and higher level grievance procedures, together with appropriate mechanisms to implement such procedures. Provision is also made for the use by the HMO of a grievance procedure, other than that described in the proposed regulations, where such an alternative approach is approved by the Secretary.

Also required is the establishment of an appeals procedure for the handling of matters involving emergency, urgently-needed, or other services obtained from non-HMO sources for which the beneficiary believes the HMO to be liable or involving services which the HMO had refused to provide or arrange for. This appeal procedure encompasses an initial determination, made by the HMO or an intermediary or carrier acting for the HMO, and a reconsideration, which must be requested by the beneficiary (or his representative) and which is conducted by the Social Security Administration. Further, where the beneficiary is not satisfied, he may request a hearing within 6 months of the reconsideration if the amount in controversy is $100 or more. Review beyond the hearing stage will be conducted in the same manner as other appeals under the Social Security programs, including civil action through the courts in disputes involving $1,000 or more. The proposed regulations also stipulate the time periods during which determinations and decisions may be reopened.

Additional proposed regulations dealing with the contracts between HMO's and the Secretary and reimbursement to HMO's will be published with a later notice of proposed rule making.

Prior to the final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before April 16, 1975.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1871, and 1876 of the Social Security Act, 49 Stat. 647, as amended, 79 Stat. 331, 86 Stat. 1396; (42 U.S.C. 1302, 1395hh, 1395mm).

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance; No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: December 5, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 5, 1975.

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

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. The table of sections for Subpart T is amended by adding the following numbers and headings:

Sec.
405.2020 HMO enrollment.
405.2021 Health insurance program beneficiary's entitlement to items and services.
405.2022 Liability of a health insurance program beneficiary enrolled in an HMO.
405.2023 Enrollment procedures.
405.2024 Membership rules.
405.2025 Disenrollment.
405.2070 Beneficiary grievances and appeals.
405.2071 Grievance procedure.
405.2072 Initial determinations.
405.2073 Appeals: Reconsideration.
405.2074 Appeals: Hearing.
405.2075 Appeals Council review.
405.2076 Court review.
405.2077 Time period for reopening initial, revised, or reconsideration determinations and decisions or revised decisions of an administrative law judge or the Appeals Council.

2. Subpart T is amended by adding §§ 405.2020–405.2025 and §§ 405.2070–405.2077, reading as follows:

§ 405.2020 HMO enrollment.

(a) *General.* An individual may elect to receive through an HMO, services that are covered under the hospital insurance program and supplementary medical insurance program if he is entitled under both programs, or under the supplementary medical insurance program if he is entitled only under that program. He may receive such services through an HMO by enrolling in an HMO that has contracted with the Secretary (see §§ 405.2002–405.2012 for the conditions which HMO's must meet and paragraph (b) of this section for the requirements to be met by prospective enrollees). Payments for health insurance program beneficiaries who have enrolled in such an HMO will be made out of the Federal Hospital Insurance Trust Fund and/or the Federal Supplementary Medical Insurance Trust Fund, as appropriate. Such payments will be made to the HMO on behalf of such individuals, and will discharge such individuals from the liability to pay for the covered services furnished to them by the HMO. The HMO may require payment, in the form of premiums or otherwise, from such individuals for services not covered under the health insurance programs, as well as deductibles and coinsurance amounts attributable to covered services (see § 405.2022(b)). Enrollees of HMO's which have entered into a risk-basis contract with the Secretary are also liable for services received from sources other than the HMO, unless covered through the HMO pursuant to this subpart (see §§ 405.2021 (a) and (b) and 405.2022 (c)).

(b) *Eligibility to enroll in an HMO.* An HMO shall enroll, for a specified length of time, but not less than 12 months, any individual:

(1) Who is enrolled in the supplementary medical insurance program and is entitled to benefits under the hospital insurance program or is enrolled in the supplementary medical insurance program only;

(2) Who lives within the HMO's enrollment area (see § 405.2005(a));

(3) Who is not enrolled pursuant to this subpart in any other HMO which has entered into a contract with the Secretary;

(4) Who, during an enrollment period of the HMO, completes and signs the application form used by such organization to enroll members and gives such information as may be required for enrollment;

(5) Who agrees to abide by the rules of the HMO after such rules are disclosed to the beneficiary in connection with the enrollment process;

(6) Who is not denied enrollment by the HMO (pursuant to the HMO's written selection policy, which has been approved by the Secretary in accordance with paragraph (c) of this section);

(7) Whose acceptance would not (i) cause the number of the HMO's members who are age 65 or older to exceed 50 percent of its enrolled members, or (ii) result in the HMO's failure to comply with any other condition set forth in §§ 405.2002–405.2012, or (iii) require such HMO to exceed its enrollment capacity (see § 405.2023(b)).

(c) *Selection policies.* An HMO's selection policies will be approved by the Secretary only (1) if the HMO has demonstrated to the satisfaction of the Secretary that applicants for enrollment are rejected solely to prevent its membership from becoming subsantially nonrepresentative of the population in its enrollment area, or (2) if it can demonstrate, by means of statistical and actuarial data, that enrollment of an individual or individuals otherwise eligible to enroll would pose an immediate threat to its financial viability or cause it to be unable to provide needed health services to its enrollees. A subgroup of enrollees will generally not be considered to make the membership substantially nonrepresentative unless its proportion among all the HMO's enrollees exceeds by at least 10 percent its proportion in the general population in the enrollment area, based on such census and other data as the Secretary finds appropriate. The HMO may accept enrollment from a particular group that exceeds its proportion in the population by more than 10 percent provided that such enrollment permits its enrollment of health insurance program beneficiaries in numbers sufficient to meet the requirements of § 405.2004.

(d) *Conversion of HMO enrollees newly entitled to health insurance program benefits.* (1) The HMO must accept as an enrollee any beneficiary who was an enrolled member of the HMO as of the month immediately before the month in which such beneficiary (i) attained age 65, or (ii) became entitled to health insurance program benefits on the basis of chronic renal disease, or (iii) became entitled to his 25th consecutive monthly disability benefit.

(2) The HMO must make every effort to forward the information required pursuant to § 405.2023(e) of this subpart for such an individual to the Social Security

Administration (i) at least 90 days prior to such individual's attainment of age 65 or such individual's 25th consecutive month of entitlement to disability benefits, or (ii) within 30 days immediately following the initiation of a course of renal dialysis, or (iii) in the case of those individuals deemed to be disabled because of chronic renal disease, on or before the day on which the individual enters a hospital for the purpose of being prepared for a kidney transplant.

(e) *Reenrollment.* Where an HMO requires periodic reenrollment, it must reenroll health insurance program beneficiaries, unless disenrollment is warranted pursuant to the provisions of § 405.2025.

§ 405.2021 Health insurance program beneficiary's entitlement to items and services.

(a) *Individual entitled to benefits under the hospital insurance program and the supplementary medical insurance program—(1) Entitlement to items and services.* An individual who is entitled to benefits under the hospital insurance program and the supplementary medical insurance program and who is enrolled in an HMO with which the Secretary has entered into a contract pursuant to section 1876(i) of the Act, as amended, shall, subject to the conditions, exclusions, and limitations described in this part, be entitled to receive through the HMO all items and services, under both Parts A and B of title XVIII of the Act, which the individual needs and which are provided by such organization, either directly or under arrangements with others, for any month for which a per capital payment is made under the hospital insurance program and the supplementary medical insurance program, or any month for which he was entitled to have such a payment made to the HMO, in accordance with the requirements of this subpart.

(2) *Entitlement to reasonable payment.* Such an individual shall also be entitled to have reasonable payment made to him by an HMO, or on his behalf, for title XVIII items and services he obtains from a physician, supplier, or provider of services outside the HMO where such benefits are:

(i) Emergency items and services (as defined in § 405.2005(a)(3)(i)) or urgently-needed services (as defined in § 405.2005(a)(3)(ii) for which the HMO has assumed financial responsibility; or

(ii) Covered items and services which, in accordance with section 1876 (f) of the Act, it is determined that the beneficiary was entitled to have furnished to him.

(b) *Beneficiary is enrolled in the supplementary medical insurance program but is not entitled to benefits under the hospital insurance program.* An individual who is enrolled in the supplementary medical insurance program, but is not entitled to benefits under the hospital insurance program, and is enrolled in an HMO with which the Secretary has entered into a contract pursuant to section 1876(i) of the Act, shall be entitled to receive, and have payment made for, benefits as provided for in paragraph (a) of this section, but only with respect to items and services which are covered under the supplementary medical insurance program (described in Subpart B of this part).

(c) *Effective date of coverage.* (1) The liability of the health insurance program to make per capita payments to the HMO on behalf of the beneficiary shall begin with the first day of the month in which he is a member of the HMO, and he is entitled to health insurance program benefits as shown on the records of the Social Security Administration. In no case will such month be earlier than the month immediately following, or later than the third month following, the month in which the information regarding the beneficiary, required pursuant to § 405.2023(e) of this subpart, is received in acceptable form by the Social Security Administration, except where one of the following is met:

(i) The Secretary approves a later month which has been requested by the HMO and the beneficiary.

(ii) An individual enrolls in the supplementary medical insurance program pursuant to § 405.212 of this part, but applies to an HMO prior to the month in which he is to become entitled to benefits under the supplementary medical insurance program, or is a member of the HMO prior to his entitlement to health insurance program benefits (see § 405.2020(d)). In that event, the effective month of membership as an enrollee of the HMO and health insurance program beneficiary shall, except as otherwise provided in this paragraph, be the first month for which he becomes entitled to benefits under the supplementary medical insurance program.

(2) The Social Security Administration shall promptly advise the HMO of the month for which the liability of the health insurance program becomes effective for each health insurance program beneficiary who is added to its records as an enrollee of the HMO.

§ 405.2022 Liability of a health insurance program beneficiary enrolled in an HMO.

(a) *Items and Services not covered under the hospital insurance program or the supplementary medical insurance program.* (1) The enrollee is liable for payment for all items and services not covered under the hospital insurance program and the supplementary medical insurance program. Where the enrollee is entitled to benefits under only the supplementary medical insurance program, he is liable for payment for all items and services covered under the hospital insurance program. The HMO may offer to its enrollees who are health insurance program beneficiaries, coverage of such items and services as part of a supplemental benefit plan. Such supplemental benefit plans must be optional for health insurance program beneficiaries.

(2) If the supplemental plan premium includes charges for items and services in addition to all or part of the deductible and coinsurance amounts, the portions of the premium amount applicable to deductible and coinsurance amounts must be computed separately from the charges for other items and services, and the amounts so computed must be disclosed to the beneficiary prior to the beneficiary's selection of coverage options and application for membership.

(3) The HMO must give written notice to all enrollees who are health insurance program beneficiaries of any proposed change in supplemental benefit plan premium rates at least 30 days prior to the effective date of such change.

(b) *Deductibles and coinsurance for covered HMO items and services.* The enrollee is responsible for satisfying the deductible and coinsurance amounts applicable to items and services covered under the hospital insurance program as described in §§ 405.113–405.115, 405.123, and 405.124, and the supplementary medical insurance program, as described in §§ 405.240, 405.243, 405.245, and 405.246. The requirements for deductibles and coinsurance shall be satisfied by payment to the HMO of equivalent amounts which do not exceed the actuarial value of the deductible and coinsurance for which its enrollees who are health insurance program beneficiaries otherwise would have been liable had they not enrolled in an HMO. The payment of such amounts may be made as a premium, membership fee, charge per unit, or similar charge (or as a portion thereof where such a charge represents prepayment for noncovered services).

(c) *Special rules regarding liability of enrollees of risk-basis HMO's.* (1) Except as otherwise provided in paragraph (c)(2) of this section, a health insurance program beneficiary who enrolls in an HMO which has entered into a risk-basis contract with the Secretary (see § 405.2001(b)(3)) is eligible to have payments made to the HMO on his behalf only for the monthly capitation amount and to have payment made by an HMO to him or on his behalf for the services described in § 405.2021 (a)(1) and (a)(2). This restriction shall cease to apply to a beneficiary who is disenrolled pursuant to § 405.2025, effective with the month in which the liability of the health insurance program to make monthly capitation payments to the HMO in his behalf ceases, except that where the beneficiary moves out of the HMO's enrollment area, such restriction shall cease to apply effective with the month immediately following the month in which he moves. This restriction shall not apply to beneficiaries who are enrolled in an HMO which has entered into a reasonable-cost contract with the Secretary; such enrollees are entitled to the benefits otherwise payable pursuant to this Part for covered items and services which they receive, whether or not such items and services are provided by the cost-basis HMO.

(2) A health insurance program beneficiary who prior to July 1, 1973, was enrolled in an HMO which has entered

into a risk-basis contract with the Secretary, and who would otherwise be subject to the restriction set forth in paragraph (c)(1) of this section may elect to be exempted from such restriction, but only with respect to items and services which are furnished prior to July 1, 1976.

§ 405.2023 Enrollment procedures.

(a) *Open enrollment period required.* (1) An HMO shall hold an open enrollment period at least once during its contract year. During such open enrollment period an HMO will enroll health insurance program beneficiaries who meet the eligibility requirements of § 405.2020(b) in the order in which their applications are received until such HMO is enrolled to the limits of its capacity, as defined in paragraph (b) of this section.

(2) The open enrollment period must be no less than 30 consecutive days. Continuously open enrollment throughout the year shall satisfy this requirement.

(b) *Enrollment capacity.* (1) The HMO's capacity to accept new enrollees shall be determined on the basis of the HMO's annual enrollment forecast, together with any adjustments based on the expansion of the HMO's facilities or staff since the forecast was made. The annual enrollment forecast should, to the extent feasible, reflect:

(i) A reasonable relationship between the total number of anticipated enrollees, their anticipated health needs, and the HMO's anticipated ability to provide the required health services;

(ii) Anticipated number of individual enrollments and group enrollments;

(iii) Actual or anticipated expansion of the ability to provide health services, such as increases in staff and facilities;

(iv) Other reasonable and relevant factors such as the HMO's past enrollment experience.

(2) The enrollment forecast shall be submitted to the Social Security Administration no later than 90 days before the beginning of each contract year and in such form as the Social Security Administration shall prescribe. The HMO shall promptly notify the Social Security Administration in writing, of any changes in its capacity.

(3) Subject to the approval of the Social Security Administration, the HMO may set aside a reasonable number of vacancies during a contract year to take care of contemplated needs from a new group contract provided that the enrollment period under such group contract is to take place during the contract year and that any such vacancies which are set aside and are not filled within a reasonable period of time following the commencement of the enrollment period for the group contract are made available to health insurance program beneficiaries pursuant to the requirements of this subpart.

(c) *Required marketing activities.* In offering its plan to health insurance program beneficiaries, the HMO shall:

(1) Provide health insurance program beneficiaries who are potential enrollees with the HMO's rules and regulations regarding membership and an adequate written description of:

(i) The HMO's basic benefit package for health insurance program beneficiaries and any supplemental benefit packages that are available, including the amounts of the premiums, if any, for such benefit packages;

(ii) The liability of an enrollee who is a health insurance program beneficiary, for deductible and coinsurance amounts, noncovered services, and out-of-plan services;

(iii) Enrollment eligibility and procedures; and

(iv) Such other information as may be necessary in order for the beneficiary to make an informed decision on whether to enroll in the HMO;

(2) Submit all brochures, applications, and promotional and informational material which deal with enrollment of health insurance program beneficiaries with the HMO, to the Social Security Administration for approval prior to issuance; and

(3) Publicize its enrollment periods, whether they are for a limited duration or continuous, in appropriate media throughout its enrollment area.

(d) *Proscribed marketing activities.* The HMO may not engage in any of the following activities in marketing its plan to health insurance program beneficiaries:

(1) Practices which are discriminatory or unethical in nature;

(2) Activities which would mislead, misinform, confuse, or defraud health insurance program beneficiaries, or misrepresent the HMO, its marketing representatives, or the Social Security Administration, such as claims that the HMO is recommended or endorsed by the Social Security Administration (other than that the organization is approved as an HMO for purposes of participation in the health insurance program), or claims that the Social Security Administration recommends that the beneficiary enroll in the HMO or deceptive door-to-door solicitation;

(3) Offers of gifts or payment as an inducement to enroll in the HMO (this does not proscribe the explanation of any legitimate benefits the beneficiary might obtain as an HMO enrolle, such as eligibility to enroll in a supplemental benefit plan which covers such items as deductibles and coinsurance, preventive services, etc.); and

(4) Promises, claims, or other statements, written or oral, which conflict with, materially alter, or erroneously expand upon the information contained in the marketing materials approved by the Secretary.

(e) *Application system.* The HMO shall have a system for receiving, controlling, and processing applications for membership from health insurance program beneficiaries under which:

(1) Each beneficiary (whether previously a member of the organization or not) who wishes to enroll in the HMO signs an application form, dated at the time of signing.

(2) Applications from beneficiaries are accepted in chronological order by date of application, subject to restrictions permitted by § 405.2020(c). (The date of application is the date on which a beneficiary signs the application form.)

(3) The beneficiary is notified by the HMO of its acceptance or denial of his application not later than 30 days following the application date, and

(i) If the application is accepted, the date upon which the HMO will request that his enrollment be effective, or

(ii) If the application is accepted, but the HMO is enrolled to capacity, notification of procedures to be followed as vacancies occur, or

(iii) If the application is denied, an explanation of the reason for denial.

(4) The HMO transmits to the Social Security Administration the information necessary to add the beneficiary to the HMO on the Social Security Administration's records, within 30 days of the date of application, or in the case of applications which are accepted when the HMO is enrolled to capacity, within 30 days after a vacancy for the applicant has occurred;

(5) The beneficiary is promptly informed in writing by the HMO of the effective month of his membership as an enrollee and a health insurance program beneficiary following notice to the HMO by the Social Security Administration pursuant to § 405.2021(c)(2); and

(6) If the HMO accepts applications when it is filled to capacity, its procedures for processing and controlling such applications from health insurance program beneficiaries assure that vacancies that occur for such applicants who are still eligible to enroll are filled in chronological order by date of application, except where to do so would result in the HMO's failure to comply with the conditions set forth in §§ 405.2002–405.2012.

(f) *Application form.* (1) The application form must be in such format and contain such information as the Social Security Administration may specify, including the beneficiary's authorization for disclosure and exchange of necessary information between the HMO and the Social Security Administration.

(2) Application forms shall be filed and retained as long as the Secretary may prescribe.

§ 405.2024 Membership rules.

(a) The HMO shall maintain written rules regarding membership which are reasonable and which do not conflict with the requirements and limitations imposed by this subpart. Such rules and regulations shall deal with, but need not be limited to, procedures for paying premiums and other charges for which enrollees who are health insurance program beneficiaries may be liable, grievance and appeal procedures, disenrollment rights, how and where to obtain services from or through the HMO, and such other matters as the Secretary may prescribe.

(b) A copy of such written membership rules shall be furnished each enrollee who is a health insurance program beneficiary (see § 405.2023(c)(1)).

(c) Any change in the membership rules affecting enrollees who are health insurance program beneficiaries must first be approved by the Social Security Administration and must be communicated in writing to all such enrollees of the HMO no later than 30 days prior to the effective date of the change.

§ 405.2025 Disenrollment.

(a) *HMO disenrollment of health insurance program beneficiaries.* An HMO may not request or encourage, by written or oral communication or by any action or inaction, a health insurance program beneficiary to disenroll, other than under the following circumstances:

(1) *Enrollee fails to pay premiums.* (i) An enrollee who is a health insurance program beneficiary and who fails to pay, pursuant to the HMO's written membership rules, the premiums or other charges imposed by the HMO for deductible and coinsurance amounts for which the enrollee is liable pursuant to § 405.2022(b) may be disenrolled by the HMO provided that the HMO can demonstrate to the Secretary that it made reasonable efforts to collect the unpaid amount and gives written notice of termination of enrollment. Such notice shall be mailed to the enrollee prior to the submission of the disenrollment notice to the Social Security Administration. Such notice shall include an explanation of the enrollee's right to appeal the HMO's decision to terminate the enrollment.

(ii) The liability of the Social Security Administration to make monthly capitation payments to the HMO on behalf of such a beneficiary shall terminate as of the first day of the month in which the termination of his membership in the HMO as a health insurance program beneficiary is made effective, as shown on the records of the Social Security Administration. In no event will such month be earlier than the month immediately following, or later than the third month following, the month in which the disenrollment notice is received in acceptable form by the Social Security Administration.

(iii) Where the health insurance program beneficiary fails to pay the premium, or portion thereof, attributable to a supplemental benefit plan (but continues to pay other premiums), the beneficiary has contracted for, the HMO may cease to provide such supplemental coverage to such a beneficiary, as provided for in its membership rules, but may not disenroll the beneficiary for nonpayment of premiums applicable to a supplemental benefit plan.

(2) *Enrollee moves out of the HMO's enrollment area.* A beneficiary shall be disenrolled by the HMO if he moves permanently out of the HMO's enrollment area and does not voluntarily disenroll pursuant to paragraph (b) of this section, provided that the HMO, on the basis of a written statement from the beneficiary or other evidence acceptable to the Social Security Administration, establishes that the beneficiary has moved out of its enrollment area and gives written notice of termination of enrollment to the beneficiary pursuant to the requirements of paragraph (a)(1)(i) of this section. In that event, the Social Security Administration's liability to make monthly capitation payments to the HMO on behalf of the beneficiary shall terminate as of the first day of the month in which the termination of his membership in the HMO as a health insurance program beneficiary is made effective, as shown on the records of the Social Security Administration. In no event will such month be earlier than the month immediately following, or later than the third month following, the month in which the disenrollment notice is received from the HMO in acceptable form by the Social Security Administration.

(3) *Enrollee dies.* The liability of the Social Security Administration to make monthly per capita payment shall terminate effective with the month immediately following the month of death.

(4) *Enrollee's entitlement to benefits under the supplementary medical insurance program ends.* (i) The liability of the Social Security Administration to make monthly capitation payments to the HMO on behalf of the beneficiary shall terminate effective with the month immediately following the last month of entitlement to benefits under the supplementary medical insurance program. The beneficiary may be continued as an enrollee other than a health insurance program beneficiary by the HMO under its regular plan if the HMO and the enrollee so choose.

(ii) Where an enrollee loses entitlement to benefits under the hospital insurance program, but remains entitled to benefits under the supplementary medical insurance program, he shall automatically continue as an enrollee of the HMO who is a health insurance program beneficiary. He shall be entitled to receive and have payment made for services, as provided for in § 405.2021 beginning with the month immediately following the last month of his entitlement to hospital insurance program benefits.

(b) *Beneficiary disenrollment.* A health insurance program beneficiary may disenroll from an HMO at any time by giving the HMO a signed, dated, written request on such form and in such manner as the HMO may require at least 30 days prior to the month in which he wishes the termination to be effective. In such cases, the HMO shall submit a disenrollment notice to the Social Security Administration within 30 days following the beneficiary's request. The liability of the Social Security Administration to make monthly payments to the HMO on his behalf shall terminate with the close of the month of termination requested by the beneficiary, except that in no event shall the last month of payment of payment be earlier than the month in which the beneficiary requested termination.

(c) *Disenrollment in cases of termination or default of contract.* (1) The termination of a contract between an HMO and the Secretary, whether by mutual consent or unilateral action by either party, shall result in the termination of the liability of the Social Security Administration to make monthly capitation payments and the last month of liability shall be the last month for which the contract is effective.

(2) Where an HMO, for bankruptcy or other reasons, defaults in its contract with the Secretary prior to the close of the contract year, the Secretary shall establish the month in which the liability of the Social Security Administration to make monthly capitation payments for all health insurance program beneficiaries enrolled in the HMO shall cease, and shall notify the HMO and such enrollees of his determination in writing as soon as practicable.

§ 405.2070 Beneficiary grievances and appeals.

(a) *General.* This subpart establishes procedures for the presentation and resolution of grievances of enrollees, initial determinations, reconsiderations, hearings, Appeals Council review, court review, and finality of decisions which are applicable only in matters arising under section 1876 of the Act, as amended. The grievance procedure applies to all complaints that are not initial determinations. The appeals procedure pertains to disputes involving initial determinations (see § 405.2072) with which the enrollee is dissatisfied (i.e., the enrollee has received items or services for which he is found liable for reimbursement) or requests for services which the HMO has refused to provide or arrange for and which have not been provided elsewhere. Any determinations regarding items or services which were furnished by the HMO, either directly or through arrangement, for which the enrollee is not liable are, therefore, not subject to appeal. Physicians and other individuals who are furnishing items or services under arrangement with an HMO have no right of appeal. The provisions of Subpart J of Part 404 of this chapter dealing with representation of parties under title II of the Act are, unless otherwise provided in this subpart, also applicable to matters arising under section 1876 of the Act.

(b) *Responsibility for establishing grievance and appeal procedures.* The provisions of this subpart apply equally to all title XVIII beneficiaries who are enrollees in an HMO regardless of the method of claims processing adopted by the particular HMO. The HMO will be responsible for establishing and maintaining the appeal procedures which are specified within this subpart and are required to be met by the HMO. Where, however, a carrier or intermediary processes the claims for the HMO enrollees, such carrier or intermediary is acting in the place of the HMO (except with regard to initial determinations as specified in § 405.2072(a)(4)) and conducts the appeal procedures specified in this

subpart, except that § 405.2073(h)(1)(ii), shall not apply to such carrier or intermediary. The grievance procedure, however, shall be the responsibility of the HMO.

(c) *Written description of grievance and appeals procedure.* It shall be the responsibility of each HMO to ensure that all title XVIII enrollees are informed in writing of the grievance and appeal procedures which are available to them.

§ 405.2071 Grievance procedure.

(a) *Alternative grievance procedures.* The Secretary is authorized to waive the requirements contained in paragraphs (b), (c), and (d) of this section if an HMO submits an alternate written plan which meets the approval of the Secretary. This plan must be accompanied by documentation showing the proposed composition of the alternate plan as well as the method of executing it.

(b) *Grievances where the payment amount is not in controversy.* For those enrollees who are entitled to benefits under title XVIII of the Act, any oral or written complaint regarding HMO services or procedures, whether medical or nonmedical (e.g., termination of enrollee's membership in the HMO, scheduling of appointments, courtesy of employees, etc.), but only where the payment amount is not in controversy (e.g., the HMO has rendered services and liability for payment is not involved), is to be referred as a grievance to the initial level of the HMO's grievance procedure. All actions at the initial grievance level shall be final and binding on both the HMO and the enrollee unless further action relative to the grievance is taken at a higher grievance level. At both levels, the enrollee, or his representative, shall have a reasonable opportunity to submit written evidence and contentions as to facts relative to the grievance.

(c) *Initial grievance level.* The HMO shall designate an initial grievance committee which may consist of one or more individuals, which will be responsible on an ongoing basis: (1) For receiving all enrollee grievances about services and procedures where no dollar amount is in controversy, and (2) for taking necessary corrective action regarding the grievances. Within 2 months of the filing of a grievance the enrollee shall be notified in writing as to the action taken.

(d) *Higher grievance level.* Where the enrollee does not agree with the findings or recommendations of an initial grievance committee, he shall have the opportunity to submit his grievance to a higher grievance committee on which the HMO administrative staff, the medical staff, and the enrollees are equally represented. The higher grievance committee shall be empowered to review the activities of the initial grievance committee and to make findings regarding those grievances referred to it. Such committee may forward any problems to the HMO board of directors. Such committee shall within 2 months of receiving the grievance notify the enrollee in writing of any action it takes. All actions taken by a higher grievance committee shall be final and binding on the HMO and enrollee.

§ 405.2072 Initial determinations.

(a) *HMO, intermediary, or carrier actions which are initial determinations.* For the purpose of this subpart, an initial determination made by an HMO, or intermediary or carrier acting for the HMO, with respect to the rights of a title XVIII enrollee (hereafter referred to as "enrollee") includes, in addition to determinations related to services rendered by the HMO, any determination with respect to the following:

(1) Reimbursement for emergency services as defined in § 405.2005(a)(3)(i);

(2) Reimbursement for urgently-needed services as defined in § 405.2005(a)(3)(ii), furnished to an enrollee during a period of temporary absence from the geographic area serviced by the HMO;

(3) Any other health services rendered by a physician, supplier, or provider of services other than the HMO which an enrollee believes should have been provided or arranged for or reimbursed by the HMO;

(4) The HMO's declination to provide services which the enrollee believes should be provided or arranged for by the HMO and which the enrollee has not received outside the HMO.

(b) *Notice of adverse initial determination.* In any case in which an HMO, intermediary, or carrier makes a partially or fully adverse determination involving a request for payment or an HMO refuses to provide or arrange for requested services with respect to the enrollee under paragraph (a) of this section, regardless of the amount in controversy, the HMO, intermediary, or carrier, as applicable, shall notify the enrollee in writing. Such notice to the enrollee, or his representative, shall state in detail the basis for the determination. Such written notice shall also inform the enrollee of his right to reconsideration.

(c) *Parties to the initial determination.* The parties to the initial determination are the enrollee or an assignee (i.e., a physician who accepts assignment for services rendered to enrollees, which are not covered by the plan of the HMO), or the enrollee's representative (or if the enrollee is deceased, the representative of such enrollee's estate), or any other entity determined to have an appealable interest in the proceeding.

(d) *Effect of initial determination.* The initial determination shall be final and binding upon the party or parties to such determination, or if such party is deceased, upon the representative of such individual's estate, unless the determination is reconsidered in accordance with § 405.2073 or is revised in accordance with § 405.2077.

§ 405.2073 Appeals: Reconsideration.

(a) *General.* An enrollee, his authorized representative (or, if an enrollee is deceased, the representative of such enrollee's estate), or any party to an initial determination as described in § 405.2072(c) who is dissatisfied with an initial determination as described in § 405.2072(a) may request a reconsideration of such determination in accordance with paragraph (b) of this section regardless of the amount in controversy.

(b) *Place and method of filing request for reconsideration.* A request for reconsideration by an enrollee or his representative is to be made in writing and filed with the HMO, intermediary, or carrier which made the initial determination, at an office of the Social Security Administration, or, in the case of a qualified railroad retirement beneficiary (see § 405.368), at an office of the Railroad Retirement Board. The request may be made on a specific form designated by the Social Security Administration or by any written means.

(c) *Time of filing request for reconsideration.* The request for reconsideration shall be filed within 6 months from the date of the mailing of the notice of an initial determination unless such time is extended as provided in paragraph (d) of this section.

(d) *Extension of time to request reconsideration.* If a party to an initial determination, or his representative, desires to file a request for reconsideration after the time for filing such request specified in paragraph (c) of this section has passed, such party or representative may file a petition with the HMO, intermediary, carrier, the Social Security Administration, or, in the case of a qualified railroad retirement beneficiary, at an office of the Railroad Retirement Board, for an extension of time for the filing of such request. Such petition shall be in writing and shall state the reasons why the request for reconsideration was not filed within the required time. For good cause shown, the HMO, intermediary, or carrier may extend the time for filing the request for reconsideration.

(e) *Parties to the reconsideration.* The parties to the reconsideration shall be the persons or entities who were parties to the HMO's, intermediary's, or carrier's initial determination as described in § 405.2072(c) and any other person or entity whose rights with respect to the initial determination which is being reconsidered may be affected by such reconsideration.

(f) *Withdrawal of request for reconsideration.* A request for reconsideration may be withdrawn by the enrollee or his representative who filed the request provided the withdrawal is made in writing and filed with the HMO, intermediary, carrier, the Social Security Administration, or, in the case of a qualified railroad retirement beneficiary, at an office of the Railroad Retirement Board.

(g) *Opportunity to submit evidence.* The parties to the reconsideration shall have a reasonable opportunity to submit written evidence and contentions as to facts or law relative to the issue in dispute. The parties may present evidence in person.

(h) *Reconsideration determination.* The first step in the reconsideration of

an initial determination shall be undertaken by the HMO, intermediary, or carrier which adjudicated the claim initially, except that where the provision of services has been refused, the HMO will conduct the reconsideration in paragraph (h)(1) of this section. The HMO, intermediary, or carrier shall thoroughly review such initial determination made under § 405.2072(a), the evidence and findings upon which such determination was based, and any additional evidence submitted to the HMO, intermediary, carrier, or the Social Security Administration. However, such review shall not be made by any person who made, or assisted in making, the initial determination.

(1) *Reconsideration by an HMO.* Where the HMO adjudicates the claim initially or has refused to provide or arrange for requested services, the following procedure should be followed at the reconsideration level:

(i) *If HMO can make a favorable determination.* If the HMO can make a completely favorable determination in regard to the enrollee, the HMO shall revise the initial determination accordingly;

(ii) *If HMO recommends that determination be affirmed.* If the HMO recommends that the initial determination be affirmed, in whole or in part, the HMO shall prepare a written explanation of its recommendation and forward the entire case file to the Social Security Administration. The Social Security Administration shall review such file and any additional evidence found to be necessary, and shall make a determination affirming or revising, in whole or in part, such initial determination.

(2) *Reconsideration by an intermediary or carrier.* In those cases where an intermediary or carrier initially adjudicated the claim for the HMO, the reconsideration determination will be made by the intermediary or carrier, as applicable. Whether favorable to the beneficiary or not, it shall be a final and binding determination in accordance with paragraph (j) of this section.

(i) *Notice of reconsideration determination.* Written notice of the reconsideration determination shall be mailed to the parties to the reconsideration. The notice shall explain the basis of the reconsideration determination and shall advise the beneficiary of his right to a hearing by an administrative law judge if the amount in controversy is $100 or more. The notice shall also indicate the place and manner of requesting a hearing and the time limit during which a hearing must be requested (see § 405.2074(c)).

(1) Such notice will be mailed by the HMO in those cases in which the HMO fully reverses its initial determination, and by the processing intermediary, carrier, or the Social Security Administration in every case in which such organization makes the reconsideration determination. A copy of the determination shall be sent to the Social Security Administration.

(2) In those cases processed by the HMO in which the initial determination is affirmed, or partially affirmed, the Social Security Administration will mail notice of the reconsideration determination to the parties thereto and a copy of the notice shall be sent to the HMO.

(j) *Effect of reconsideration determination.* The reconsideration determination shall be final and binding upon all parties to the reconsideration unless a request for hearing is filed within 6 months after the date of mailing of the notice of the reconsideration to such parties or unless the reconsideration determination is revised upon reopening in accordance with the provisions of § 405.2077.

§ 405.2074 Appeals: Hearing.

(a) *General.* Sections 404.917–404.940 of this chapter (dealing with the conduct of hearings) are, unless otherwise provided in this subpart, also applicable to hearings arising under this subpart.

(b) *Right to hearing.* An enrollee or any other party as described in § 405.2072(c) or § 405.2073(e), with the exception of an HMO, has a right to a hearing before the Secretary regarding any initial determination made under § 405.2072 for either Part A or Part B services if:

(1) Such initial determination has been reconsidered by the Social Security Administration (unless the intial determination was fully reversed by the HMO, in accordance with § 405.2073), or by an intermediary, or carrier;

(2) The enrollee, or party, was a party to the initial or reconsideration determination;

(3) The enrollee, his representative, or the party or his representative has filed a written request for a hearing in accordance with the procedure described in paragraphs (c) and (d) of this section; and

(4) The amount in controversy is $100 or more. (The amount in controversy, which can include any combination of Part A and Part B services, is to be computed in accordance with § 405.740 for Part A services and § 405.820(b) for Part B services. Where the basis for the appeal is the refusal of services, the projected value of such services shall be utilized in computing the amount in controversy.)

(c) *Place of filing request for hearing.* The request shall be made in writing at the HMO, an office of the processing intermediary or carrier, an office of the Social Security Administration or, in the case of a qualified railroad retirement beneficiary, an office of the Railroad Retirement Board.

(d) *Time limit for filing request for hearing.* Any request for hearing must be filed within 6 months after the date of mailing of the notice of the reconsideration determination to the enrollee, except where the time is extended by an administrative law judge as provided in § 404.954(a) of this chapter.

(e) *Parties to a hearing.* The parties to a hearing shall be the parties to the reconsideration determination and any other person whose rights with respect to the reconsideration determination might be affected. The HMO shall also be made a party to any such hearing; however, the HMO does not have a right to request a hearing. Fees for any services rendered by a representative appointed on behalf of the HMO shall not be subject to the provisions of section 206 of the Social Security Act.

(f) *Dismissal of request for hearing: Amount in controversy less than $100.* The determination as to whether the amount in controversy is $100 or more, qualifying the enrollee for a hearing, shall be made by the administrative law judge. The administrative law judge shall dismiss the request for hearing if such request plainly shows that less than $100 is in controversy. If a hearing is held and the administrative law judge finds that the amount in controversy is less than $100, he shall dismiss the request for hearing and will not rule on the substantive issues involved in the appeal.

§ 405.2075 Appeals Council review.

Provisions regarding Appeals Council review which are contained in § 404.942ff of this chapter shall apply to the HMO appeals process. The HMO which is a party to a hearing, as well as any other parties, has a right to request Appeals Council review of the administrative law judge's decision or dismissal.

§ 405.2076 Court review.

An enrollee or the HMO shall be entitled to judicial review:

(a) Of the decision of an administrative law judge if the Appeals Council has denied the enrollee's or the HMO's request for review, and the amount in controversy is $1,000 or more, or

(b) Of a decision by the Appeals Council when that is the final decision of the Secretary and the amount in controversy is $1,000 or more. The civil action is to be filed in a district court of the United States in accordance with section 205(g) of the Act (see § 422.210 of this chapter for the procedure for filing such action).

§ 405.2077 Time period for reopening initial, revised, or reconsideration determinations and decisions or revised decisions of an administrative law judge or the Appeals Council.

An initial, revised, or reconsideration determination made by an HMO, an intermediary or carrier, or the Social Security Administration or a decision or revised decision of an administrative law judge or of the Appeals Council, with respect to a party's rights under section 1876 of the Act, may be reopened in accordance with the provisions of § 405.750 (a), (b), and (c).

[FR Doc.75-6787 Filed 3-14-75;8:45 am]

Social and Rehabilitation Service

[45 CFR Parts 401, 402]

REHABILITATION PROGRAMS AND ACTIVITIES

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Secretary of Health, Education, and Welfare. The proposed regulations revise Parts 401 and 402 of Chapter IV of Title 45 of the Code of Federal Regulations in order to implement certain provisions under Title I of the Rehabilitation Act Amendments of 1974 (Pub. L. 93-516).

Part 401 is revised to provide for a review of the ineligibility decision for those persons who have applied unsuccessfully to State vocational rehabilitation agencies for vocational rehabilitation services. Regulatory revisions also strengthen affirmative action programming for the employment and career advancement of handicapped persons in State vocational rehabilitation agencies and in rehabilitation facilities receiving assistance under State plans for vocational rehabilitation services.

Revisions have also been made in Part 401 and Part 402 to clarify the responsibility of the Commissioner of the Rehabilitation Services Administration for the administration of the public rehabilitation program. The Rehabilitation Services Administration is the principal agency within the Department of Health, Education and Welfare for carrying out the programs authorized under Titles I, II, and III of the Act and the Commissioner is the principal officer of the Rehabilitation Services Administration.

Part 402, in addition, is revised to cover the newly authorized grant program for the support of special projects and demonstrations for operating programs to demonstrate methods of making recreational activties fully accessible to the handicapped.

In addition, certain clarifying revisions in regulations for the Rehabilitation Act of 1973 have also been made.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Commissioner, Rehabilitation Services Administration, Department of Health, Education, and Welfare, Washington, D.C. 20201, on or before May 1, 1975. Such comments will be open for inspection in Room 3323 of the Department's offices at 330 C Street SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (Area Code 202, 245-0079).

Since the Rehabilitation Services Administration was transferred on February 5, 1975 to the Office of Human Development within the Department of Health, Education, and Welfare, relocation of regulations for the Rehabilitation Act of 1973, as amended, within the Code of Federal Regulations will be necessary. The final regulations for the Rehabilitation Act of 1973, as amended, will be published in a new chapter covering Office of Human Development programs.

(Catalog of Federal Domestic Assistance Programs Nos. 13.746, Rehabilitation Services and Facilities-Basic Support; 13.763, Rehabilitation Services and Facilities—Special Projects; 13.765, Rehabilitation Research and Demonstrations.)

AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)).

Dated: February 7, 1975.

ANDREW S. ADAMS,
Commissioner, Rehabilitation Services Administration.

Approved: February 12, 1975.

STANLEY B. THOMAS, Jr.,
Assistant Secretary for Human Development.

Approved: March 10, 1975.

CASPAR W. WEINBERGER,
Secretary.

Part 401 and Part 402 of Chapter IV of Title 45 of the Code of Federal Regulations are revised as follows:

PART 401—THE STATE VOCATIONAL REHABILITATION PROGRAM

1. In Part 401 all references to the "Secretary" shall be revised to refer to the "Commissioner" except in § 401.18 (b), § 401.85(a)(3), § 401.86(d), and § 401.88(a).

2. In § 401.3 and § 401.86(c)(2), the references to the "Department" shall be revised to refer to the "Rehabilitation Services Administration."

3. In § 401.1, paragraph (k) is revised and a new paragraph (hh) is added as follows:

§ 401.1 Terms.

* * * * *

(k)(1) "Handicapped individual", except as provided in paragraph (b)(2) of this section, means an individual

(i) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(ii) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(2) "Handicapped individual," for purposes of § 401.15(c), § 401.49(e), § 401.49(f), § 401.50(g), § 401.50(h), § 402.25, § 402.26, and § 402.29, means an individual

(i) Who has a physical or mental impairment which substantially limits one or more of his major life activities;

(ii) Who has a record of such an impairment; or

(iii) Who is regarded as having such an impairment.

* * * * *

(hh) "Commissioner" means the Commissioner of the Rehabilitation Services Administration.

4. In § 401.15, paragraphs (a) and (c) are revised to read as follows:

§ 401.15 Standards of personnel administration.

(a) The State plan shall set forth the State agency's standards of personnel administration consistent with State licensure laws and regulations and other pertinent laws and regulations applicable to its own employees and those of local agencies operating under its supervision. Rates of compensation and minimum qualifications shall be established for each class of position commensurate with the duties and responsibilities of that class. The State plan shall set forth the policies of the State agency with respect to the qualifications, selection, appointment, promotion, career development, and tenure of qualified personnel, including its policies against discrimination on the basis of sex, race, age, physical or mental impairment, creed, color, national origin, or political affiliation.

(b) * * *

(c) The State plan shall further provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity and advancement opportunity for qualified handicapped individuals. Such affirmative action plan shall provide for specific action steps, timetables, and complaint and enforcement procedures to assure such equal opportunities. The State plan shall further comply with all requirements concerning nondiscrimination of handicapped individuals specified in regulations developed pursuant to section 504 of the Act.

5. In § 401.18 paragraph (a)(4) is added as follows:

§ 401.18 State agency studies and evaluations.

(a) * * *

* * * * *

(4) Review the efficacy of the criteria employed by the State agency with respect to those individuals who have applied for vocational rehabilitation services and have been found to be ineligible for such services.

6. In § 401.34, paragraph (b) is revised as follows:

§ 401.34 Evaluation of rehabilitation potential: Preliminary diagnostic study.

* * * * *

(b) The State plan shall provide that the preliminary diagnostic study will include such examinations and diagnostic studies as are necessary to make the determinations specified in paragraph (a) of this section, and, in all cases, will place primary emphasis upon the determination of the individual's potential for achieving a vocational goal. The State plan shall provide that the preliminary diagnostic study will include an appraisal of the current general health status of the individual. The State plan shall further provide that in all cases of mental or emotional disorder,

an examination will be provided by a physician skilled in the diagnosis and treatment of such disorders, or by a psychologist licensed or certified in accordance with State laws and regulations, in those States where such laws and regulations pertaining to the practice of psychology have been established.

7. In § 401.35, paragraphs (c) and (d) are revised as follows:

§ 401.35 Evaluation of rehabilitation potential: Thorough diagnostic study.

* * * * *

(c) The State plan shall provide that in all cases of visual impairment, an evaluation of visual loss will be provided by a physician skilled in the diseases of the eye or by an optometrist, whichever the individual may select, and in the case of blindness, a hearing evaluation will be obtained from a physician skilled in the diseases of the ear or from an audiologist licensed or certified in accordance with State laws or regulations. The State plan shall further provide that when an impairment of hearing is demonstrated on the basis of such hearing evaluation, an evaluation of the auditory system will be obtained from a physician skilled in the diseases of the ear.

(d) The State plan shall provide that in all cases of hearing impairment, an evaluation of the auditory system will be obtained from a physician skilled in the diseases of the ear, and based upon such physician's findings, a hearing evaluation may be provided by such a physician or by an audiologist licensed or certified in accordance with State laws or regulations.

* * * * *

8. In § 401.37, paragraph (c) is revised as follows:

§ 401.37 Certification: eligibility; extended evaluation to determine rehabilitation potential; ineligibilty.

* * * * *

(c) *Certification of ineligibility.* The State plan shall provide that whenever it has been determined beyond any reasonable doubt that an individual is ineligible for vocational rehabilitation services, either because he does not have a physical or mental disability which constitutes a substantial handicap to employment, or because it has been determined beyond any reasonable doubt that he cannot be expected to benefit in terms of employability from vocational rehabilitation services, there shall be a certification, dated and signed by an appropriate State agency staff member. The State plan shall further provide that such certification of ineligibility will include the specifications of reasons for the determination of ineligibility and will be made only after full consultation with the individual or, as appropriate, his parent, guardian, or other representative, or after affording a clear opportunity for such consultation. In such cases, the State agency shall notify the individual in writing of the action taken and shall inform the individual of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the State agency's procedures for administrative review and fair hearings under § 401.46. When appropriate, the individual shall be provided a detailed explanation of the availability of the resources within a client assistance project established under Part 402 of this chapter and referral shall be made to other agencies and facilities. The State plan shall further provide that when an applicant for vocational rehabilitation services has been determined on the basis of the preliminary diagnostic study to be ineligible for such services because of a finding that he cannot be expected beyond any reasonable doubt to achieve a vocational goal, such determination of ineligibility will be reviewed not later than 12 months after such determination has been made. Such review need not be conducted in situations where the individual has refused such review, the individual is no longer present in the State, his whereabouts are unknown, or his medical condition is rapidly progressive or terminal.

9. In § 401.38, paragraph (b) is revised as follows:

§ 401.38 The case record for the individual.

* * * * *

(b) In the case of individuals who have applied for vocational rehabilitation services and have been determined to be ineligible, documentation as to the preliminary diagnostic study specifying the reasons for such determination, and documentation of a review of the ineligibility determination carried out not later than twelve months after such determination has been made;

* * * * *

10. In § 401.39, paragraph (e) (3) is revised as follows:

§ 401.39 The individualized written rehabilitation program.

* * * * *

(3) There shall be a periodic review, at least annually, of the ineligibility decision which shall be recorded as an amendment to the individualized written rehabilitation program and in which the individual will be afforded clear opportunity for full consultation in the reconsideration of such decision, except in situations where a periodic review would be precluded because the individual has refused services or has refused a periodic review, the individual is no longer present in the State, his whereabouts are unknown, or his medical condition is rapidly progressive or terminal.

11. In § 401.40, paragraph (b) is revised as follows:

§ 401.40 Scope of agency program: Vocational rehabilitation services for individuals.

* * * * *

(b) The State plan shall further provide that the State agency shall establish in writing and maintain current policies with respect to the scope and nature of each of the vocational rehabilitation services specified in paragraph (a) of this section, and the conditions, criteria, and procedures under which each of such services is to be provided. In the case of telecommunications, sensory, and other technological aids and devices, such policies shall ensure that when individualized prescriptions and fittings are required, such prescriptions and fittings shall be performed by individuals licensed to fill such prescriptions and licensed to perform such fittings in accordance with State licensure laws, or by appropriate certified professionals. When a hearing aid is recommended on the basis of an evaluation of the auditory system, such hearing aid shall be fitted in accordance with the specifications of the findings obtained under § 401.35. Newly developed aids and devices not requiring individualized fittings must meet engineering and safety standards, recognized by experts in the field, as determined by the Secretary.

12. In § 401.49, paragraph (e) and paragraph (f) are added as follows:

§ 401.49 Scope of agency program: Establishment of rehabilitation facilities.

* * * * *

(e) Provide that any rehabilitation facility established under this part will develop and implement an affirmative action plan for equal employment opportunity and advancement opportunity for qualified handicapped individuals which shall provide for specific action steps, timetables, and complaint and enforcement procedures to assure such equal opportunities; and

(f) Provide that any rehabilitation facility established under this part will comply with all requirements concerning nondiscrimination of handicapped individuals specified in regulations developed pursuant to section 504 of the Act.

13. § 401.50, paragraph (g) and paragraph (h) are added as follows:

§ 401.50 Scope of agency program: Construction of rehabilitation facilities.

* * * * *

(g) Provide that any rehabilitation facility constructed under this part will develop and implement an affirmative action plan for equal employment opportunity and advancement opportunity for qualified handicapped individuals which shall provide for specific action steps, timetables, and complaint and enforcement procedures to assure such equal opportunities; and

(h) Provide that any rehabilitation facility constructed under this part will comply with all requirements concerning nondiscrimination of handicapped individuals specified in regulations developed pursuant to section 504 of the Act.

14. In § 401.73, paragraph (a) is revised as follows:

§ 401.73 Establishment of rehabilitation facilities.

(a) Federal financial participation will be available in expenditures made

under the State plan for the establishment of public and other nonprofit rehabilitation facilities for the following types of expenditures, except as limited in paragraph (b) of this section:

(1) Acquisition of existing buildings, and where necessary, the land in connection therewith;

(2) Remodeling and alteration of existing buildings;

(3) Expansion of existing buildings;

(4) Architect's fees;

(5) Site survey and soil investigation;

(6) Initial fixed or movable equipment of existing building;

(7) Initial staffing of rehabilitation facilities; and

(8) Such other direct expenditures as are appropriate to the establishment project.

15. Section 401.91 is added as follows:

§ 401.91 Audits.

(a) Annually, or at such frequencies as are considered necessary and appropriate, the operations of the State agency shall be audited by representatives of the Audit Agency of the Department. Such audits shall be made to determine whether the State agency is being operated in a manner that

(1) Encourages prudent use of program funds, and

(2) Provides a reasonable degree of assurance that funds are being properly expended for the purpose for which appropriated and provided under the Act and State plan.

(b) Reports of audits shall be released by the Audit Agency to the Secretary and to the State administrator specified under § 401.8. The audit reports represent the opinion of the Audit agency on the practices reviewed and the allowability of expenditures audited as the State agency. Final determination as to action to be taken shall be made by the Secretary.

16. Section 401.92 is added as follows:

§ 401.92 Appeals procedures and expenditures settlement.

The State agency shall have the right to appeal proposed audit exceptions in which it has not concurred. Expenditures in which it is found the Federal Government may not participate and which are not properly adjusted through the State's claim shall be deducted from subsequent grants made to the State agency.

17. In § 401.151, paragraph (g) is added as follows:

§ 401.151 Special project requirements.

* * * * *

(g) In order to receive assistance under this subpart, a public or other nonprofit organization or agency, including a public or other nonprofit rehabilitation facility, will develop and implement an affirmative action plan for equal employment opportunity and advancement opportunity for qualified handicapped individuals. Such affirmative action plan shall provide for specific action steps, timetables, and complaint and enforcement procedures to assure such equal opportunities. Such organization or agency shall also assure that it will comply with all requirements concerning nondiscrimination of handicapped individuals specified in regulations developed pursuant to section 504 of the Act.

PART 402—PROJECT GRANTS AND OTHER ASSISTANCE IN VOCATIONAL REHABILITATION

18. In Part 402 all references to the "Secretary" shall be revised to refer to the "Commissioner" except in § 402.1, § 402.2, § 402.24, § 402.101, and in Subpart G.

19. In § 402.20 and § 402.102 all references to the "Department" shall be revised to refer to the "Rehabilitation Services Administration."

20. In § 402.1, paragraph (a) is revised as follows:

§ 402.1 Terms.

For purposes of this part—

(a) The terms "Act," "blind," "Commissioner," "construction of a rehabilitation facility," "Department," "employability," "establishment of a rehabilitation facility," "handicapped individual," "local agency," "maintenance," "nonprofit," "physical or mental disability," "rehabilitation facility," "Secretary," "severely handicapped individual," "State," "State agency," "State plan," "vocational rehabilitation services," "works of art," "workshop," shall, except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

21. Section 402.26 is revised as follows:

§ 402.26 Affirmative action plan.

Applications for Federal support under this part shall specify that the grantee will develop and implement an affirmative action plan for equal employment opportunity and advancement opportunity for qualified handicapped individuals. Such affirmative action plan shall provide for specific action steps, timetables, and complaint and enforcement procedures to assure such equal opportunities.

22. Section 402.29 is revised as follows:

§ 402.29 Nondiscrimination in employment in projects in which construction is to be performed.

Applicants for grants under this part which provide for construction, including minor alterations, shall specify that construction contracts paid for in whole or in part with funds obtained from the Federal government under this part shall include such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246 and will otherwise comply with requirements prescribed by and pursuant to such order. Such construction contracts will also provide for the development and implementation of an affirmative action plan for equal employment opportunity and advancement opportunity for qualified handicapped individuals. Such affirmative action plan shall provide for specific action steps, timetables, and complaint and enforcement procedures to assure such equal opportunities. Such construction contracts will also comply with all requirements concerning nondiscrimination of handicapped individuals specified in regulations developed pursuant to section 504 of the Act.

23. Section 402.30 is revised as follows:

§ 402.30 Right to recover Federal funds.

If, within 20 years after completion of any construction project, or a project which involves construction, for which funds have been paid under this part, the facility shall cease to be a public or other nonprofit facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the U.S. district court for the district in which such facility is situated) of the facility, as the amount which the Federal participation bore to the cost of construction of such facility.

24. In § 402.41, paragraphs (a), (c), and (d) are revised and paragraph (i) is added as follows:

§ 402.41 Special projects and demonstrations; new approaches to service delivery; making recreational activities accessible to the handicapped.

(a) *Purpose.* Under section 304(b)(2) of the Act, grants may be made for the purpose of paying all or part of the cost of special projects and demonstrations, and research and evaluation in connection with such special projects and demonstrations, for applying new types or patterns of services or devices, including opportunities for new careers for handicapped individuals or other individuals in programs serving handicapped individuals. Under section 304(b)(3) of the Act, grants may be made for the purpose of paying all or part of the cost of special projects and demonstrations, and research and evaluation in connection with such special projects and demonstrations, for operating programs (including renovation and construction of facilities, where appropriate) to demonstrate methods of making recreational activities fully accessible to handicapped individuals.

* * * * *

(c) *Matching requirements.* The Federal share shall not exceed 90 per centum of the total cost of the project. The Federal share of the cost of renovation or construction of facilities shall be equal to the share provided for under § 402.51 (c). In projects and demonstrations providing new career opportunities, grantees will be expected to assume an increasing percentage of the new careerist expenses in order to assure that employment commitments will be met.

(d) *Federal financial participation.* Federal financial participation may be available for costs specified in § 402.8 and may also be available for:

(1) New careerist salary and training expenses;

(2) Necessary supportive services to enable new careerists to secure employment; and

(3) In the case of a project which involves the renovation of construction of facilities, such costs as are specified in § 402.51(d).

* * * * *

(i) *Special consideration in projects and demonstrations for making recreational activities accessible to the handicapped.*

Approved projects to demonstrate methods of making recreational activities fully accessible to handicapped individuals shall include provisions to:

(1) Ensure conformance with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified by other standards prescribed by the Secretary of Housing and Urban Development (24 CFR, Part 40) or the Administrator of General Services (41 CFR 101–17.703) and any other standards established by the Commissioner relating to the removal of architectural or transportation barriers;

(2) Focus on as broad a range of recreational activities as is appropriate to the geographical area, including indoor and outdoor recreational activities and recreational activities related to the fine arts;

(3) Ensure in those projects in which renovation or construction of facilities is involved, that such renovation or construction shall conform with all requirements specified under § 402.51(c)–(g) of this part.

25. In § 402.51, paragraph (f)(1)(ii) is revised as follows:

§ 402.51 Grants for construction of rehabilitation facilities.

* * * * *

(f) * * *

(ii) That the applicant will provide a set of plans and specifications for the proposed project which have been approved by the Architectural and Transportation Barriers Compliance Board and in which due consideration shall be given to excellence of architecture and design; and

* * * * *

26. In § 402.61, paragraph (b) is revised as follows:

§ 402.61 Rehabilitation research and demonstration.

* * * * *

(b) *Scope of activities.* Projects supported under this section may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing disability, ways of ameliorating handicapping conditions, and restorative techniques; studies and analyses of industrial, vocational, social, psychological, economic and other factors affecting the rehabilitation of handicapped individuals; studies of special problems of homebound and institutionalized individuals; studies, analyses and demonstrations of architectural and engineering design adapted to meet the special needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals especially those with the most severe handicaps.

* * * * *

27. Section 402.100 is revised as follows:

§ 402.100 Furnishing of technical assistance.

Technical assistance authorized in section 304(e) of the Act will be furnished, directly, or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof to provide technical assistance and consultation:

(a) To public and nonprofit rehabilitation facilities in matters of professional or business practice within the facility and

(b) To public and nonprofit agencies, institutions, organizations, or facilities for the purpose of planning or effecting the removal of architectural and transportation barriers *provided* that such technical assistance shall be provided with the concurrence of the Architectural and Transportation Barriers Compliance Board.

[FR Doc.75-6885 Filed 3-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-EA-11]

ALTERATION OF CONTROL ZONE AND TRANSITION AREA

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Albany, N.Y., Control Zone (40 FR 355) and Transition Area (40 FR 443).

A new instrument approach procedure has been developed for Albany County Airport, Albany, New York, and will require an alteration of the control zone and transition area to provide protection for aircraft executing the approaches to the airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before April 16, 1975, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Albany, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations so as to amend the description of the Albany, N.Y. Control Zone by inserting, "; within 4 miles each side of the Albany VORTAC 072° radial, extending from the 5-mile radius zone to 15 miles east of the VORTAC" following, "north of the VORTAC".

2. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to amend the description of the Albany, N.Y. Transition Area by inserting, "within 5 miles each side of the Albany VORTAC 072° radial, extending from the Albany VORTAC to 18.5 miles east of the VORTAC;" before, "within a 6.5-mile radius of the center".

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

Issued in Jamaica, N.Y., on March 6, 1975.

DUANE W. FREER,
Director, Eastern Region.

[FR Doc.75-6831 Filed 3-14-75;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 75-SW-10]

TEMPORARY RESTRICTED AREAS

Proposed Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas adjacent to Fort Hood, Tex. The restricted areas would be used to contain a joint military exercise "BRAVE SHIELD XII" which is scheduled from August 21 through August 24, 1975. Those areas with airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief,

Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before April 16, 1975, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be aavilable for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would designate the following temporary restricted areas:

R–6315A BRAVE SHIELD XII, TEX.

Boundaries. Beginning at Lat. 32°00'00" N., Long. 97°50'00" W.; to Lat. 32°10'00" N., Long. 98°32'00" W.; to lat. 31°36'00" N., Long. 99°00'00" W.; to lat. 31°00'00" N., Long. 99°00'00" W.; to lat. 30°47'00" N., Long. 98°03'00" W.; to lat. 30°50'00" N., Long. 97°44'00" W.; to lat. 31°06'06" N., Long. 97°32'42" W.; to lat. 31°13'45" N., Long. 97°32'35" W.; to lat. 31°50'00" N., Long. 97°46'00" W.; to point of beginning, excluding that airspace beginning at Lat. 31°05'10" N., Long. 97°41'05" W.) to Lat. 31°00'30" N., Long. 97°41'00" W.; thence clockwise via the arc of a 5-mile-radius circle centered on the Killeen, Tex., Airport (Lat. 31°05'10" N., Long. 97°41'05" W.) to Lat. 31°09'00" N., Long. 97°40'20" W.; to Lat. 31°06'06" N., Long. 97°32'42" W.; to point of beginning from 500 feet AGL to and including 4,000 feet MSL, and excluding that airspace from 500 feet AGL to and including 800 feet AGL within a 3-mile radius of the following airports:

City-County Airport, Gatesville, Tex. (Lat. 31°25'16" N., Long. 97°47'48" W.)

Moccasin Bend Airport, Gatesville, Tex. (Lat. 31°29'06" N., Long. 97°48'05" W.)

Hamilton Municipal Airport, Hamilton, Tex. (Lat. 31°40'15" N., Long. 98°08'45" W.)

Dublin Jay Cee Airport, Dublin, Tex. (Lat. 32°03'19" N., Long. 98°19'09" W.)

Dublin Municipal Airport, Dublin, Tex. (Lat. 32°04'05" N., Long. 98°19'30" W.)

Lee Campbell Ranch Airport, Dublin, Tex. (Lat. 32°01'57" N., Long. 98°25'09" W.)

DeLeon Municipal Airport, DeLeon, Tex. (Lat. 32°05'55" N., Long. 98°31'30" W.)

Comanche County-City Airport, Comanche, Tex. (Lat. 31°55'00" N., Long. 98°36'00" W.)

Dudley Airport, Comanche, Tex. (Lat. 31°52'15" N., Long. 98°39'45" W.)

Mills County Airport, Goldthwaite, Tex. (Lat. 31°28'55" N., Long. 98°34'25" W.)

Bowie Memorial Airport, Brownwood, Tex. (Lat. 31°40'00" N., Long. 98°59'00" W.)

San Saba Municipal Airport, San Saba, Tex. (Lat. 31°14'06" N., Long. 98°43'00" W.)

Lampasas Airport, Lampasas, Tex. (Lat. 31°06'27" N., Long. 98°11'45" W.)

Lometa Airport, Lometa, Tex. (Lat. 31°14'00" N., Long. 98°28'00" W.)

Designated altitudes. 500 feet AGL and including FL 180.

Time of designation. Continuous, 0001 CDT August 21 through 2400 CDT August 24, 1975.

Controlling agency. Federal Aviation Administration Houston ARTC Center.

Using agency. U.S. Air Force, Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

2 R–6315B BRAVE SHIELD XII, TEX.

Boundaries. Beginning at Lat. 32°10'00" N., Long. 98°32'00" W.; to Lat. 32°10'00" N., Long. 99°30'00" W.; to Lat. 31°10'00" N., Long. 99°30'00" W.; to Lat. 31°00'00" N., Long. 99°00'00" W.; to Lat. 30°47'00" N., Long. 98°03'00" W.; to Lat. 31°05'00" N., Long. 97°47'00" W.; to Lat. 31°50'00" N., Long. 97°46'00" W.; to Lat. 32°00'00" N., Long. 97°50'00" W.; to point of beginning.

Designated altitudes. FL 180 to and including FL 280.

Time of designation. Continuous, 0001 CDT August 21 through 2400 CDT August 24, 1975.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665.

3 R–6315C BRAVE SHIELD XII, TEX.

Boundaries. Beginning at Lat. 30°47'00" N., Long. 98°03'00" W.; to Lat. 31°02'00" N., Long. 98°11'00" W.; to Lat. 31°27'00" N., Long. 98°11'00" W.; to Lat. 31°24'00" N., Long. 97°43'00" W.; to Lat. 31°22'33" N., Long. 97°42'45" W.; to Lat. 31°20'48" N., Long. 97°40'32" W.; to Lat. 31°19'37" N., Long. 97°40'32" W.; to Lat. 31°13'45" N., Long. 97°32'35" W.; to Lat. 31°06'06" N., Long. 97°32'42" W.; to Lat. 31°09'00" N., Long. 97°40'20" W.; thence counterclockwise via the arc of a 5-mile radius circle centered on the Killeen, Tex., Airport (Lat. 31°05'10" N., Long. 97°41'05" W.) to Lat. 31°00'30" N., Long. 97°41'00" W.; to Lat. 31°00'00" N., Long. 97°37'00" W.; to Lat. 30°50'00" N., Long. 97°44'00" W.; to point of beginning, excluding that airspace from 100 feet AGL to and including 500 feet AGL within a 3-mile radius of the following airports:

City-County Airport, Gatesville, Tex. (Lat. 31°25'16" N., long. 97°47'48" W.)

Lampasas Airport, Lampasas, Tex. (Lat. 31°06'27" N., Long. 98°11'45" W.)

Designated altitudes. 100 feet AGL to and including 500 feet AGL.

Time of designation. Continuous, 0001 CDT August 21 through 2400 CDT August 24, 1975.

Controlling agency. Federal Aviation Administration Houston ARTC Center.

Using agency. U.S. Air Force Tactical Air Command/USAF Readiness Command (TAC/USAFRED), Langley Air Force Base, Va. 23665

Temporary Restricted Areas R–6315A and R–6315B, defined above, would also be included in the continental control area for the duration of their time of designation.

The proposed restricted areas would be used to contain a joint military training exercise, "BRAVE SHIELD XII" involving armored and tactical air units in joint operations including air defense and counter air operations.

Aircraft involved in the exercise are expected to number approximately 75 high-performance aircraft and approximately 150 rotary wing and special purpose aircraft. Aircraft would be involved in low altitude high speed operations, air-to-air refueling, air-to-air intercepts, close air support and interdiction. Special purpose flights would include forward air control missions, aerial resupply and helicopter insertion and extraction of ground forces. Exercise air traffic is expected to reach in excess of 200 sorties per day. Supersonic flight would not be authorized. Except for approved departures and arrivals at operating bases, overflight of inhabited areas would be avoided to minimize noise levels. All close air support training would be conducted on the Fort Hood Reservation (R–6302). The users of the proposed temporary restricted areas understand that they are obligated to observe the minimum safe altitudes prescribed in § 91.79 of the Federal Aviation Regulations that are applicable to all nonparticipating persons and property on the surface.

A Tactical Air Control System (TACS) would be established for use in providing air traffic control. Leased lines of communications would be installed with appropriate FAA facilities in order to accomplish the orderly and safe ingress/egress of exercise air traffic and the coordinated movement of nonexercise air traffic within or proceeding into and out of the exercise areas. A wide area telecommunications service number would be provided for the accommodation of nonexercise air traffic. This number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period.

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

Issued in Washington, D.C., on March 11, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-6832 Filed 3-14-75;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1607]

PROPOSED SIMPLIFICATION OF PROCEDURES FOR ESTABLISHMENT

Flammability Standards

The purpose of this document is to propose to amend 16 CFR Part 1607 to change from a three-step to a two-step procedure the issuance of flammability standards under the Flammable Fabrics Act. The procedural regulations for the development and establishment of flammability standards, 16 CFR Part 1607, formerly appeared in the Code of Federal Regulations as Subpart A of 15 CFR Part 7; however, the regulations were revised and recodified as 16 CFR Part 1607 in a document published by the Commission in the FEDERAL REGISTER of November 20, 1974 (39 FR 40758).

PROCEDURES

Three principal procedural steps are currently prescribed by the regulations for establishing flammability standards; specifically:

1. Simultaneous publication in the FEDERAL REGISTER of advance notice of finding that a flammability standard may be needed (16 CFR 1607.6) and a notice instituting proceedings for the

development of an appropriate flammability standard (16 CFR 1606.7).

2. Publication in the FEDERAL REGISTER of the proposed flammability standard (16 CFR 1607.8).

3. Publication in the FEDERAL REGISTER of the adopted flammability standard or of a notice terminating or suspending the proceeding to establish the standard (16 CFR 1607.11).

The Commission proposes to simplify these procedures by replacing steps one and two above (16 CFR 1607.6, 1607.7, and 1607.8) with a new step 16 CFR 1607.6 prescribing that the Commission institute proceedings for establishment of flammability standards by publishing a document in the FEDERAL REGISTER that both (1) gives notice of a finding of possible need for a standard or amendment to a standard, and (2) proposes the flammability standard or amendment for comment.

PROPOSAL

Therefore, pursuant to provisions of the Flammable Fabrics Act (sec. 4, 67 Stat. 112, as amended 81 Stat. 569–70 (15 U.S.C. 1193)) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(b), 86 Stat. 1231 (15 U.S.C. 2079(b))), the Commission proposes to amend 16 CFR Part 1607 by deleting §§ 1607.7 and 1607.8 and by revising § 1607.6, to read as follows:

§ 1607.6 Notice both announcing possible need for a new or amended flammability standard and proposing the standard or amendment.

(a) Whenever the Commission finds on the basis of investigations or research conducted under authority of section 14 of the Act that a new or amended flammability standard for a fabric, related material, or product may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage, the Commission shall institute proceedings for the development of an appropriate flammability standard by publishing a document in the FEDERAL REGISTER (1) giving notice of such finding of possible need for a standard or amendment thereto, and (2) proposing such flammability standard for the fabric, related material, or product.

(b) The notice of finding of need and proposed flammability standard shall include: (1) The provisions of the flammability standard or amendment, stated in objective terms; and, (2) the preliminary finding of the Commission, with a concise statement of the basis for the finding, that the flammability standard (i) is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage; (ii) is reasonable, technologically practicable, and appropriate; and (iii) is limited to fabrics, related materials, or products that have been determined to present such unreasonable risks.

* * * * *

Interested persons are invited to submit, on or before April 16, 1975, written comments regarding this proposal. Comments and any accompanying data or material should be submitted, preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, 10th Floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: March 11, 1975.

SADYE E. DUNN,
Secretary,
Consumer Product Safety Commission.

[FR Doc.75-6859 Filed 3-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 344-2]

NEW JERSEY IMPLEMENTATION PLAN

Proposed Compliance Schedules

On May 31, 1972 (37 FR 10880), the Administrator of the Environmental Protection Agency disapproved Chapter 7 of the New Jersey Air Pollution Control Code (now 7:27 N.J.A.C. 6.1 et seq.), regulations comprising a part of New Jersey's strategy for the attainment of national ambient air quality standards for particulates, to the extent that those regulations permitted certain affected sources to defer compliance with relevant emission limitations until after the date set for attainment of primary ambient air quality standards for particulate matter. The disapproved regulations also failed to provide for periodic increments of progress toward compliance for those sources with schedules extending over a period of eighteen (18) or more months, thereby failing to fulfill the requirements of 40 CFR 51.15(c).

To replace the disapproved portions of the New Jersey particulate control strategy, the Administrator promulgated on October 28, 1972 (37 FR 23090) the regulations at 40 CFR 52.1577(d). These regulations, which were amended on May 14, 1973 (38 FR 12713), require sources previously subject to the deferred compliance provisions of the disapproved New Jersey regulations to comply with the substantive terms of the relevant New Jersey particulate emission limitations as expeditiously as practicable, but no later than July 31, 1975, the date mandated for attainment of primary ambient air quality standards for particulate matter in New Jersey. Affected sources not in compliance with the relevant emission limitations by January 31, 1974 were required to propose schedules for compliance. These regulations also require such schedules to include increments of progress toward compliance in appropriate cases.

A number of sources subject to the terms of these Federal regulations have submitted schedules in conformity with the requirements of 40 CFR 52.1577 (d)(1). The Regional Administrator here proposes to approve seventeen (17) such schedules.

Dates representing phased pollution abatement commitments have been extracted from every schedule submitted by a subject source, and have been transcribed to form a separate document. It is the succession of dates identifiable to a subject source that is proposed to be adopted as the official compliance schedule for such source. Once approved, these schedules will constitute revisions to the New Jersey implementation plan under section 110 of the Clean Air Act and 40 CFR 51.8.

The date indicated for "final compliance" in several of these schedules has passed, or will have passed by the time of their ultimate approval. This fact is attributable to delays occasioned by the necessity of ministering to infirmities existing at the time of their initial submission. Approval of these schedules is nonetheless necessary to make final compliance dates associated with such schedules federally enforceable. Where the date for final compliance has passed, the dates provided for achievement of prior increments of progress will not be included in the source's official compliance schedule. The public interest will be protected by the inclusion of the final compliance date for such source, which will become enforceable immediately upon approval of the proposed schedule for that source.

Copies of the compliance schedules proposed to be approved, along with copies of the New Jersey State Implementation Plan, are available for public inspection at the following locations:

United States Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10007

United States Environmental Protection Agency
Division of Stationary Source Enforcement
401 M Street SW.
Washington, D.C. 20460

New Jersey Department of Environmental Conservation
Bureau of Air Pollution Control
5635 Westfield Avenue
Pennsauken, New Jersey 08110

New Jersey Department of Environmental Conservation
Bureau of Air Pollution Control
Room 603
Health—Agriculture Bldg.
Trenton, New Jersey 08625

New Jersey Department of Environmental Conservation
Bureau of Air Pollution Control
25 U.S. Highway 22
Springfield, New Jersey 07081

Reports assessing the technical adequacy of the schedules here proposed for approval are available for examination at the EPA Region II office at the above address.

Public hearings will be held concerning these proposed compliance schedules in order to afford the general public an opportunity to comment. These hearings will be held no sooner than thirty (30) days from the date of this notice, on dates and at locations to be announced

in a subsequent issue of the FEDERAL REGISTER.

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

Dated: March 4, 1975.

G. M. HANSLER,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. A new § 52.1577(e) is added as follows:

§ 52.1577 Compliance schedules.

* * * * *

(e) *Federal compliance schedules.* The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, except where noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Abex Inc	Mahwah, Bergen County	40 CFR 52.1577(d) [1]	Immediately	July 31, 1975
Barnett Foundry & Machine Co.	Irvington, Essex County	do	do	Do.
Gerald A. Barrett, Inc	Woodbine, Cape May County.	do	do	July 1, 1974
G. & W. H. Corson, Inc. (Home Crete Corp.).	Gibbsboro, Camden County	do	do	Dec. 1, 1974
Flockhart Foundry Co	Newark, Essex County	40 CFR 52.1577(d)	do	Do.
GAF Corp	Bridgewater Township, Somerset County.	do	do	
1. Preheating and conveying collector outlet.				Nov. 1, 1974
2. Stack for No. 1 side coloring plant.				June 1, 1975
3. Stack for No. 2 side coloring plant.				Do.
4. Dryer Building collector outlet.				July 31, 1975
5. Aerator and Mixer exhaust.				Do.
Grefco, Inc	Jamesburg, Middlesex County.	40 CFR 52.1577(d)	Immediately	Apr. 15, 1975
Lace Creations, Inc	Newark, Essex County	do	do	June 15, 1975
Metro Containers (Kraftco Corp.).	Jersey City, Hudson County.	do	do	June 30, 1975
North Jersey Foundry Co., Inc.	Little Falls, Passaic County	do	do	July 31, 1975
Trap Rock Industries, Inc	Kingston, Somerset County	do	do	
1. Stacks 4 and 4A				July 31, 1975
2. Stack 5				Do.
Woodward Metal Processing Corp.	Jersey City, Hudson County.	40 CFR 52.1577(d)	do	Mar. 11, 1975

[1] Federal regulation.

[FR Doc.75-6660 Filed 3-14-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 76]

[Docket No. 19417]

CABLE TELEVISION SYSTEMS

Carriage of Sports Programs

1. On February 21, 1975, the National Cable Television Association, Inc., (NCTA) filed a motion requesting that the time for filing comments in the above-captioned proceeding be extended from March 3, 1975, to April 22, 1975. The motion is opposed by the National Hockey League and the Commissioner of Baseball.

2. In support of its request, NCTA states that on January 8, 1975, it filed with the Commission a letter seeking information pursuant to the Freedom of Information Act, 5 U.S.C. section 522 and § 0.461(a) of the Commission's Rules. NCTA alleges that this information is necessary "* * * to evaluate and comment on the newly defined scope of the alternative restrictions set forth in the Further Notice [of Proposed Rulemaking in Docket No. 19417, FCC 74-1415, ____ FCC 2d ____ (1974).]" The Commission's response to the NCTA request was not received until February 11, 1975, and NCTA alleges that too little time remained for adequate utilization of the information in connection with the March 3, 1975, deadline for comments. It is further alleged that the Commission's response did not provide NCTA with all of the material requested, and, thus, additional time is needed to permit NCTA to compile the information.

3. The National Hockey League and the Commissioner of Baseball object to the request on the grounds that "[i]t is becoming increasingly apparent that delay has become a major tactic in the cable industry's strategy," and suggests that the Commission put a halt to these tactics. In the alternative objectors suggest that, if an extension of time is granted, the Commision halt the grants of any certificates of compliance until a final resolution is reached in this docket.

4. On January 30, 1975, the deadline for filing comments and reply comments in this proceeding was extended to March 3, 1975 (Action by Chief, Cable Television Bureau, Mimeo No. 45897, January 30, 1975). This was done because NCTA's Freedom of Information Act request then had not been answered, and the staff believed that the 30-day extension would provide an appropriate period of time after the information request had been answered for all parties to prepare appropriate comments. In light of the facts that receipt of the Commission's response was somewhat delayed and that some of the information (See items 7 and 8 of NCTA's request) will not be available until after April 15, 1975, it appears that good cause exists for the requested 50 day extension of time. We have not been persuaded by the comments in opposition that this extension is not appropriate in the circumstances and in view of the complexity of this proceeding and our desire for concise comments and empirical data.

Accordingly, *It is ordered*, That the "Opposition to Motion for Extension of Time to File comments" filed by the National Hockey League and the Commissioner of Baseball are denied.

It is further ordered, That the "Motion for Extension of Time" filed by the National Cable Television Association, Inc. is granted and the dates for filing comments and reply comments in the captioned proceeding are extended until April 22, 1975, and May 6, 1975, respectively.

This action is taken by the Chief, Cable Television Bureau, pursuant to authority delegated by § 0.288(a) of the Commission's rules.

Adopted: February 28, 1975.

Released: March 4, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DAVID D. KINLEY,
Chief, Cable Television Bureau.

[FR Doc.75-6870 Filed 3-14-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 544, 545, 552]

[No. 75-226]

ASSOCIATIONS CONVERTING FROM MUTUAL TO STOCK FORM

Proposed Amendments Relating to Retention of Federal Charters

MARCH 7, 1975.

Summary. The following summary of the amendments proposed by this Resolution is provided for the reader's convenience and is subject to the full discussion in the following preamble and to the specific provisions of the regulations.

I. *Principal Provisions Reflecting Proposed Changes.* A. *Changes in Existing Federal Regulations.* 1. Definitions.

2. Changes necessary to exclude stock associations from certain regulations and include such associations in other regulations.

II. *New Part 552 of Federal Regulations.* A. New Charter S for Federal stock associations.

B. New bylaws for Federal stock associations.

C. Regulations necessary for the operations of Federal stock associations.

The Federal Home Loan Bank Board, by Resolution No. 74-144, dated February 28, 1974, adopted Part 563b of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563b) to permit conversion of insured institutions from mutual to stock form. Those regulations

became effective on April 8, 1974. Pub. L. 93-495 (H.R. 11221) provided that a Federal association which converts to the stock form may retain its Federal charter. Currently, the Rules and Regulations for the Federal Savings and Loan System do not contain a stock charter and bylaws and many such regulations are inappropriate for or inapplicable to stock associations.

In order to permit Federal stock associations to amend their charters and bylaws to read in the appropriate form and to permit such associations to operate the Board proposes to amend the Federal regulations, as discussed herein.

(1) It is proposed to amend § 541.2 of the Federal regulations to make it clear that the term "Federal associations" as used throughout the regulations applies to Federal stock associations. This necessitates the exclusion of such associations from a few regulations, such as those defining "capital" and "savings account", which are not applicable to stock associations.

(2) Parts 544 and 545 of the current Federal regulations are proposed to be amended to make those parts appropriately applicable to Federal stock associations.

(3) Proposed Part 552 of the Federal regulations contains sections relating only to Federal stock associations. These amendments are the minimum necessary to provide for the operation of Federal stock associations. Other regulations relating to corporate actions such as mergers, stock options, dissolution and liquidation will be proposed by the Board at a later date. It should be noted that certain operating powers of Federal stock associations are conferred by Part 552 rather than enumerated in the charter of such associations.

(4) Proposed § 552.3 contains a Charter S to be adopted by Federal stock associations. In particular it should be noted that section 5, Capital Stock, provides for the issuance of common stock in only one class and provides that a majority of the total outstanding shares of common stock must approve (a) the issuance of such stock directly or indirectly to insiders other than as part of a general public offering, or (b) the issuance of such stock directly or indiceeds 15 percent of the total number of shares of common stock then outstanding. Proposed Section 5 further provides that the holders of common stock shall exclusively possess all voting power and also provides for such holders' rights upon the liquidation, dissolution or winding up of the association.

(5) Section 552.4 contains an optional Section 5 which a Charter S association may adopt in lieu of the standard Section 5. Optional Section 5 would authorize the issuance of common stock as authorized in standard Section 5, but would also authorize the issuance of preferred stock, and serial preferred stock. The issuance of serial preferred stock could be authorized by the board of directors of a Charter S association with the approval of the Federal Home Loan Bank Board. Stockholder approval would not be necessary. As in standard Section 5, however, no capital stock of a Charter S association could be issued without the approval of the votes representing a majority of the total outstanding shares of capital stock if the shares were to be issued (a) directly or indirectly to insiders other than as part of a general public offering, or (b) the issuance would exceed 15 percent of the total number of shares of capital stock then outstanding. Proposed optional Section 5 also provides that the holders of any class or series of capital stock shall not be entitled to vote as a separate class or series or to more than one vote per share, except in the case of cumulative voting and in cases where an amendment would adversely change the specific terms of any class or series of capital stock.

(6) Proposed § 552.5 contains the proposed bylaws for a Charter S association. Four provisions of the proposed bylaws are noted. (1) Article II, Section 12, provides for cumulative voting. (2) Article III, Section 2, provides for the staggered election of directors. (3) Article III, Section 3, provides that directors be the beneficial owners of not less than 100 shares of capital stock of the association unless the association is a wholly-owned subsidiary of a holding company. (4) Article VIII provides for an annual audit of a Charter S association at the end of its fiscal year.

(7) Proposed new § 552.8 incorporates certain provisions of the current deposit regulations but prohibits the issuance of share accounts, eliminates voting and membership rights of share accounts and alters depositor status and priority.

(8) Proposed new § 552.9 incorporates the lending, investment, borrowing and trustee services powers of Charter N deposit associations without exeeption. Such incorporation could not include § 545.1(a) (Savings accounts—General) since it relates only to mutual associations. Therefore, it is proposed to amend current § 545.1(a) to make it inapplicable to stock associations. Present §§ 545.1 (d) (Service charges), 545.2(b) (Account books and certificates), 545.23 (Statement of condition) and 545.25-1 (Employment contracts) relate to stock as well as mutual associations. Therefore, it is proposed to amend those sections to make them applicable to Charter S associations.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by April 18, 1975, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

PART 541—DEFINITIONS

1. Part 541 would be amended by inserting the word "mutual" after the word "Federal" in the phrase "Federal savings and loan association" in the first sentence of § 541.2 and adding the pharse "or Federal stock savings and loan association" after that phrase; by adding the word "mutual" after the word "Federal" in §§ 541.3 and 541.4; and by adding the phrase "capital stock" after the word "surplus" in § 541.8-1, as follows:

§ 541.2 Federal association.

The term "Federal association" means a Federal mutual savings and loan association or Federal stock savings and loan association chartered by the Board as provided in section 5 of the Home Owners' Loan Act of 1933, as amended. As used in §§ 546.1, 546.2, 546.3, and 546.4 of Part 546, and in Parts 547, 548, 549, and 550 of this subchapter, the term "Federal association" also includes any incorporated or unincorporated building, building or loan, building and loan, savings and loan, or homestead association, which has been organized or incorporated under or pursuant to the laws of the District of Columbia.

§ 541.3 Capital.

The term "capital" means the aggregate of the payments on savings accounts in a Federal mutual association, plus earnings credited thereto, less lawful deductions therefrom.

§ 541.4 Savings account.

The term "savings account" means the monetary interest of the holder thereof in the capital of a Federal mutual association and consists of the withdrawal value of such interest.

* * * * *

§ 541.8-1 Net worth.

The term "net worth" means the sum of all general reserves, surplus, capital stock and any other accounts of a Federal association which may be designated as part of net worth pursuant to the provisions of this subchapter.

* * * * *

PART 544—CHARTER AND BYLAWS

2. Part 544 would be amended by adding the word "mutual" after the word "Federal" the first time it appears in § 544.6, as follows:

§ 544.6 Amendment to bylaws.

This section constitutes approval by the Board of any one or more of the following amendments to the bylaws of any Federal mutual association, or of an amendment repealing any provision of such association's bylaws providing for a bonus other than a bonus under the provisions of § 545.3 of this chapter, upon the valid adoption of any such amendment by such association's directors or members as provided in its bylaws, effective when so adopted:

* * * * *

PART 545—OPERATIONS

3. Part 545 would be amended by adding the word "mutual" after the word "Federal" the first time it appears in § 545.1(a); by adding the phrase "Charter S," immediately before the phrase "Charter N" in § 545.1(d); by revising § 545.2(b); by adding the phrase "or in the case of a Charter S association each of its depositors and borrowers," after the word "members" in the first sentence of § 545.23; and by adding the phrase "or a Charter S association" after the word "subchapter" in § 545.25–1(a), as follows:

§ 545.1 Savings accounts.

(a) *General.* The capital of a Federal mutual association may be raised through payments on its savings accounts in the form of cash, or of property in which such Federal association is authorized to invest, and, in the absence of actual fraud in the transaction, the value of such property, as determined by the board of directors of such Federal association, shall be conclusive. The savings accounts of a Federal association that has a Charter E or a Charter K and which amends such charter to read in the form of Charter N or Charter K (rev.) shall continue to have the same rights and privileges and to be subject to the same duties and liabilities as were provided in the charter in effect at the time such savings accounts were created, until exchanged for a savings account issued under the provisions of Charter N or Charter K (rev.).

* * * * *

(d) *Service charge.* A Federal association which has a charter in the form of Charter S, Charter N or Charter K (rev.) may make a service charge of not more than one dollar ($1.00) in any calendar year against any savings account if at the time any such charge is made:

* * * * *

§ 545.2 Evidence of ownership.

(a) * * *

(b) *Account books and certificates.* A Federal association that has Charter S, Charter N or Charter K (rev.) shall issue to each holder of its savings accounts an account book, or a separate certificate, evidencing the ownership of the account and the interest of the holder thereof in such Federal association; except as hereinafter provided, each such certificate shall be in form prescribed by the Board. (The Board has prescribed for use by all Federal associations that have Charter K, forms of certificates evidencing the ownership of savings share accounts, short-term savings share accounts and investment share accounts; and has prescribed for use by all Federal associations that have Charter N or Charter K (rev.) forms of certificates evidencing ownership of savings accounts. Illustrative copies of these forms may be obtained from the Federal Home Loan Bank Board, Washington, D.C., or from any Federal Home Loan Bank. See § 552.8(f)(2) with respect to forms of certificates for Charter S associations.)

* * * * *

§ 545.23 Statement of condition.

Within the month immediately after the annual closing of a Federal association's books, such Federal association shall either mail to each of its members, of such Federal association, together each of its depositors and borrowers, at his last address appearing on the association's books, or publish in a newspaper printed in the English language and of general circulation in the county in which the association's home office is located, a statement of condition of the association as of such closing of its books, in form prescribed by the Board. (The Board has prescribed a form of "Statement of Conditions", an illustrative copy of which may be obtained from any Federal Home Loan Bank or from the Federal Home Loan Bank Board, Washington, D.C.) Within five days after each such statement of condition has been so mailed or published, a certification to such effect, signed by an executive officer of such Federal association, together with a copy of the statement of condition, shall be transmitted by the association to the Federal Home Loan Bank of which the association is a member.

* * * * *

§ 545.25–1 Employment contracts.

(a) *General.* A Federal association which has bylaws that include the provisions contained in paragraph (k) of § 544.6 of this subchapter or a Charter S association may, upon specific approval of its board of directors, enter into employment contracts with officers of the association, in accordance with the provisions of this section.

* * * * *

4. A new Part 552 would be added to the Rules and Regulations for the Federal Savings and Loan System, as follows:

Sec.
552.1 Definitions.
552.2 Amendment of charter.
552.3 Issuance of charter.
552.4 Optional charter provisions.
552.5 Bylaws.
552.6 Amendments to bylaws.
552.7 Description of Charter S associations.
552.8 Savings deposits.
552.9 Investments, services and borrowings.
552.10 Annual reports to stockholders.
552.11 Books and records.

AUTHORITY: §§ 552.1 to 552.11 are issued under Sec. 105, Pub. L. 92–495, October 28, 1974; Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; (12 U.S.C. 1725, 1726, 1730) Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.

PART 552—STOCK ASSOCIATIONS

§ 552.1 Definitions.

All references in this subchapter to the following terms shall, with respect to an association with a charter in the form of a Charter S, have the meaning defined herein.

(a) *Charter S association.* The term "Charter S association" means a Federal savings and loan association which has its charter in the form of a Charter S.

(b) *Capital.* The term "capital" means the aggregate of the payments on savings deposits plus earnings credited thereto, less lawful deductions therefrom.

§ 552.2 Amendment of charter.

A Federal mutual association may amend its charter in its entirety to read in the form of Charter S by a vote of a majority of the total outstanding votes of the association members at any duly called regular or special meeting. Upon receipt of the following certification, the Board will issue a Charter S to such Federal association on the condition subsequent that all stock proposed to be issued in its application filed pursuant to Part 563b of the Rules and Regulations for Insurance of Accounts is sold:

The undersigned, by its Secretary, hereby certifies that the members at a meeting duly called and held adopted the following resolution:

Be it resolved, that the present charter of this association be amended to read in the form of Charter S as set forth in § 552.3 of the Rules and Regulations for the Federal Savings and Loan System, prescribing the present name and home office similarly fixed by the present charter of this association.

In witness whereof, the Secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this _____ day of _____, 19____.

_____
Federal Savings and Loan Association.
By _____

[CORPORATE SEAL]

§ 552.3 Issuance of charter.

A Federal association which has amended its charter pursuant to § 552.2 of this part shall be issued a Charter S in the following form:

CHARTER S

_____ Federal Savings and Loan Association _____

Section 1. *Corporate Title.* The full corporate title of the association is "_____ Federal Savings and Loan Association _____".

Section 2. *Office.* The home office of the association shall be located in the County of _____, State (Territory, Possession or District) of _____.

Section 3. *Powers.* The association is a capital stock association chartered under Section 5 of the Home Owners' Loan Act and has and may exercise all the express, implied and incidental powers conferred thereby and by all acts amendatory thereof and supplemental thereto, subject to the Constitution and laws of the United States as they are now in effect, or as they may hereafter be amended, and subject to all lawful and applicable rules, regulations, and orders of the Federal Home Loan Bank Board.

Section 4. *Duration.* The duration of the association is perpetual.

Section 5. *Capital Stock.* The total number of shares of capital stock which the association has authority to issue is_____, all of which are to be shares of common stock, _____ dollar(s) par value per share (or if no par value, a stated value of _____ dollar(s) per share). The

shares may be issued by the association from time to time as approved by its board of directors without the approval of its stockholders except as otherwise provided in this Section 5. The consideration for the issuance of the shares shall be paid in full before their issuance and shall not be less than the par value [stated value] per share. The consideration for the shares shall be cash, tangible or intangible property, labor or services actually performed for the association or any combination of the foregoing. In the absence of actual fraud in the transaction, the value of such property, labor or services, as determined by the board of directors of the association, shall be conclusive. Upon payment of such consideration such shares shall be deemed to be fully paid and nonassessable.

No shares of Common Stock (including shares issuable upon conversion, exchange or exercise of other securities) shall be issued in the following cases unless their issuance or the plan under which they would be issued has been approved by a majority of the total outstanding shares of Common Stock entitled to vote: (i) shares of Common Stock to be issued, directly or indirectly, to officers, directors or controlling persons of the association other than as part of a general public offering; or (ii) shares of Common Stock (including any shares previously issued or issuable without such stockholder approval) exceeding 15% of the total number of shares of Common Stock then outstanding.

The holders of the Common Stock shall exclusively possess all voting power. Each holder of shares of Common Stock shall be entitled to one vote for each share held by such holder, except as to the cumulation of votes for the election of directors. Subject to Section 7 of this charter, in the event of any liquidation, dissolution or winding up of the association, the holders of the Common Stock, shall be entitled to receive all assets of the association available for distribution, in cash or in kind. Each share of Common Stock shall have the same relative rights as and be identical in all respects with all the other shares of Common Stock.

Section 6. *Preemptive Rights.* Holders of the capital stock of the association shall not be entitled to preemptive rights with respect to any shares of the association which may be issued.

Section 7. *Liquidation Account.* Pursuant to the requirements of the Rules and Regulations for Insurance of Accounts of the Federal Savings and Loan Insurance Corporation, the association shall establish and maintain a liquidation account for the benefit of its savings account holders as of ---- ---- ("eligible savers"). In the event of a complete liquidation of the association, it shall comply with such Rules and Regulations with respect to the amount and the priorities on liquidation of each of the association's eligible saver's inchoate interest in the liquidation account, to the extent it is still in existence. Provided, however, that an eligible saver's inchoate interest in the liquidation account shall not entitle such eligible saver to any voting rights at meetings of the association's stockholders.

Section 8. *Directors.* The association shall be under the direction of a board of directors of not less than seven nor more than fifteen directors, as fixed in the association's bylaws.

Section 9. *Amendment of Charter.* No amendment, addition, alteration, change, or repeal of this charter shall be made unless such is proposed by the board of directors of the association and submitted to and approved by the Federal Home Loan Bank Board and is thereafter submitted to and approved by the stockholders by a majority of the votes eligible to be cast at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Federal Home Loan Bank Board, as of the date of the final approval of, or as fixed by the stockholders.

§ 552.4 Optional charter provisions.

Except as provided herein the provisions of this Section shall constitute the approval by the Board of the proposal by the board of directors of any Charter S association of the following amendments to said Federal association's charter: *Provided,* Such Federal association follows the requirements of its charter in adopting such amendments:

(a) Amend Charter S by revising Section 5 to read as follows:

Section 5. *Capital Stock.* The total number of shares of all classes of the capital stock which the association has authority to issue is ----------, of which [list number of shares of each class and the par or stated value per share of each class]. The shares may be issued by the association from time to time as approved by its board of directors without the approval of its stockholders except as otherwise provided in this Section 5. The consideration for the issuance of the shares shall be paid in full before their issuance and shall not be less than the par value [stated value] per share. The consideration for the shares shall be cash, tangible or intangible property, labor or services actually performed for the association or any combination of the foregoing. In the absence of actual fraud in the transaction, the value of such property, labor or services, as determined by the board of directors of the association, shall be conclusive. Upon payment of such consideration such shares shall be deemed to be fully paid and nonassessable.

Nothing contained in this section 5 (or in any Supplementary Sections hereto) shall entitle the holders of any class or series of capital stock to vote as a separate class or series or to more than one vote per share, except as to the cumulation of votes for the election of directors; provided, however, that this restriction on voting separately by class or series shall not apply to any amendment which would adversely change the specific terms of any class or series of capital stock as set forth in this section 5 (or in any Supplementary Sections hereto). An amendment which increases the number of authorized shares of any class or series of capital stock, or substitutes the surviving association in a merger or consolidation for the association, shall not be considered to be such an adverse change.

No shares of capital stock (including shares issuable upon conversion, exchange or exercise of other securities) shall be issued in the following cases unless their issuance or the plan under which they would be issued has been approved by a majority of the total outstanding shares of capital stock entitled to vote: (i) shares of capital stock to be issued, directly or indirectly, to officers, directors or controlling persons of the association other than as part of a general public offering; or (ii) shares of capital stock (including any shares previously issued or issuable without such stockholder approval) exceeding 15% of the total number of shares of capital stock then outstanding.

A description of the different classes and series (if any) of the association's capital stock and a statement of the designations, and the relative rights, preferences and limitations of the shares of each class of and series (if any) of capital stock are as follows:

A. *Common Stock.* Except as provided in this section 5 (or in any supplementary sections hereto) the holders of the Common Stock shall exclusively possess all voting power. Each holder of shares of Common Stock shall be entitled to one vote for each share held by such holder, except as to the cumulation of votes for the election of directors.

Whenever there shall have been paid, or declared and set aside for payment, to the holders of the outstanding shares of any class of stock having preference over the Common Stock as to the payment of dividends, the full amount of dividends and of sinking fund or retirement fund or other retirement payments, if any, to which such holders are respectively entitled in preference to the Common Stock, then dividends may be paid on the Common Stock and on any class or series of stock entitled to participate therewith as to dividends, out of any assets legally available for the payment of dividends; but only when and as declared by the board of directors.

Subject to section 7 of this charter in the event of any liquidation, dissolution or winding up of the association, after there shall have been paid to or set aside for the holders of any class having preferences over the Common Stock in the event of liquidation, dissolution or winding up the full preferential amounts of which they are respectively entitled, the holders of the Common Stock, and of any class or series of stock entitled to participate therewith, in whole or in part, as to distribution of assets, shall be entitled to receive the remaining assets of the association available for distribution, in cash or in kind.

Each share of Common Stock shall have the same relative rights as and be identical in all respects with all the other shares of Common Stock.

B. *Serial Preferred Stock.* Subject to the approval of the provisions of any Supplementary Sections by the Federal Home Loan Bank Board, and except as provided in this Section 5, the board of directors of the association is authorized, by resolution or resolutions from time to time adopted, to provide in Supplementary Sections hereto for the issuance of the Serial Preferred Stock in series and to fix and state the voting powers, designations, preferences and relative, participating, optional or other special rights of the shares of each such series and the qualifications, limitations and restrictions thereof, including, but not limited to, determination of any of the following:

(a) The distinctive serial designation and the number of shares constituting such series;

(b) The dividend rate or the amount of dividends to be paid on the shares of such series, whether dividends shall be cumulative and, if so, from which date or dates, the payment date or dates for dividends, and the participating or other special rights, if any, with respect to dividends;

(c) The voting powers, full or limited, if any, of shares of such series;

(d) Whether the shares of such series shall be redeemable and, if so, the price or prices at which, and the terms and conditions on which, such shares may be redeemed;

(e) The amount or amounts payable upon the shares of such series in the event of voluntary or involuntary liquidation, dissolution or winding up of the association;

(f) Whether the shares of such series shall be entitled to the benefit of a sinking or retirement fund to be applied to the purchase

or redemption of such shares, and if so entitled, the amount of such fund and the manner of its application, including the price or prices at which such shares may be redeemed or purchased through the application of such fund;

(g) Whether the shares of such series shall be convertible into, or exchangeable for, shares of any other class or classes or of any other series of the same or any other class or classes of stock of the association and, if so convertible or exchangeable, the conversion price or prices, or the rate or rates of exchange, and the adjustments thereof, if any, at which such conversion or exchange may be made, and any other terms and conditions of such conversion or exchange;

(h) The price or other consideration for which the shares of such series shall be issued; and

(i) Whether the shares of such series which are redeemed or converted shall have the status of authorized but unissued shares of serial preferred stock and whether such shares may be reissued as shares of the same or any other series of serial preferred stock.

Each share of each series of serial preferred stock shall have the same relative rights as and be identical in all respects with all the other shares of the same series.

[C. *Preferred Stock.* With the approval of the charter provisions for a class or classes of Preferred Stock by the Federal Home Loan Bank Board, an association may provide in Section 5 for an authorized class or classes of Preferred Stock in lieu of or in addition to Serial Preferred Stock.]

(b) Amend Charter S by redesignating sections 8 and 9 as sections 9 and 10 and add a new Section as follows:

Section 8. *Acquisition of Control.* No company which is significantly engaged in an unrelated business activity shall be permitted, either directly or through an affiliate, to acquire "control" of the association. The terms "affiliate", "control", "significantly engaged" and "unrelated business activity" shall have the meaning defined in § 563b.3(i)(4) of the rules and regulations for Insurance of Accounts (12 CFR 563b.3(i)(4)) as now or hereafter in effect.

§ 552.5 Bylaws.

A Charter S association shall operate under the following prescribed bylaws unless and until such bylaws are amended in accordance with procedures therein set forth:

Bylaws of

"_____ Federal Savings and Loan Association _____"

ARTICLE I. HOME OFFICE

The home office of the association shall be at _____ in the County of _____, in the State of _____.

ARTICLE II. STOCKHOLDERS

Section 1. *Place of Meetings.* All annual and special meetings of stockholders shall be held at the home office of the association or at such other place in the same community as the board of directors may determine.

Section 2. *Annual Meeting.* A meeting of the stockholders of the association for the election of directors and for the transaction of any other business of the association shall be held annually within 120 days after the end of the association's fiscal year on the _____ _____ of _____ if not a legal holiday, and if a legal holiday, then on the next day following which is not a legal holiday, at _____, or at such other date and time within such 120 day period as the board of directors may determine.

Section 3. *Special Meetings.* Special meetings of the stockholders for any purpose or purposes, unless otherwise prescribed by the regulations of the Federal Home Loan Bank Board (as hereinafter used includes the Federal Savings and Loan Insurance Corporation), may be called at any time by the chairman of the board, the president, or a majority of the board of directors and shall be called by the chairman of the board, the president, or the secretary upon the written request of the holders of not less than one-tenth of all the outstanding capital stock of the association entitled to vote at the meeting. Such written request shall state the purpose or purposes of the meeting and shall be delivered at the home office of the association addressed to the president or the secretary.

Section 4. *Conduct of Meetings.* Annual and special meetings shall be conducted in accordance with the most current edition of Robert's Rules of Order unless otherwise prescribed by regulations of the Federal Home Loan Bank Board, or these bylaws. The chairman of the board when present shall preside at such meetings.

Section 5. *Notice of Meeting.* Written notice stating the place, day and hour of the meeting and the purpose or purposes for which the meeting is called shall be delivered not less than twenty nor more than fifty days before the date of the meeting, either personally or by mail, by or at the direction of the chairman of the board, the president, or the secretary, or the directors calling the meeting, to each stockholder of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the U.S. Mail, addressed to the stockholder at his address as it appears on the stock transfer books or records of the association as of the record date prescribed in Section 6 of this Article II, with postage thereon prepaid. A similar notice shall also be posted in a conspicuous place in each of the offices of the association during the twenty days immediately preceding the date on which such annual or special meeting shall convene. If any stockholder in person or by attorney thereunto authorized, shall waive in writing notice of any meeting of stockholders, notice thereof need not be given to such stockholder.

Section 6. *Fixing of Record Date.* For the purpose of determining stockholders entitled to notice of or to vote at any meeting of stockholders or any adjournment thereof, or stockholders entitled to receive payment of any dividend, or in order to make a determination of stockholders for any other proper purpose, the board of directors shall fix in advance a date as the record date for any such determination of stockholders. Such date in any case shall be not more than sixty days and, in case of a meeting of stockholders, not less than twenty days prior to the date on which the particular action, requiring such determination of stockholders, is to be taken. When a determination of stockholders entitled to vote at any meeting of stockholders has been made as provided in this section, such determination shall apply to any adjournment thereof.

Section 7. *Voting Lists.* The officer or agent having charge of the stock transfer books for shares of the association shall make at least twenty days before each meeting of the stockholders a complete list of the stockholders entitled to vote at such meeting, or any adjournment thereof, arranged in alphabetical order, with the address of and the number of shares held by each, which list, for a period of twenty days prior to such meeting, shall be kept on file at the home office of the association and shall be subject to inspection by any stockholder at any time during usual business hours. Such list shall also be produced and kept open at the time and place of the meeting and shall be subject to the inspection of any stockholder during the whole time of the meeting. The original stock transfer book shall be prima facie evidence as to who are the stockholders entitled to examine such list or transfer books or to vote at any meeting of stockholders.

Section 8. *Quorum.* A majority of the outstanding shares of the association entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of stockholders. If less than a majority of the outstanding shares are represented at a meeting, a majority of the shares so represented may adjourn the meeting from time to time without further notice. At such adjourned meeting at which a quorum shall be present or represented, any business may be transacted which might have been transacted at the meeting as originally notified. The stockholders present at a duly organized meeting may continue to transact business until adjournment, notwithstanding the withdrawal of enough stockholders to leave less than a quorum.

Section 9. *Proxies.* At all meetings of stockholders, a stockholder may vote by proxy executed in writing by the stockholder or by his duly authorized attorney in fact. Such proxy shall be filed with the secretary of the association for verification, at least two days prior to the date on which such meeting shall convene. Proxies solicited on behalf of the management shall be voted as directed by the stockholder or, in the absence of such direction, as determined by a majority of the board of directors. No proxy shall be valid after eleven months from the date of its execution.

Section 10. *Voting of Shares in the Name of Two or More Persons.* When ownership stands in the name of two or more persons, in the absence of written directions to the association to the contrary, at any meeting of the stockholders of the association any one or more of such stockholders may cast, in person or by proxy, all votes to which such ownership is entitled. In event an attempt is made to cast conflicting votes, in person or by proxy, by the several persons in whose names shares of stock stand, the vote or votes to which those persons are entitled shall be cast as directed by a majority of those holding such stock and present in person or by proxy at such meeting, but no votes shall be cast for such stock if a majority cannot agree.

Section 11. *Voting of Shares by Certain Holders.* Shares standing in the name of another corporation may be voted by any officer, agent or proxy as the bylaws of such corporation may prescribe, or, in the absence of such provision, as the board of directors of such corporation may determine. Shares held by an administrator, executor, guardian or conservator may be voted by him, either in person or by proxy, without a transfer of such shares into his name. Shares standing in the name of a trustee may be voted by him, either in person or by proxy, but no trustee shall be entitled to vote shares held by him without a transfer of such shares into his name. Shares standing in the name of a receiver may be voted by such receiver, and shares held by or under the control of a receiver may be voted by such receiver without the transfer thereof into his name if authority so to do is contained in an appropriate order of the court or other public authority by which such receiver was appointed.

A stockholder whose shares are pledged shall be entitled to vote such shares until the shares have been transferred into the name of the pledgee, and thereafter the

pledgee shall be entitled to vote the shares so transferred.

Neither treasury shares of its own stock held by the association, nor shares held by another corporation, if a majority of the shares entitled to vote for the election of directors of such other corporation are held by the association, shall be voted at any meeting or counted in determining the total number of outstanding shares at any given time for purposes of any meeting.

Section 12. *Cumulative Voting.* At each election for directors every stockholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote or to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal, or by distributing such votes on the same principle among any number of candidates.

Section 13. *Informal Action by Stockholders.* Any action required to be taken at a meeting of the stockholders, or any other action which may be taken at a meeting of the stockholders, may be taken without a meeting if consent in writing, setting forth the action so taken, shall be given by all of the stockholders entitled to vote with respect to the subject matter thereof.

Section 14. *Inspectors of Election.* In advance of any meeting of stockholders, the board of directors may appoint any persons other than nominees for office as inspectors of election to act at such meeting or any adjournment thereof. The number of inspectors shall be either one or three. If the board of directors so appoints either one or three such inspectors that appointment shall not be altered at the meeting. If inspectors of election are not so appointed, the chairman of the board may, and on the request of not less than ten percent of the votes represented at the meeting shall, make such appointment at the meeting. If appointed at the meeting, the majority of the votes present shall determine whether one or three inspectors are to be appointed. In case any person appointed as inspector fails to appear or fails or refuses to act, the vacancy may be filled by appointment by the board of directors in advance of the meeting, or at the meeting by the chairman of the board.

Unless otherwise prescribed by regulations of the Federal Home Loan Bank Board, the duties of such inspectors shall include: determining the number of shares of stock and the voting power of each share, the shares of stock represented at the meeting, the existence of a quorum, the authenticity, validity and effect of proxies; receiving votes, ballots or consents; hearing and determining all challenges and questions in any way arising in connection with the right to vote; counting and tabulating all votes or consents; determining the result; and such acts as may be proper to conduct the election or vote with fairness to all stockholders.

Section 15. *Nominating Committee.* The board of directors shall act as a nominating committee for selecting the management nominees for election as directors. The nominating committee shall deliver written nominations to the secretary at least twenty days prior to the date of the annual meeting. Upon delivery such nominations shall forthwith be posted in a conspicuous place in each office of the association. Provided such committee makes such nominations, no nominations for directors except those made by the nominating committee shall be voted upon at the annual meeting unless other nominations by stockholders are made in writing and delivered to the secretary of the association at least five days prior to the date of the annual meeting. Upon delivery such nominations shall forthwith be posted in a conspicuous place in each office of the association. Ballots bearing the names of all the persons nominated by the nominating committee and by stockholders shall be provided for use at the annual meeting. If the nominating committee shall fail or refuse to act at least twenty days prior to the annual meeting, nominations for directors may be made at the annual meeting by any stockholder entitled to vote and shall be voted upon.

Section 16. *New Business.* Any new business to be taken up at the annual meeting shall be stated in writing and filed with the secretary of the association at least five days before the date of the annual meeting, and all business so stated, proposed and filed shall be considered at the annual meeting, but no other proposal shall be acted upon at the annual meeting. Any stockholder may make any other proposal at the annual meeting and the same may be discussed and considered, but unless stated in writing and filed with the secretary at least five days before the meeting such proposal shall be laid over for action at an adjourned, special or annual meeting of the stockholders taking place thirty days or more thereafter. This provision shall not prevent the consideration and approval or disapproval at the annual meeting of reports of officers, directors and committees, but in connection with such reports no new business shall be acted upon at such annual meeting unless stated and filed as herein provided. When any stockholders' meeting, either annual or special, is adjourned for thirty days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Except as provided above, it shall not be necessary to give any notice of the time and place of the adjourned meeting or of the business to be transacted thereat, other than an announcement at the meeting at which such adjournment is taken.

Article III. Board of Directors

Section 1. *General Powers.* The business and affairs of the association shall be under the direction of its board of directors.

Section 2. *Number and Term.* The board of directors shall consist of ------ members which shall be divided into three classes as nearly equal in number as possible. The members of each class shall be elected for a term of three years and until their successors are elected and qualified. One class shall be elected by ballot annually.

Section 3. *Qualification.* Each director shall at all times be the beneficial owner of not less than 100 shares of capital stock of the association unless the association is a wholly owned subsidiary of a holding company.

Section 4. *Regular Meetings.* A regular meeting of the board of directors shall be held without other notice than this bylaw immediately after, and at the same place as, the annual meeting of stockholders. The board of directors may provide, by resolution, the time and place, within the State in which the association's home office is located, for the holding of additional regular meetings without other notice than such resolution.

Section 5. *Special Meetings.* Special meetings of the board of directors may be called by or at the request of the chairman of the board, the president or one-third of the directors. The persons authorized to call special meetings of the board of directors may fix any place, within the State in which the association's home office is located, as the place for holding any special meeting of the board of directors called by such persons.

Section 6. *Notice.* Notice of any special meeting shall be given at least two days prior thereto by written notice to each director. Such notice shall be sent to the address at which the director is most likely to be reached. Any director may waive notice of any meeting by a writing filed with the secretary. The attendance of a director at a meeting shall constitute a waiver of notice of such meeting, except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

Section 7. *Quorum.* A majority of the number of directors fixed by Section 2 of this Article III shall constitute a quorum for the transaction of business at any meeting of the board of directors, but if less than such majority is present at a meeting, a majority of the directors present may adjourn the meeting from time to time. Notice of any adjourned meeting shall be given in the same manner as prescribed by Section 6 of this Article III.

Section 8. *Manner of Acting.* The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors, unless a greater number is prescribed by regulation of the Federal Home Loan Bank Board or by these bylaws.

Section 9. *Action Without a Meeting.* Any action required or permitted to be taken by the board of directors at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors.

Section 10. *Resignation.* Any director may resign at any time by sending a written notice of such resignation to the home office of the association addressed to the secretary. Unless otherwise specified therein such resignation shall take effect upon receipt thereof by the secretary. More than three consecutive absences from regular meetings of the board of directors, unless excused by resolution of the board of directors, shall automatically constitute a resignation, effective when such resignation is accepted by the board of directors.

Section 11. *Vacancies.* Any vacancy occurring in the board of directors may be filled by the affirmative vote of a majority of the remaining directors although less than a quorum of the board of directors. A director elected to fill a vacancy shall be elected to serve until the next election of directors by the stockholders. Any directorship to be filled by reason of an increase in the number of directors may be filled by election by the board of directors for a term of office continuing only until the next election of directors by the stockholders.

Section 12. *Compensation.* Directors, as such, shall not receive any stated salary for their services, but by resolution of the board of directors, a reasonable fixed sum, and reasonable expenses of attendance, if any, may be allowed for actual attendance at each regular or special meeting of the board of directors. Members of either standing or special committees may be allowed such compensation for actual attendance at committee meetings as the board of directors may determine. Notwithstanding the foregoing, directors who are salaried officers or employees of the association shall not receive any compensation for attendance at regular, special or committee meetings, other than reimbursement of reasonable expenses of attendance at such meetings.

Section 13. *Presumption of Assent.* A director of the association who is present at a meeting of the board of directors at which action on any association matter is taken shall be presumed to have assented to the action taken unless his dissent or abstention

shall be entered in the minutes of the meeting or unless he shall file his written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the secretary of the association by the next business day after the adjournment of the meeting. Such right to dissent shall not apply to a director who voted in favor of such action.

Section 14. *Chairman of the Board.* The chairman of the board when present shall preside at all meetings of the board of directors. The chairman of the board shall not be an officer or employee of the association or any affiliate of the association.

Article IV. Executive and Other Committees

Section 1. *Appointment.* The board of directors, by resolution adopted by a majority of the full board, may designate the chairman of the board and two or more of the other directors to constitute an executive committee. The designation of such committee and the delegation of authority thereto shall not operate to relieve the board of directors, or any director of any responsibility imposed by law or regulation.

Section 2. *Authority.* The executive committee, when the board of directors is not in session, shall have and may exercise all of the authority of the board of directors except to the extent, if any, that such authority shall be limited by the resolution appointing the executive committee; and except also that the executive committee shall not have the authority of the board of directors with reference to the amendment of the charter or bylaws of the association, or recommending to the stockholders a plan of merger, consolidation, or conversion; the sale, lease or other disposition of all or substantially all of the property and assets of the association otherwise than in the usual and regular course of its business; a voluntary dissolution of the association; a revocation of any of the foregoing; or the approval of a transaction in which any member of the executive committee, directly or indirectly, has any material beneficial interest.

Section 3. *Tenure.* Subject to the provisions of Section 8 of this Article IV, each member of the executive committee shall hold office until the next regular annual meeting of the board of directors following his designation and until his successor is designated as a member of the executive committee.

Section 4. *Meetings.* Regular meetings of the executive committee may be held without notice at such times and places as the executive committee may fix from time to time by resolution. Special meetings of the executive committee may be called by any member thereof upon not less than one day's notice stating the place, date and hour of the meeting, which notice may be written or oral. Any member of the executive committee may waive notice of any meeting and no notice of any meeting need be given to any member thereof who attends in person. The notice of a meeting of the executive committee need not state the business proposed to be transacted at the meeting.

Section 5. *Quorum.* A majority of the members of the executive committee shall constitute a quorum for the transaction of business at any meeting thereof, and action of the executive committee must be authorized by the affirmative vote of a majority of the members present at a meeting at which a quorum is present.

Section 6. *Action Without a Meeting.* Any action required or permitted to be taken by the executive committee at a meeting may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the members of the executive committee.

Section 7. *Vacancies.* Any vacancy in the executive committee may be filled by a resolution adopted by a majority of the full board of directors.

Section 8. *Resignations and Removal.* Any member of the executive committee may be removed at any time with or without cause by resolution adopted by a majority of the full board of directors. Any member of the executive committee may resign from the executive committee at any time by giving written notice to the president or secretary of the association. Unless otherwise specified thereon, such resignation shall take effect upon receipt. The acceptance of such resignation shall not be necessary to make it effective.

Section 9. *Procedure.* The executive committee shall elect a presiding officer from its members and may fix its own rules of procedure which shall not be inconsistent with these bylaws. It shall keep regular minutes of its proceedings and report the same to the board of directors for its information at the meeting thereof held next after the proceedings shall have been taken.

Section 10. *Other Committees.* The board of directors may by resolution establish other committees necessary or appropriate for the conduct of the business of the association and may prescribe the duties, constitution and procedures thereof.

Article V. Officers

Section 1. *Positions.* The officers of the association shall be a president, one or more vice presidents, a secretary, and a treasurer, each of whom shall be elected by the board of directors. Any number of officers may be held by the same person, except that the president shall hold no other office.

Section 2. *Election and Term of Office.* The officers of the association shall be elected annually at the first meeting of the board of directors held after each annual meeting of the stockholders. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as possible. Each officer shall hold office until his successor shall have been duly elected and qualified or until his death or until he shall resign or shall have been removed in the manner hereinafter provided. The board of directors may authorize the association to enter into an employment contract with any officer in accordance with regulations of the Federal Home Loan Bank Board; but no such contract shall impair the right of the board of directors to remove any officer at any time in accordance with Section 3 of this Article V.

Section 3. *Removal.* Any officer may be removed by the board of directors whenever in its judgment the best interests of the association will be served thereby, but such removal, other than for cause, shall be without prejudice to the contract rights, if any, of the person so removed. Election or appointment of an officer, employee or agent shall not of itself create contract rights.

Section 4. *Vacancies.* A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled by the board of directors for the unexpired portion of the term.

Section 5. *President.* The president shall be the principal executive officer of the association and, subject to the control of the board of directors, shall in general supervise and control all of the business and affairs of the association. In the absence of the chairman of the board, the president shall preside at meetings of the stockholders and of the board of directors. The president may sign, with the secretary or any other proper officer of the association thereunto authorized by the board of directors, certificates for shares of capital stock of the association and deeds, mortgages, bonds, contracts, or other instruments which the board of directors has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by the board of directors or by these bylaws to some other officer, employee or agent of the association or shall be required by law or regulation to be otherwise signed or executed; and in general shall perform all duties incident to the office of president and such other duties as may be prescribed by the board of directors from time to time.

Section 6. *The Vice President(s).* In the absence of the president or in the event of his death, inability or refusal to act, the vice president (or in the efent there be more than one vice president, the vice presidents in the order designated by the board of directors, or in the absence of any such designation, then in the order of their election) shall perform the duties of the president, and when so acting, shall have all the powers of and be subject to all the restrictions upon the president. Any vice president may sign, with the secretary, certificates for shares of the association and shall perform such other duties as from time to time may be assigned to him by the president or by the board of directors.

Section 7. *The Secretary.* The secretary shall be responsible for: (a) keeping the minutes of the proceedings of the stockholders and of the board of directors in one or more books provided for that purpose; (b) seeing that all notices are duly given in accordance with the provisions of these bylaws or as required by law or regulation; (c) custody of the corporate records and of the seal of the association; (d) keeping a register of the post office address of each stockholder; (e) signing with the president, or a vice president, certificates for shares of capital stock of the association, the issuance of which shall have been authorized by resolution of the board of directors; (f) having general charge of the stock transfer books of the association; and (g) performing, in general, all duties incident to the office of secretary and such other duties as from time to time may be assigned to him by the president, or the board of directors.

Section 8. *The Treasurer.* The treasurer shall be responsible for: (a) having charge and custody of and accountability for all funds and securities of the association; (b) receiving and giving receipts for monies due and payable to the association from any source whatsoever; (c) depositing all such monies in the name of the association in such depositories as authorized by regulation of the Federal Home Loan Bank Board and the board of directors pursuant to Section 4 of the Article VI; and (d) performing, in general, all of the duties incident to the office of treasurer and such other duties as from time to time may be assigned to him by the president or by the board of directors.

Section 9. *Other Officers.* The board of directors may select, or authorize the appointment of, such other officers as the business of the association may require, each of whom shall hold office for such period, have such authority, and perform such duties as the board of directors may from time to time authorize or determine.

rectors may select, or authorize the appoint-
officers shall be fixed from time to time by the board of directors.

Article VI. Contracts, Loans, Checks and Deposits

Section 1. *Contracts.* To the extent permitted by regulations of the Federal Home Loan Bank Board, and except as otherwise prescribed by these bylaws with respect to

certificates for shares, the board of directors may authorize any officer, employee, or agent of the association to enter into any contract or execute and deliver any instrument in the name of and on behalf of the association. Such authority may be general or confined to specific instances.

Section 2. *Loans.* No loans shall be contracted on behalf of the association and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the board of directors. Such authority may be general or confined to specific instances.

Section 3. *Checks, Drafts, Etc.* All checks, drafts or other orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the association shall be signed by one or more officers, employees or agents of the association in such manner as shall from time to time be determined by resolution of the board of directors.

Section 4. *Deposits.* All funds of the association not otherwise employed shall be deposited from time to time to the credit of the association in any of its duly authorized depositories as the board of directors may select.

ARTICLE VII. CERTIFICATES FOR SHARES AND THEIR TRANSFER

Section 1. *Certificates for Shares.* Certificates representing shares of capital stock of the association shall be in such form as shall be determined by the board of directors and approved by the Federal Home Loan Bank Board. Such certificates shall be signed by such officers as are authorized thereunto by these bylaws and sealed with the corporate seal or a facsimile thereof. The signatures of such officers upon a certificate may be facsimiles if the certificate is manually signed on behalf of a transfer agent or a registrar, other than the association itself or one of its employees. Each certificate for shares of capital stock shall be consecutively numbered or otherwise identified. The name and address of the person to whom the shares are issued, with the number of shares and date of issue, shall be entered on the stock transfer books of the association. All certificates surrendered to the association for transfer shall be cancelled and no new certificate shall be issued until the former certificate for a like number of shares shall have been surrendered and cancelled, except that in case of a lost or destroyed certificate, a new certificate may be issued therefor upon such terms and indemnity to the association as the board of directors may prescribe.

Section 2. *Transfer of Shares.* Transfer of shares of capital stock of the association shall be made only on its stock transfer books. Authority for such transfer shall be given only by the holder of record thereof or by his legal representative, who shall furnish proper evidence of such authority, or by his attorney thereunto authorized by power of attorney duly executed and filed with the secretary of the association, and on surrender for cancellation of the certificate for such shares. The person in whose name shares of capital stock stand on the books of the association shall be deemed by the association to be the owner thereof for all purposes.

ARTICLE VIII. FISCAL YEAR; ANNUAL AUDIT

The fiscal year of the association shall end on the _____ _____ of _____ of each year. The association shall be subject to an annual audit as of the end of its fiscal year by independent public accountants appointed by and responsible to the board of directors. The appointment of such accountants shall be subject to annual ratification by the stockholders.

ARTICLE IX. DIVIDENDS

Subject to the terms of the association's charter and bylaws and the regulations and orders of the Federal Home Loan Bank Board, the board of directors may, from time to time, declare, and the association may pay, dividends on its outstanding shares of capital stock.

ARTICLE X. CORPORATE SEAL

The board of directors shall provide an association seal which shall be two concentric circles between which shall be the name of the association. The year of incorporation or an emblem may appear in the center.

ARTICLE XI. AMENDMENT

These bylaws may be amended at any time by a two-thirds vote of the full board of directors, or by a majority vote of the votes cast by the stockholders of the association. Except as may be otherwise provided by the Federal Home Loan Bank Board by regulation or otherwise, each amendment shall be subject to the approval of the Federal Home Loan Bank Board, and shall not be effective until such approval is given.

§ 552.6 Amendment to bylaws.

This section constitutes approval by the Board of any one or more of the following amendments of the bylaws of any Charter S association.

(a) Amend Article III of the bylaws prescribed in § 552.5 by adding Section 15, as follows: "Section 15. *Age limitation—directors.* No person shall be eligible for election, reelection, appointment, or reappointment to the board of directors if such person is then more than (fill in any age from 65 to 70) years of age. No director shall serve beyond the annual meeting of the association immediately following his attainment of (fill in the same age from 65 to 70 as used above) years of age; except that any such director serving on (fill in date of adoption of bylaw) may complete the unexpired portion of his term being served on such date."

(b) Amend Article V of the bylaws prescribed in § 552.5 by adding Section 11, as follows: "Section 11. *Age limitation—officers.* No person shall be eligible for election, reelection, appointment, or reappointment as an officer of the association if such person is then more than (fill in any age from 65 to 70) years of age. No officer shall serve beyond the annual meeting of the association immediately following his attainment of (fill in the same age from 65 to 70 as used above) years of age; except that any such officer serving on (fill in date of adoption of bylaw) may complete the unexpired portion of his term being served on such date."

§ 552.7 Description of Charter S associations.

In the case of a Charter S association, the words "a capital stock association" or a similar description shall appear conspicuously on any evidence of a savings deposit issued by such association.

§ 552.8 Savings deposits.

(a) *General.* A Charter S association may accept such savings deposits only as are authorized by this section in the form of cash, or of property in which such association is authorized to invest, and, in the absence of actual fraud in the transaction, the value of such property, as determined by the board of directors of such association shall be conclusive. Savings accounts or deposits existing in such association at the time when it amends its charter to read in the form of Charter S shall be deemed to be such savings deposits subject to the terms and conditions of this section. Any right outstanding at the time of such amendment to receive from the association a savings account or deposit shall thereafter be a right to receive a corresponding savings deposit authorized by this section.

(b) *Terms of savings deposits; membership and voting rights.* To the extent not inconsistent with this section, savings deposits authorized by this section shall be upon the same bases, terms and conditions and have the same characteristics as if they were savings deposits authorized by and subject to the provisions of §§ 545.1–2, 545.1–4, 545.1–5 or 545.3–1(b). For the purpose of § 545.3–1 (b) a Charter S shall be deemed to include the provisions set forth in paragraph (e) of § 544.6 of this subchapter. Holders of such savings deposits shall not be members of the association or have voting rights.

(c) *Existing bonus rights.* A Charter S association which has outstanding bonus agreements shall continue to respect the provisions thereof and distribute bonus payments thereunder.

(d) *Status and priority.* In the event of voluntary or involuntary liquidation, dissolution, or winding up of the association or in the event of any other situation in which the priority of such savings deposits is in controversy, all such savings deposits shall be debts of the association having the same priority as the claims of general creditors of the association not having priority (other than any priority arising or resulting from consensual subordination) over other general creditors of the association. Such savings deposits shall have no additional right to share in the remaining assets of the association.

(e) *Prohibition on the acceptance of share accounts.* A Charter S association shall not accept savings accounts representing share interests in the association.

(f) *Ancillary provisions.*

(1) *References in regulations.* To the extent not inconsistent with the provisions of this section all references in this subchapter to savings accounts (except in this section) and to owners, holders, or holders of record of savings accounts and the language "savings accounts representing share interests in the association" in § 545.24 shall with respect to savings deposits authorized by this section be applicable in the same manner and to the same extent that they would be applicable if such savings deposits were savings deposits authorized by §§ 545.1–2, 545.1–4, 545.1–5, or 545.3–1(b).

(2) *Forms of certificate.* Except as the Board may otherwise provide, a Charter S association shall use for a savings deposit authorized by this section a form of certificate which is authorized for use for a corresponding savings deposit authorized under §§ 545.1–2, 545.1–4, 545.1–5, or 545.3–1(b), provided that in any such case the form is so modified (and only so modified) to eliminate any language referring to (i) dividends, (ii) membership or voting rights, and (iii) any right to share upon liquidation in the assets of the association, other than in the capacity of a general creditor.

(3) *Applicability of certain matters to savings deposits.* If, at the time an association becomes a Charter S association, there is outstanding with respect to such association a determination, notice, or other action by the association or its board of directors which would be effective as to savings accounts or deposits thereafter opened if such association were not a Charter S association, such determination, notice, or other action shall be deemed to be applicable to savings deposits of such association in the same manner and to the same extent as if such savings deposits were savings accounts or deposits issued under its prior charter.

(4) *Reporting requirements.* In any reports required by this subchapter or by any other requirement imposed by the Board or pursuant to authority delegated by the Board, a savings deposit authorized by this section in a Charter S association may be included in any category in which it could properly be included if it were a corresponding savings account or deposit issued under the prior charter of such association.

§ 552.9 Investments, services and borrowings.

A Charter S association may: (1) make any loan or investment authorized by this subchapter for a Charter N association; (2) perform such services as are authorized by this subchapter for a Charter N association; and (3) borrow, issue obligations, and give security to the same extent authorized by this subchapter for a Charter N association which has amended its charter as provided in § 545.1–3 of this subchapter.

§ 552.10 Annual reports to stockholders.

A Charter S association shall, within 90 days after the end of its fiscal year, mail to each of its stockholders entitled to vote at its annual meeting an annual report containing financial statements which satisfy the requirements of Rule 14a–3 under the Securities Exchange Act of 1934. Within five days after such annual report has been mailed, a certification to such effect signed by the president or vice president of the association together with a copy of the report shall be transmitted by the association to the Federal Home Loan Bank of which the association is a member.

§ 552.11 Books and records.

(a) Each Charter S association shall keep correct and complete books and records of account; shall keep minutes of the proceeding of its stockholders, board of directors, and committees of directors; and shall keep at its home office or at the office of its transfer agent or registrar, a record of its stockholders, giving the names and addresses of all stockholders, and the number, class and series, if any, of the shares held by each.

(b) In addition to any right to inspect the list of stockholders prescribed by such association's bylaws, any person who shall have been a stockholder of record for at least six months immediately preceding his demand or who shall be the holder of record of, or thereunto authorized in writing by the holders of record of, at least five percent of all the outstanding shares of any class of a Charter S association, upon written demand stating the purpose thereof, shall have the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, its books and records of account, minutes and record of stockholders and to make extracts therefrom.

(c) An inspection authorized by subsection (b) may be denied to such stockholder or other person upon his refusal to furnish to the association, its transfer agent or registrar an affidavit that such inspection is not desired for a purpose which is in the interest of a business or object other than the business of the association, that he has not within the five years preceding the date of the affidavit sold or offered for sale, and does not now intend to sell or offer for sale, any list of stockholders of the association or of any other corporation, and that he has not within said five year period aided or abetted any other person in procuring any list of stockholders for such purpose.

(d) Notwithstanding any provision of this section or common law, no stockholder shall have the right to obtain, inspect or copy any portion of any books or records of the association containing: (i) a list of depositors in or borrowers from the association; (ii) their addresses; (iii) individual deposit or loan balances or records; or (iv) any data from which such information could be reasonably constructed.

* * * * *

(Sec. 105, Pub. L. 93–495, October 28, 1974; Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-6878 Filed 3-14-75;8:45 am]

[12 CFR Parts 544, 545]

[No. 75-204]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Lending and Borrowing

MARCH 5, 1975.

The following summary of the amendments proposed by this Resolution is included for the reader's convenience and is subject to the full description in the preamble and the specific provisions in the regulations.

I. *Proposed new lending authority.* A. Unsecured loans for constructing, adding to, improving, altering, repairing, equipping, or furnishing residential real property. 1. Regular-lending-area restriction.

2. Investment of up to 2 percent of assets, and an additional amount equal to one percentage point for each percentage point that the association's net worth exceeds 5 percent, total investment not to exceed 5 percent.

3. Reliance on general credit standing and income forecasts, or third party guaranties; full documentation.

B. Non-conforming secured loans. 1. Coverage: loans, secured by residential real estate, which don't conform to certain statutory or regulatory requirements.

2. Investment same as A.1., above.

3. No leading area restriction.

4. Full documentation.

C. Borrowings from state mortgage finance agencies. 1. Same borrowing limits as FHI Bank advances.

2. Implementation of statutory restrictions: 5 percent net worth test; in-state agency; same borrowing limits as are imposed on state-chartered associations; 1¾ percent maximum rate differential for re-lending loan proceeds.

II. *Proposed re-adjustment of book value.* To provide for immediate write-down of unsecured loans and non-conforming loans if unsound or inadequately documented.

III. *Reason for proposal.* Implementation of Consumer Home Mortgage Assistance Act of 1974.

The Federal Home Loan Bank Board considers it desirable to propose to amend §§ 544.8, 545.6–7, 545.8, 545.18, and to add new §§ 545.6–26 and 545.24a to the Rules and Regulations for the Federal Savings and Loan System (12 CFR 544.8, 545.6–7, 545.8, 545.18, 545.6–26 and 545.24a) for the purpose of expanding the lending authority and amending the borrowing authority of Federal savings and loan associations through the implementation of sections 702, 704 and 706 of the Consumer Home Mortgage Assistance Act of 1974 (Pub. L. 93–383; approved August 22, 1974).

Pursuant to section 702 of Pub. L. 93–383, the Board proposes to authorize Federal associations which meet a scheduled-items test and a net-worth test to invest in a new unsecured loan category, to be promulgated as a new paragraph (c) in § 545.8. Under the proposed new authority, such Federal associations could invest amounts not in excess of 2 percent of assets in unsecured loans in their regular lending area made directly for the purpose of constructing, adding to, improving, altering, repairing, equipping or furnishing residential real property, with additional investments not in excess of one percent of assets for every percentage point the association's net worth exceeds 5 percent, but not to exceed a total investment of 5 percent of

assets in such loans. The loans could be made to individuals or business organizations.

In order for an unsecured loan to qualify for the proposed new § 545.8(c) loan category, there would have to be substantial reliance for payment on the borrower's general credit standing and forecast of income or upon other assurances for repayment, including a third-party guaranty or similar obligation. Proposed § 545.8(c) would require full documentation to establish the basis for such reliance, including a record of the purpose of the loan, the source of repayment, borrower's reputation, the quality of any non-real estate security, other necessary documentation and controls and, for loans made for a business purpose, audited financial statements, income forecasts, projections, cash flow statements and budgets.

Pursuant to section 704 of Pub. L. 93-383, the Board proposes to establish a new non-conforming secured-loan category at § 526.6-26. Federal associations meeting a scheduled-items test and a net-worth test would be authorized to invest amounts not in excess of 2 percent of assets in loans secured by residential real property which are not otherwise authorized because (1) the security interest is not a first lien; (2) certain of the loan terms, such as loan-to-value ratio, maturity, loan amount, or lack of required borrower certification or required private mortgage insurance lending requirements; or (3) the applicable percentage-of-assets category, coverage, do not comply with the regular within which the loan is required to be made under § 545.6-7, is unavailable. Additional amounts could be invested in such nonconforming secured loans equal to one percent of assets for every percentage point by which the association's net worth exceed 5 percent, but not to exceed a total investment equal to 5 percent of assets.

Proposed § 545.6-26(b) would require full documentation to support the conclusion that the association made the loan on a prudent basis. Proposed § 545.6-26(d) would provide that a secured loan would be considered unsecured (and therefore would not be eligible for inclusion in the new category) to the extent that the loan principal exceeds the lesser of the value or purchase price of the security at the time the loan was made. Under proposed § 545.6-26(c), an association would not be required to include in this category loans which may currently be made under other authority, and loans which were originally made under other authority subsequently revoked or which are authorized under other authority adopted at a future time.

The Board proposes to make conforming amendments to § 545.6-7 in the form of references to proposed new §§ 545.6-26 and 545.8(c).

The Board further proposes several amendments to § 545.18, relating to adjustments in book value of assets, which would affect the proposed new unsecured loan and non-conforming loan authorizations as well as other assets of Federal associations. The first amendment would provide that an asset may be required to be charged off or to have a reserve established against it in any case where its value is less than its stated book value; the current provision only provides for charging off an asset or establishing a reserve against it if it has depreciated in value. Under this change, therefore, an investment under one of the proposed new categories or existing categories could be required to be charged off or to have a reserve established at any time if its stated value was unsupported. In addition, the second amendment to § 545.18 would add a new second paragraph to the section to provide explicitly that investments made under the proposed new categories are subject to being immediately charged off or to imposition of a special reserve requirement upon a finding of inadequate documentation. Finally, the Board proposes to delegate the decisions regarding adjustments of book value to its Supervisory Agents, in order to provide for prompt readjustments of over-valued assets discovered in the course of examinations. Similar authority is already contained in § 563.17-2 (12 CFR 563.17-2); therefore, the same examination policy applies to State-chartered insured institutions.

Section 706 of Pub. L. 93-383 provides that Federal associations may borrow from State mortgage finance agencies if certain criteria as to association eligibility are met. Under the statute, the Federal association must have net worth equal to 5 percent of withdrawable accounts, the State mortgage finance agency must be in the association's home State, the amount of the borrowing may not exceed that amount which could be borrowed by a State-chartered association chartered by that State, and the Federal association may not re-lend the loan proceeds at a rate in excess of 1¾ percent of the rate paid to the mortgage finance agency. Before passage of section 706, Federal associations were already statutorily authorized under section 5(b)(2) of the Home Owners' Loan Act of 1933 to borrow from the State mortgage finance agencies without such eligibility criteria, and the Board currently authorizes such borrowings under its Federal charters in amounts not in excess of one-tenth of an association's capital.

Pursuant to section 706, therefore, the Board proposes a new § 545.24a to implement the new statutory criteria for borrowing from such sources, and further proposes a new Federal charter amendment, to be set out at § 544.8(f), to place Federal associations' borrowings from all State-chartered central reserve institutions (including State mortgage finance agencies) in the same category (50 percent of capital) as advances from the Federal Home Loan Banks. Such proposed new borrowing percentage is the same as that which is applied to State-chartered insured institutions for borrowings from the Federal Home Loan Banks and from State-chartered central reserve institutions under § 563.8 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.8).

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend §§ 544.8, 545.6-7, 545.8, and 545.18 and to add new §§ 545.6-26 and 545.24a, as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by April 16, 1975, as to whether this proposal should be adopted, rejecten or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

PART 544—CHARTER AND BY-LAWS

1. Section 544.8 would be amended by adding paragraph (f) as follows:

§ 544.8 Amendment of charter.

* * * * *

(f) *Amendment of charter relating to borrowing powers.* (1) The provisions of this paragraph (f)(1) shall constitute approval of the Board of the proposal by the board of directors of any Federal association that has a Charter N or Charter K (rev.) of the amendment of section 9 of such association's charter by revising the first sentence thereof to read as follows:

> The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution pursuant to § 545.24a of the Rules and Regulations for the Federal Savings and Loan System shall not exceed one-tenth of such capital.

(2) The association shall follow the requirements of section 11 of its charter in adopting such amendment.

PART 545—OPERATIONS

2. Section 545.6-7(b) would be revised to read as follows:

§ 545.6-7 Percentage limitations on real estate loan investments.

* * * * *

(b) *Percentage limitations for specific types of loans.* Real estate loan investments made under the authority of § 545.6-14 (land acquisition and development loans), § 545.6-16 (loans for housing for the aging), § 545.6-18 (urban renewal loans), § 545.6-20 (Foreign Assistance Act loans), § 545.6-3(c) (developed building lot loans), § 545.6-1(a)(4) and (5) (loans on single-family dwellings in excess of 80 percent of value), § 545.6-1(a)(3)(iii) (loans to facilitate trade-in or exchange of homes), § 545.8(c) (unsecured credit loans), or § 545.6-26 (nonconforming secured loans), shall be

subject to the respective percentage limitations contained in such sections. However, whenever the terms of a loan investment under §§ 545.6–16, 545.6–18, or 545.6–26 would meet the requirements for a loan under § 545.6–1, it may be released from the percentage-limitation category in §§ 545.6–16, 545.6–18 or 545.6–26 and, unless it is a loan specified in paragraph (a) of this section as not subject to any percentage limitation, allocated within an applicable percentage-limitation category in paragraph (c) of this section. A loan investment under § 545.6–1(a) (4) or (5) on a single-family dwelling within the association's regular lending area may be released from any percentage-limitation category when the loan balance has been reduced to not more than 80 percent of value.

* * * * *

3. A new § 545.6–26, immediately following § 545.6–25, would be added to read as follows:

§ 545.6–26 Non-conforming secured loans.

(a) Any Federal association with scheduled items (other than assets acquired in a merger instituted for supervisory reasons) not in excess of 2.5 percent of specified assets and with net worth in conformance with the requirements of § 563.13(b) of this chapter may invest an amount not in excess of 2 percent of its assets in loans, advances of credit, and interests therein, secured by residential real property, which are not otherwise authorized under this part because of the following reasons: (1) the security interest is not a first lien; (2) the loan-to-value ratio, stated maturity, or loan amount is in excess of the maximum allowable limits under this part; (3) lack of any required borrower certification or required private mortgage insurance; (4) unavailability of the percentage-of-assets category within which the investment is required to be made pursuant to § 545.6–7; or (5) a combination of the foregoing factors. In addition, such association may make further investments in such loans equal to one percent (or fraction thereof) of assets for each percentage point (or fraction thereof) of net worth in excess of 5 percent as computed in accordance with the provisions of § 563.13(b), but not to exceed a total investment of 5 percent of assets in such loans.

(b) An investment made under this section shall be fully documented to support the conclusion that it was made on a prudent basis.

(c) The following types of investments shall be deemed not to have been made pursuant to this section:

(1) Investments authorized to be made under other regulatory authority;

(2) Investments which are made under the authority of this section but were later authorized to be made under other authority; and

(3) Investments made under other authority that was subsequently revoked.

(d) For the purposes of this section, a secured invsetment will be deemed to be unsecured to the extent that it exceeds the value or purchase price of the security therefore, whichever is less, at the time the investment is made.

(e) *Definitions:*

(1) The terms "scheduled items" and "specified assets" as used in this section have the meanings given them by §§ 561.15 and 561.17 of this chapter.

(2) The term "residential real property" as used in this section means real estate (i) improved by a structure or structures designed for residential use, and (ii) having at least 80 percent of its total value comprised of the land and improvements attributable to such residential use, but such term shall not include mobile homes or real estate on which they are situated.

4. Section 545.8 would be amended by adding paragraph (c) as follows:

§ 545.8 Loans without requirement of security.

* * * * *

(c) (1) In addition to loans in which an investment may be made under paragraph (a) of this section, any Federal association (i) that has amended Charter K by the addition thereto of section 14.1 or has a charter in the form of Charter K (rev.) or Charter N, (ii) whose scheduled items (other than assets acquired in a merger instituted for supervisory reasons) do not exceed 2.5 percent of its specified assets, and (iii) whose net worth meets the requirements of § 563.13(b) of this chapter, may, upon adoption of such a loan plan by its board of directors, invest an amount not in excess of 2 percent of the association's assets in loans directly for constructing, adding to, improving, altering, repairing, equipping, or furnishing what is or is expected to become residential real property, where the association relies substantially for repayment on the borrower's general credit standing and forecast of income, or the association relies on other assurances for repayment (including a third-party guaranty or similar obligations). In addition, such association may make further investments in such loans equal to one percent (or fraction thereof) of assets for each percentage point (or fraction thereof) of net worth in excess of 5 percent as computed in accordance with the provisions of § 563.13(b), but not to exceed a total investment of 5 percent of assets in such loans.

(2) Loans made under this paragraph (c) shall not be made with respect to residential real property located outside the association's regular lending area.

(3) Loans made under this paragraph (c) shall be fully documented to establish: (i) The purpose of the loan;

(ii) The source and reliability of repayment;

(iii) The reputation and proven capacity of the borrower;

(iv) The quality of the security interest in any security other than real estate that is used as support;

(v) If the loan is for a business purpose, full financial statements (which are to be audited except in the most exceptional cases) of the borrower for three years prior to the loan;

(vi) If the loan is for a business purpose, income forecasts, projections, cash flow statements, and budgets;

(vii) Anything else necessary to establish the loan's soundness; and

(viii) Controls employed to ensure that actions on which the association relies are proceeding as scheduled.

(4) Loans may be made under this paragraph for financing purchases of modular housing units, including financing of the shipping, insurance and similar costs related to the purchase of such units, provided that such units are to be installed for the borrower.

(5) *Definitions.* (i) The terms "scheduled items" and "specified assets" as used in this paragraph (c) have the meanings given to them by §§ 561.15 and 561.17 of this chapter.

(ii) The term "residential real property" as used in this paragraph (c) means real estate (A) improved by a structure or structures designed for residential use, and (B) having at least 80 percent of its total value comprised of the land and improvements attributable to such residential use, but such term shall not include mobile homes or real estate on which they are situated.

5. Section 545.18 would be revised to read as follows:

§ 545.18 Adjustments.

(a) The Supervisory Agent may require that any asset of a Federal association be charged off to the extent that, in the judgment of the Supervisory Agent, its value is less than its stated book value, or that a special reserve or reserves equal to the over-valuation be established and maintained.

(b) With regard to an asset in the form of an investment made under §§ 545.6–26 or 545.8(c), if, in the Supervisory Agent's judgment, inadequate documentation exists in the association's loan file to support a conclusion that such investment is sound, then the association may be required by the Supervisory Agent to immediately charge off such asset or to establish and maintain a special reserve or reserves equal to the over-valuation.

6. A new § 545.24a, immediately following § 545.24, would be added to read as follows:

§ 545.24a Borrowing from a State-chartered central reserve institution.

An association which has amended its charter as provided in § 544.8(f) of this chapter may borrow from a State-chartered central reserve institution, including a State mortgage finance agency, under the following conditions:

(a) The association's general reserves, surplus, and undivided profits shall aggregate a sum in excess of 5 percent of its withdrawable accounts;

(b) The association shall borrow under this section only from a State-chartered central reserve institution located in the

State where the association's home office is located;

(c) The amount of the borrowing shall not exceed that amount which may be borrowed from the State-chartered central reserve institution by a savings and loan association chartered by the State in which the State-chartered central reserve institution is located;

(d) The association shall not use the proceeds of the borrowing to make loans at an interest rate which exceeds by an annual rate of one and three-quarters percent the interest rate paid to the State-chartered central reserve institution for the funds so borrowed; and

(e) The association shall maintain such documentation as may be required by the State in which the State-chartered central reserve institution is located with regard to the use of the loan proceeds or other matters.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-6887 Filed 3-14-75;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 706]

CONVERSION FROM FEDERAL TO STATE CREDIT UNIONS

Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635 (12 U.S.C. 1766), and section 209, 84 Stat. 1014 (12 U.S.C. 1789), proposes to revise the entire Part 706 (12 CFR Part 706) as set forth below.

The purpose of the proposed revision of Part 706 is to update the conversion procedures from a Federal credit union to a state credit union in light of Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rulemaking to the Administrator, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. Comments received prior to April 7, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

HERMAN NICKERSON, Jr.,
Administrator.

MARCH 5, 1975.

As revised Part 706 would read as follows:

PART 706—CONVERSION FROM FEDERAL TO STATE CREDIT UNIONS

Sec.
706.0 Scope.
706.1 When Permissible.
706.2 Special Provisions for National Credit Union Share Insurance.
706.3 Submittal of Conversion Proposal to Administration.
706.4 Approval of Proposal by Administrator.
706.5 Approval of Proposal by Members.
706.6 Compliance With State Laws.
706.7 Completion of Conversion.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 706.0 Scope.

This part prescribes the procedures that enable a Federal credit union to convert to a state credit union.

§ 706.1 When permissible.

Any Federal credit union may convert to a state credit union by:

(a) Complying with the requirements of the Federal Credit Union Act and the requirements enumerated in this and in other parts of these regulations; and

(b) Complying with applicable state laws and requirements of the state supervisory authority.

§ 706.2 Special provisions for National Credit Union Share Insurance.

(a) Should the converting Federal credit union desire to continue Federal Share Insurance subsequent to conversion, an application will be submitted to the Administrator at the time the Federal credit union requests his approval of the conversion proposal.

(b) Should the converting Federal credit union not desire to continue Federal Share Insurance subsequent to conversion, such insurance ceases as of the effective date of the conversion. As used herein, the effective date of conversion is the date prior to the date on which the Federal credit union became a state credit union.

(c) When the converting Federal credit union's insurance is terminated in accordance with paragraph (b) of this section, it is not entitled to a rebate of premiums, but a refund of the unused portion of the premiums shall be authorized.

§ 706.3 Submittal of conversion proposal to administration.

(a) Upon approval of a proposition for conversion by the board of directors, the conversion proposal shall be submitted to the Regional Director. This proposal shall include:

(1) A current financial report;

(2) Current delinquent loan schedule annotated to reflect collection problems;

(3) Explanation and appropriate documents relative to any changes in insurance of member accounts;

(4) Resolution of the Board of Directors;

(5) Notice of Special Meeting of the members;

(6) Copy of Ballot to be sent to members; and

(7) Evidence that the state supervisory authority is in agreement with the conversion proposal.

(b) The Regional Director will review the proposal and forward it, with his recommendations, to the Administrator.

§ 706.4 Approval of proposal by Administrator.

If the Administrator finds that the conversion proposal complies with this and other parts of these regulations, he shall approve the proposal.

§ 706.5 Approval of proposal by members.

(a) The converting Federal credit union must:

(1) Obtain approval of the conversion proposal by a majority of the members of record;

(2) Submit the conversion proposal to the members either at the annual meeting, if within 120 days after the Administrator's approval, or at a special meeting to be called within 120 days of such approval; and

(3) Give advance notice of the meeting at which the proposal is to be submitted in accordance with the provisions of Federal Credit Union Bylaws (Article V). The notice shall:

(i) Specify the time, place and purpose of the meeting;

(ii) Include a brief and accurate statement of the reasons for and against the proposed conversion, including any effects it could have upon shareholdings, insurance of member accounts, and the policies and practices of the credit union;

(iii) Inform the members that they have the right to vote on the proposal at the meeting, or by mail ballot postmarked no later than the date and time announced for the annual meeting or the special meeting called for that purpose; and

(iv) Be accompanied by a ballot for conversion proposal.

(b) The board of directors shall promptly certify the results of the membership vote to the Regional Director.

§ 706.6 Compliance with State laws.

If the proposal for conversion is approved by the members, the board of directors will promptly take necessary action, under applicable state law, to convert to a state credit union. Further, the board of directors will keep the Regional Director advised as to the status of this action.

§ 706.7 Completion of conversion.

(a) The board of directors shall, within 10 days after receipt, submit to the Regional Director a copy of the state charter, license, or other documentary evidence that the credit union has been authorized to operate as a state financial institution. This will be accompanied by the Federal charter and the Federal insurance certificate.

(b) The credit union shall cease to be a Federal credit union as of the effective date of the conversion and shall no longer be subject to any provisions of the Act.

(c) If the Administrator is satisfied that the conversion has been accomplished in accordance with the approved proposal, he shall cancel the Federal charter.

(d) If the state credit union is to be federally-insured, the Administrator will issue a new insurance certificate.

[FR Doc.75-6824 Filed 3-14-75;8:45 am]

[12 CFR Part 707]

CONVERSION FROM STATE TO FEDERAL CREDIT UNIONS

Proposed Rulemaking

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635 (12 U.S.C. 1766), and section 209, 84 Stat. 1014 (12 U.S.C. 1789), proposes to revise the entire Part 707 (12 CFR Part 707) as set forth below.

The purpose of the proposed revision of Part 707 is to update the conversion procedures from a state credit union to a Federal credit union in light of Title II of the Federal Credit Union Act (12 U.S.C. 1781 et seq.).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rulemaking to the Administrator, National Credit Union Administration, 2025 M Street NW., Washington, D.C. 20456. Comments received prior to April 7, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

HERMAN NICKERSON, Jr.,
Administrator.

MARCH 5, 1975.

As revised Part 707 would read as follows:

PART 707—CONVERSION FROM STATE TO FEDERAL CREDIT UNIONS

Sec.
707.0 Scope.
707.1 When Permissible.
707.2 Submittal of Conversion Proposal to Administration.
707.3 Approval of Proposal by Administrator.
707.4 Compliance With State Requirements.
707.5 Application for Federal Charter.
707.6 Completion of Conversion.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 707.0 Scope.

This part prescribes the procedures that enable a state credit union to convert to a Federal credit union.

§ 707.1 When permissible.

Any state credit union may convert to a Federal credit union by:

(a) Complying with the requirements of the Federal Credit Union Act and the requirements enumerated in this and in other parts of these regulations; and

(b) Complying with applicable state laws and the requirements of the state supervisory authority.

§ 707.2 Submittal of conversion proposal to Administration.

(a) Upon approval of a proposition for conversion by the board of directors, the conversion proposal will be submitted to the Regional Director. This proposal shall include:

(1) Evidence that the state supervisory authority is in agreement with the conversion proposal;

(2) Application to convert from a state to a Federal credit union; and

(3) In the case of a state credit union which is not federally-insured, an application for Federal insurance.

(b) The Regional Director will review the proposal and forward it, with his recommendations, to the Administrator.

§ 707.3 Approval of proposal by Administrator.

If the Administrator finds that the conversion proposal complies with this and other parts of these regulations, he shall approve the proposal.

§ 707.4 Compliance with State requirements.

(a) Upon the Administrator's approval of the conversion proposal, the credit union shall proceed to comply with the requirements of the state requisite to enabling it to convert to a Federal credit union.

(b) The board of directors will immediately notify the Regional Director, in writing, that all state requirements have been met. This notification will be accompanied by documentary evidence from the state supervisory authority that the requirements have been satisfied.

§ 707.5 Application for Federal charter.

Upon receipt of the notification described in § 707.4(b) of this part, the Regional Director will authorize the credit union to proceed for a Federal charter in accordance with Part 701 of these regulations. Upon receipt by the Regional Director, the proposed Organization Certificate will constitute the credit union's formal application to become a Federal credit union.

§ 707.6 Completion of conversion.

(a) If the Administrator is satisfied that the conversion has been accomplished in accordance with the approved proposal, he will approve the Organization Certificate and Application and Agreements for Insurance. The credit union's Federal Charter and Certificate of Insurance will be forwarded by the Administrator.

(b) The effective date of the conversion will be the date on which the Administrator approves the Organization Certificate. It shall be vested with all of the assets and shall continue to be responsible for all of the obligations of the state credit union to the same extent as though the conversion had not taken place.

(c) Upon receipt of its Federal charter, the board of directors shall hold its first meeting as a Federal credit union. At such meeting the board of directors shall transact such other business as is necessary to carry into effect the conversion as approved by the Administrator and to operate the Federal credit union in accordance with the requirements of the Act.

[FR Doc.75-6825 Filed 3-14-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Custom Livestock Feed Yard for Purpose of Financial Assistance

Pursuant to authority contained in section 3 of the Small Business Act (15 U.S.C. 632), notice is hereby given that the Small Business Administration proposes to increase the definition of a small custom livestock feed yard for the purpose of obtaining an SBA loan from annual receipts of $2 million or less to annual receipts not exceeding $10 million.

The latest available data show that because of inflation (cost of feed, etc.) the annual receipts of many feedlots have greatly increased over the past several years. Further, Department of Agriculture data indicates that the highest rate of increase in number of feedlots occurred in those with more than 8,000 head capacity, due to greater economies of sale in such size feedlots. A $10 million size standard includes the vast majority of feedlots. However, according to available data, feedlots with less than $10 million receipts account for less than one-half of the total sales of the industry.

Specifically, it is proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by revising § 121.3-10(i) to read as follows:

§ 121.3-10 Definition of small business for SBA loans.

* * * * *

(i) Custom livestock feeding: Any concern primarily engaged in custom livestock feeding is classified as small if its annual receipts do not exceed $10 million.

Interested parties may file with the Small Business Administration on or before April 16, 1975, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington
Director, Size Standards Division
Small Business Administration
1441 L Street, N.W.
Washington, D.C. 20416

(Catalog of Federal Domestic Assistance Program Nos. 59.001, Displaced Business Loans; 59.002, Economic Injury Disaster Loans; and 59.012, Small Business Loans)

Dated: March 6, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-6012 Filed 3-14-75;8:45 am]

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Petroleum Refiner

Notice is hereby given that the Administrator of the Small Business Administration proposes to amend the definition of a small petroleum refiner for the purpose of bidding on Government procurements, obtaining an SBA loan, and bidding on sales of Government-owned property.

The current definition of a small petroleum refiner for these three purposes is that a refiner have 30,000 barrels-per-day (BPD) throughput capacity and 1,000 employees or less.

The present definition has been in effect for many years and SBA has concluded that for the following reasons, an increase in the capacity size standard is justified:

1. The domination of the industry by giant firms;
2. An increase in demand for petroleum products;
3. The greater efficiency of larger refinery operations;
4. The change in the scale of operations made necessary by the new environmental requirements; and
5. The percentage of refining capacity accounted for by small business has substantially diminished since the promulgation of the 30,000 BPD capacity size standard.

While technology has caused a decline in the industry's number of employees, we also have concluded that a modest increase is justified in the employee size standard for the purpose of Government procurement and obtaining an SBA loan since diversification into other fields, such as retailing, may be necessary for survival in the case of some smaller refiners. However, for the purpose of the sales of Government-owned property (royalty oil) we have concluded that a more modest increase should be made than for the Government procurement and financial assistance programs. This is because there is a very limited amount of Government-owned royalty oil and refiners receive amounts on a pro rata basis depending on their capacity. To bring additional and larger refiners under the size definition could adversely affect smaller refiners, since their share could be substantially decreased.

Based on the facts available, we have concluded that the definition of a small petroleum refiner for the purposes of bidding on Government procurements and obtaining an SBA loan should be increased from 30,000 BPD throughput capacity and 1,000 employees or less, to 75,000 BPD throughput capacity and 1,500 employees or less. We also have concluded that the definition for the purpose of bidding on Government-owned property (royalty oil) should be increased to 60,000 BPD throughput capacity and 1,500 employees.

Accordingly, it is proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by:

1. Revising the first sentence of § 121.3–8(g) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(g) Refined petroleum products. Any concern bidding on a contract for a refined petroleum product other than a product classified in Standard Industrial Classification Industries No. 2951, Paving Mixtures and Blocks; No. 2952, Asphalt Felts and Coatings; No. 2992, Lubricating Oils and Grease; or No. 2999, Products of Petroleum and Coal, Not Elsewhere Classified; is classified as small if (1) (i) its number of employees does not exceed 1,500 persons; (ii) it does not have more than 75,000 barrels-per-day * * *

2. Revising the first sentence of § 121.3–9(a) (1) to read as follows:

§ 121.3–9 Definition of small business for sales of Government property.

* * * * *

(a) Sales of Government property other than timber * * *

(1) Manufacturers. Any concern which is primarily engaged in manufacturing is small if its number of employees does not exceed 500 persons: *Provided, however,* That a concern primarily engaged in SIC Industry 2911, Petroleum Refining, is small if its number of employees does not exceed 1,500 persons and it does not have more than 60,000 barrels-per-day crude oil or bona fide * * *

3. Revising the employment size standard for SIC 2911, *Petroleum Refining,* in Schedule A to 1,500 employees.

4. Revise footnote 2 to Schedule A to read as follows:

Interested parties may file with the Small Business Administration on or before April 16, 1975, written statements of facts, opinions, or arguments concerning the proposal. All correspondence shall be addressed to:

William L. Pellington
Director, Size Standards Division
Small Business Administration
1441 L Street, N.W.
Washington, D.C. 20416

(Catalog of Federal Domestic Assistance Program No. 59.002, Economic Injury Disaster Loans; 59009, Procurement Assistance to Small Businesses; and 59.012, Small Business Loans)

Dated: March 6, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-6911 Filed 3-14-75;8:45 am]

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[2] Together with its affiliates does not employ more than 1,500 persons and does not have more than 75,000 barrels-per-day crude oil or bona fide feed stock capacity * * *

notices

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

DEPARTMENT OF STATE

Agency for International Development

EXECUTIVE DIRECTOR, DEVELOPMENT COORDINATION COMMITTEE (DCC)

Authority Delegation

In accordance with section 640B of the Foreign Assistance Act, as amended, and Executive Order 10973, as amended, I hereby designate the A.I.D. Assistant Administrator for Interagency Development Coordination, Mr. Sidney Weintraub, as Executive Director of the DCC. The Executive Director and his office will constitute the permanent executive secretariat and staff of the DCC and will perform the following functions:

1. Maintain contact and, as necessary, hold meetings with designated representatives of the members of the DCC, and with representatives of other agencies when issues with which they are concerned can affect the development of low-income countries.

2. Prepare analyses of issues as they affect development of low-income countries and delineate policy choices for decision-making purposes.

3. Develop the agenda for meetings of the DCC.

4. Maintain the central files on DCC matters.

5. To assist the DCC in its role of coordinating United States policy and programs which affect United States interests in the development of low-income countries:

(a) Establish a system for keeping informed of all relevant activities in the Congress and agencies of the Executive Branch; and

(b) Monitor pertinent activities of multilateral institutions such as the International Monetary Fund, the international development lending institutions such as the World Bank Group and the regional development banks, various United Nations bodies and specialized agencies, the Organization for Economic Cooperation and Development and the General Agreement on Tariffs and Trade.

Dated: March 5, 1975.

DANIEL PARKER,
Administrator.

[FR Doc.75-6905 Filed 3-14-75;8:45 am]

HOUSING GUARANTY PROGRAM FOR PORTUGAL

Information for Investors

The Agency for International Development (AID) has advised the Government of Portugal (the "Borrower") that upon execution by an eligible U.S. investor acceptable to AID of an agreement to loan the Borrower an amount not to exceed $20 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, AID will guarantee repayment to the investor of the principal and interest on such loan. The guarantee will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority contained in section 221 of the Foreign Assistance Act of 1961, as amended (the "Act").

Proceeds of the loan will be used in the financing of housing in Portugal.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Mr. Vitor Constancio, Secretary of State for Planning, Ministry of Finance, Lisbon, Portugal.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens, and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full not later than 30 years from the first disbursement of the principal amount thereof and the interest rate must be no higher than the maximum rate to be established by AID. AID will charge a guaranty fee equal to one-half of 1 percent per annum on the outstanding guaranteed principal amount of the loan.

Information as to eligibility of investors and other aspects of the AID housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 300, SA-2, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Dated: February 28, 1975.

PETER M. KIMM,
Director, Office of Housing, Agency for International Development.

[FR Doc.75-6829 Filed 3-14-75;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 10]

INDIANA BONDING AND SURETY CO.

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to the Indiana Bonding and Surety Company, Houston, Texas, under sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated, effective this date.

The company was last listed as an acceptable surety on Federal bonds at 39 FR 26366, July 18, 1974.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Indiana Bonding and Surety Company.

Dated: March 10, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-6895 Filed 3-14-75;8:45 am]

[Dept. Circ. 570, 1974 Rev., Supp. No. 9]

WISCONSIN SURETY CORP.

Surety Companies Acceptable on Federal Bonds; Termination of Authority

Notice is hereby given that the Certificate of Authority issued by the Treasury to Wisconsin Surety Corporation, Madison, Wisconsin under sections 6 to 13 of Title 6 of the United States Code, to qualify as an acceptable surety on Federal bonds is hereby terminated, effective this date.

The company was last listed as an acceptable surety on Federal bonds at 39 FR 26370, July 18, 1974.

Bond-approving officers of the Government should, in instances where such action is necessary, secure new bonds in lieu of bonds executed by Wisconsin Surety Corporation.

Dated: March 10, 1975.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-6894 Filed 3-14-75;8:45 am]

Office of the Secretary

WELT WORK SHOES FROM ROMANIA

Antidumping; Determination of Sales at Less Than Fair Value

Information was received on February 5, 1974 that welt work shoes from

Romania were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Assistant Secretary of the Treasury was published in the FEDERAL REGISTER of December 16, 1974 (39 FR 43561).

I hereby determine that for the reasons stated below, welt work shoes from Romania are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of Reasons On Which This Determination Is Based

The information currently before the U.S. Customs Service indicates that the proper basis of comparison for fair value purposes is between purchase price and constructed value.

Purchase price was calculated on the basis of c&f and c.i.f. prices to the United States from Romania.

Inasmuch as the merchandise under consideration was produced in a state-controlled-economy country, constructed value was based on the price at which similar merchandise was sold for export to the United States in a free economy country. The country chosen for this purpose was the Republic of Korea.

Constructed value was calculated on the basis of an f.o.b. price to U.S. purchasers, with deductions for inland freight, loading and clearance charges, with adjustments for differences in packing and differences in merchandise.

Comparison of the above prices revealed that the purchase price was lower than the constructed value.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

MARCH 12, 1975.

[FR Doc.75-6927 Filed 3-14-75;8:45 am]

[Dept. Circular, Public Debt Series—No. 10-75]

TREASURY BONDS OF 1990

Dated and Bearing Interest From April 7, 1975; Due May 15, 1990

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,250,000,000, or thereabouts, of bonds of the United States, designated Treasury Bonds of 1990. The interest rate for the bonds will be determined as set forth in Section III, paragraph 3, hereof. Additional amounts of these bonds may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., e.d.t., Thursday, March 20, 1975, under competitive and noncompetitive bidding, as set forth in section III hereof.

II. DESCRIPTION OF BONDS

1. The bonds will be dated April 7, 1975, and will bear interest from that date, payable on a semiannual basis on November 15, 1975, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1990, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Book-entry bonds will be available to eligible bidders in multiples of those amounts. Interchanges of bonds of different denominations and of coupon and registered bonds, and the transfer of registered bonds will be permitted.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., e.d.t., Thursday, March 20, 1975. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of bonds applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the bonds. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $1,250,000,000 of bonds offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before April 7, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by April 7, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, April 2, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the

check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, March 31, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. General Provisions

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

William E. Simon,
Secretary of the Treasury.

[FR Doc.75-7060 Filed 3-13-75;3:23 pm]

[Dept. Circular, Public Debt Series—No. 9-75]

TREASURY NOTES OF SERIES G–1977

Dated and Bearing Interest From March 31, 1975

I. Invitation for Tenders

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,200,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series G–1977. The interest rate for the notes will be determined as set forth in section III, paragraph 3, hereof. Additional amounts of these notes may be issued at the average price of accepted tenders to Government accounts and to Federal Reserve Banks for themselves and as agents of foreign and international monetary authorities. Tenders will be received up to 1:30 p.m., e.d.t., Tuesday, March 18, 1975, under competitive and noncompetitive bidding, as set forth in section III hereof.

II. Description of Notes

1. The notes will be dated March 31, 1975, and will bear interest from that date, payable semiannually on September 30, 1975, March 31, 1976, September 30, 1976, and March 31, 1977. They will mature March 31, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. Tenders and Allotments

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 2226, up to the closing hour, 1:30 p.m., e.d.t., Tuesday, March 18, 1975. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.11. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account. Federally-insured savings and loan associations, States, political subdivisions, or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept tenders for more or less than the $2,200,000,000 of notes offered to the public, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

IV. Payment

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before March 31, 1975, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, in other funds immediately available to the Treasury by March 31, 1975, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Wednesday, March 26, 1975, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Monday, March 24, 1975, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue

Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering which will be communicated promptly to the Federal Reserve Banks.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.75-7059 Filed 3-13-75;3:22 pm]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DEFENSE SCIENCE BOARD TASK FORCE ON GUN SYSTEM ACQUISITION

Advisory Committee Meeting

The Defense Science Board Task Force on Gun System Acquisition will meet in closed session 9 and 10 April 1975 at the Pentagon, Arlington, Virginia.

The meeting of the Task Force originally scheduled for 2 and 3 April, 1975, as published in the FEDERAL REGISTER of 5 March, 1975 (Vol. 40, No. 44, FR 5781) has been cancelled.

The mission of the Defense Science Board is to advise the Secretary of Defense and The Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The responsibility of the Task Force is to provide an independent review and assessment of the military/industrial capability to design, develop, manufacture, and field reliable gun systems and to identify the strengths and weaknesses in our current way of acquiring gun systems for the Services.

At this meeting, the Task Force will review gun development programs; will receive briefings on U.S. gun production capability and will review and discuss other pertinent and related subjects as may come before the group.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

Dated: March 12, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-6852 Filed 3-14-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON IDENTIFICATION FRIEND, FOE OR NEUTRAL

Advisory Committee Meeting

The Defense Science Board Task Force on Identification Friend, Foe or Neutral will meet in closed session on 28 April 1975, at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to the identification function and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

Dated: March 12, 1975.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.75-6851 Filed 3-14-75;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

ENDO, INC.

Application for Importation of Controlled Substances

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on January 13, 1975, Endo Inc., Rte. 686 Km.2.3 (Box 12), Manati, Puerto Rico 00701, made application to the Drug Enforcement Administration to be registered as an importer of Oxycodone, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Oxycodone in bulk may, on or before April 16, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: March 7, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-6874 Filed 3-14-75;8:45 am]

WILLIAM H. RORER, INC. ET AL.

Application for Importation of Controlled Substances

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that the following importers made application to the Drug Enforcement Administration to be registered as importers of the basic class of controlled substance listed below.

William H. Rorer, Inc., 500 Virginia Drive, Fort Washington, Pennsylvania 19034 (November 18, 1974):

Drug:	Schedule
Codeine	II
Opium extracts	II
Opium powders	II

Merck & Co. Inc., Merck Chemical Division, Lincoln Avenue, Rahway, New Jersey 07065 (January 8, 1975):

Drug:	Schedule
Raw opium	II
Concentrate of poppy straw	II

Mallinckrodt Inc., Mallinckrodt and Second Streets, St. Louis, Missouri 63147 (January 13, 1975):

Drug:	Schedule
Raw opium	II
Concentrate of poppy straw	II

Stephan Chemical Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, N.J. 07607 (January 14, 1975):

Drug:	Schedule
Coca leaf	II

S. B. Penick Co., A Unit of CPC International Inc., 158 Mount Olivet Avenue, Newark, N.J. 07114 (February 14, 1975):

Drug:	Schedule
Imported raw opium	II
Opium plant form	II
Concentrate of poppy straw	II

Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, New York 11530 (February 10, 1975):

Drug:	Schedule
Thebaine	II

Any interested party, entitled to a hearing may, on or before April 16, 1975, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: March 7, 1975.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.75-6875 Filed 3-14-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 13853 (Wash.)]

WASHINGTON

Proposed Withdrawal and Reservation of Land

MARCH 6, 1975.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 13853 (Wash.), for withdrawal of the land described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for a historical district.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than April 11, 1975, to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 2965 (729 N. E. Oregon Street), Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the land for purposes other than the applicant's, to eliminate land needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the land and its resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WILLIAMETTE MERIDIAN, WENATCHEE NATIONAL FOREST

LIBERTY HISTORICAL DISTRICT

T. 20 N., R. 17 E.,
sec. 1, portions of SW¼NW¼, SE¼NW¼, and NW¼SW¼;
sec. 2, portions of NE¼SE¼.
Further described as follows:
Beginning at Corner No. 1, the ¼ Section Corner common to secs. 1 and 2, T. 20 N., R. 17 E.
From Corner No. 1 by metes and bounds; N. 73°57' E., 1065.80 feet to Corner No. 2; N. 90°00' E., 346.54 feet to Corner No. 3; S. 0°00' E., 129.49 feet to Corner No. 4; S. 67°36' W., 256.95 feet to Corner No. 5; S. 24°13' W., 126.93 feet to Corner No. 6; S. 60°35' W., 1372.50 feet to Corner No. 7; N. 38°53' W., 291.00 feet to Corner No. 8; S. 61°48' W., 238.00 feet to Corner No. 9; S. 65°04' W., 307.23 feet to Corner No. 10; N. 0°00' E., 542.10 feet to Corner No. 11; N. 73°57' E., 708.97 feet to Corner No. 1; the place of beginning.

The area described contains approximately 23.76 acres in Kittitas County, Washington.

HAROLD A. BERENDS,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-6093 Filed 3-14-75;8:45 am]

National Park Service

YOSEMITE MASTER PLAN

Notice of Workshops

Notice is hereby given that the first phase of the new Master Planning process for Yosemite National Park is continuing with workshops scheduled for the following areas:

San Francisco Bay Area, week of March 31
Monterey and Sacramento areas, week of April 7
Los Angeles area, week of April 21
San Diego area, week of April 28

Each workshop in this series that began in Yosemite National Park on February 5, 1975, has the same agenda, and provides for public involvement and citizen participation in the planning process.

The specific location of each workshop has not been determined at the time of this publication. As soon as they are firmly scheduled, however, the times, dates and locations of all the workshops will be widely publicized in advance through announcements in the news media and through direct contacts with interested individuals and organizations. Concurrent with these workshops will be a series of consultations between members of the Yosemite Master Planning Team and appropriate Federal, State and local government officials, organizations and individuals.

The purpose of these workshops and consultations is to provide the widest possible public involvement, including ideas, suggestions and comments from individuals and organizations on the concepts and composition of a draft Master Plan for Yosemite National Park prior to the actual drafting of such a plan.

It is the intention of the National Park Service, when the draft Master Plan is completed, to submit it to the public for further review through a series of public meetings for which adequate advance public notice also will be given.

Anyone wanting additional information on the workshops and/or the status of the planning process should contact the Superintendent, Yosemite National Park, P.O. Box 577, Yosemite National Park, CA 95389 (Telephone 209-372-4461).

JOHN H. DAVIS,
Acting Regional Director, Western Region, National Park Service.

[FR Doc.75-6951 Filed 3-14-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Public Meeting

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., on April 1, 1975.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R,

Lakeland, Florida 33802; telephone 813-682-3103.

Dated: March 12, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-7026 Filed 3-14-75;8:45 am]

Farmers Home Administration

[Notice of Designation No. A165]

PENNSYLVANIA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Pennsylvania:

Fayette Somerset

The Secretary has found that this need exists as a result of a natural disaster consisting of a snowstorm from December 1 through December 8, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Milton J. Shapp that such designation be made.

Applications for Emergency loans must be received by this Department no later than May 5, 1975, for physical losses and December 8, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 11th day of March, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-6865 Filed 3-14-75;8:45 am]

Food and Nutrition Service

NUTRITIONAL TRAINING AND EDUCATION, AND STUDIES AND SURVEYS

Grants to States

This notice announces the Food and Nutrition Service (FNS) plans for the use of a specified amount of the funds available under section 6(a)(3) of the National School Lunch Act (NSLA) as grants to States for nutritional training and education of workers, cooperators, and participants in the child nutrition programs and for necessary survey and studies of requirements for food service programs. Section 6(a)(3) makes available to the Secretary of Agriculture up to one percent of the funds provided for programs under the NSLA and the Child Nutrition Act, other than section 3, to supplement the nutritional benefits of the programs through grants to States and other means. The Food and Nutrition Service (FNS) will arrange for these nutritional training and education projects, and studies and surveys through grants, cooperative agreements or other contractual arrangements with States, or through contracts with nonprofit institutions, universities or private industry.

The grants will be made only to agencies in State Departments of Education responsible for administering child nutrition programs. Priority will be given to projects which are anticipated to have findings with national or regional implications.

A total of one million dollars is included in the FNS budget request for nutritional training and education, and studies and surveys for fiscal year 1976. One fourth of the monies ($250,000) has been set aside for grants to States only. The procedure for awarding these funds is indicated in the following section of this notice. The remainder of the funds ($750,000) will be used by FNS for cooperative agreements or other contractual arrangements in the areas of nutritional training and education and necessary surveys and studies in furtherance of the purposes of the Acts, as indicated in the final section of this notice.

I. $250,000 FOR GRANTS TO STATES

$250,000 will be made available for grants to five to ten State Departments of Education (those agencies responsible for administering child nutrition programs) to conduct nutritional training and education projects over a twelve month period. Such grants will be made for the purpose of assisting State agencies in identifying the competencies school food service personnel need in order to produce meals which meet the nutritional goals of child nutrition programs. The State agencies will be encouraged to propose plans for the use of funds to motivate school food service personnel to upgrade their knowledge and skills to identifiable standards of performance which would be recognized by the State agency.

Grant application requirements. Grant proposals must be submitted on the Office of Management and Budget form entitled, "Application for Federal Assistance (Non-Construction Programs)" Form No. AD-623. Requests for this form should be addressed to:

Contracting Officer
Management Services Division
Food and Nutrition Service, Room 704
U.S. Department of Agriculture
Washington, D.C. 20250

Grant proposals must be received at the address shown above before 4 p.m. Friday, May 9, 1975. All parts of the proposal package must be completed in accordance with the instructions which accompany Form #AD-623. A summary of project objectives, methodology, and performance milestones should also be attached.

Proposals will be received, evaluated and awarded under the provisions of Federal Management Circular (FMC) 74-7, Financial Management Circular (FMC) 74-4, and Title 4, Agriculture Grant and Agreement Regulations of the Administrative Regulations of the Department of Agriculture. Attention should be given to the following areas when submitting proposals:

1. Attachment C to FMC 74-7—Retention and Custodial Requirements.
2. Attachment G to FMC 74-7—Standards for Grantee Financial Management Systems.
3. Attachment N to FMC 74-7—Property Management Standards.
4. Attachment O to FMC 74-7—Procurement Standards.

Proposals received will be reviewed on a competitive basis and announcement of grant awards will be made on or about July 15, 1975.

II. $750,000 FOR CONTRACTUAL AGREEMENTS

These funds will not be awarded under the present notice. This section of this notice is for informational purposes only.

During the upcoming fiscal year $750,000 is to be used by FNS for cooperative agreements or other contractual arrangements with States or nonprofit institutions, universities, or private industry to do nutritional training and education, and studies and surveys.

FNS plans to pursue the following subject areas through Requests for Proposals (RFPs):

Nutritional training and education. 1. Development and distribution of simple, easy-to-comprehend audiovisual and print materials for use in training school food service personnel in the critical knowledge and skills areas surrounding the production of safe and nutritious meals. Emphasis will be placed on the identification and refinement of institutional techniques for use in training programs.

Studies and Surveys. 1. Assessment and comparison of the Type A lunch with alternative subsidized lunches among high school students in relationship to nutrient consumption, meal cost, and student participation.

2. Evaluation of breakfast programs to determine the dietary benefits being provided the students served by these programs.

3. In-depth study of alternative sizes and representative types of food procurement systems to identify cost-effectiveness, specific resource requirements and operational characteristics.

4. Development of a system for annually surveying the cost of producing a school lunch and a school breakfast, on a regional basis.

Effective date: March 11, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.75-6864 Filed 3-14-75;8:45 am]

Forest Service

COHUTTA MOUNTAINS UNIT PLAN

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Cohutta Mountains Unit Plan, Chattahoochee and Cherokee National Forests, USDA-FS-R8-FES (ADM.)—74-3.

The action proposed is a management program for the Cohutta Unit, containing 47,700 acres in north Georgia and 1,800 acres in Tennessee. The management proposal consists of designating three sub-units for particular management direction. The largest sub-unit contains 34,500 acres and is designated for wilderness management. The remaining public land in the Unit, about 11,900 acres, is divided by the Wilderness subunit and will be managed for a variety or mix of resource outputs.

This final environmental statement was transmitted to CEQ March 7, 1975. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
1720 Peachtree Rd., NW, Rm. 804
Atlanta, GA 30309

USDA, Forest Service
District Ranger
Cohutta Ranger District
Chatsworth, GA 30705

USDA, Forest Service
Ocoee Ranger District
Benton, TN 37307

A limited number of single copies are available upon request to Forest Supervisor Pat Thomas, Chattahoochee-Oconee National Forests, P.O. Box 1437, Gainesville, Ga 30501.

Dated: March 7, 1975.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

[FR Doc.75-6818 Filed 3-14-75;8:45 am]

Soil Conservation Service

NEWMAN LAKE WATERSHED PROJECT, WASHINGTON

Availability of Final 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 final environmental impact statement (EIS) for the Newman Lake Watershed Project, Spokane County, Washington, USDA-SCS-EIS-WS-(ADM)-74-37(F) WA.

The EIS concerns a plan for watershed protection, flood prevention and fish and wildlife. The planned works of improvement provide for conservation land treatment, supplemented by about 3.8 miles of channel work, a lake outlet structure with fish screens, improvement of a floodwater barrier and a water level control structure for flood prevention and fish and wildlife improvement in a watershed that is 80 percent forested. The channel work involves enlargement of an intermittently flowing manmade ditch.

The final EIS has been filed with the Council on Environmental Quality.

Newman Lake Watershed Project, Washington. Notice of Availability of Draft Environmental Impact Statement.

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

Soil Conservation Service, USDA, Room 360, U.S. Courthouse, Spokane, Washington 99201

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

Dated: March 4, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-6819 Filed 3-14-75;8:45 am]

WAILUKU-ALENAIO WATERSHED PROJECT, HAWAII

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 Wailuku-Alenaio Watershed Project, Hilo, Hawaii, USDA-SCS-EIS-WS-(ADM)-75-2-(D)-HI.

The environmental impact statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by four diversions, channel work, and a concrete rubble masonry (CRM) wall. The four diversions will have a total length of 2.1 miles. The stream channel work will consist of deepening and removing boulders and trees along 0.7 miles of Waipahoehoe Stream. In this reach, Waipahoehoe Stream is a natural unmodified channel with ephemeral flow.

Wailuku-Alenaio Watershed Project, Hawaii. Notice of Availability of Draft Environmental Impact Statement.

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

Soil Conservation Service, USDA, 440 Alexander Young Building, Honolulu, Hawaii 96813

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 Francis C. H. Lum, State Conservationist, Soil Conservation Service, 440 Alexander Young Building, Honolulu, Hawaii 96813.

Comments must be received on or before April 30, 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: March 5, 1975.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.75-6820 Filed 3-14-75;8:45 am]

WILDHORSE CREEK WATERSHED, OKLAHOMA

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) 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 that portion of the Wildhorse Creek Watershed Project described below, in Stephens, Garvin, Carter, Murray and Grady Counties, Oklahoma.

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. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement remaining to be built include 22 floodwater retarding structures, 2,754 acres of critical area treatment, and land treatment.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

Requests for the negative declaration should be sent to the above address.

No administrative action on implementation of the proposal will be taken until April 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 10. 904, National Archives Reference Services.)

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

MARCH 7, 1975.

[FR Doc.75-6899 Filed 3-14-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-442]

HEDGE HAVEN CORPORATION (FORMERLY HEDGE HAVEN FARMS, INC.)

Amended Application

In FR Doc. 73-12634, appearing in the FEDERAL REGISTER on June 22, 1973 (38 FR 16401), Notice was given that Hedge Haven Farms, Inc., a New Jersey corporation, had filed an application with the Maritime Subsidy Board requesting operating-differential subsidy on three new (to be constructed) ore/bulk/oil vessels of approximately 80,500 deadweight tons each. Said Notice stated that such vessels would be used primarily in the importation of petroleum products from the Bahamas to U.S. ports, but may at times be operated in other worldwide service in the foreign commerce of the United States in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a. Said application was amended by application of December 18, 1974, to reflect new proposed vessels and vessel operations.

Notice is hereby given that Hedge Haven Corporation (formerly Hedge Haven Farms, Inc.) has filed an amendment to its initial application for operating-differential subsidy on four product carriers (to be constructed) of approximately 56,000 deadweight tons each. Said vessels will be operated in worldwide trade, including the transportation of petroleum products from the Bahamas to the various U.S. ports, in the foreign commerce of the United States in the carriage of liquid cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any person having an interest in the granting of such application and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of United States registry for worldwide carriage of liquid cargoes in the foreign oceanborne commerce of the United States, not subject to the cargo preference statutes of the United States, is inadequate, must, on or before March 27, 1975, notify the Board's Secretary, in writing, of his interest and his position and file petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201).

Each such statement of interest and petition to intervene shall state whether a hearing is requested under 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held with respect to the applicant identified hereinabove, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry, for worldwide movement of liquid cargoes in the foreign oceanborne commerce of the United States, is inadequate and whether, in accomplishment of the purpose 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 actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

Dated: March 11, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.75-6896 Filed 3-14-75;8:45 am]

National Bureau of Standards

ENCRYPTION ALGORITHM FOR COMPUTER DATA PROTECTION

Request for Comments

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. NBS intends to submit the following computer data encryption algorithm for consideration in the Federal standards-making process. NBS also intends subsequently to publish guidelines for implementing and using this algorithm.

Because certain communicated and stored data can have significant value or sensitivity, the need for adequate protection of these data from theft and misuse has become a national issue. It is generally recognized that encryption represents a primary means of protecting data during transmission and storage, provided that encryption techniques of adequate strength are devised, validated and integrated into a system. In order to insure compatibility of secure data, it is necessary to establish a data encryption standard and develop guidelines for its implementation and use.

Solicitations for computer data encryption algorithms were published by NBS in the FEDERAL REGISTER issues of May 15, 1973 (38 FR 12763) and of August 27, 1974 (39 FR 30961). The following algorithm was received in response to these submissions and satisfies the primary technical requirements for the algorithm of a Data Encryption Standard.

In order to ensure that all parties have a full opportunity to present their views, NBS is soliciting comments on the following computer encryption algorithm and comments relative to its later proposed submission to the Federal standards-making process. Readers should be aware that cryptographic devices and technical data relating to them may come under the export controls of Title 22, Code of Federal Regulations, Parts 121 through 128. Readers should also be aware that certain U.S. and foreign patents contain claims which may cover implementation and use of this algorithm. In this connection, the reader should note the immediately following notice.

Responses to this request should be submitted to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 on or before May 16, 1975.

Dated: March 10, 1975.

RICHARD W. ROBERTS,
Director.

DATA ENCRYPTION ALGORITHM

Introduction. The algorithm is designed to encipher and decipher blocks of data consisting of 64 bits under control of a 64 bit key. Deciphering must be accomplished by using the same key as for enciphering, but with the schedule of addressing the key bits altered so that the deciphering process is the reverse of the enciphering process. A block to be enciphered is subjected to an initial permutation *IP*, then to a complex key-dependent computation and finally to a permutation which is the inverse of the initial permutation IP^{-1}. The key-dependent computation can be simply defined in terms of a function f, called the cipher function, and a function KS, called the key schedule. A description of the computation is given first, along with details as to how the algorithm is used for encipherment. Next, the use of the algorithm for decipherment is described. Finally, a definition of the cipher function f is given in terms of primitive functions which are called the selection functions S_i and the permutation function P. S_i, P and KS of the algorithm are contained in the Appendix.

The following notation is convenient: Given two blocks L and R of bits, LR denotes the block consisting of the bits of L followed by the bits of R. Since concatenation is associative $B_1B_2 \ldots B_n$, for example, denotes the block consisting of the bits of B_1 followed by the bits of $B_2 \ldots$ followed by the bits of B_n.

ENCIPHERING

A sketch of the enciphering computation is given in Figure 1.

The 64 bits of the input block to be enciphered are first subjected to the following permutation, called the initial permutation *IP*:

IP

58	50	42	34	26	18	10	2
60	52	44	36	28	20	12	4
62	54	46	38	30	22	14	6
64	56	48	40	32	24	16	8
57	49	41	33	25	17	9	1
59	51	43	35	27	19	11	3
61	53	45	37	29	21	13	5
63	55	47	39	31	23	15	7

That is, the permuted input has bit 58 of the input as its first bit, bit 50 as its second bit, and so on with bit 7 as its last bit. The permuted input block is then the input to a complex key-dependent computation described below. The output of that computation, called the preoutput, is then subjected to the following permutation which is the inverse of the initial permutation:

IP							
40	8	48	16	56	24	64	32
39	7	47	15	55	23	63	31
38	6	46	14	54	22	62	30
37	5	45	13	53	21	61	29
36	4	44	12	52	20	60	28
35	3	43	11	51	19	59	27
34	2	42	10	50	18	58	26
33	1	41	9	49	17	57	25

That is, the output of the algorithm has bit 40 of the preoutput block as its first bit, bit 8 as its second bit, and so on, until bit 25 of the preoutput block is the last bit of the output.

The computation which uses the permuted input block as its input to produce the preoutput block consists, but for a final interchange of blocks, of 16 iterations of a calculation that is described below in terms of the cipher function f which operates on two blocks, one of 32 bits and one of 48 bits, and produces a block of 32 bits.

Let the 64 bits of the input block to an iteration consist of a 32 bit block L followed by a 32 bit block R. Using the notation defined in the introduction, the input block is then LR.

Let K be a block of 48 bits chosen from the 64 bit key. Then the output $L'R'$ of an iteration with input LR is defined by:

$$(1) \qquad L' = R$$
$$R' = L \oplus f(R,K)$$

where $\oplus$ denotes bit-by-bit addition modulo 2.

As remarked before, the input of the first iteration of the calculation is the permuted input block. If $L'R'$ is the output of the 16th iteration then $R'L'$ is the preoutput block. At each iteration a different block K of key bits is chosen from the 64 bit key designated by KEY.

With more notation we can describe the iterations of the computation in more detail. Let KS be a function which takes an integer n in the range from 1 to 16 and a 64 bit block KEY as input and yields as output a 48 bit block Kn which is a permuted selection of bits from KEY. That is

$$(2) \qquad Kn = KS(n, KEY)$$

with Kn determined by the bits in 48 distinct bit positions of KEY. KS is called the key schedule because the block K used in the n'th iteration of (1) is the block Kn determined by (2).

As before, let the permuted input block be LR. Finally, let L_n and R_n be respectively L and R and let L_n and R_n be respectively L' and R' of (1) when L and R are respectively L_{n-1} and R_{n-1} and K is K_n; that is, when n is in the range from 1 to 16,

$$(3) \qquad L_n = R_{n-1}$$
$$R_n = L_{n-1} \oplus f(R_{n-1}, K_n)$$

The preoutput block is then $R_{16}L_{16}$.

The key schedule KS of the algorithm is described in detail in the Appendix. The key schedule produces the 16 K_n which are required for the algorithm.

DECIPHERING

The permutation IP^{-1} applied to the preoutput block is the inverse of the initial permutation IP applied to the input. Further, from (1) it follows that:

$$(4) \qquad R = L'$$
$$L = R' \oplus f(L', K)$$

Consequently, to decipher it is only necessary to apply the very same algorithm to an enciphered message block, taking care that

ENCIPHERING COMPUTATION

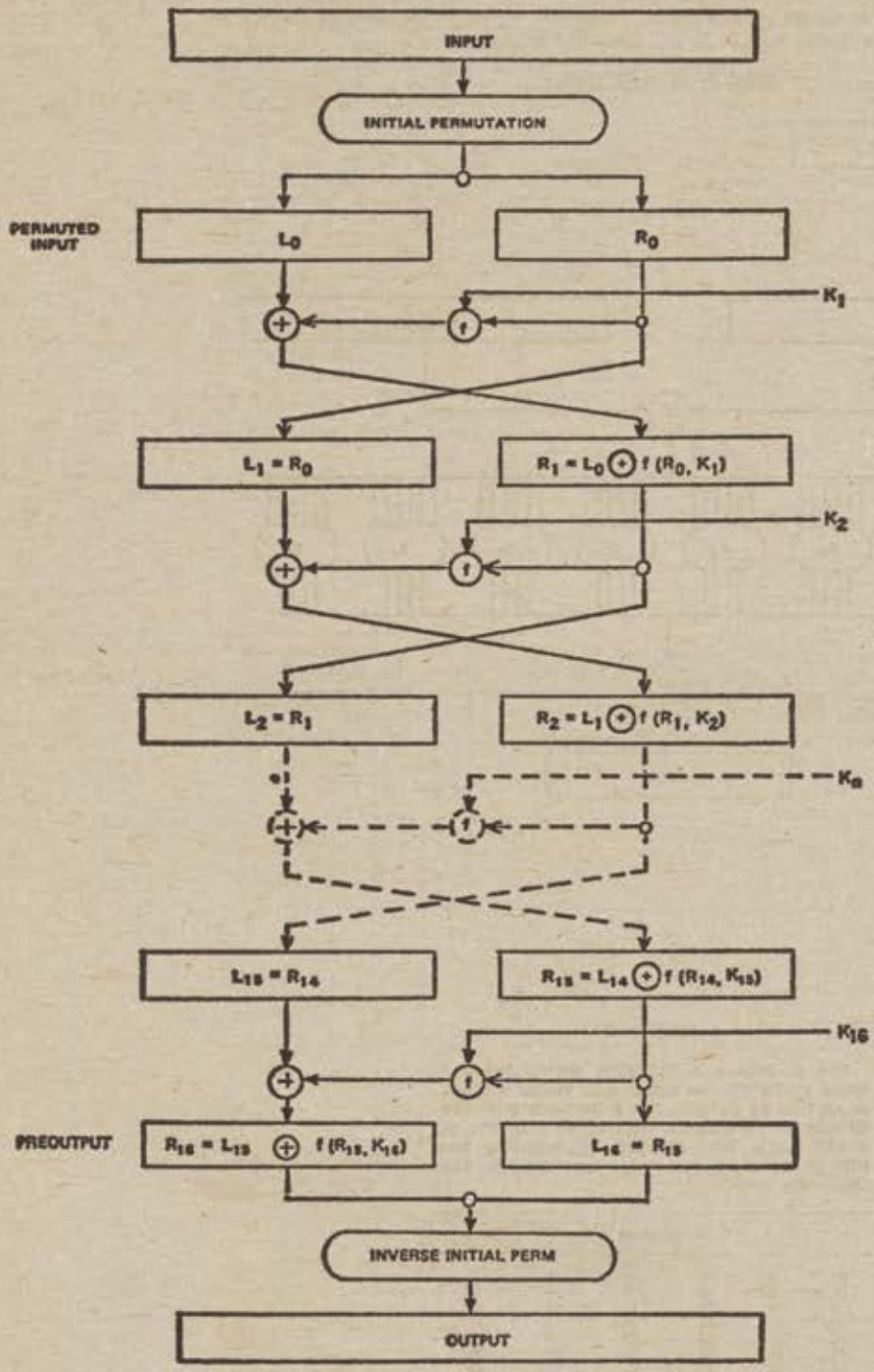


FIGURE 1

at each iteration of the computation the same block of key bits K is used during decipherment as was used during the encipherment of the block. Using the notation of the previous section, this can be expressed by the equations:

(5) $$R_{n-1}=L_n$$
$$L_{n-1}=R_n \oplus f(L_n, K_n)$$

where now $R_{16}L_{16}$ is the permuted input block for the deciphering calculation and $L_1\ R_1$ is the preoutput block. That is, for the decipherment calculation with $R_{16}L_{16}$ as the permuted input, K_{16} is used in the first iteration, K_{15} in the second, and so on, with K_1 used in the 16th iteration.

THE CIPHER FUNCTION f

A sketch of the calculation of $f(R,K)$ is given in Figure 2.

CALCULATION OF f(R,K)

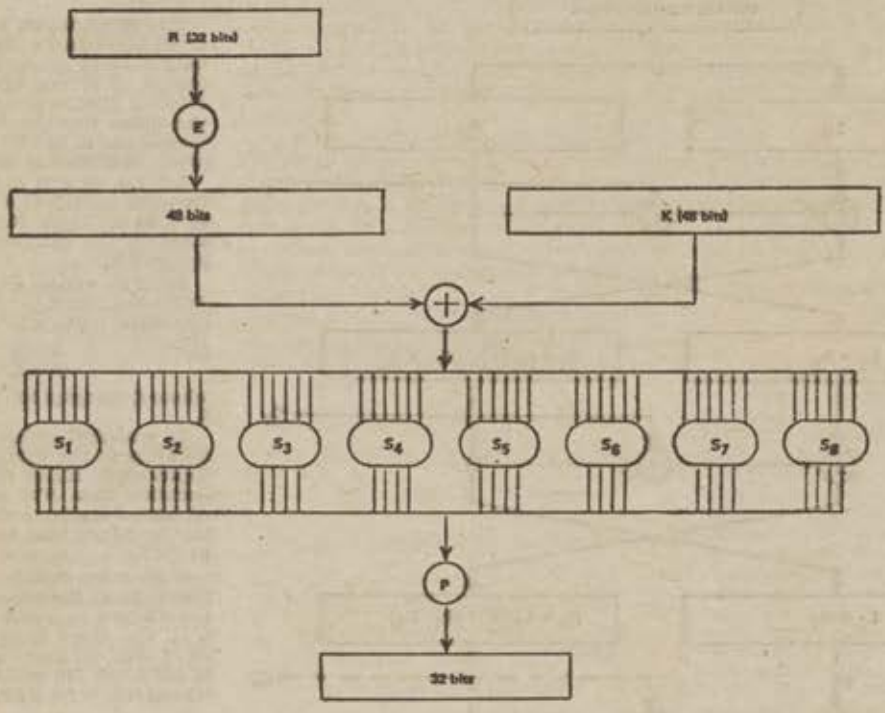


Figure 2

Let E denote a function which takes a block of 32 bits as input and yields a block of 48 bits as output. Let E be such that the 48 bits of its output, written as 8 blocks of 6 bits each, are obtained by selecting the bits in its inputs in order according to the following table:

E Bit-selection table

32	1	2	3	4	5
4	5	6	7	8	9
8	9	10	11	12	13
12	13	14	15	16	17
16	17	18	19	20	21
20	21	22	23	24	25
24	25	26	27	28	29
28	29	30	31	32	1

Thus the first three bits of $E(R)$ are the bits in positions 32, 1 and 2 of R while the last 2 bits of $E(R)$ are the bits in positions 32 and 1.

Each of the unique selection functions S_1, S_2, ..., S_8 takes a 6 bit block as input and yields a 4 bit block as output and is illustrated by using a table containing the recommended S_1:

Row No.	S_1 Column No.															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
0	14	4	13	1	2	15	11	8	3	10	6	12	5	9	0	7
1	0	15	7	4	14	2	13	1	10	6	12	11	9	5	3	8
2	4	1	14	8	13	6	2	11	15	12	9	7	3	10	5	0
3	15	12	8	2	4	9	1	7	5	11	3	14	10	0	6	13

If S_1 is the function defined in this table and B is a block of 6 bits, then $S_1(B)$ is determined as follows: The first and last bits of B represent in base 2 a number in the range 0 to 3. Let that number be i. The middle 4 bits of B represent in base 2 a number in the range 0 to 15. Let that number be j. Look up in the table the number in the i'th row and j'th column. It is a number in the range 0 to 15 and is uniquely represented by a 4 bit block. That block is the output $S_1(B)$ of S_1 for the input B. For example, for input 011011 the row is 01, that is row 1, and the column is determined by 1101, that is column 13. In row 1 column 13 appears 5 so that the output is 0101. Selection functions $S_1, S_2, \ldots S_8$ of the algorithm appear in the Appendix.

The permutation function P yields a 32 bit output from a 32 bit input by permuting the bits of the input block. Such a function is defined by the following table:

P			
16	7	20	21
29	12	28	17
1	15	23	26
5	18	31	10
2	8	24	14
32	27	3	9
19	13	30	6
22	11	4	25

The output $P(L)$ for the function P defined by this table is obtained from the input L by taking the 16th bit of L as the first bit of $P(L)$, the 7th bit as the second bit of $P(L)$, and so on until the 25th bit of L is taken as the 32nd bit of $P(L)$. The permutation function P of the algorithm is repeated in the Appendix.

Now let $S_1, \ldots, S_8$ be eight distinct selection functions, let P be the permutation function and let E be the function defined above.

To define $f(R,K)$ we first define $B_1, \ldots, B_8$ to be blocks of 6 bits each for which

$$(6) \qquad B_1B_2 \ldots B_8 = K \oplus E(R)$$

The block $f(R,K)$ is then defined to be

$$(7)\ P(S_1(B_1)S_2(B_2) \ldots S_8(B_8))$$

Thus $K \oplus E(R)$ is first divided into the 8 blocks as indicated in (6). Then each B_i is taken as an input to S_i and the 8 blocks $S_1(B_1), S_2(B_2) \ldots S_8(B_8)$ of 4 bits each are consolidated into a single block of 32 bits which forms the input to P. The output (7) is then the output of the function f for the inputs R and K.

Appendix

Primitive Functions for the Data Encryption Algorithm

The choice of the primitive functions KS, $S_1, \ldots, S_8$ and P is critical to the strength of an encipherment resulting from the algorithm. Specified below is the recommended set of functions, describing $S_1, \ldots, S_8$ and P in the same way they are described in the algorithm. For the interpretation of the tables describing these functions, see the discussion in the body of the algorithm.

The primitive functions of $S_1, \ldots, S_8$ are:

S_1

14	4	13	1	2	15	11	8	3	10	6	12	5	9	0	7
0	15	7	4	14	2	13	1	10	6	12	11	9	5	3	8
4	1	14	8	13	6	2	11	15	12	9	7	3	10	5	0
15	12	8	2	4	9	1	7	5	11	3	14	10	0	6	13

S_2

15	1	8	14	6	11	3	4	9	7	2	13	12	0	5	10
3	13	4	7	15	2	8	14	12	0	1	10	6	9	11	5
0	14	7	11	10	4	13	1	5	8	12	6	9	3	2	15
13	8	10	1	3	15	4	2	11	6	7	12	0	5	14	9

S_3

10	0	9	14	6	3	15	5	1	13	12	7	11	4	2	8
13	7	0	9	3	4	6	10	2	8	5	14	12	11	15	1
13	6	4	9	8	15	3	0	11	1	2	12	5	10	14	7
1	10	13	0	6	9	8	7	4	15	14	3	11	5	2	12

S_4

7	13	14	3	0	6	9	10	1	2	8	5	11	12	4	15
13	8	11	5	6	15	0	3	4	7	2	12	1	10	14	9
10	6	9	0	12	11	7	13	15	1	3	14	5	2	8	4
3	15	0	6	10	1	13	8	9	4	5	11	12	7	2	14

S_5

2	12	4	1	7	10	11	6	8	5	3	15	13	0	14	9
14	11	2	12	4	7	13	1	5	0	15	10	3	9	8	6
4	2	1	11	10	13	7	8	15	9	12	5	6	3	0	14
11	8	12	7	1	14	2	13	6	15	0	9	10	4	5	3

S_6

12	1	10	15	9	2	6	8	0	13	3	4	14	7	5	11
10	15	4	2	7	12	9	5	6	1	13	14	0	11	3	8
9	14	15	5	2	8	12	3	7	0	4	10	1	13	11	6
4	3	2	12	9	5	15	10	11	14	1	7	6	0	8	13

S_7

4	11	2	14	15	0	8	13	3	12	9	7	5	10	6	1
13	0	11	7	4	9	1	10	14	3	5	12	2	15	8	6
1	4	11	13	12	3	7	14	10	15	6	8	0	5	9	2
6	11	13	8	1	4	10	7	9	5	0	15	14	2	3	2

S_8

13	2	8	4	6	15	11	1	10	9	3	14	5	0	12	7
1	15	13	8	10	3	7	4	12	5	6	11	0	14	9	2
7	11	4	1	9	12	14	2	0	6	10	13	15	3	5	8
2	1	14	7	4	10	8	13	15	12	9	0	3	5	6	11

The primitive function P is:

16	7	20	21
29	12	28	17
1	15	23	26
5	18	31	10
2	8	24	14
32	27	3	9
19	13	30	6
22	11	4	25

Recall that K_n, for $1 \leq n \leq 16$, is the block of 48 bits in (2) of the algorithm. Hence, to describe KS, it is sufficient to describe the calculation of K_n from KEY for $n=1, 2, \ldots, 16$. That calculation is illustrated in Figure 3. To complete the definition of KS it is therefore sufficient to describe the two permuted choices, as well as the schedule of left shifts. One bit in each eight-bit byte of the KEY may be utilized for error detection in key generation, distribution and storage. Bits 8, 16, . . ., 64 are for use in assuring that each byte is of odd parity.

KEY SCHEDULE CALCULATION

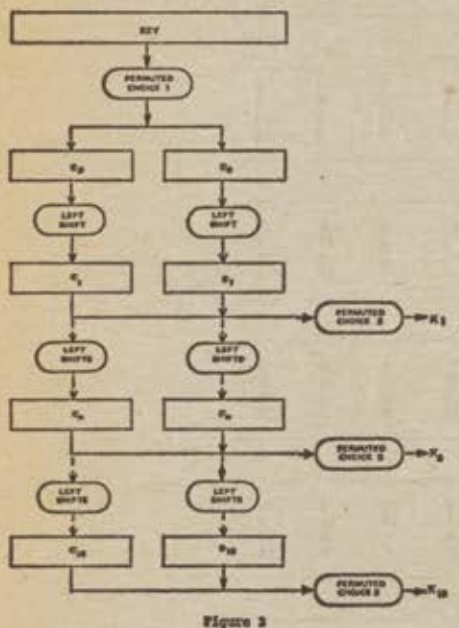


Figure 3

Permuted choice 1 is determined by the following table:

PC-1

57	49	41	33	25	17	9
1	58	50	42	34	26	18
10	2	59	51	43	35	27
19	11	3	60	52	44	36
63	55	47	39	31	23	15
7	62	54	46	38	30	22
14	6	61	53	45	37	29
21	13	5	28	20	12	4

The table has been divided into two parts, with the first part determining how the bits of C_n are chosen, and the second part determining how the bits of D_n are chosen. The bits of KEY are numbered 1 through 64. The bits of C_0 are respectively bits 57, 49, 41, . . ., 44 and 36 of KEY, with the bits of D_0 being bits 63, 55, 47, . . ., 12 and 4 of KEY.

With C_0 and D_0 defined, we now define how the blocks C_n and D_n are obtained from the blocks C_{n-1} and D_{n-1}, respectively, for $n=1, 2, \ldots, 16$. That is accomplished by adhering to the following schedule of left shifts of the individual blocks:

Iteration number:	*Number of left shifts*
1	1
2	1
3	2
4	2
5	2
6	2
7	2
8	2
9	1
10	2
11	2
12	2
13	2
14	2
15	2
16	1

For example, C_3 and D_3 are obtained from C_2 and D_2, respectively, by two left shifts, and C_{16} and D_{16} are obtained from C_{15} and D_{15}, respectively, by one left shift. In all cases, by a single left shift is meant a rotation of the bits one place to the left, so that after one left shift the bits in the 28 positions are the bits that were previously in positions 2, 3, . . ., 28, 1.

Permuted choice 2 is determined by the following table:

PC-2

14	17	11	24	1	5
3	28	15	6	21	10
23	19	12	4	26	8
16	7	27	20	13	2
41	52	31	37	47	55
30	40	51	45	33	48
44	49	39	56	34	53
46	42	50	36	29	32

Therefore, the first bit of K_n is the 14th bit of C_nD_n, the second bit the 17th, and so on with the 47th bit the 29th, and the 48th bit the 32nd.

[FR Doc.75-6788 Filed 3-14-75;8:45 am]

INTERNATIONAL BUSINESS MACHINES CORP.

License Under Patents

On this date, the National Bureau of Standards has published in the FEDERAL REGISTER an encryption algorithm for computer data protection, the notice of which appears immediately preceding this notice.

In the normal case, the Department of Commerce establishes a performance standard which does not require the use of any patent in its implementation. In the present case, it is not possible to meet an urgent national need for security in computer systems with a performance standard. Rather, it will be necessary to establish a design standard which requires the use of an algorithm. It is possible that the apparatus which implements and performs the algorithm may be covered by one or more domestic or foreign patents which are presently assigned to the International Business Machines Corp. or which may be subsequently obtained by IBM. However, IBM has agreed to submit the following notice for publication in the Official Gazette of the United States Patent Office within two weeks of the date of this notice:

The International Business Machines Corporation hereby grants to any party a nonexclusive, royalty-free license to make, use and sell apparatus, within or without the U.S. Government, which employs the data encryption information published in the FEDERAL REGISTER of March 17, 1975 (40 FR ____) for consideration in the Federal standard-making process, or complies with an encryption standard based on such information, or complies with a revised standard based on such information and using alternate cryptographically secure functions, under:

a. All claims in U.S. Patent No. 3,796,830 entitled "Recirculating Block Cipher Cryptographic System" issued March 12, 1974 in the name of John Lynn Smith, and U.S. Patent No. 3,798,359 entitled "Block Cipher Cryptographic System" issued March 19, 1974 in the name of Horst Fiestel; and

b. All those claims in any other United States patent, which is presently assigned to IBM or which is hereafter assigned to IBM, the infringement of which claims could not be avoided by any apparatus which can be

constructed and operated for the purpose of employing the published data encryption information or complying with the standard(s).

Such license extends throughout the United States and includes a royalty-free immunity from suit, with respect to apparatus which employs the published data encryption information or complies with the standard(s) and is manufactured in the United States, under any and all foreign patents now or hereafter assigned to IBM, the infringement of which could not be avoided by any apparatus which can be constructed and operated for the purpose of employing the published data encryption information or complying with the standard(s).

In the event that the standard is not established by the Department of Commerce by September 1, 1976, then such license shall extend only to apparatus manufactured after the date of publication of this notice and prior to September 1, 1976.

For the purposes of this agreement, United States is defined as the United States of America, its territories and possessions, Puerto Rico and the District of Columbia.

IBM will grant to any party a written license confirmatory of the rights set forth herein on written request to IBM Director of Commercial Development, International Business Machines Corporation, Armonk, New York 10504.

By publication of this notice, no position is taken with respect to the validity of any patent presently or subsequently assigned to IBM, nor is any representation made or implied that the IBM license is the only one that may be required to avoid infringement of patent rights in the use of the algorithm.

Dated March 10, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-6789 Filed 3-14-75;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

Public Meeting

The Census Advisory Committee on Agriculture Statistics will convene on April 18, 1975, at 9:30 a.m. The Committee will meet in Room 2113, FB 3, Bureau of the Census, Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from agricultural respondents; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other users of agricultural statistics.

The Committee is composed of 19 members appointed by the presidents of the non-profit organizations having representatives on the Committee, and two members from the U.S. Department of Agriculture.

The agenda for the meeting is: 1) The statistical system planning process; 2) Review of current Census Bureau activities; 3) Data collection for the 1974 Census of Agriculture, including response rate by geographic area and follow-up plans; 4) Data tabulation for the 1974 Census; 5) 1974 Census publication plans, a) review of preliminary county report and area report and U.S. summary, b) computer tapes and microfiche; 6) Definition of farm; and 7) Schedules and programs for future censuses of agriculture.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. J. Thomas Breen, Chief, Agriculture Division, Bureau of the Census, Room 2067, FB 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301-763-5230.

Dated: March 12, 1975.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.75-7042 Filed 3-14-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COMMITTEES

Meeting Dates Scheduled

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of April 1975:

ALCOHOL TRAINING REVIEW COMMITTEE

April 2-5, 9 a.m.
Conference Room L, Parklawn Bldg., Rockville, Maryland
Open—April 3, 9-11 a.m.; Closed—Otherwise
Contact Dr. Melvin Davidoff, Parklawn Bldg., Rm. 16C-26
5600 Fishers Lane, Rockville, Md. 20852, 301-443-1056

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism for final review.

Agenda: From 9 to 11 a.m., April 3, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

MENTAL HEALTH SMALL GRANT COMMITTEE

April 6-9, 1 p.m.
Rooms G100, G101, and K100, The Sheraton-Park Hotel, Washington, D.C.
Open—April 6, 4-5 p'm.; Closed—Otherwise.
Contact Stephanie B. Stolz, Parklawn Bldg., Rm. 10C-14.
5600 Fishers Lane, Rockville, Md. 20852, 301-443-4337.

Purpose: The Committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 4 to 5 p.m., April 6, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

SOCIAL PROBLEMS RESEARCH REVIEW COMMITTEE

April 7-8, 9 a.m.
Jackson Room, Washington Hilton Hotel, Connecticut Ave. at Columbia Rd., NW., Washington, D.C.
Open—April 7, 9-9:30 a.m.; Closed—Otherwise
Contact Dr. Herbert H. Coburn, Parklawn Bldg., Rm. 9C-14
5600 Fishers Lane, Rockville, Md. 20852, 301-443-4843

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the field of social problems and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., April 7, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

MENTAL HEALTH SERVICES RESEARCH REVIEW COMMITTEE

April 7-9, 9 a.m.
American Public Health Association, 1015 18th St., NW., Washington, D.C.
Open—April 7, 9-10 a.m.; Closed—Otherwise.
Contact James T. Cumiskey, Parklawn Bldg., Rm. 11C-17.
5600 Fishers Lane, Rockville, Md. 20852, 301-443-6165.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., April 7, the meeting will be open for discussion of administrative announcements and program

developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

JUVENILE PROBLEMS RESEARCH REVIEW COMMITTEE

April 8-9, 9 a.m.
Brahms Room, Executive Tower Inn, 1405 Curtis St., Denver, Colorado 80202
Open—April 8, 9-9:30 a.m.; Closed—Otherwise
Contact Mrs. Diana Souder, Parklawn Bldg., Rm. 10-99
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3566

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to the developmental growth of juveniles and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., April 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

DRUG ABUSE RESEARCH REVIEW COMMITTEE

April 8-11, 8:30 a.m.
Conference Rooms 845, 873 and 677, Rockwall Bldg., Rockville, Maryland
Open—April 8, 8:30-9 a.m.; Closed—Otherwise
Contact Ellen Simon Stover, Rockwall Bldg., Rm. 513
11400 Rockville Pike, Rockville, Md. 20852, 301-443-6747

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Drug Abuse relating to research activities.

Agenda: From 8:30 to 9 a.m., April 8, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 United States Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

CLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

April 10-11, 9 a.m.
Virginia Room, Mayflower Hotel, 1127 Conn. Ave., NW., Washington, D.C.
Open—April 10, 9-10 a.m.; Closed—Otherwise
Contact Solomon C. Goldberg, Ph. D., Parklawn Bldg., Rm. 9-105
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3524

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., April 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

MINORITY GROUP MENTAL HEALTH PROGRAMS REVIEW COMMITTEE

April 10-11, 9 a.m.
Terrace Room, Linden Hill Hotel, Bethesda, Maryland
Open—April 10, 9-10:30 a.m.; Closed—Otherwise
Contact Edna Hardy Hill, Parklawn Bldg., Rm. 7-103
5600 Fishers Lane, Rockville, Md. 20852, 301-443-2988

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:30 a.m., April 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

PRECLINICAL PSYCHOPHARMACOLOGY RESEARCH REVIEW COMMITTEE

April 10-11, 9 a.m.
Suite G100 and G101, Sheraton-Park Hotel, 2600 Woodley Rd., NW., Washington, D.C.
Open—April 10, 9-9:30 a.m.; Closed—Otherwise
Contact Marion Miller, Parklawn Bldg., Rm. 9-97
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3454

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to preclinical psychopharmacology research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., April 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistanoe and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

METROPOLITAN MENTAL HEALTH PROBLEMS REVIEW COMMITTEE

April 10-12, 9 a.m.
Ramsay Room, Ramada Inn of Alexandria, Alexandria, Virginia
Open—April 10, 9-10:30 a.m.; Closed—Otherwise
Contact Joan Schulman, Parklawn Bldg., Rm. 15-99
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3373

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health, Division of Special Mental Health Programs, Center for Studies of Metropolitan Problems relating to research, fellowship, and training activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10:30 a.m., April 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

NEUROPSYCHOLOGY RESEARCH REVIEW COMMITTEE

April 10-12, 9 a.m.
Georgia Room, Holiday Inn, Bethesda, Maryland
Open—April 10, 9-10 a.m.; Closed—Otherwise
Contact Leonard Lash, Parklawn Bldg., Rm. 10C-06
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3942

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., April 10, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

April 14-15, 9 a.m.
Conference Room 14-105, Parklawn Bldg., Rockville, Maryland
Open—April 14, 9-10 a.m.; Closed Otherwise
Contact Mrs. Zelia Diggs, Parklawn Bldg., Rm. 17C-26
5600 Fishers Lane, Rockville, Md. 20852, 301-443-4333

Purpose: Advises the Secretary, Department of Health, Education, and Welfare, Administrator, Alcohol, Drug Abuse, and Mental Health Administration, and the Director, National Institute of Mental Health, regarding the policies and programs of the Department in the field of mental health. Reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: From 9 to 10 a.m., April 14, the meeting will be open for discussion of administrative, legislative, and program developments. Otherwise, the Council will con-

duct a final review of approximately 1,000 mental health psychiatry training and research training grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (U.S.C. App. I).

PERSONALITY AND COGNITION RESEARCH REVIEW COMMITTEE

April 14-16, 9 a.m.
Gold Room, Executive Tower Inn, Denver, Colorado
Open—April 14, 9-10 a.m.; Closed—Otherwise
Contact Niles Bernick, Parklawn Bldg., Rm. 10C-06
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3942

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., April 14, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I)

CRIME AND DELINQUENCY REVIEW COMMITTEE

April 16-18, 9 a.m.
Wardman Room, Sheraton-Park Hotel, Washington, D.C.
Open—April 16, 9-10 a.m.; Closed—Otherwise
Contact Carol Beall, Parklawn Bldg., Rm. 12C-16
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3728

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health, individual violent behavior, and social deviance, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., April 16, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

CLINICAL PROJECTS RESEARCH REVIEW COMMITTEE

April 17-19, 9 a.m.
State Room, Washington Hilton Hotel, Washington, D.C.
Open—April 17, 9-10 a.m.; Closed—Otherwise
Contact Julian J. Lasky, Parklawn Bldg., Rm. 10C-23B
5600 Fishers Lane, Rockville, Md. 20852, 301-443-4707

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., April 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I)

EXPERIMENTAL PSYCHOLOGY RESEARCH REVIEW COMMITTEE

April 17-19, 9 a.m.
Franklin Room, Holiday Inn, Chevy Chase, Maryland
Open—April 17, 9-9:30 a.m.; Closed—Otherwise
Contact John Hammack, Parklawn Bldg., Rm. 10-95
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3936

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., April 17, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

SOCIAL SCIENCES RESEARCH REVIEW COMMITTEE

April 19-21, 9 a.m.
Vinson Room, Sheraton-Park Hotel, Washington, D.C.
Open—April 19, 9-9:30 a.m.; Closed—Otherwise
Contact Joyce B. Lazar, Parklawn Bldg., Rm. 10-95
5600 Fishers Lane, Rockville, Md. 20852, 301-443-3936

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 9:30 a.m., April 19, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I).

CLINICAL PROGRAM-PROJECTS RESEARCH REVIEW COMMITTEE

April 21-22, 9 a.m.
State Room, Washington Hilton Hotel, Washington, D.C.
Open—April 21, 9-10 a.m.; Closed—Otherwise
Contact Julian B. Lasky, Parklawn Bldg., Rm. 10C-23B
5600 Fishers Lane, Rockville, Md. 20852, 301-443-4707

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research activities and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9 to 10 a.m., April 21, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Sections 552(b)(4), 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Pub. L. 92-463 (5 U.S.C. App. I)

Substantive information may be obtained from the contact persons listed above. The Information Officers who will furnish summaries of the meetings and rosters of the Committee members are located in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. The NIAAA Information Officer is Mr. Harry C. Bell, Associate Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 6C-15, Telephone No. 443-3306. The NIDA Information Officer is Mr. James C. Helsing, Program Information Officer for Drug Abuse, National Institute on Drug Abuse, Room 15C-12, Telephone No. 443-3783. The NIMH Information Officer is Mr. Edwin Long, Deputy Director, Division of Scientific and Technical Information, National Institute of Mental Health, Room 15-105, Telephone No. 443-3600.

Dated: March 12, 1975.

CAROLYN T. EVANS,
Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.75-6858 Filed 3-14-75;8:45 am]

Office of Education

CHILD SERVICE DEMONSTRATION CENTERS FOR CHILDREN WITH LEARNING DISABILITIES

Closing Date for Receipt of Proposals

Notice is hereby given that pursuant to the authority contained in Part G of the Education of the Handicapped Act, Title VI of Public Law 91-230 (awards for Special Programs for Children with Specific Learning Disabilities), funding under the program in Fiscal Year 1975 will be by competitive contracts awarded in accordance with the Federal Procurement Regulations contained in 41 CFR Parts 1 and 3. U.S. Office of Education Request for Proposals (RFP) No. 75-41

will be issued on or about March 17, 1975, with a closing date for receipt of proposals of May 5, 1975. The RFP is subject to the program requirements contained in Part G of the Education of the Handicapped Act the regulations contained in 45 CFR Part 121j, published in the FEDERAL REGISTER on Thursday, February 20, 1975, at 40 FR 7428 et seq. For further information, interested parties are advised to refer to the OE Synopsis (No. 75-18) that was published in the Commerce Business Daily on February 28, 1975. (20 U.S.C. 1461)

(Catalog of Federal Domestic Assistance number 13.520-Special Programs for Children with Specific Training Disabilities)

Dated: March 7, 1975.

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

[FR Doc.75-6883 Filed 3-14-75;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App. I), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	Apr. 1 and 2, 9:30 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed Apr. 1, 9:30 a.m. to 3:30 p.m., open Apr. 1 after 3:30 p.m., closed Apr. 2, Thomas D. DeCillis (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing vitamin, mineral, and hematinic drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter vitamin, mineral, and hematinic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Dentifrices and Dental Care Agents.	Apr. 2 and 3, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Apr. 2, 9 a.m. to 10 a.m., closed Apr. 2 after 10 a.m., closed Apr. 3, Michael D. Kennedy (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing dentifrices and dental care agents under investigation.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter dentifrices and dental care agents under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Ophthalmic Devices.	Apr. 3 and 4, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Apr. 3, 9:30 a.m. to 11:30 a.m., closed Apr. 3 after 11:30 a.m., closed Apr. 4, Richard A. Hawkins, Ph.D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of ophthalmic devices currently in use.

Agenda. Open session: The panel will discuss the possible risks to public health and safety resulting from the over-the-counter sale of spectacles with modifying lenses (reading spectacles). Interested parties are encouraged to present information pertinent to the classification of ophthalmic devices listed in this announcement. Submission of data is also invited on the tentative classification findings, which may be obtained from Richard A. Hawkins, Ph.D., Executive Secretary (address noted above). Those desiring to make formal presentations should notify Dr. Hawkins in writing by March 27, 1975. They should submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: contact lenses; phacoemulsification units; phacofragmentation units; ultrasonoscopes; lasers and accessories; photocoagulators and accessories; intraoccular lenses; cryotherapy units; vitreous aspirating and cutting instruments; isotope probes and counters (phosphorus 32). Closed session: The panel will review previous classification results and continue to classify the remaining devices.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drugs.	Apr. 3, 4, and 5, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed Apr. 3, 9 a.m. to 3:30 p.m., open Apr. 3 after 3:30 p.m., closed Apr. 4 and 5, Thomas DeCillis (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing cold, cough, allergy, bronchodilator, and antiasthmatic drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter cold, cough, allergy, bronchodilator, and antiasthmatic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
5. Panel on Review of Neurology Devices.	Apr. 4 and 5, 9:30 a.m., Yucatan Room, Americana of Bal Harbour, Miami Beach, Fla.	Open Apr. 4, 9:30 a.m. to 11 a.m., closed Apr. 4 after 11 a.m., closed Apr. 5, James R. Veale (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of neurological devices currently in use.

Agenda. Open session: The panel will discuss and review the list of neurostimulators. Interested parties are encouraged to present information pertinent to the classification of neurological devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from James R. Veale, Executive Secretary (address noted above). Those desiring to make formal presentations should notify Mr. Veale in writing by March 28, 1975. They should submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: depth gauges; dowel cutter pins; dowel cutter shafts; dowel cutters; dowel ejectors; impactors; burrs; cranial drill blades; drill guard cross bars; drill guards; drill guides; drill points; drills, electric; drills, manual; drills, pneumatic; skull trephine; electrical cutting and coagulating devices; dural separators; ganglion dissecotrs; nerve separators; periosteal elevators; pituitary dissectors; rasps; spinal elevators; staphylorrhaphy elevators; bone cutting forceps; coagulations forceps; dressing forceps; dura forceps; hemostatic forceps; hypophysectomy forcceps; spatula forceps; suction forceps; tissue forceps; tumor forceps; instrumentation for fusion, spinal interbody; materialismetal; materials-plastic; cordotomy hooks; dissecting hooks; dural hooks; electrocautery hooks; ganglion hooks; nerve hooks; trachea hooks; blade breaker/holder; cordotomy knives; dura knives; ganglion knives; knife handles; meniscotomy knives; pituitary knives; trigmeinal knives; instrumentation for microsurgery; aneurysm needles; arteriogram needles; biopsy needles; dissecting needles and probes; needle holders; suture needles; ventricular needles; neurosurgical chairs; neurosurgical headrest; neurosurgical skull clamp; pneumoencephalorgraphic chairs; vital sign monitoring equipment; fiber optic headlights; fiber optic light supplies; incandescent headlights; light carriers; loupe lenses; loupes; microscope camera adapters; operating microscopes; operating telescopes; brain retractors; cervical reractors; decompression retractors; dural/nerve root retractors; flexible retractors; hemilaminectomy retractors; laminectomy retractors; lighted retractors; retractor blades; retractor hooks; sclap retractors; spinal retractors; tissue retractors; vein retractors; bone rongeurs; cervical rongeurs; cranial rongeurs; intervertebral disc rongeurs; laminectomy rongeurs; punching rongeurs; saw blades; saw guides; saw handles; saws, electric; saws, manual; saws, pneumatic; dissecting scissors; dural scissors; ganglion scissors; neurological scissors, general purpose; trigeminal scissors; shunt instruments and accessorie; sponge; bone curette; brain spatulas; hypophysectomy spoons; nerve separation spatulas; pituitary curettes; pituitary spoons; ring curettes; ruptured disc curettes; spinal curettes; stereotaxic instruments; sutures; cervical tongs; nerve (transcutaneous nerve) stimulators; neuromuscular stimulators; electroanesthesia stimulators; electrosleep stimulators; peripheral nerve stimulators; diaphragmatic/phrenic nerve stimulators; organ stimulators (e.g. bladder); neuromuscular stimulators (e.g. scoliosis, foot drop, grasp); spinal cord stimulators (e.g. dorsal, ventral); cerebellar stimulators (e.g. epilepsy, spacticity, movement disorder); cerebral/cortical stimulators (e.g. vision, hearing); intracerebral/subcortical stimulators. Closed session: The panel will classify the devices listed above.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Anesthesiology Devices.	Apr. 7, 8 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Apr. 7, 8 a.m. to 9 a.m., closed Apr. 7 after 9 a.m., Frank K. Coombs (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices currently in use.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of devices listed in this announcement. Submission of data is also invited on the tentative classification findings which may be obtained from Mr. Frank K. Coombs, Executive Secretary (address noted above). Those desiring to make formal presentations should notify Mr. Coombs in writing by March 31, 1975. They should submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: blood-loss monitors; valves, mixing, air/oxygen. A system for setting priorities on medical devices assigned to the standards category will be presented by James McCue, Bureau of Medical Devices and Diagnostic Products. The panel will review its draft of the preliminary classification report, and report on the homework assignment of checking the answers to the 18-question logic scheme to be used as the master copy of the panel consensus at this date. Assignments for the subcommittees will be clarified, and those members assigned to the subcommittees will start to compile a device list for their subcommittee. Closed session: The panel will review the entire device list and set priorities on those devices assigned to the standards category. The panel will list potential hazards or current problems with these devices.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Obstetrical and Gynecology Devices.	Apr. 7 and 8, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C., Apr. 8, 9:30 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Apr. 7, 9 a.m. to 2 p.m., closed Apr. 7 after 2 p.m., open Apr. 8, 9:30 a.m. to 2 p.m. closed Apr. 8 after 2 p.m., Lillian Yin, Ph. D. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness and reliability of obstetrical and gynecological devices currently in use.

Agenda. April 7, open session: Interested parties are encouraged to present information pertinent to developing product development protocol guidelines for hysteroscopes. Those desiring to make formal presentations should notify Lillian Yin, Ph. D. (address noted above), in writing by April 1, 1975. They should submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. Mr. Glenn Rahmoeller, Bureau of Medical Devices and Diagnostic Products, will discuss the proposed panel responsibilities with respect to premarket approval. The panel will discuss and plan the product development protocol guidelines for hysteroscopes. Closed session: The panel will continue to designate those characteristics of obstetrical-gynecological devices placed in the premarket approval category that cannot be adequately controlled by standards. April 8, open session: This is a joint session with the Obstetrics and Gynecology Advisory Committee. A discussion will be held on the proposed registry study for the Dalkon Shield and other IUD's. Closed session: Richard Bernstein, M.D., Battelle Memorial Institute, will review the draft of the 1975 IUD report. Battelle, Human Affairs Research Center, was awarded the contract to prepare this report.

Committee name	Date, time, place	Type of meeting and contact person
8. Obstetrics and Gynecology Advisory Committee.	Apr. 8, 8:30 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed 8:30 a.m. to 9:30 a.m., open 9:30 a.m. to 2 p.m., closed after 2 p.m., A. T. Gregoire, M.D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3510.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of obstetrics and gynecology.

Agenda. Open session: Review by Commissioner of IUD decision and proposed registry system; and proposed registry study for Dalkon Shield and other intrauterine devices.[1] Closed session: Richard Bernstein, M.D., Batelle Memorial Institute, will review the draft of the 1975 IUD report with the committees. Battelle, Human Affairs Research Center, was awarded the contract to prepare the FDA intrauterine device report.

[1] Joint meeting with Bureau of Medical Devices and Diagnostic Products' Panel on Review of Obstetrical and Gynecology Devices.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	Apr. 11 and 12, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open Apr. 11, 9 a.m. to 10 a.m., closed Apr. 11, after 10 a.m., closed Apr. 12, Jack Gerteog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-2883.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of viral vaccines and rickettsial vaccines and combinations thereof; reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of live, attenuated virus, inactivated rickettsial microorganisms, used either singly or in combination, to prevent a variety of specific infectious diseases in man caused by viral rickettsial microorganisms.

Agenda. Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continued review of products in this category.

Committee name	Date, time, place	Type of meeting and contact person
10. Cardiovascular and Renal Advisory Committee.	Apr. 15, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Joan C. Standaert (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4730.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the treatment of cardiovascular and renal disorders.

Agenda. Open session: Discussion of previous minutes and comments on antiarrhythmic protocol. Closed session: Discussion of NDA 17-683 (Inderal).

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Dental Devices.	Apr. 17 and 18, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open Apr. 17, open Apr. 18, 9 a.m. to 12 p.m., closed Apr. 18 after 1 p.m., Darryl G. Singleton, D.D.S. (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2376.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of dental devices currently in use.

Agenda. Open session: Mr. Peter Hutt, General Counsel, will address the dental panel. Mr. Glenn Rahmoeller will discuss the concept of scientific review as related to panel functions. Manufacturers of dental reliners, cushions and repair kits will present information concerning their products. Anyone desiring to make formal presentations should notify Dr. Singleton (address noted above) in writing by April 1, 1975. They should submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references to any data to be relied on, and also indicate the approximate time required to make their comments. Closed session: The panel will review and determine the final form of the dental device standards priority list.

Committee name	Date, time, place	Type of meeting and contact person
12. Immunology Subcommittee, Diagnostic Products Advisory Committee.	Apr. 17 and 18, 9 a.m., Room 1137, HEW North, 330 Independence Ave. SW., Washington, D.C.	Open Apr. 17, 9 a.m. to 10 a.m., closed Apr. 17 after 10 a.m., closed Apr. 18, Eloise Eavenson, Ph. D. (HFK-300), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda. Open session: Interested parties are encouraged to present information pertinent to the classification of in vitro diagnostic products used in the immunology laboratory. Those desiring to make formal presentations should notify Dr. Eloise Eavenson (address noted above) in writing by April 1, 1975. They should submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, references, and any data to be relied on and also an indication of the approximate time required to make their comments. Closed session: Review product inventory for the tentative classification of in vitro diagnostic products used for immunological determinations; discussion of criteria for the development of standards for immunological products.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Topical Analgesics.	Apr. 17 and 18, 9 a.m. (room to be assigned), Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Apr. 17, 9 a.m. to 10 a.m., closed Apr. 17 after 10 a.m., closed Apr. 18, Lee Geismar (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of over-the-counter drug products containing topical analgesics.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter topical analgesics under investigation.

Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Skin Test Antigens.	Apr. 18 and 19, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open Apr. 18, 9 a.m. to 10 a.m., closed Apr. 18 after 10 a.m., closed Apr. 19, Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014 301-496-2883.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness and adequacy of labeling of currently marketed biological products that are used in diagnostic substances for dermal tests.

Agenda. Open session: Presentation of previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of skin test antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
15. Surgical Drugs Advisory Committee.	Apr. 21, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 2:30 p.m., closed after 2:30 p.m., Gerald M. Rachanow (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of surgery.

Agenda. Open session: Discussion of adverse reactions from liquid silicone injections by Edward H. Kopf, M.D.; results of experimental studies with chymopapain by Bernard J. Sussman, M.D.; prototype protocols for clinical investigations in the treatment of patients with benign prostatic hypertrophy for relief of signs and symptoms associated with obstruction due to the prostate gland, by William H. Boyce, M.D., George Jones, M.D., and David Paulson, M.D. Closed session: Discussion of NDA 17-673 (Abbott Laboratories).

Committee name	Date, time, place	Type of meeting and contact person
16. Panel on Review of Antiperspirant Drug Products.	Apr. 24 and 25, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Apr. 24, 9 a.m., to 10 a.m. closed Apr. 24 after 10 a.m., closed Apr. 25, Lee Geismar (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of over-the-counter antiperspirant drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antiperspirant drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
17. Radioactive Pharmaceuticals Advisory Committee.	Apr. 24 and 25, 9 a.m., Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Apr. 24, open Apr. 25, 8:30 a.m. to 1:30 p.m., closed Apr. 25 after 1:30 p.m., C. H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4290.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for use in the practice of nuclear medicine.

Agenda. Open session: In order to clarify the obligations of nuclear pharmacies under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, the Food and Drug Administration is giving consideration to the drafting of regulations to define those operations connected with the preparation of radioactive drugs, including biological products, which should be regarded as manufacturing procedures not part of the practice of pharmacy. Nuclear pharmacies engaged in such operations would then be subject to regulations regarding registration, drug listing, inspection, new drug approval, biological product licensing, and current good manufacturing practices.

The Food and Drug Administration recognizes that many radioactive drugs, including biological products, because of their short half-lives, must be prepared in the final dosage form shortly before they are to be used for diagnosis or treatment of disease in man. In addition, the preparation of radioactive drugs requires a special knowledge of nuclear pharmacy, involves the use of special equipment and facilities, and, where reactor-produced radionuclides are involved, requires licensing by the Nuclear Regulatory Commission or an Agreement State. Because of this, the practices of nuclear pharmacies involve operations that vary from repackaging or preparing radioactive drugs for administration, to more extensive and complex manufacturing and compounding procedures.

In most cases these nuclear pharmacies are affiliated with, or operated by, hospitals, medical groups, clinics, universities, medical schools, and/or public health agencies. However, some of these pharmacies are nonaffiliated, privately owned, or operated by several institutions on a cooperative basis. The radioactive drugs prepared by a nuclear pharmacy may be intended solely for use within the institution in which the pharmacy is located, or they may be prepared for distribution to other institutions. For example, a nuclear pharmacy in a university hospital may prepare radioactive drugs for distribution to other hospitals and clinics.

The Commissioner concludes that it would be in the public interest for the Radioactive Pharmaceuticals Advisory Committee to review and make recommendations on what extent the operations of nuclear pharmacies should be regarded as manufacturing procedures not part of the practice of pharmacy, and for interested persons to present data, information, and views at a public hearing before the advisory committee. Therefore, the open session of the advisory committee meeting on April 24, 1975, will be devoted to discussion of nuclear pharmacy and the responsibilities of nuclear pharmacies under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act. Interested persons are invited to attend this meeting and to present data, information, or views, orally or in writing, relevant to this matter.

Any interested person who wishes to make an oral statement to the advisory committee shall inform Cyrus H. Maxwell, M.D., the contact person for the committee, indicating the amount of time needed to make the presentation. The contact person will then inform each person requesting an opportunity to make an oral statement the amount of time to be allotted for the presentation. Individuals and organizations with common interest are urged to consolidate or coordinate their presentations in order to allow maximum public participation at the meeting. To be considered, 12 copies of each planned presentation should be submitted to the contact person for the committee and 2 copies to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, by close of business on April 11, 1975.

Written submissions, other than those to be presented at the public hearing, may also be submitted to the advisory committee for its consideration. For timely consideration, 12 copies of each submission should be sent to Cyrus H. Maxwell, M.D., by April 18, 1975.

Summary of Agenda Items: Discussion of nuclear pharmacy and responsibilities under the Federal Food, Drug and Cosmetic Act. Suggestions and recommendations of the committee; status of the

transportation of radiopharmaceuticals; subcommittee report on guidelines for the clinical evaluation of radiopharmaceutical drugs. Closed session: Discussion of INDs and NDAs and license applications under review.

Committee name	Date, time, place	Type of meeting and contact person
18. Panel on Review of Allergenic Extracts.	Apr. 25 and 26, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 8800 Rockville Pike, Bethesda, Md.	Open Apr. 25, 9 a.m. to 10 a.m., closed Apr. 2 after 10 a.m., closed Apr. 26, Clay Sisk (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-2883.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products or materials, either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of allergies and allergic diseases.

Agenda. Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continuing review of allergenic extracts under investigation.

Committee name	Date, time, place	Type of meeting and contact person
19. Panel on Review of Contraceptives and Other Vaginal Drug Products.	Apr. 27 and 28, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed Apr. 27, open Apr. 28, 9 a.m. to 10 a.m., closed Apr. 28 after 10 a.m., Armond M. Welch (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing contraceptives and other vaginal drug products.

Agenda. Closed session: Continuing review of over-the-counter contraceptives and other vaginal drug products under investigation. Open session: Comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
20. Panel on Review of Gastroenterology and Urological Devices.	Apr. 28, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Closed Apr. 28, 9:30 a.m. to 1 p.m., open 1 p.m. to 2 p.m., closed after 2 p.m., Thomas L. Anderson, M.D. (HFK-400), 5600 Fisher s Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of dialysis devices currently in use.

Agenda. Open session: Mr. Peter Hutt, General Counsel, will address the panel. Interested parties are encouraged to present information pertinent to the classification of dialysis devices listed in this announcement. Submission of data is also invited on the tentative classification findings, which may be obtained from Thomas L. Anderson, M.D., Executive Secretary (address noted above). Those desiring to make formal presentations should notify Dr. Anderson in writing by April 1, 1975. They should submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, reference to any data to be relied on, and also indicate the approximate time required to make their comments. The devices to be classified at this meeting are as follows: exchanger, heat; pump, effluent; tank, holding; tubing, dialysate; water purification system, reverse osmosis; proportional pump, recirculating; recirculating single pass; sealed system; tubing, clamps, dialysate; single pass, capillary; central multiple patient system, disposable; parallel flow, peritoneal, automatic; polyacrilonitrile; single coil; single patient system; sorbent, regenerated; twin coil; adapter, open bath to parallel flow; armboard; chair, dialysis; clamp, line; forceps; leg rest, chair; protector, transducer; repair kit, pump valve; solution, reference standard, conductivity; tape, sealant; tray, declotting; alarm, pillow pressure; alarm, wrist; arterial blood pressure; blood circuit; detector, air bubble; detector, blood leak, inflow-outflow, comparative, detector, blood leak, noncomparative; detector, blood level; detector, dialysate level; flowmeter, blood; flowmeter, dialysate; manometer, water; meter, conductivity; temperature; venous blood pressure; trocar. Closed session: The panel will classify the devices listed above.

Committee name	Date, time, place	Type of meeting and contact person
21. Science Advisory Board to the National Center for Toxicological Research.	Apr. 28 and 29, 8:30 a.m., National Center for Toxicological Research, Jefferson, Ark.	Open—A. K. Davis, Ph.D., Bldg. 13, Room 43, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-536-4528.

Purpose. Advises the Director, National Center for Toxicological Research, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities. Provides the extra-agency review in assuring that research programs and methodology development are scientifically sound and pertinent to environmental problems.

Agenda. Status of teratology program and carcinogenesis program.

Committee name	Date, time, place	Type of meeting and contact person
22. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	Apr. 28 and 29, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Apr. 28, 9 a.m., to 10 a.m., closed Apr. 28 after 10 a.m., closed Apr. 29, Michael D. Kennedy (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing sedative, tranquilizer, and sleep aid drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter sedative, tranquilizer, and sleep aid drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
23. Dental Drug Products Advisory Committee.	Apr. 30, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Clarence C. Gilkes, D.D.S. (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3560.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of dentistry.

Agenda. Development of guidelines for clinical studies of dental drug products.

Committee name	Date, time, place	Type of meeting and contact person
24. Pulmonary-Allergy and Clinical Immunology Advisory Committee.	Apr. 30, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 1:30 p.m., closed after 1:30 p.m., Gerald M. Rachanow, (HFD-160), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3500.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing and use in the treatment of pulmonary disease and disease with allergic and/or immunologic mechanisms.

Agenda. Open session: Discussion of cromolyn sodium—presentation of phase 4 studies by representatives of Fisons Corp.; bronchodilator clinical testing guidelines; and correlation between nasal airway studies and patient symptomatic response. Closed session: Discussion of NDA 17-559 (Schering Corp.), NDA 17-573 (Schering Corp.), IND 10,327 (Pfizer, Inc.), and IND 9363 (National Institutes of Health).

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committtee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to

trade secrets and confidential information or to committee deliberations.

Dated: March 11, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-6856 Filed 3-14-75;8:45 am]

Office of the Secretary

FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Board of Advisors Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary education will be held on April 3, 1975, beginning at 4 p.m. to April 4, 1975, 3 p.m. at Belmont Conference Center, Elkridge, Maryland. The meeting will be for the sole purpose of considering and formulating advice to the Director of the Fund regarding the approval or disapproval of proposals submitted to the Fund under the Special Focus Program: Education and Certification for Competence; National Project I, Better Information for Student Choice; National Project II, Alternatives to the Revolving Door: Effective Learning for Low-Achieving Students; and National Project III, Elevating the Importance of Teaching.

The meeting will not be open to the public, since these proposals are exempt from mandatory disclosure under the provisions set forth in sections 552(b)(4), 552(b)(5), and 552(b)(6), Title 5, U.S. Code.

A summary of the proceeding of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3141, Washington, D.C. 20202, telephone 202-245-8091.

Signed at Washington, D.C. on March 6, 1975.

VIRGINIA B. SMITH,
Director, Fund for the Improvement Postsecondary Education.

[FR Doc.75-6882 Filed 3-14-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX75-12; Notice 1]

CROWN COACH CORPORATION

Petition for Temporary Exemption From Federal Motor Vehice Safety Standard

Crown Coach Corporation of Los Angeles, California, has applied for a temporary exemption from Motor Vehicle Safety Standard No. 121, Air Brake Systems, on the basis that compliance would cause it substantial economic hardship.

Crown manufactured 270 motor vehicles in 1974, generally buses and fire apparatus. It requests a 4-month exemption for its custom school coaches and modified coaches, an estimated production of 60 units. It also requests a 10-month exemption (September 1, 1975 to July 1, 1976) for its custom fire apparatus covering a production estimated at 35 units. Crown represents that its primary supplier has failed to deliver components necessary for conformance (axle and anti-skid components) as promised. It estimates that prototype testing and phase-out of non-complying buses will take place by July 1, 1975, and for custom fire apparatus (which require 12 to 18 months for completion) by July 1, 1976. The company had a net profit in 1974 of $83,236 realized from gross sales of approximately $16,000,000. Denial of an exemption apparently would cause a plant shut-down with a possible lay off of 300 or more workers, creating a situation in which the company's creditors might attempt to forceclose. Denial of petitioner's request would also leave it with an inventory of 95 noncomplying axles worth over $363,000. It views an exemption as in the public interest since most of its sales are made to municipalities and school districts.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Crown Coach Corporation described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 28, 1975.

Proposed effective dates: Date of issuance of exemption, for buses; September 1, 1975, for fire apparatus.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on March 13, 1975.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Program.

[FR Doc.75-7074 Filed 3-13-75;4:38 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 27536]

DELAVAL TURBINE, INC., AND TRANSAMERICA CORP.

Proposed Approval for Disclaimer of Jurisdiction or Control Relationships

Notice is hereby given that the undersigned intends to issue the attached order under delegated authority pursuant to section 412(a) of the Federal Aviation Act of 1958, as amended. Interested persons are hereby afforded until April 1, 1975, within which to file comments with respect to the action contemplated in the proposed order.

Dated at Washington, D.C., March 12, 1975.

[SEAL] WILLIAM B. CALDWELL, Jr.,
Director, Bureau of Operating Rights.

Issued under delegated authority. Application of DeLaval Turbine, Inc., and Transamerica Corporation for a disclaimer of jurisdiction or approval of control relationships pursuant to section 408 of the Federal Aviation Act of 1958, as amended.

ORDER GRANTING APPROVAL AND DISCLAIMER OF JURISDICTION

DeLaval Turbine, Inc. (DeLaval), and Transamerica Corporation (Transamerica) request a disclaimer of jurisdiction or approval pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), of DeLaval's acquisition of (1) all the shares of Williams Machines, Ltd. (Williams), and True-Forge, Ltd. (True-Forge), (2) the business and certain assets of the Material Processing Division (Material Processing) of Havlik Enterprises, Ltd., and (3) that portion of the remaining business of Havlik Enterprises, Ltd. (Havlik Business), that secures orders for Williams and True-Forge.

Transamerica is a large holding company which, through subsidiaries, engages in various aspects of the insurance business, commercial and consumer finance, the motion picture business, real estate development, the surface transportation of household goods, and the manufacture of machinery. Transamerica also wholly owns Trans International Airlines, Inc. (TIA), a certificated supplemental air carrier. See order E-26459, dated February 23, 1968.

DeLaval, a wholly owned subsidiary of Transamerica, is engaged primarily in the manufacture of steam turbines, pumps, compressors, condensors for marine and industrial uses, diesel engines, castings and forgings, switches, and industrial valves. It also produces minor components for aircraft hydraulic, fuel, and other systems, principally for commercial aircraft companies.[1]

Williams, True-Forge, and Havlik Enterprises are affiliated Canadian corporations, all located in Ontario, Canada. As a result of the acquisition, Williams and True-Forge will become fully owned subsidiaries of DeLaval. Williams will, in turn, absorb the business and certain assets of Material Processing. DeLaval will also transfer the appropriate parts of the Havlik Business to Williams and True-Forge.

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[1] Transamerica's acquisition of control of TIA, an air carrier, while owning DeLaval, a person engaged in a phase of aeronautics, was approved pursuant to section 408 of the Act by order E-26459, Feb. 23, 1968.

The applicants state that of the companies to be acquired by DeLaval, only Williams may be construed as being engaged in a phase of aeronautics.[2] Williams acts as a subcontractor in the machining of parts, subassemblies, and aircraft components consisting mainly of wing spars, landing gear members, door frame members, and bulkheads, which are all items proprietary to its manufacturing customers. None of these products is considered to be optional equipment. Williams does not manufacture any aircraft products. Its principal customers are Douglas Aircraft—Canada, De Havilland Aircraft, Canadian Limited, and Lockheed Aircraft. Neither Williams nor any of the other companies to be acquired has transacted any business with Transamerica's subsidiary, TIA, nor are any such transactions contemplated.[3]

According to the applicants, for the fiscal year ended September 30, 1974, Williams' gross revenue was $2,088,500. For the fiscal year 1974, approximately 57 percent of Williams' total gross was obtained from the sale of its services to aeronautical businesses.[4] Of this, the percentage of sales for military use is negligible.[5]

No comments or requests for a hearing have been received.

Upon consideration of the foregoing, it is concluded that Transamerica is a person controlling an air carrier and that Williams is a person engaged in a phase of aeronautics, both within the meaning of section 408(a)(6) of the Act, and that the acquisition of the stock of Williams by Transamerica through DeLaval is subject to that section. It also appears from the acquisition agreement that the Material Processing Division of Havlik Enterprises had arranged to provide service on machined aircraft parts, and would thereby qualify Havik Enterprises as a person engaged in a phase of aeronautics. Therefore, the acquisition by Transamerica, through DeLaval, of the business and assets of the Material Processing Division, as well as the various orders and contracts previously designated "Havlik Business" may constitute the acquisition of control of a substantial part of the properties of a person engaged in a phase of aeronautics by a person controlling an air carrier within the meaning of section 408(a)(3) of the Act.[6] However, it is not found that the transactions will be inconsistent with the public interest or that the conditions of section 408 will be unfulfilled. The proposed transactions do not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, do not result in creating a monopoly, and do not tend to restrain competition. In reaching these conclusions, we note that Williams (which will absorb Material Processing) is a relatively small concern which manufactures aeronautical components which are not sold directly to air carriers; that the bulk of its sales are to aircraft and aircraft component manufacturers; and that TIA has not been a customer of Williams and no transactions are contemplated. Furthermore, no person disclosing a substantial interest in this proceeding is currently requesting a hearing, and it is concluded that the public interest does not require a hearing.[7] The transaction is similar to others previously approved by the Board.[8]

Notice of intent to dispose of the application without hearing has been published in the FEDERAL REGISTER, and a copy of such notice has been furnished to the Attorney General not later than 1 day following the date of such publication, both in accordance with section 408(b) of the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3 and 385.13, it is found that the foregoing control relationships should be approved under section 408(b) of the Act without a hearing, that jurisdiction should be disclaimed over the acquisition of True-Forge, and that, to the extent not specifically granted, the application herein should be dismissed.

ACCORDINGLY, IT IS ORDERED THAT:

1. The acquisition by Transamerica through DeLaval of (1) the stock of Williams, (2) the business and assets of the Material Processing Division of Havlik Enterprises, and (3) the Havlik Business be and they hereby are approved;

2. Jurisdiction over the acquisition of control by Transamerica through DeLaval of True-Forge be and it hereby is disclaimed; and

3. Except to the extent specifically granted herein, all other requests in docket 27536 be and they hereby are dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] WILLIAM B. CALDWELL, Jr.
Director, Bureau of Operating Rights.

[FR Doc.75-6892 Filed 3-14-75;8:45 am]

[2] It is stated that True-Forge is engaged primarily in the fabrication of custom built machinery. Material Processing is engaged solely in metalurgical processing and plating. The assets and business of Material Processing will be merged into Williams. Havlik Business consists of the orders and contracts which are subcontracted to Williams.

[3] Conditions 1 (c) and (h) of the Board's approval of Transamerica's acquisition of TIA (order E-26459) preclude any significant purchase of products by TIA from DeLaval or its subsidiaries without prior Board approval.

[4] The aeronautical gross represents 40 percent of the total gross revenue of the total businesses to be acquired in this transaction.

[5] Williams' net worth is 1.5 percent of the net worth of DeLaval. Williams' gross sales are equal to 1.1 percent of DeLaval's gross sales.

[6] The applicants have supplied no information which would indicate that True-Forge is an entity subject to section 408, and we will therefore disclaim jurisdiction over its acquisition by DeLaval and Transamerica.

[7] Order 72-5-78, dated May 22, 1972, which approved the acquisition of control by DeLaval of another person engaged in a phase of aeronautics, contains a condition which prohibits DeLaval (or its subsidiaries) and TIA from engaging, without prior Board approval, in aggregate annual transactions in excess of $100,000. Similarly, ordering paragraph 1(h) of order E-26459 sets a general cumulative $100,000 limitation on all annual transactions, except the purchase of air transportation in the ordinary course of business, between Transamerica and its subsidiaries, on the one hand, and TIA, on the other. Neither of these conditions requires alteration since as written they will encompass the proposed acquisition of Williams by DeLaval.

[8] Transamerica Corporation and DeLaval Turbine, Inc., order 72-5-78, dated May 22, 1972.

[Docket 26471]

EVERGREEN HELICOPTERS, INC., ET AL. ACQUISITION OF JOHNSON FLYING SERVICE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 7, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., March 11, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-6888; Filed 3-14-75;8:45 am]

[Docket 25474]

HAWAII FARES INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on April 30, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., March 11, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-6889; Filed 3-14-75;8:45 am]

[Docket 27104]

PAN AMERICAN-WESTERN ROUTE TRANSFER AGREEMENT

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on April 23, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., March 11, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75-6891 Filed 3-14-75;8:45 am]

[Docket 21136 et al.]

REMANDED RENO-PORTLAND/SEATTLE NONSTOP INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on April 16, 1975, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., March 11, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc. 75-6890 Filed 3-14-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 345-4; (OPP-210003)]

SCIENTIFIC INFORMATION ON SAFETY OF DDVP PESTICIDE USAGE

Solicitation of Written Views

In accordance with section 21 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended by the Federal Environmental Pesticide Control Act (FEPCA) (Pub. L. 92-516; 86 Stat. 973), notice is hereby given that the U.S. Environmental Protection Agency (hereafter referred to as the "Agency") is soliciting written views of interested scientists and other qualified persons to assist EPA in determining whether administrative proceedings should be initiated with respect to the registration of certain pesticide products containing DDVP (2,2-Dichlorovinyl dimethyl phosphate) currently used in residences and similar sites (DDVP is also known as vapona or dichlorovos).

This solicitation of views on DDVP relates to EPA's responsibility to evaluate continually all pesticides in regard to safety and usage, and is also affirmative response to a petition for such a solicitation filed jointly on June 20, 1974, by the Health Research Group, Consumers Union of United States, Inc., and Public Citizen, Inc. The solicitation of views is limited to those scientific findings that expand upon subject areas of continuing controversy, as identified below. Materials should be clearly presented so as to lend further support to, or provide challenge of, present information regarding the safety of DDVP vaporizing resin strip pesticide products when used in accordance with label directions or in commonly recognized use practices in indoor situations.

All papers, data, comments, rebuttals, reports, and other materials sent to the Agency as a result of this notice and found to be in compliance with the guidelines stated herein, will be considered in the Agency's review of the subject. However, such materials may not necessarily be directly referenced or directly included in any final document prepared by the Agency in connection with its review.

The information, opinions, and comments included in the compilation of materials, as products of this solicitation and as items for distribution to interested parties are neither to be construed or considered as Agency opinions or attitudes, nor as having been validated or approved in any way by the Agency, other than having met the requirements for inclusion as delineated in the following guidelines.

GUIDELINES

A. *Topics.* Views submitted in connection with this notice should address the specific topics of mutagenicity, carcinogenicity, teratogenicity, alkylation, potentiation, impaired breathing (air passage resistance), effects of short- and long-term cholinesterase inhibition, and any documented ill effects purported from use of DDVP vaporizing resin strip pesticide products. Emphasis on new information or new interpretations and considerations of currently available information on these topics is requested.

B. *Materials Solicited.* The Agency welcomes submittal of the following material:

1. Unpublished research papers relevant to the above-mentioned topics, including methodology, data, methods of statistical analysis of data, and conclusions by the researcher. The material submitted must bear, at a minimum, the year the research was completed, the purpose for which the research was done (graduate thesis, etc.) and the institution, organization, or company for which the research was performed.

2. Relevant scientific comment on any aspect of previously-published research papers dealing with the aforementioned topics. A copy of the original published material, when not readily available to the U.S. public, must be submitted with the comments, but will not necessarily be included in any redistribution of material for comment (see Procedures). Submissions should include a reference page or pages on which complete bibliographic citations of all materials utilized in preparing the comment are listed.

3. Relevant scientific comment on research data in a public file maintained by EPA. This file has been compiled by EPA for use in this proceeding, and consists of data from research conducted by the manufacturers of products containing DDVP, and by others. EPA desires to place in this public file all research data in its possession concerning the toxicity and safety of DDVP; however, under section 10 of the FIFRA, as amended, and under section 408(f) of the Food, Drug and Cosmetic Act, as amended, the submitters of the data may claim it is entitled to confidential treatment and may seek judicial review of any adverse confidentiality determination by EPA. Arrangements to examine data in the public file may be made by written request to EPA (see Procedures, paragraph 9).

4. Documented reports of ill effects directly related to the use of DDVP vaporizing resin strip pesticide products in indoor situations, when such reports bear validation by a competent medical authority. Any reports received that do not meet this criterion will not be included in the compilation, but will be referred to the Agency's Operations Division, Office of Pesticide Programs, for appropriate action.

C. *Procedures.* 1. Initial submittals shall be postmarked no later than 30 days after publication of this notice, except that initial submittals which constitute comments on allegedly confidential research data from EPA files shall be postmarked no later than 30 days after resolution of confidentiality claims concerning such data. The Agency will evaluate all submitted materials to ensure their compliance with the guidelines indicated herein.

2. Persons interested in reviewing any of the initially-submitted material received in connection with this solicitation of views must send in a written request to the Agency within 30 days after publication of this notice. Within the shortest reasonable time, the Agency will duplicate and transmit all qualifying material as described herein to those persons who have submitted such requests. Persons interested only in material on certain topics (see paragraph "A", above) should so indicate in their written requests, so that copies of material pertaining only to their designated topics will be distributed to them.

3. Duplication of such material as mentioned in the paragraph above falls within the scope of the Freedom of Information Act. Accordingly, there will be a 20¢ charge per page for duplicating any material requested that consists of more than ten (10) pages. Requests for full or partial waiver of charges will be considered.

4. Comments and rebuttals to any of the initially-submitted material may be sent to the Agency, and will be considered in the Agency's review of the subject. These comments and rebuttals must be postmarked within 60 days of the date the Agency transmits any of the initially-submitted material. The date will appear on the cover letter.

5. All material submitted in connection with this notice that exceeds the equivalent length of five single-spaced typewritten 8½-inch by 11-inch pages must contain an abstract of not more than 250 words describing the major points of the information submitted.

6. All material, aside from correspondence, submitted in connection with this notice, must have the following front page format:

General topic: ("Alkylation", for example).
Specific topic: (Title of submittal).
Author(s): (Full name with middle initial preferred).
Address of author(s): (Include ZIP code if in U.S.).
Telephone number of author(s): (Including area code).
Abstract: (If required).

For each individual topic discussed, the commenter must prepare a "dividing" page arranged in the format shown above, so that any one part of the comment can be easily identified and handled separately. This format will facilitate requests for initially-submitted material, and will help assure distribution of copies to interested parties of only that material which they designate.

7. Any material submitted in connection with this notice which is in a lan-

guage other than English must be accompanied by a copy translated into English.

8. All material submitted must be in typed form or clearly legible and suitable for duplication by normal copying machines.

9. All submittals and correspondence pursuant to this notice should be sent directly to: Federal Register Section, Attn.: Mrs. Radinsky (Phone: 755-8060), Technical Services Division (WH-569), Office of Pesticide Programs, U.S. Environmental Protection Agency, Room 421, East Tower, 401 M St., SW., Washington, D.C. 20460.

AVAILABILITY OF PETITION AND SUBMISSIONS

A copy of the petition submitted by the Health Research Group, Consumers Union of United States, Inc., and Public Citizen, Inc., and submissions as they are received will be available for public inspection in the office of the Federal Register Section (see address above) from 8:30 a.m. to 4 p.m., e.s.t. Monday through Friday. Copies will also be available in each of the ten EPA Regional Headquarters Offices listed below:

I. Dr. Harold Kazmaier, Rm. 2113—Pesticide Branch, Air and Hazardous Materials Division, John F. Kennedy Federal Bldg., Boston, Mass. 02203; 8:30-5:00 e.s.t.; 617-223-5126.

II. Mr. Stanley H. Fenichel, Rm. 9066, 26 Federal Plaza, New York, N.Y. 10007; 8:00-4:30 e.s.t.; 212-264-8356.

III. Mr. Nelson Davis, Rm. 3323, Curtis Bldg., 6th & Walnut St., Philadelphia, Pa. 19106; 8:00-4:30 e.s.t.; 215-597-9869.

IV. Mr. Roy Clark, Rm. 110, 1421 Peachtree St., NE., Atlanta, Ga. 30309; 8:15-4:45 e.s.t.; 404-526-3222.

V. Mr. George Marsh, Rm. 1147, 230 South Dearborn, Chicago, Ill. 60604; 8:15-4:45 c.s.t.; 312-353-7270.

VI. Dr. Norman Dyer, 11th Floor, 1600 Patterson St., Dallas, Texas 75201; 8:00-4:30 c.s.t.; 214-749-1121.

VII. Mr. John Wicklund, 1st Floor, 1735 Baltimore Ave., Kansas City, Mo. 64108; 7:15-4:00 c.s.t.; 816-374-3036.

VIII. Mr. Robert Harding, Rm. 6049, Lincoln Towers Bldg., 1860 Lincoln St., Denver, Colo. 80203; 8:00-4:30 m.s.t.; 303-837-3926.

IX. Dr. John Mackenzie, Rm. 402, 100 California St., San Francisco, Calif. 94111; 8:00-4:30 P.s.t.; 415-556-3352.

X. Mr. Robert Poss, 11th Floor, 1200 6th Avenue, Seattle, Wash. 98101; 8:00-4:30 P.s.t.; 206-442-1090.

Written or telephoned communication with the appropriate office in advance of visits is advised for those persons planning to inspect the petition or compilation.

Dated: March 11, 1975.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.75-6867 Filed 3-14-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 744]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 10, 1975.

Pursuant to §§ 1.227(b)(3) and 21-30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES

20710-CD-ML-75 Mountain States Telephone & Telegraph Company (KOK330) Mod. License to change frequency from 152.81 MHz to 152.78 MHz located 7.5 miles South of Rawlins, Wyo.

20807-CD-ML-75 Com-Nav, Inc. dba Radio Telephone of Maine (KQZ780) Mod. License to change frequency from 152.18 MHz to 152.06 MHz at Loc. #2: Bald Mtn., 3.5 miles SE of Dedham, Maine.

21190-CD-P-(2)-75 Dakota Radio Paging, Inc. (KQK777) C. P. for additional facilities to operate on 152.09 & 152.12 MHz at Loc. #2: Water tower, 2 miles SSE of Sioux Falls, South Dakota.

21191-CD-P-(3)-75 Daniel F. Christopherson dba Commercial Communications (KUS-258) C. P. for additional base facilities to operate on 152.15 MHz and repeater facilities to operate on 459.125 MHz located approximately 10 miles SSE of Rock Springs, Aspen Mountain, Wyo.; and control facilities to operate on 454.125 MHz located at 824 Walnut Street, Rock Springs, Wyoming.

21192-CD-P-75 Allegheny Mobile Telephone Company, Inc. (KWB370) C. P. to add antenna Loc. #3 to operate on 152.24 MHz to be located 0.25 mile off Ridge Road on Chestnut Ridge, Youngstown, Pennsylvania.

21193-CD-P-(3)-75 Alco Telephone Answering Service of Greenville, Mississippi, Inc. (KRM992) C. P. for additional facilities to operate on 545.075 & 454.225 MHz located 675' N of Carpenter St. on Bogwell Ave., ext., Cleveland, Mississippi.

21194-CD-P-75 David L. Costello dba Commercial Communications Company (KUC-884) C. P. to reinstate expired facilities operating on 152.12 MHz located at 4631 State Road 9 North, Anderson, Indiana.

21195-CD-P-(4)-75 Mobilfone Service, Inc. (KKA341) C. P. to change antenna system and relocate facilities operating on 454.175 454.225 454.275 & 454.350 MHz located on Lookout Mountain, 4 miles SW of Tulsa, Oklahoma.

21196-CD-P/L-75 Ringgold Telephone Company (KIY759) C. P/L to reinstate expired facilities operating on 152.66 MHz located at White Oak Mountain, Ringgold, Georgia.

21197-CD-P-75 General Communication Service, Inc. (KKG565) C. P. for additional facilities to operate on 152.12 MHz at Loc. #6: Farm Road 715, 2 miles SE of Midland, Texas.

21198-CD-P-75 Mt. Vernon Telephone Company (KUC863) C. P. for additional facilities to operate on 152.69 MHz located 2.8 miles SE of Verona, Wisconsin.

21199-CD-P-(2)-75 Southeast Nebraska Telephone Company (KSV944) C. P. to change antenna system & replace transmitter operating on 152.78 MHz and for additional facilities to operate on 152.75 MHz located at Route 8, ½ mile W. of Falls City, Nebraska.

21200-CD-P-75 Nashville Mobilphone, Inc. (NEW) C. P. for a new 1-way station to operate on 35.58 MHz to be located 0.5 mile NW of US #31 & 4 miles NNE of Franklin, Tennessee.

21201-CD-P-75 Empire Paging Corporation (KRS674) C. P. for additional facilities to operate on 454.150 MHz located 1500 feet East of Route 34, 3 miles South of Matawan, New Jersey.

21202-CD-P-75 Nashville Mobilphone, Inc. (NEW) C. P. for a new 1-way station to operate on 158.70 MHz to be located 1¼ miles East of US 31 & East of Anderson Lane, Hendersonville, Tennessee.

21203-CD-P-75 O-K Communications, Inc. (NEW) C. P. for a new 2-way station to operate on 454.125 MHz to be located at 3602 South Perkins Road, Stillwater, Oklahoma.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

21204–CD–P–75 O-K Communications, Inc. (NEW) C. P. for a new 1-way station to operate on 158.70 MHz to be located at 3602 South Perkins Road, Stillwater, Oklahoma.

21205–CD–P–75 Ganado Telephone Company, Inc. (KLB600) C. P. to replace transmitter operating on 152.78 MHz located at SW edge of City Limits, Ganado, Texas.

21206–CD–P–75 William G. Bowles, Jr. dba Mid-Missouri Mobilfone (NEW) C. P. for a new 1-way station to operate on 152.24 MHz to be located at Jct. I–44 & Highway "Y" on city water tower, St. Robert, Missouri.

MAJOR AMENDMENT

20386–CD–P–(4)–75 Sanderson Communications, Sanderson, Texas (NEW) Amend to add associated repeater station located at U.S. #90, 11 miles West of Longfellow, Texas on 72.02 MHz and control station located at 703 3rd Street, Sanderson, Texas on 75.42 MHz. All other particulars to remain as reported on PN #720 dated September 23, 1974.

CORRECTION

21389–C2–P–74 Tel-Car Corporation, Miami, Florida. Should have been listed as an additional channel to KIB527, at Loc. #1. All other particulars to remain as reported on PN #701 dated May 20, 1974.

Informatives

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations by reasons of potential electrical interference.

NEW JERSEY

454.35 MHz: Lehigh Valley Mobile Telephone Co., Montana, New Jersey; NEW; 21085,6–C2–P–(2)–74.

Mobile Page Communications, Inc., Budd Lake, New Jersey; NEW; 21472–C2–P–(2)–74.

454.35 MHz and 152.21 MHz: Phone Depots, Inc. dba Mobilfone Radio System, West Orange, New Jersey (Loc. #4); KEA254; 21332–C2–P–(2)–74.

Mobile Page Communications, Inc., Budd Lake, New Jersey; NEW; 21472–C2–P–(2)–74.

CALIFORNIA

Mobilfone, Inc., Los Angeles, California; KMA253; 21390–C2–P–(24)–74.

The License renewal for Industrial Communications Systems, Inc., (KMD990) Los Angeles, California.

FLORIDA

Tel-Car Corporation; KIB527; 21389–C2–P–74.

License renewal for Baker Protective Services, Inc. (Formerly Wells Fargo Armored Service Corporation of Florida) KIA956, Miami, Florida.

INFORMATIVE

The Mobile Services Division has completed its move to 2025 M Street, and its files are again available to the public.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2924–CF–P–75, N-Triple-C, Inc. (WOH23), Foshay Tower Building, Lat. 44°58'28" N., Long. 93°16'16" W. C.P. to replace transmitter, change power, and change polarization from Horizontal to Vertical on 6034.2 MHz toward Chaska, Minnesota, on azimuth 241°11'.

2925–CF–P–75. Same (WOH24), 4.2 Miles North of Chaska, Minnesota. Lat. 44°50'55" N., Long. 93°35'29" W. C.P. to change polarization from Horizontal to Vertical on 6301.0 MHz toward Minneapolis, Minnesota, on azimuth 60°57'.

2926–CF–P–75, Same (WOH43), 18th and Farnham. Lat. 41°15'30" N., Long. 95°56'20" W., C.P. to change frequency 5974.8H MHz to 6034.2H MHz toward Bentley, Iowa, on azimuth 64°22'.

2927–CF–P–75, Same (WOI44), 4.5 Miles ENE of Bentley, Iowa. Lat. 41°24'35" N., Long. 95°31'04" W. C.P. to change frequency 6226.9V to 6286.2V MHz toward Omaha, Nebraska, and to correct azimuth to read 244°38' toward Omaha, Nebraska.

2928–CF–P–75, Same (WOI43), 5.2 Miles West of Austin, Texas. Lat. 30°18'54" N., Long. 97°52'16" W. C.P. to change power, replace transmitter on 6345.5H MHz toward Theon, Texas, on azimuth 25°06' and 6254.5H MHz toward Bastrop, Texas, on azimuth 110°54'.

2929–CF–P–75, Same (WOI48), One Shell Plaza. Lat. 29°45'32" N., Long. 95°22'03" W., C.P. to change polarization from Horizontal to Vertical on 5974.8 MHz toward Katy, Texas, on azimuth 279°19'.

2870–CF–ML–75, Southern Pacific Communications Co. (WAS417), 3.6 Miles SE of House Springs, Missouri. Lat. 38°28'18" N., Long. 90°30'29" W. Mod. of License to change frequency 5974.2H MHz to 5945.2H MHz toward St. Louis, Missouri.

2841–CF–P–75, American Telephone and Telegraph Company (KLS89), 5.5 Miles ESE of Perrin, Texas. Lat. 33°01'21" N., Long. 97°58'32" W. CP. to add 4070H MHz toward Decatur, Texas, on azimuth 58°19'.

2842–CF–P–75, Same (KLS88), 1.0 Mile East of Decatur, Texas. Lat. 33°13'59" N., Long. 97°34'06" W. C.P. to add 4030H MHz toward Denton, Texas, on azimuth 99°37'.

2483–CF–P–75 Same (KLS87), 3.5 Miles SSE of Denton, Texas. Lat. 33°10'02", Long. 97°06'43" W. C.P. to add 4070V MHz toward Adams, Texas, on azimuth 88°25'.

2797–CF–P–75, Service Electric Company (KGI61), Pimple Hill, 8.0 Miles SE of Blakeslee, Pennsylvania. Lat. 41°01'55" N., Long. 75°30'20" W. C.P. (a) to replace four (4) transmitters and (b) to change frequencies to 5989.7V MHz, 6049.0V MHz, 6108.3V MHz and 6167.6V MHz toward Hazleton, Pennsylvania, on azimuth 261°01'. (Note: Special Temporary Authority requested.)

2852–CF–P–75, American Telephone and Telegraph Company (KLV94), 3.3 Miles WSW of Hedley, Texas. Lat. 34°51'53" N., Long. 100°42'39" W. C.P. to add 4050V MHz toward Paloduro, Texas, on azimuth 276°40'.

2853–CF–P–75, Same (KLV93), 7.9 Miles NNW of Paloduro, Texas. Lat. 34°54'57" N., Long. 101°15'19" W. C.P. to add 4090V MHz toward Wayside, Texas, on azimuth 249°56'.

2854–CF–P–75, Same (KLN81), 2.0 Miles NNW of Wayside, Texas, Lat. 34°49'22" N., Long. 101°33'47" W. C.P. to add 4110V MHz toward Silverton, Texas, on azimuth 156°38'.

2855–CF–P–75, Same (KLN82), 11.0 Miles NW of Silverton, Texas. Lat. 34°34'49" N., Long. 101°26'11" W. C.P. to add 4150V MHz toward Lockney, Texas, on azimuth 179°36'.

2856–CF–P–75, Same (KLN83), 4.0 Miles North of Lockney, Texas. Lat. 34°11'05" N., Long. 101°25'59" W. C.P. to add 4110V MHz toward Petersburg, Texas, on azimuth 202° 57'.

2857–CF–P–75, Same (KLO77), 2.0 Miles South of Petersburg, Texas. Lat. 33°50'31" N., Long. 101°36'25" W. C.P. to add 4150H MHz toward Slaton, Texas, on azimuth 174°55'.

2835–CF–P–75, Same (KKO24), Nolan, Texas. Lat. 32°30'35" N., Long. 100°22'44" W. C.P. to add 4090V MHz toward McCaulley, Texas, on azimuth 31°41'.

2836–CF–P–75, Same (KLS99), 2.2 Miles South of McCaulley, Texas. Lat. 32°45'00" N., Long. 100°12'12" W. C.P. to add 4030V MHz toward Stamford, Texas, on azimuth 67°52'.

2837–CF–P–75, Same (KLS98), 5.5 Miles SSW of Stamford, Texas. Lat. 32°52'04" N., Long. 99°51'34" W. C.P. to add 4070H MHz toward Albany, Texas, on azimuth 89°32'.

2838–CF–P–75, Same (KLS97), 12.5 Miles NW of Albany, Texas. Lat. 32°52'12" N., Long. 99°26'00" W. C.P. to add 4030H MHz toward Woodson, Texas, on azimuth 67°46'.

2839–CF–P–75, Same (KLS91), 9.3 Miles ENE of Woodson, Texas. Lat. 33°03'11" N., Long. 98°53'43" W. C.P. to add 4070H MHz toward Graford, Texas, on azimuth 98°13'.

2840–CF–P–75, Same (KLS90), 9.0 Miles WNW of Graford, Texas. Lat. 32°59'25" N., Long. 98°23'24" W. C.P. to add 4030 H MHz toward Perrin, Texas, on azimuth 84°37'.

2708–CF–P–75, United Video, Inc. (New), 5.0 Miles SE of Gilbert, South Carolina. Lat. 33°53'28" N., Long. 81°18'59" W. C.P. for a new station on 5945.2V MHz toward Columbia, South Carolina. (Note: Waiver of 21.701(l) requested by United.)

2780–CF–MP–75, Microwave Transmission Corporation (KPR32), Raven's Roost, 15.0 Miles SSE of Lester, Washington. Lat. 47°01'28" N., Long. 121°20'02" W. C.P. to change transmitting equipment.

2864–CF–P–75, Warner Cable of Mississippi, Inc. (KLT75), 0.25 Mile South of Cleveland, Mississippi. Lat. 33°43'36" N., Long. 90°43'53" W. C.P. to add 6197.2H MHz toward Greenville, Mississippi, on azimuth 220°23'. STA requested.

2844–CF–P–75, American Telephone and Telegraph Company (KKH72), Oklahoma City. Lat. 33°28'16" N., Long. 97°30'53" N. C.P. to add 3970H MHz toward Noble, Oklahoma, on azimuth 159°55'.

2845–CF–P–75, Same (KLW21), 1.7 Miles NE of Noble, Oklahoma. Lat. 35°09'40" N., Long. 97°22'36" W. C.P. to add 4090V MHz toward Middleberg, Oklahoma, on azimuth 261°20'.

2846–CF–P–75, Same (KLW20), 1.0 Mile NNE of Middleberg, Oklahoma. Lat. 35°07'01" N., Long. 97°43'30" W. C.P. to add 4050V MHz toward Washita, Oklahoma, on azimuth 273°35'.

2847–CF–P–75, Same (KLV99), 3.9 Miles NNE of Washita, Oklahoma. Lat. 35°08'43" N., Long. 98°18'09" W. C.P. to add 4090V MHz toward Mountain View, Oklahoma, on azimuth 273°25'.

2848–CF–P–75, Same (KLV98), 5.5 Miles NNW of Mountain View, Oklahoma. Lat. 35°10'06" N., Long. 98°47'39" W. C.P. to add 4050V MHz toward Sentinel, Oklahoma, on azimuth 259°40'.

2849–CF–P–75, Same (KLV97), 5.6 Miles SW of Sentinel, Oklahoma. Lat. 35°05'55" N., Long. 99°15'13" W. C.P. to add 4090V MHz on azimuth 243°29'.

2850–CF–P–75, Same (KLV96), 2.5 Miles West of Reed, Oklahoma. Lat. 34°53'59" N., Long. 99°44'07" W. C.P. to add 4050V MHz toward Wellington, Texas, on azimuth 253° 14'.

2851–CF–P–75, Same (KLV95), 5.4 Miles SSE of Wellington, Texas. Lat. 34°47'24" N., Long. 100°10'24" W. C.P. to add 4090V MHz toward Hedley, Texas, on azimuth 279°43'.

2883–CF–P–75, The Mountain States Telephone and Telegraph Company (KGG29), 5.2 Miles NW of Sweet, Idaho. Lat. 44° 01'08" N., Long. 116°24'15" W. C.P. to change antenna system and add frequencies 11585H and 11305V MHz toward a new point of communication at Garden Valley, Idaho, on azimuth 53°05'.

2884–CF–P–75, The Bell Telephone Company of Pennsylvania (KIK88), 723 Linden Street, Allentown, Pennsylvania. Lat. 40°36'13" N., Long. 75°28'26" W. C.P. to change address of alarm center and station, and add frequency 10855.0V MHz toward Haafsville, Pennsylvania, on azimuth 255°42'.

2885–CF–P–75, Same (KYJ36), 210 Pine Street, Harrisburg, Pennsylvania. Lat. 40°-15'44" N., Long. 76°53'07" W. C.P. to change address of alarm center and add frequency 6226.9H MHz toward Manada, Pennsylvania, on azimuth 47°18'.

2886–CF–P–75, Same (KUJ37), Manada, 2.7 Miles NW of Grantville, Pennsylvania. Lat. 40°24'17" N., Long. 76°40'59" W. C.P. to change address of alarm center and add frequency 5974.8V MHz toward Harrisburg, Pennsylvania, on azimuth 227°26'; add 6123.1V MHz toward Millbach, Pennsylvania, on azimuth 102°17'.

2887–CF–P–75, Same (WAX95), 0.9 Miles SW of Haafsville, Pennsylvania. Lat. 40°33'59" N., Long. 75°39'52" W. C.P. to change address of alarm center and add frequency 11465V MHz toward Allentown, Pennsylvania, on azimuth 75°34'; add 5974.8V MHz toward Millbach, Pennsylvania, on azimuth 239°17'.

2888–CF–P–75, Same (WAX96), Millbach, 2 Miles South of Newmanstown, Pennsylvania. Lat. 40°19'22" N., Long. 76°11'51" W. C.P. to change address of alarm center and add frequency 6375.1H MHz toward Manada, Pennsylvania, on azimuth 282°36'; 6226.9H MHz toward Haafsville, Pennsylvania, on azimuth 58°57'.

2893–CF–P–75, RCA Alaska Communications, Inc. (WAH427), Fort Wainwright, Alaska. Lat. 64°50'28" N., Long. 147°36'13" W. Modification of construction permit to add frequency 2112.4V toward Murphy (KFJ74) Alaska. Frequency 2162.4 MHz at Murphy will be redirected toward Fort Wainwright instead of toward Fairbanks, Alaska.

MAJOR AMENDMENT

7843–C1–P–73, United Video, Inc. (New), Kitchings Mill, South Carolina. Lat. 33°-36'12" N., Long. 81°28'46" W. Application amended to add 6256.5V MHz toward new point of communication at Gilbert, South Carolina, on azimuth 25°17'. (Note: Waiver of 21.701(i) requested by United.)

CORRECTION

2748–CF–P–75, American Satellite Corporation (WSM37), Nuevo, 3.2 miles SSE of Lakeview, California. Lat. 33°47'46" N., Long. 117°05'12" W. should read C.P. to change point of communication and freqs. from Elsinore Peak, Calif. 11545V 11665H MHz via passive reflector on azimuth 39°10'.

[FR Doc.75–6871 Filed 3–14–75;8:45 am]

PBX TECHNICAL STANDARDS SUBCOMMITTEE

Meeting

MARCH 11, 1975.

In accordance with Public Law 92–463, announcement is made of a public meeting of the Interface Criteria Task Group of the FCC PBX Technical Standards Subcommittee to be held April 9–10, 1975 at 2025 M Street NW, Room 6331, Washington, D.C. The meeting will commence at 10 a.m.

Purpose. The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer-provided and maintained PBX equipment to the public switched network without the need for carrier-provided connecting arrangements.

Activities. As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

Agenda: The agenda for the April 9–10 Interface Criteria Task Group will be as follows:

(1) Review and revise Document T93 and other documents recommending revision of Document T89.

(2) Select completed items for recommended adoption.

(3) Revise T92 submissions and comments related to Message Registration, AIOD and OPX.

(4) Revise scope statement for Document T89.

(5) Task assignments and scheduling.

Public Participation: The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Committee may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Common Carrier Bureau Interconnection Branch on (202) 632–6920.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–6873 Filed 3–14–75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 125—MLS Implementation. It is to be held on April 9–10, 1975, in Conference Room 3201, FAA Transpoint Building, 2100 Second Street SW., Washington, D.C., commencing at 9:30 a.m.

The Agenda is as follows:

1. Welcome by Chairman
2. Summary of February 14–15 meeting by Secretary
3. Introduction of new members and guests
4. Final report of past studies
5. Update of ongoing studies
6. Status of FAA Implementation Study
7. MLS implementation objectives
8. Data base
9. MLS implementation strategy
10. Special Assignments
11. Announcements
12. Other Business
13. Date and place of next meeting

The meeting is open to the public on a space available basis. Any members of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting.

Those desiring to attend the meeting or more specific information should contact the RTCA Secretariat, Suite 655, 1717 H Street NW., Washington, D.C. 20006, or phone area code 202/296–0484.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.75–6872 Filed 3–14–75;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF LONG BEACH AND ASHLAND 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, N.W., 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 April 7, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Leslie E. Still, Jr., Esq., Deputy City Attorney of Long Beach, Suite 600, City Hall, Long Beach, California 90802.

Agreement No. T–2118, originally entered into between the City of Long Beach (City) and Simas Brothers Distributing Corp., dba Ashland Oil Company (Ashland), provided for the use of two parcels of land for a proprietary oil terminal at the Port of Long Beach. This agreement was determined not to require the Commission's approval pursuant to section 15, Shipping Act, 1916, on January 17, 1968.

Ashland and City have now entered into an amendment to the lease (T–2118–1) which will permit Ashland to conduct operations on the leased premises wherein title to the commodities handled does not necessarily have to vest solely in Ashland, but may be vested in no more than two other persons at any given time, provided that such commodities are not carried by common carriers by water.

Pursuant to the amendment, rental for the premises will be a fixed monthly sum with a guaranteed minimum wharfage. Ashland will be entitled to a credit against said minimum guaranteed wharfage charges on liquid bulk commodities of third parties with whom Ashland shall have entered into a storage

or handling agreement and which commodities pass between Berth 83, or adjacent berths, and the leased premises.

By Order of the Federal Maritime Commission.

Dated: March 12, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-6915 Filed 3-14-75;8:45 am]

[Docket No. 75-5]

DEPARTMENT OF DEFENSE AND MILITARY SEALIFT COMMAND VS. MATSON NAVIGATION CO., INC.

Notice of Filing of Complaint

Notice is hereby given that a complaint filed by Department of Defense and Military Sealift Command against Matson Navigation Co., Inc. was served March 11, 1975. The complaint alleges violations of section 18(a) of the Shipping Act, 1916 and requests relief under Section 4 of the Intercoastal Shipping Act, 1933 in connection with Matson's failure to file appropriate military class rates applying between the U.S. West Coast and Guam.

Hearing in this matter shall commence on or before September 11, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-6913 Filed 3-14-75;8:45 am]

SOUTH JERSEY PORT CORP. AND NACIREMA OPERATING 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, N.W., 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 April 7, 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:

Francis A. Scanlan, Esq., Deasey, Scanlan & Bender, Ltd., Suite 2900, Two Girard Plaza, Philadelphia, Pennsylvania 19102.

Agreement No. T-2561-3, between South Jersey Port Corporation (Port) and Nacirema Operating Company, Inc. (Nacirema), modifies the basic agreement which provides for Nacirema's appointment as terminal operating contractor at Piers 1, 1-A, and 2 at Broadway Terminal, Camden, New Jersey. The purpose of the modification is to provide for a 2-year agreement between the parties, adjusting the percentages of shared revenues derived from dockage, wharfage, demurrage, storage, and truck loading and unloading.

By Order of the Federal Maritime Commission.

Dated: March 12, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-6914 Filed 3-14-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9276]

BOSTON EDISON CO.

Proposed Initial Rate Schedule and Proposed Transmission Agreement

MARCH 6, 1975.

Take notice that on February 18, 1975, Boston Edison Company (Edison) separately tendered for filing proposed initial rate schedule for purchase by Middleborough Municipal Gas and Electric Department of 0.10448 percentage of the capacity, and the energy corresponding thereto, of Edison's Pilgrim Unit No. 1.

The proposed effective date of the tendered rate schedule is February 1, 1975; the furnishing of said capacity and energy corresponding thereto is to commence, pursuant to Pilgrim Unit No. 1 power purchase agreement, February 1, 1975 and continue through December 31, 2000.

Edison has also tendered for a filing, on behalf of the Montaup Electric Company and Edison, a proposed initial rate schedule for transmission services related to the above described purchases.

The proposed effective date of the tendered rate schedules for transmission service is February 1, 1975 and the term of each of the transmission agreements is to be concurrent with its corresponding Pilgrim Unit No. 1 power purchase agreement described above.

It has been requested that pursuant to § 35.11 of the Commission's regulations the thirty day notice period be waived and that the Commission allow the proposed rate schedules described herein to become effective as of February 1, 1975.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before March 26, 1975 file with the Federal Power Commission petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will not serve to make protestants parties to any 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 documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6838 Filed 3-14-75;8:45 am]

[Docket No. E-9286]

CLEVELAND ELECTRIC ILLUMINATING CO., ET AL.

Rate Schedule Filing

MARCH 10, 1975.

Take notice that on February 24, 1975, the CAPCO Group filed an operating agreement known as the CAPCO Basic Operating Agreement, dated as of January 1, 1975 and executed January 30, 1975.

CAPCO states that the operating agreement is filed under section 205 of the Federal Power Act and the parties to the agreement are The Cleveland Electric Illuminating Company (CEI), Duquesne Light Company (DL), Ohio Edison Company (OE), and its wholly-owned subsidiary Pennsylvania Power Company, and The Toledo Edison Company (TE).

CAPCO states that the agreement is for a short term, to terminate the earlier of March 1, 1976 or until the parties execute a CAPCO generating capacity agreement now being formulated. CAPCO states that the existing interconnection agreements between certain of the parties, previously filed with the Commission, will be superseded during the period the operating agreement is in effect.

CAPCO states that the operating agreement is intended to provide further coordinated operation of the systems of the parties by providing for utilization by the parties of their various capacity entitlements in generating units pursuant to the CAPCO Generating Capacity Agreement, and in facilities provided pursuant to the CAPCO Transmission Facilities Agreement between the parties dated September 14, 1967 which is filed with the Commission according to CAPCO under the following rate schedule designations:

Company:	*FPC rate schedule (FPC No.)*
The Cleveland Electric Illuminating Co.	6B
Duquesne Light Co.	12B
Ohio Edison Co.	96B
Pennsylvania Power Co.	22B
The Toledo Edison Co.	21B

CAPCO states that Schedule A to the operating agreement provides for Replacement Capacity and Energy transactions to provide assistance among the

parties during periods when generating units are out of service during scheduled and unscheduled outages. CAPCO states that Schedule A transactions are based on the banking principle, except that an imbalance at the end of a specific period may be settled by a payment as set forth in an Appendix to Schedule A.

CAPCO states that Schedule B provides for exchange of short term power and energy, with a demand charge of $0.50 per kilowatt-week and associated energy and operating capacity charges of 110 percent of out-of-pocket cost. CAPCO states that Schedule C related to interchange capacity and energy transactions not provided under other schedules, compensated for by return in kind or payment of 110 percent of the out-of-pocket cost, except that if such transactions are carried out under a provision of the operating agreement which provides for operating coal-fired capacity rather than oil-fired capacity, payment is at 130 percent of out-of-pocket cost.

CAPCO states that Schedule D provides for economy interchange of operating capacity and energy, with costing determined by the split savings method.

CAPCO states that Schedule E relates to capacity and energy transactions from base load CAPCO units, and service under this schedule is applicable to CAPCO member companies which have an obligation under the group's allocation procedures to take a specified amount of capacity out of a particular unit owned by another member of the group. CAPCO states that the receiving party pays its allocated share of fixed charges of the unit from which the purchase is made, together with associated operation and maintenance expenses. CAPCO states that the appendices to Schedule E provide the bases for determining charges for the transactions from base load CAPCO units now in service.

CAPCO states that Schedule F sets forth the basis for determination of out-of-pocket cost.

CAPCO states that Schedule G provides for delivery of pre-commercial operation of the unit, to another party which is obligated to sell, pursuant to Schedule E, from a CAPCO unit which is then in commercial operation. CAPCO states that pre-commercial equivalent energy from an owner is priced at its system out-of-pocket cost. CAPCO stated that this schedule will terminate on December 31, 1975.

CAPCO states that the operating agreement provides that if a sale of excess capacity and energy is made by a CAPCO member to another member for resale to a non-CAPCO system, the sale shall be made at a charge of 10 percent over what the price would otherwise have been to the CAPCO member. CAPCO states that the additional charge is divided between the CAPCO parties other than those selling and receiving the capacity and energy. CAPCO states that provision is made for payment to other CAPCO members by a CAPCO member which is unable to meet its replacement capacity obligations as a result of its sales of excess capacity and energy to a non-CAPCO member.

CAPCO states that the parties have requested that the Commission waive its notice requirements and that the proposed operating agreement become effective January 1, 1975. CAPCO states that no new facilities will be installed nor will existing facilities be modified in connection with the operating agreement.

Any person desiring to be heard or to make any protest to the subject matter of this notice should, on or before March 18, 1975, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6839 Filed 3-14-75;8:45 am]

[Dockets Nos. CP73-340; CP75-243]

COLORADO INTERSTATE GAS CO. AND NORTHERN NATURAL GAS CO.

Application and Amendment to Application

MARCH 10, 1975.

Take notice that on February 24, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP73-340 the second amendment to its application filed in that docket pursuant to section 7(c) of the Natural Gas Act, which amendment proposes the sale to and exchange with Northern Natural Gas Company (Northern) natural gas from CIG's source in the Bearpaw Mountain area of Montana. Take further notice that on February 25, 1975, Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-243 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Northern to construct and operate certain facilities and to transport and sell natural gas in interstate commerce, all to consummate the exchange of gas with CIG. Applicants' proposals are more fully set forth in the amendment and application which are on file with the Commission and open to public inspection.

On June 25, 1973, CIG filed in Docket No. CP73-340 an application[1] for authorization to construct, inter alia, 216 miles of 20-inch pipeline from CIG's pipeline in the Big Horn Basin area of Wyoming and Montana to the Bearpaw Mountain area in north central Montana. CIG states that CIG and Northern have reached an agreement whereby CIG would sell its Bearpaw Mountain area volumes to Northern, and Northern would transport, resell and redeliver ¾ of such volumes for CIG's account in Mills County, Iowa. Because such agreement is intended to obviate the need for CIG to construct its proposed 216 miles of pipeline, further proceedings in Docket No. CP73-340 have been postponed pending the instant filings reflecting the proposed gas exchange arrangement.

Applicants state that pursuant to an agreement between them dated February 14, 1975, CIG proposes to sell and deliver to Northern certain gas volumes (Sale Gas) from acreage in the Bearpaw Mountain area,[2] and Northern will transport or cause to be transported said Sale Gas into Northern's system in Minnesota. CIG proposes to deliver to Northern at two points on Northern's existing pipeline system, in Blaine and Hill Counties, Montana, the following estimated volumes of gas:

Fiscal year ending September 30:	*Total annual production (million Mcf)*[1]
1976	1.8
1977	7.5
1978	11.3
1979	12.8
1980	13.7
1981	11.9

[1] All volumes stated are at 14.73 psia.

Applicants further state that, as coincidental in time as possible, Northern will transport and resell to CIG a volume of gas (Resale Gas) equal to approximately ¾ of the Sale Gas,[3] with redelivery of such Resale Gas to be made at a point of interconnection between the facilities of Northern and Natural Gas Pipeline Company of America (NGPL) in Mills County, Iowa, for the account of CIG. Any out-of-balance condition will be adjusted insofar as practical within the following month.

Applicants state that Northern will pay to CIG for delivered Sale Gas volumes an amount equal to CIG's average purchase cost plus CIG's cost of service for moving salable gas to the point of delivery to Northern. In addition, Applicants point out that Northern is obligated to reimburse CIG for ¼ of CIG's advance payments related to stimulating exploration for said Sale Gas and incurred prior to the initiation of sales

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[1] Notice of the application was published in the FEDERAL REGISTER on July 13, 1973 (38 FR 18709).

[2] CIG estimates proved, probable and possible reserves under its control in the area to be 843 million Mcf.

[3] Applicants indicate that the Resale Gas volumes will also include not less than ½ of the volume of gas sold by CIG to Northern from acreage currently leased to Roland S. Bond and/or Lone Star Exploration, Inc. CIG has chosen to disregard this latter amount for proposes of its application because such volumes are not presently under its control.

under the proposed gas purchase and resale. Applicants estimate the cost of Sale Gas to be 110.36 cents per Mcf of gas during the first contract year. For the volumes of Resale Gas (including fuel gas and unaccounted-for gas) CIG proposes to pay Northern the average unit price per Mcf paid by Northern to CIG for Sale Gas plus a unit transportation charge for the Resale Gas volumes initially set at 40 cents per Mcf. The transportation charge is subject to an annual minimum of $1.5 million (which charge increases after the first year of deliveries by $0.5 million annually through 1981), but CIG will be entitled to later make-up if ever such minimum charge is imposed.

Northern proposes to construct and operate facility additions to its existing pipeline system as necessary to accomplish the subject purchase and resale of gas. The proposed facilities (consisting mainly of metering and interconnecting facilities) are estimated to cost $339,100 which cost will be reimbursed to Northern by CIG. Applicants state that CIG will also reimburse Northern for the operating expenses associated with the proposed facilities, although for purposes of reimbursement operating costs will be determined without including CIG contributed capital in the rate base.

Northern states that the instant proposals will allow CIG to serve its customers with gas from the Bearpaw Mountain area expeditiously and at relatively low cost, while maximizing utilization of Northern's facilities and allowing Northern's customers the benefit of 25 percent of the volumes tendered by CIG.

Applicants further request Commission approval of proposed rate and accounting treatment of certain costs and revenues associated with the Northern-CIG proposal to include the following:

(1) Because CIG will reimburse Northern for the installation and operation of the proposed facilities, such costs are to be included in CIG's jurisdictional rate base for ultimate reflection in jurisdictional sales and are to be excluded from Northern's jurisdictional rate base.

(2) The net difference between costs of Sale Gas less Resale Gas will be reflected in Northern's jurisdictional rates under its PGA clause and will be credited to CIG's utility operating revenue account to reduce CIG's total cost of service.

(3) Advance payments by Northern to CIG will be included in Northern's jurisdictional rate base while such advances remain outstanding and will be credited to CIG's Account 166 (Advances for gas exploration, development and production), Uniform System of Accounts Prescribed for Natural Gas Companies.

(4) CIG's cost of gas purchased in the Bearpaw Mountain area will be reflected in CIG's jurisdictional rates under its PGA clause. As well, CIG's cost of service for the necessary elements of transporting Sale Gas and receiving Resale Gas will be included in CIG's jurisdictional rates.

(5) By Commission Opinion No. 618 Northern is required to exclude from its total cost-of-service costs applicable to unutilized capacity of some of its Montana facilities. Northern will defer such unrecovered cost-of-service in a separate account. Such account will be credited in the amount of transportation revenues received from CIG for Resale Gas until the cumulative amount of transportation revenues exceed cumulative unrecovered cost-of-service. The amount by which Sale Gas exceeds Resale Gas will be included for purposes of determining the volume level of facility utilization.

On February 25, 1975, Northern filed a motion to consolidate the proceedings in Docket Nos. CP73-340 and CP75-243 on the ground that both filings are intimately and inextricably interdependent.

Any person desiring to be heard or to make any protest with reference to said application and amendment should on or before March 27, 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) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application in Docket No. CP75-243 if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant in Docket No. CP75-243 to appear or be represented at the hearing.

Persons who have heretofore filed protests, petitions to intervene, or notices of intervention in Docket No. CP73-340 need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6840 Filed 3-14-75;8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT AND POWER CO.

Order Compelling the Submission of Data and Further Extending Procedural Dates

MARCH 7, 1975.

On February 7, 1975, Staff Counsel filed a motion to compel Connecticut Light and Power Company (C L & P) to make available the material requested by Staff on September 30, 1974, but not yet received. In addition, the motion requested a further extension of the procedural dates fixed by order issued August 30, 1974, as modified by notice issued December 2, 1974.

On February 18, 1975, C L & P filed an answer in which they stated that they believed the problems regarding some of the data requests had been resolved by a conference and that they would be making available that data.

On February 18, 1975, the Connecticut Municipal Group (CMG) filed a motion in support of Staff's motion and requesting an order compelling submission of the data that group had requested on September 20, and October 4, 1974 and January 9 and 31, 1975.

A thorough review of C L & P's filing by Staff and Intervenors, and ultimately by the Commission, requires prompt and adequate response by the company to legitimate data requests. C L & P has shown interest in alleviating this problem. We hope that the matter can now proceed expeditiously.

The Commission finds. (1) It is in the public interest for C L & P to respond promptly to data requests in this matter.

(2) Good cause exists for granting a further extension of procedural dates in this matter.

The Commission orders. (A) C L & P shall respond to the enumerated data requests by making available said data or reasons why it is not available or not pertinent within thirty days of this order.

(B) The procedural dates in this matter are modified as follows:

Service of staff's testimony, May 1, 1975.
Service of intervenor's testimony, May 15, 1975.
Service of company's rebuttal, May 29, 1975.
Hearing, June 10, 1975 (10 a.m. e.d.t.).

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6841 Filed 3-14-75;8:45 am]

[Docket No. CP75-103]

EL PASO NATURAL GAS CO.

Petition To Amend

MARCH 10, 1975.

Take notice that on February 13, 1975, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-103, a petition to amend the order of the Commission issued in said docket on January 3, 1975, pursuant to section 7(c) of the Natural Gas Act, so as to authorize an increase

in the present single project cost expenditure limitation of $1,000,000 to $1,250,000 and to include the construction and operation of budget-type facilities for the purposes stated in the expanded definition of gas-purchase facilities in accordance with the Commission's Order No. 522 issued January 16, 1975, in Docket No. RM75-2, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

The petition states that by the January 3, 1975, order the Commission granted El Paso budget-type authorization to construct, during the calendar year 1975, and operate gas-purchase facilities in connection with the operation of its interstate pipeline system. Under such budget-type authority, the total expenditures for gas-purchase facilities to be constructed by El Paso during the calendar year 1975 is not to exceed $5,000,000 and the total cost of any single project is not to exceed $1,000,000. The petition further states that on January 16, 1975, the Commission issued its Order No. 522 in Docket No. RM75-2 amending its Regulations and its General Policy and Interpretations under the Natural Gas Act by increasing the single project cost limitation to $1,500,000 or 25 percent of the total budget amount, whichever is lesser, for onshore construction of facilities and increasing the total expenditure for all such construction to a maximum annual cost of $12,000,000. Order No. 522 also expanded the definition of "gas-purchase facilities" to include those facilities necessary to connect the facilities of an independent producer, or other similar seller, authorized to make a sale of gas to a gas purchaser or the system of another natural gas company authorized to transport gas for the account of, or for the exchange of such gas with the gas purchaser.

El Paso states that it anticipates that the increase in single project authorized expenditure of up to $1,250,000 would benefit its efforts to connect additional supplies of gas to its system and that the construction and operation of gas-purchase facilities, as now defined, would facilitate attachment of additional gas supplies under authorized exchange and transportation arrangements as such additional quantities may become available.

Any person desiring to be heard or to make any protest with reference to said petition to amend should, on or before March 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6842 Filed 3-14-75;8:45 am]

[Dockets Nos. CI64-385, CI64-1124]

GRAMPIAN CO., LTD.; RUTH PHILLIPS BISIKER

Petitions To Amend

MARCH 10, 1975.

Take notice that on February 24, 1975, Grampian Company, Limited (Grampian) and Ruth Phillips Bisiker (Bisiker), c/o Cecil L. Smith, 1407 Main Street, Suite 1407, Dallas, Texas 75202, filed in Docket Nos. CI64-385 and CI64-1124, respectively, petitions to amend the certificates of public convenience and necessity issued in said dockets pursuant to section 7(c) of the Natural Gas Act so as to authorize each petitioner to sell natural gas to Natural Gas Pipeline Company of America (Natural) pursuant to its respective gas sales contract with Natural each dated August 21, 1974, as amended, covering sales of gas in the La Gloria Field, Brooks and Jim Wells Counties, Texas, all as more fully set forth in the petitions to amend, which are on file with the Commission and open to public inspection.

Petitioners state that as a result of the revised settlement in the proceeding in Hilda B.Weinert and Jane W. Blumberg, et al., Docket No. G-2730, et al., each petitioner has amended its gas sales contract with Natural to conform to the settlement. Petitioners further state that the amended contract provides for the sale and purchase of volumes different from the prior contract terms.

Petitioners further request that the changes in the volumes of gas to be delivered to Natural as proposed in the contract amendments and in the revised settlement proposal be accepted by the Commission, all to the end that each petitioner will be authorized in all respects to perform in accordance with the amended contract.

Both petitioners state that no change in their respective effective filed rates will be made as a result of these requested amendments to the certificates.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before March 25, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6843 Filed 3-14-75;8:45 am]

[Docket No. E-9291]

INTERSTATE POWER CO.

Application

MARCH 10, 1975.

Take notice that on February 20, 1975, Interstate Power Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act and Commission Regulations thereunder seeking authority to negotiate with underwriters regarding the proposed issuance and sale, in separate transactions, of (1) $16 million principal amount of First Mortgage Bonds; (2) 154,000 shares of authorized but unissued cumulative preferred stock, $50 par value; and (3) 1,250,000 shares of common stock, par value $3.50 per share, via negotiated underwriting. Applicant seeks permission to negotiate with underwriters regarding the terms upon which the securities might be issued in order to determine whether application for exemption from the competitive bidding requirements of § 34.1a (a), (b), and (c) of the Commission's regulations under the Federal Power Act should be filed.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office at Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6844 Filed 3-14-75;8:45 am]

[Docket No. RM74-12]

NON-JURISDICTIONAL SALES OF NATURAL GAS; INVESTIGATION OF RATES

Extension of Time

MARCH 7, 1975.

Investigation of Rates Charged for nonjurisdictional Sales of Natural Gas

by Natural Gas Companies Subject to the Jurisdiction of the Federal Power Commission.

On February 24, 1975, Tenneco Oil Company filed a motion to extend the date for filing FPC Form 45 as required by order issued January 9, 1975 in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing the above form is extended to and including March 10, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6845 Filed 3-14-75;8:45 am]

[Docket No. E-9293]

IOWA POWER AND LIGHT CO.

Proposed Rate Change

MARCH 10, 1975.

Take notice that Iowa Power and Light Company (Iowa Power) on February 28, 1975, tendered for filing Service Schedule G to the electric interchange agreement between Iowa Power and the City of Indianola, Iowa date December 31, 1974 and filed with the Commission as Supplement No. 7 to Iowa Power Rate Schedule FPC No. 45. Service Schedule G provides for the November 1, 1974 implementation of an increased charge for equalization power.

Iowa Power states that since no transactions under Service Schedule G have ever occurred, and none are contemplated within the next twelve months, the proposed change will have no effect upon revenues from jurisdictional sales and service based on the twelve month period ending November 1, 1975.

Iowa Power further states that the rate for equalization power in Service Schedule G was increased in order that it remain equal to the November 1, 1974 increased rate for comparable replacement power under the Mid-Continent Area Power Pool (MAPP) Agreement to which Iowa Power is a party.

Iowa Power requests the Commission waive the prior notice requirements of § 35.13(a) of the regulations and accept the filing with a retroactive effective date of November 1, 1974. Iowa Power states that copies of the filing have been served upon the Board of Trustees of Indianola Light and Water, Indianola, Iowa, and the Iowa State Commerce Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 21, 1975.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6846 Filed 3-14-75;8:45 am]

[Docket Nos. RP74-96 and RP71-125, PGA75-6, PGA75-6A, and PGA75-7]

NATURAL GAS PIPE LINE CO. OF AMERICA

Order Accepting PGA Rate Increase Made Pursuant to Opinion Nos. 699-G and 699-H and Rejecting Alternate PGA Proposal

MARCH 10, 1975.

On February 5, 1975, Natural Gas Pipe Line Company of America (Natural) tendered for filing, in Docket No. RP71-125, PGA75-6 (PGA75-6), a one-time special PGA filing[1] pursuant to Opinion No. 699-H, to track increased rates pursuant to filings made by natural gas producers on or before January 31, 1975. Natural's February 5, 1975, filing would increase its rates by 2.49¢ per Mcf which would result in an increase in annual jurisdictional revenues of approximately $24,900,000. Natural's February 5, 1975, filing further provided for a one-time 3.31¢ per Mcf PGA surcharge increase to recover an estimated balance of $14,192,391 in its deferred purchased gas cost account incurred from its producer suppliers during the period June 21, 1974, through January 31, 1975. Natural proposes an effective date of February 5, 1975.

On February 21, 1975, Natural tendered for filing in Docket No. RP71-125, PGA75-7 (PGA75-7), a 0.32¢ per Mcf PGA rate increase to track increased purchased gas costs from United Gas Pipe Line Company (United).[2] The proposed increase would result in an increase in annual jurisdictional revenues of approximately $3,200,000. The United increase was filed pursuant to Opinion No. 699-H. Natural proposes an effective date of March 1, 1975, with respect to its February 21, 1975, filing.

On February 25, 1975, Natural tendered for filing in Docket No. RP71-125, PGA75-6A (PGA75-6A), Substitute Nineteenth Revised Sheet No. 5 to Third Revised Volume No. 1. Natural requested that this filing be made effective April 1, 1975, in lieu of the filings made on February 5, 1975 and February 21, 1975, if Natural is granted the authority to: (1) Effectuate the increase as of April 1, 1975; (2) accumulate interest expense at a rate of 9 percent annually on the outstanding deferred increase from February 5 in PGA75-6 and from March 1 in PGA75-7 until Natural has fully recovered said increases and; (3) include in Natural's next PGA filing the deferred interest accumulated. Natural's February 25, 1975, filing stated that Natural is proposing to defer its PGA increase in order to permit certain of its customers adequate time to flow-through these increases under their applicable state tracking authority.

The February 5, 1975, filing was noticed on February 11, 1975, with comments, protests, or petitions to intervene due on or before February 26, 1975. On February 26, 1975, Northern Indiana Public Service Company (NIPSCO) and Northern Illinois Gas Company (NI Gas) filed petitions to intervene. In their petitions to intervene, the two parties state that they fully support Natural's alternate proposal filed February 25, 1975. However, if the Commission should deny Natural's alternate proposal, the parties request a hearing with respect to the February 5, 1975, filing.

Natural's February 21, 1975 filing in PGA75-7, was noticed on February 26, 1975, with comments, protests or petitions to intervene due on or before March 11, 1975. On March 3, 1975, NIPSCO and NI Gas intervened on the same grounds as described above and requested a hearing if Natural's alternate proposal in PGA75-6A should be denied. The February 25, 1975, filing in PGA75-6A was noticed on February 28, 1975, with comments, protests or petitions to intervene due on or before March 10, 1975. On March 4, 1975, NI Gas filed a response to Natural's February 25, 1975, filing wherein NI Gas stated that it fully supports Natural's alternate proposal in PGA75-6A.

Our review of Natural's February 5, 1975, and February 21, 1975, filings indicate that they are just, reasonable and in the public interest and accordingly should be accepted for filing and made effective on the requested effective dates, February 5, 1975 and March 1, 1975 respectively. In turn, we do not believe that Natural's alternate proposal, filed February 25, 1975, in PGA75-6A is in the public interest and should be rejected.

In a Northern Natural order[3] we permitted Northern Natural Gas Company (Northern Natural) to defer until its next PGA rate filing a portion of an increase under Opinion No. 699-H. Northern Natural proposed to defer part of its increase in order to accommodate its distributor-customers who needed a considerable length of time to acquire the authority to pass through the full amount of Northern Natural's proposed increase. We also stated in the February 6, 1975 order,

> * * * we shall continue our policy of treating requests for carrying charges on amounts accumulated in a pipeline's deferred purchased gas account on a case-by-case basis.[4]

Our review of the facts in the instant filing in PGA75-6A indicates that the

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[1] Nineteenth Revised Sheet No. 5 to Natural's FPC Gas Tariff, Third Revised Volume No. 1.

[2] Twentieth Revised Sheet No. 5 to Natural's FPC Gas Tariff, Third Revised Volume No. 1.

[3] Northern Natural Gas Company, Docket Nos. RP71-107 (Phase II) and PGA75-2, order issued February 6, 1975.

[4] Id. at p. 4.

"unusual circumstances" which we referred to in the Northern Natural order do not exist with respect to the Natural filing. Natural's alternate filing proposed to defer its 699-H PGA increase in PGA 75-6 and PGA75-7 for only 53 days and 31 days respectively, whereas Northern Natural proposed to defer its increase for a full twelve month period. While we are cognizant of the difficulties which distributors may sometimes encounter in passing through purchased gas cost increases of its wholesale suppliers, such problems relate to matters not within our jurisdiction and do not constitute grounds for delay in the establishment and implementation of just and reasonable rates.[5] Accordingly, we shall reject Natural's alternate proposal filed February 25, 1975, in PGA75-6A.

We shall grant NIPSCO's and NI Gas' petitions to intervene in PGA75-6 and PGA75-7. However, inasmuch as our review of the Natural filings to become effective on February 5, 1975, and March 1, 1975, indicate that they fully comply with the procedures and policies as enunciated in Docket No. R-406 and Opinion No. 699-H, a hearing in the two dockets would serve no useful purpose and accordingly, the parties' request for a hearing in PGA75-6 and PGA75-7 must be denied.[6]

The Commission finds. (1) Good cause exists to accept for filing Natural's tariff sheets, filed February 5, 1975, and February 21, 1975, in PGA75-6 and PGA 75-7 respectively, and made effective as hereinafter ordered.

(2) Good cause exists to reject Natural's alternate proposal, filed February 25, 1975, in PGA75-6A.

(3) Good cause exists to permit the interventions of NIPSCO and NI Gas in PGA75-6 and PGA75-7.

(4) Good cause does not exist to grant intervenors request for a hearing in PGA75-6 and PGA75-7.

The Commission orders. (A) Natural's Nineteenth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, filed February 5, 1975, in PGA75-6, is hereby accepted for filing to become effective February 5, 1975, subject to refund.

(B) Natural's Twentieth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, filed February 21, 1975, in PGA75-7, is hereby accepted for filing and made effective March 1, 1975, subject to refund.

(C) Natural's Substitute Nineteenth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1 filed February 25, 1975, in PGA75-6A, is hereby rejected for filing.

(D) NIPSCO and NI Gas are hereby permitted to intervene in PGA75-6 and PGA75-7 subject to the rules and regulations of the Commission: *Provided, however,* That participation of said intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions to intervene, and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that the parties might be aggrieved by any order or orders entered in this proceeding.

(E) NIPSCO's and NI Gas' request for a hearing in PGA75-6 and PGA75-7 is hereby denied.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-6847 Filed 3-14-75;8:45 am]

[5] See Southern Natural Gas Company, Docket Nos. RP73-64 and RP72-91 (Phase II) et al., orders issued May 10, 1974, and July 5, 1974; Northwest Pipe Line Corporation, Docket Nos. RP72-154 and CP73-332, order issued October 30, 1974; Connecticut Light and Power Company, Docket No. E-8952, order issued November 8, 1974; Northern States Power Company, Docket No. E-9155, order issued February 5, 1975; and Northern Natural Gas Company, supra at n. 3.

[6] See Ordering Paragraph (D) of Opinion No. 699-H (mimeo at p. 90).

[Docket No. E-9287]

PACIFIC POWER & LIGHT CO.

Initial Rate Filing

MARCH 10, 1975.

Take notice that Pacific Power & Light Company (Pacific) on February 24, 1975, tendered for filing, a new rate schedule which according to Pacific provides for the transfer by Pacific of power and energy to the Bonneville Power Administrator (Administrator) for his delivery to the City of Drain, Douglas Electric Cooperative, Inc., and Lane County Electric Cooperative, Inc. at the Drain and Dorena Points of Delivery .

Pacific states that the agreement provides that the Administrator will make available such power and energy at one or more points on Pacific's System. Pacific states that for Pacific's services and the use of its facilities in transferring such power, the Administrator is to creidt Pacific in the Exchange Account under Exchange Agreement designated Pacific Power & Light Company Rate Schedule FPC No. 28, Supplements No. 30 and 34, with secondary energy which the Company may schedule at times the Administrator determines it can be made available.

Pacific states that the basis of Exchange Account credits has been in use over a number of years between Pacific and the Administrator. Pacific states that several similar agreements have been filed as supplements to Pacific's Rate Schedule No. 28.

Pacific requests waiver of the Commission's notice requirements to permit the rate schedule to become effective May 1, 1974, which it claims is the date of commencement of service.

Pacific states that a copy of this agreement is being furnished to the Oregon Public Utility Commissioner, Salem, Oregon.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 18, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-6848 Filed 3-14-75;8:45 am]

[Docket No. E-8159]

PENNSYLVANIA POWER CO.

Compliance Tariff Filing

MARCH 10, 1975.

Take notice that on February 25, 1975, Pennsylvania Power Company filed substitute tariff sheets entitled "Municipal Resale Service-Primary Voltage", incorporating the rate levels approved by the Commission in its settlement order issued in this docket on January 24, 1975. Penn Power states the substitute sheets are being filed in compliance with the settlement order. Penn Power also submitted as part of its filing a report showing the refunds made to its wholesale customers pursuant to the settlement order of January 24, 1975.

Any person desiring to be heard and to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before March 25, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Penn Power's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-6849 Filed 3-14-75;8:45 am]

[Docket No. RP75-71]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheets

MARCH 7, 1975.

Take notice that on March 3, 1975, United Gas Pipe Line Company (United) tendered for filing the following tariff

sheets to its FPC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 71–C.
First Revised Sheet No. 71–D.
Eighth Revised Sheet No. 72.
Fifth Revised Sheet No. 72–A.

First Revised Tariff Sheet No. 71–C contains section 12.3 "Substitute Fuel Payment Obligations" in the form originally proposed by United in its Original Sheet No. 72–A[1] which was filed on May 17, 1971. United states that this filing is intended to give the Commission a direct opportunity to implement the remand by the United States Court of Appeals for the Fifth Circuit in *State of Louisiana* v. *FPC*, 503 F. 2d 844 (5th Circuit 1974), of the proposed section 12.3.[2] This section of the tariff relates to United's liability under substitute fuel clauses appearing in certain customers' gas sales contracts.

In order to accommodate the reinstatement of the previous section 12.3 disallowed by Commission Opinion No. 647–A, 49 FPC 1211 (1973), sections 12.3, 12.4 and 12.5 are redesignated 12.4, 12.5 and 12.6 respectively in new tariff sheets, Nos. 71–D, 72, and 72–A.

United requests that the Commission accept the tendered sheets and reinstate section 12.3 as a part of United's tariff which became effective on November 14, 1971. Citing the Fifth Circuit's indication that it was erroneous for the Commission to refuse section 12.3 on the basis that it was unnecessary, United states that if the Commission now permits section 12.3 to become part of United's tariff it should be declared effective as of the date it would have become effective but for the Commission's error.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure [18 CFR 1.8, 1.10]. All such petitions or protests should be filed on or before March 21, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6850 Filed 3-14-75;8:45 am]

[1] Section 12.3 as originally proposed also provided that United would not be obligated to reduce any customer's demand charge as a result of curtailment. That portion of section 12.3 was considered by the Commission in Opinion No. 671, issued in Docket No. RP72–75, and therefore such portion is not included in this resubmission.

[2] A detailed discussion of the damage liability issues confronting United and other interstate pipelines in curtailment is contained in United's Petition for Declaratory Order also filed on March 3, 1975, in Docket No. RP75–69.

[Docket No. CP75–234]

NORTHWEST PIPELINE CORP.

Application

MARCH 7, 1975.

Take notice that on February 14, 1975, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP75–234 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the reallocation of the maximum daily quantities of natural gas which Applicant is presently authorized to sell and deliver to Intermountain Gas Co. (Intermountain) and the construction and operation of facilities to effectuate such reallocation of service, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

The application states that Intermountain desires to amend further Exhibit A to the service agreement between Applicant and Intermountain to reallocate the maximum daily delivery obligation (MDDO) that Applicant is obligated to sell and deliver to Intermountain at certain existing delivery points. Applicant states that the reallocation as proposed will cause no increase or decrease in the total maximum daily delivery obligation nor in the contract demand quantity of 156,003 Mcf of gas (1,630,235 therms) that Applicant is presently authorized to sell and deliver to Intermountain.[1]

The reallocation which Applicant proposes and the increase or decrease by delivery points is as follows:

Delivery point	Present MDDO[1]	Proposed MDDO (thousand cubic feet)	Change (thousand cubic feet)
Aberdeen	3,589	4,067	478
Meridian and Boise	24,785	8,995	(15,790)
Idaho State Penitentiary	201	1,158	957
Burley, Rupert and Heyburn	7,393	11,483	4,090
Burley, Rupert and Heyburn No. 2	30,693	21,030	(9,663)
Georgetowne	239	191	(48)
Soda Springs	8,070	21,531	13,461
Hansen	72	96	24
Inkom	861	287	(574)
Kimberly	746	670	(76)
Indian Hills	670	574	(96)
Mountain Home Air Force Base	3,024	545	(2,479)
Pocatello	19,737	21,651	1,914
Simplot	9,560	13,876	4,307
Wetvaco	4,306	2,871	(1,435)
Gooding, Buhl	10,335	4,260	(6,075)
Twin Falls	8,612	22,010	13,398
Twin Falls No. 2	7,656	5,263	(2,393)
Subtotal	140,558	140,558	0
All others (24 in number)	129,357	129,357	0
Total	269,915	269,915	0

[1] Applicant states all volumes at 14.73 psia and 60° F. and assumes 1,045 Btu's per cubic foot systemwide.

The application indicates that the proposed MDDO shifts are necessary to enable Intermountain to serve existing and anticipated priority 1 and 2 customers. The application further indicates that increased deliveries at two taps, Simplot and Soda Springs, are due to the expansion of existing anhydrous ammonia plants, but, otherwise, MDDO shifts are designed to serve customers in the residential and commercial categories.

Applicant states as reasons for the proposed reallocations, (1) to recognize normal changes in population and load characteristics on Intermountain's system since the present MDDO's were established in 1972, (2) to make available, by displacement, volumes of natural gas provided by Intermountain's newly installed liquefied natural gas facility (60,000 Mcf of gas peak day capacity) which volumes can only be delivered into the distribution systems serving Boise, Meridian, Middleton and Nampa, Idaho, and (3) to maintain high priority service within Intermountain's market area.

Applicant also seeks authorization for the construction and operation of certain measuring and regulating facilities to increase the capacity of the Soda Springs and Twin Falls delivery points. The costs of the facilities proposed to be installed is estimated to be $18,810, which cost will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] Applicant explains that the total of the MDDO of 269,915 Mcf of gas (28,820,610 therms) under the proposed reallocation is greater than the contract demand of 156,003 Mcf of gas presently authorized as a result of the conjunctive billing provisions of Applicant's tariff.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-6705 Filed 3-14-75;8:45 am]

[Docket No. CI66-781, et al]

SUN OIL CO., ET AL

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 6, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 28, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI66-781..... D 2-14-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Cities Service Gas Co., Bishop Field, Roger Mills County, Okla.	Depleted.....	.....
CI72-522..... D 11-1-74	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Transwestern Pipeline Co., Bluitt (Wolfcamp) North Field, Roosevelt County, N. Mex.	Leases expired and released to landowner.	.....
CI74-620..... D 2-18-75	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79105.	Panhandle Eastern Pipe Line Co., acreage in Woods County, Okla.	Depleted.....	.....
CI75-481..... (CS71-510) F 2-13-75	The Superior Oil Co., (successor to Newmont Oil Co.) P.O. Box 1521, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La.	24.525 [1].....	15.025
CI75-482..... (CS71-1014) F 2-13-75	The Superior Oil Co., (successor to Franks Petroleum, Inc., et al.).	.....do.....	24.775 [1].....	15.025
CI75-483..... (G-3894) B 2-6-75	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Texas Eastern Transmission Corp., Willow Springs Field, Gregg County, Tex.	Well plugged and abandoned.	.....
CI75-484..... A 2-12-75	Burmah Oil and Gas Co., Golden Center 1, 2800 North Loop West, Houston, Tex. 77018.	El Paso Natural Gas Co., acreage in Beckham County, Okla.	54.8871 [2].....	14.73
CI75-485..... A 2-13-75	Colorado Oil & Gas Corp., Five Greenway Plaza East, Houston, Tex. 77046.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Spearhead Ranch Field, Converse County, Wyo.	63.0100 [3].....	14.65
CI75-486..... (CS72-481) B 2-14-75	Lenoir M. Josey, Inc., 504 Waugh Drive, Houston, Tex. 77019.	Trunkline Gas Co., Josey Ranch Field Area, Harris County, Tex.	Well watered out, plugged and abandoned.	.....
CI75-487..... A 2-14-75	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Michigan Wisconsin Pipe Line Co., acreage in Hansford and Sherman Counties, Tex.	[4] [5] 65.0	14.65
CI75-488..... (CI65-134) B 2-14-75	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	Natural Gas Pipeline Co. of America, Penn-Griffith Field, Rush County, Tex.	[6]	.....
CI75-490..... A 2-18-75	Clinton Oil Co., P.O. Box 1201, Wichita, Kans. 67201.	Northwest Pipeline Corp., acreage in Rio Arriba County, N. Mex.	[4] [5] 59.6064	14.73
CI75-492..... (G-20308) B 2-18-75	Ashland Oil, Inc., P.O. Box 1503, Houston, Tex. 77001.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Keyes Field, Cimarron County, Okla.	Depleted	.....
CI75-494..... E 2-18-75	Ashland Oil, Inc. (successor to Midhurst Oil Corp.).	Phillips Petroleum Co., acreage in Winkler County, Tex.	[4] [7] 15.0	14.65
CI75-496..... (CS71-51) F 2-18-75	Sun Calvert Co. (successor to Calvert Exploration Co.) P.O. Box 2880, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., Northwest Eva Field, Texas County, Okla.	[4] [8] 18.195	14.65
CI75-497..... (CS71-51) F 2-14-75	.....do.....	Michigan Wisconsin Pipe Line Co. Northeast Selling Field, Woodward County, Okla.	[4] [9] 24.89	14.65
CI75-498..... (CI61-1319) F 2-10-75	Odessa Natural Corp. (successor to Odessa Natural Gasoline Co.), P.O. Box 3908, Odessa, Tex. 79760.	Transwestern Pipeline Co., Acreage in Lipscomb County, Tex.	[10] 17.0 [11] 19.5 [12] 26.0	14.65 14.65 14.65
CI75-500..... (CI69-849) F 2-20-75	Inexco Oil Co. (Operator) *et al.* (successor to Sohio Petroleum Co.), 1100 Milam Bldg., Houston, Tex. 77002.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Madden Field, Fremont and Natrona Counties, Wyo.	[4] 39.0719	14.65
CI75-501..... (CI69-766) F 2-20-75	.....do.....	Kansas-Nebraska Natural Gas Co., Inc. Madden Field, Fremont County, Wyo.	[4] 17.6691	14.65

[1] Subject to downward Btu adjustment.
[2] Includes 3.8871 cents per thousand cubic feet tax reimbursement and is subject to upward and downward Btu adjustment.
[3] Includes 10.5017 cents per thousand cubic feet upward Btu adjustment and 1.7853 cents per thousand cubic feet tax reimbursement.
[4] Subject to upward and downward Btu adjustment.
[5] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[6] Some acreage was assigned to F. J. Spaeth, doing business as Geological Exploration Co., and David Wilson, and well producing other acreage was plugged and abandoned.
[7] Applicant is willing to accept a certificate in accordance with Opinion No. 662.
[8] Subject to upward Btu adjustment and includes 0.195 cent per thousand cubic feet tax reimbursement.
[9] Subject to upward Btu adjustment and includes 0.89 cent per thousand cubic eet tax reimbursement.
[10] Rate for gas from date of first delivery to September 1, 1965.
[11] Rate for gas from September 1, 1965, to September 1, 1969.
[12] Rate for gas from September 1, 1969, to September 1, 1979, and thereafter.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc. 75-6716 Filed 3-14-75;8:45 am]

GENERAL SERVICES ADMINISTRATION

JOINT FEDERAL, STATE, AND LOCAL GOVERNMENT ADVISORY PANEL ON PROCUREMENT AND SUPPLY

Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, October 6, 1972, notice is hereby given of the April 8, 1975, meeting of the Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply. The meeting will convene at 10:30 a.m. in the Denver Marriott, Interstate 25 and Hampden Avenue, Denver, Colorado.

The Panel provides a forum for discussion between all levels of government on problems and policies pertaining to procurement and supply to the end that all resources, experience and expertise may be fully utilized.

The agenda will include discussions on: (1) Motivating energy conservation in the procurement process, (2) study of state automated procurement systems, (3) current developments in the excess and surplus personal property programs, and (4) small purchasing.

This meeting is open to the public (within limitations of conference room facilities). Anyone who wishes to attend or desires further information should contact Mr. Dale McInroy, Office of Interagency Support, FSS (telephone, 703–557–8675).

Dated at Washington, D.C., March 6, 1975.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.75-6901 Filed 3-14-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

MEETING

Notice is hereby given, pursuant to Pub. L. 92–463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on April 4, 1975 from 9 a.m.–5 p.m. and April 5, 1975 from 9 a.m.–4 p.m. The meeting will be held at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will be held to plan for report year 1976.

Because of limited space, all persons wishing to attend should call for reservations by March 24, 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 March 11, 1975.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.75-6816 Filed 3-14-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

PUBLIC PROGRAMS PANEL

Notice of Meeting

MARCH 10, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on April 14–15, 1975.

The purpose of the meeting is to review Humanities Program Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.75-6817 Filed 3-14-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-6]

BATTELLE MEMORIAL INSTITUTE

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. 10 to Facility Operating License No. R–4 issued to Battelle Memorial Institute (the licensee) which changed the license from one authorizing the licensee to operate the reactor to one authorizing only possession of the facility, which is located in West Jefferson, Ohio. The amendment is effective as of its date of issuance.

The amendment permits the licensee to possess, but not operate, the Battelle Research Reactor.

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. Notice of Proposed Issuance of Amendment in connection with this action was published in the FEDERAL REGISTER on January 17, 1975 (40 FR 3029). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

For further details with respect to this action, see (1) The application for amendment dated September 13, 1974. (2) Amendment No. 10 to License No. R–4, with Change No. 8, 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.

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 10th day of March 1975.

For the Nuclear Regulatory Commission

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-6834 Filed 3-14-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP. (EDWIN I. HATCH NUCLEAR PLANT UNIT 1)

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–57 issued to Georgia Power Co. and Oglethorpe Electric Membership Corp. (the licensees) for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia.

The amendment would revise the provisions in the technical specifications relating to average planar linear heat generation rates, in accordance with the licensee's application for amendment, dated January 28, 1975. The amendment would permit operation with revised average planar linear heat generation rates up to an average fuel exposure of 5000 MWD/T.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By April 16, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to G. F. Trowbridge, Esq., Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street, NW., Washington, D.C. 20006, the attorney for the applicant.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated January 28, 1975, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of March, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-6747 Filed 3-14-75;8:45 am]

[Docket No. 50-263 (OL Amendment)]

NORTHERN STATES POWER CO. (MONTICELLO NUCLEAR GENERATING PLANT, UNIT 1)

Hearing on Amendment of Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended, (the Act) and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities", Part 51, "Licensing and Regulatory Policy and Procedures for Environmental Protection", and Part 2, "Rules of Practice", notice is hereby given that a hearing will be held before an Atomic and Safety Licensing Board (Board) to consider the application of Northern States Power Company (the licensee) for an amendment to Provisional Operating License No. DPR-22 which currently authorizes Northern States Power Company to possess, use and operate the Monticello Nuclear Generating Plant (the facility) located in Wright County, Minnesota at power levels up to 1670 megawatts (thermal). The proposed amendment would allow operation of the facility utilizing a Prompt Relief Trip (PRT) system which provides for a predetermined number of safety/relief valves to be actuated promptly following a turbine or generator trip to minimize peak pressure and fuel thermal effects which could result from pressurization type abnormal operational transients, in accordance with the licensee's application for amendment dated January 23, 1974, as supplemented.

The hearing which will be scheduled to begin in the vicinity of the site of the Monticello facility, will be conducted by an Atomic Safety and Licensing Board which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel. The Board consists of Dr. Walter H. Jordan and Dr. Richard F. Cole, Members, and Robert M. Lazo, Esq., Chairman.

A notice of "Proposed Issuance of Amendment to Provisional Operating License" [No. DPR-22], was published by the Atomic Energy Commission[1] in the FEDERAL REGISTER on July 22, 1974 (39 FR 26661). The notice provided that "[o]n or before August 22, 1974, * * * any person whose interest may be affected by this proceeding may file a petition for leave to intervene * * * in accordance with the Commission's rules of practice in 10 CFR Part 2". A petition for leave to intervene was filed thereafter by the Minnesota Pollution Control Agency (MPCA), an agency of State of Minnesota. Petitioner, MPCA was admitted as a party to the proceeding pursuant to the provisions of 10 CFR 2.714.[2]

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice." The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see (1) the application for amendment dated January 23, 1974, and supplements thereto dated March 1, 8 and 19, 1974, and May 13, 1974, and (2) the Commission's Safety Evaluation issued March 14, 1974, on "Plant Modifications—Prompt Relief Trip (PRT) and Additional Safety/Relief Valve Blowdown Capacity", which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Environmental Library of Minnesota at 1222 SE 4th Street, Minneapolis, Minnesota 55414.

As they become available, the Commission's Safety Evaluation for use of the PRT and the license amendment may be inspected at the above locations. A copy of item (2) above and, when available, the Safety Evaluation and the license amendment may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, not later than April 16, 1975. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's "Rules of Practice", must be filed by the parties to this proceeding (other than the Regulatory Staff) not later than April 7, 1975.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

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[1] The Nuclear Regulatory Commission is the successor organization to the Atomic Energy Commission as provided by legislation enacted by the Congress in Pub. L. 93-438 on October 11, 1974.

[2] Memorandum and Order of the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene, dated March 11, 1975.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice", an original and twenty (20) conformed copies of each such paper with the Commission.

It is *so ordered*.

Issued at Bethesda, Maryland this 11th day of March, 1975.

For the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

ROBERT M. LAZO, *Chairman*.

[FR Doc.75-6879 Filed 3-14-75;8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT (FORT CALHOUN STATION, UNIT 1)

Proposed Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-40 issued to Omaha Public Power District, for operation of the Fort Calhoun Station, Unit 1, located in Washington County, Nebraska.

The amendment would revise the provisions in the Technical Specifications relating to the surveillance method for the isolation valve interlocks on the shutdown cooling line, in accordance with the licensee's application for amendment dated December 4, 1974, and supplement dated February 14, 1975.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's rules and regulations.

By April 16, 1975, the licensee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Hope Babcock, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1757 N Street, NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated December 4, 1974, and supplement dated February 14, 1975, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska. The license amendment and the Safety Evaluation, when issued, may be inspected at the above locations and a copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 6th day of March, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Reactor Licensing.

[FR Doc.75-6748 Filed 3-14-75;8:45 am]

[Docket No. P-531-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matters

FEBRUARY 7, 1975.

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a preliminary safety analysis report accompanied by an environmental report pursuant to § 2.101 of Part 2, is expected to be filed during August 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Local Public Document Room, Tulsa City—County Library, Tulsa, Oklahoma 74102. Docket No. P-531-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 18, 1975.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1355 Filed 1-16-75;8:45 am]

[Docket No. 50-356]

UNIVERSITY OF ILLINOIS LOW POWER REACTOR ASSEMBLY

Negative Declaration Regarding Facility Operating License

The Nuclear Regulatory Commission (the Commission) has considered the issuance of Amendment No. 2 to Facility Operating License R-117 for the University of Illinois. The amendment would authorize the University of Illinois to continue to operate the reactor at power levels up to 10 kilowatts (thermal).

The U.S. Nuclear Regulatory Commission has prepared an environmental impact appraisal for research reactors of this type and power level. On the basis of this appraisal, we have concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Dated at Bethesda, Maryland, this 7th day of March 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-6835 Filed 3-14-75;8:45 am]

NUCLEAR FACILITY LICENSEES

Reporting of and Dissemination of Information Concerning Abnormal Occurrences

Section 208 of the Energy Reorganization Act of 1974 (Pub. L. 93-438) provides as follows:

The Commission shall submit to the Congress each quarter a report listing for that period any abnormal occurrences at or associated with any facility which is licensed or otherwise regulated pursuant to the Atomic Energy Act of 1954, as amended, or pursuant to this Act. For the purposes of this section an abnormal occurrence is an unscheduled incident or event which the Commission determines is significant from the standpoint of public health or safety. Nothing in the preceding sentence shall limit the authority of a court to review the determination of the Commission. Each such report shall contain—

(1) The date and place of each occurrence;

(2) The nature and probable consequence of each occurrence;

(3) The cause or causes of each; and

(4) Any action taken to prevent reoccurrence;

the Commission shall also provide as wide dissemination to the public of the information specified in clauses (1) and (2) of this section as reasonably possible within fifteen days of its receiving information of each abnormal occurrence and shall provide as wide dissemination to the public as reasonably possible of the information specified in clauses (3) and (4) as soon as such information becomes available to it.

The Nuclear Regulatory Commission has under active consideration the formulation of proposed amendments to its regulations to facilitate implementation of the requirements of section 208. An appropriate notice of proposed rule making will be published in the FEDERAL REGISTER for public comment before any amendments are adopted.

As an interim measure, the Commission will provide widespread dissemination to the public and make quarterly reports to the Congress as required by section 208 of all events which are reported to the Commission by facility licensees in conformity with the technical specifications of licenses and NRC regulations. These licensee reports cover many events for a variety of purposes. Several categories of reported events come within the new statutory standard while others do not. Those to be reported cover events ranging from relatively insignificant matters which are of interest to the Commission in that they provide a data base to assist the Commission in evaluating trends in safety-related equipment or personnel performance in licensed facilities, to events that are potentially significant or are significant from the standpoint of public health and safety.

As at present, these reports from licensees will be placed in the Public Document Room at 1717 H Street, Washington, D.C., and in the local public document room nearest the facility at which the occurrence has taken place.

In addition, every two weeks, a computer printout will be sent to the Commission's 122 local public document rooms containing information on reports by facility licensees for the preceding 15 day period. The reports and computer printouts will contain information on the date and place of each occurrence and the nature of probable consequences. Information on the cause of each occurrence and on any action taken to prevent a reoccurrence will be provided as soon as it is received by the Commission. Additional summary information will be included in a quarterly report to Congress.

(Sec. 208, Pub. L. 93-438, 88 Stat. 1248 (42 U.S.C. 5848))

Dated at Washington, D.C. this 11th day of March, 1975.

For the Nuclear Regulatory Commission.

JOHN C. HOYLE,
Acting Secretary of the Commission.

[FR Doc.75-6836 Filed 3-14-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on April 2, 1975 in Room 1062, 1717 H Street, NW., Washington, D.C. This meeting will have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

WEDNESDAY, APRIL 2, 1975, 8:45 A.M. UNTIL ABOUT 10:30 A.M.

The Subcommittee will hear presentations from the NRC Staff and will hold discussions with this group pertinent to its review of Revision 1 to Regulatory Guide 1.83, "Inservice Inspection of PWR Steam Generator Tubes."

In connection with the above agenda item, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 8:30 a.m. and 10:30 a.m. on April 2 to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed session with the NRC Staff and any consultants at about 10:30 a.m. until the close of business to discuss the following working papers:

1. Testing of Feedwater Systems for BWRs.
2. Thermal Overload Protection of Motor Operated Valves.
3. Reactor Coolant Pump Flywheel Integrity.

This portion of the meeting may include Executive Sessions both before and after the closed session with the NRC Staff.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that other closed sessions will be held to discuss and exchange views on working papers which fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding Regulatory Guide 1.83 may do so by mailing 25 copies thereof, postmarked no later than March 24, 1975 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Nuclear Regulatory Commission, Washington, D.C. 20555. Such comments shall be based upon documents on file and available for public inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 9:00 a.m. and 10:00 a.m. on April 2, 1975.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 1, 1975 to the Advisory Committee on Reactor Safeguards (telephone 202-634-1393) between 8:15 a.m. and 5:00 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after April 4, 1975, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 after July 2, 1975. Copies may be obtained upon payment of appropriate charges.

Dated: March 12, 1975.

JOHN C. HOYLE,
Acting Advisory
Committee Management Officer.

[FR Doc.75-6941 Filed 3-14-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS FULTON GENERATING STATION SUBCOMMITTEE AND SUMMIT POWER STATION SUBCOMMITTEE

Change of Meeting Agenda

The FEDERAL REGISTER notice, published at 40 FR 10251 (March 5, 1975), relating to the March 20, 1975, meeting of the ACRS Subcommittees on Fulton Generating Station and Summit Power Station is revised as follows:

(1) The purpose of the meeting will be to discuss the application of the Philadelphia Electric Company for a construction permit for the Fulton Generating Station.

(2) There will be no presentation by, nor discussion with, representatives of the Delmarva Power and Light Company, since the ACRS completed its review of the Summit Power Station during its 179th meeting, March 6-8, 1975.

Other matters pertaining to this meeting remain unchanged.

Dated: March 13, 1975.

JOHN C. HOYLE,
Acting Advisory Committee
Management Officer.

[FR Doc.75-7090 Filed 3-14-75;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS PROCEDURES SUBCOMMITTEE

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the ACRS Procedures Subcommittee will hold a closed meeting at 4 p.m. on April 2, 1975, in Washington, D.C., to discuss ACRS policy and internal practices with regard to the functioning of the Committee and the conduct of its activities.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that the meeting will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during the meeting will be inextricably intertwined with such exempt material, and no separation of this material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with subcommittee and agency operation.

JOHN C. HOYLE,
Acting Advisory Committee
Management Officer.

MARCH 12, 1975.

[FR Doc.75-6939 Filed 3-14-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 11, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice 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

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

Other Agencies, National Gambling Study Proposal, single-time, national sample of adults, Hall, George, 395-4697.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency, DCPA Program Status Report, semi-annually, State civil preparedness offices, National Security Division, 395-4734.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Career Guidance Needs Assessment Survey, NIE 103, single-time, students, counsellors, educators, school board members, Human Resources Division, 395-3532.

Social Security Administration, Uniform Hospital Discharge Abstract, SSA-2874, on occasion, hospitals, Human Resources Division, 395-3532.

Office of Education, Deinstitutional Procedures Questionnaire, OE-9040-1, single-time, superintendents of institutions for mentally retarded, human resources division, 395-3532.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Policy Development and Research, Home Owner's Association Survey, single-time, national survey of home owners association, Sunderhauf, M. B., 395-4911.

REVISIONS

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Research Grants Face Sheet, on occasion, colleges, universities, and independent organizations, Lowry, R. L., 395-3772.

EXTENSIONS

DEPARTMENT OF DEFENSE

Departmental and Other, School Officials Evaluation of Candidate, on occasion, Lowry, R. L., 395-3772.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-6999 Filed 3-14-75;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

MEETINGS

MARCH 12, 1975.

Notice is hereby given, pursuant to the provisions of the Federal Advisory Committee Act of 1972, that meetings of the Presidential Clemency Board will be held on March 20-22, April 3-5, and April 17-19, 1975. All meetings begin at 9 a.m. in the Old Executive Office Building, Washington, D.C.

These meetings will not be open to the public since (1) the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 552-(b)(2), and (2) will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

A waiver of the 15-day notice provisions has been granted by the Director, Office of Management and Budget, under OMB Circular No. A-63, as revised, pertaining to the Federal Advisory Committee Act of 1972.[1]

CHARLES E. GOODELL,
Chairman.

[FR Doc.75-7683 Filed 3-14-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 811-1258]

AMERICAN DIVERSIFIED INVESTORS FUND, INC.

Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

MARCH 11, 1975.

Notice is hereby given that American Diversified Investors Fund, Inc. ("Applicant"), 303 East Washington Street,

[1] Filed as part of the original.

Bloomington, Illinois 61701, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on February 11, 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 contained therein, which are summarized below.

Applicant was organized on April 7, 1964, and registered under the Act by filing a Form N–8A Notification of Registration on April 29, 1964. Applicant represents that pursuant to a Plan and Articles of Reorganization approved by its shareholders on December 30, 1974, substantially all of the assets of Applicant were transferred on January 20, 1975, to Selected American Shares, Inc. ("SAS") in exchange for shares of SAS at their net asset value. Such shares have been distributed to shareholders of Applicant on a pro rata basis. Applicant has no assets other than $30,000 cash retained to pay its liabilities and costs of liquidation. Any such cash not so utilized will be transferred to SAS and thereupon credited, on a pro rata basis and in additional shares of SAS, to SAS shareholders who formerly were shareholders of Applicant. Applicant has no shareholders and is proceeding with its dissolution in accordance with the laws of Maryland.

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 April 4, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, and the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following 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.75–6876 Filed 3–14–75;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

MARCH 10, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 11, 1975 through March 20, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–6877 Filed 3–14–75;8:45 am]

SEC REPORT COORDINATING GROUP (ADVISORY)

Rescheduling of Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. I, the Securities and Exchange Commission announced in a notice published in the FEDERAL REGISTER of February 27, 1975 (40 FR 8398), a public advisory committee meeting and other required information.

Notice is hereby given that the meeting of the SEC Report Coordinating Group (Advisory) scheduled for March 20 and 21, 1975, has been rescheduled for April 14 and 15, 1975 at 55 Water Street, Twenty-Third Floor, New York, New York. The meeting will commence at 10 a.m. local time on April 14, 1975 and at 9 a.m. local time on April 15, 1975 and will be for the purpose of discussing the FOCUS Report of financial and operational information, reviewing the public comments on the Group's Interim Report including a FOCUS Report Revised Discussion Paper, and considering the reporting requirements needed in a program to monitor the impact of competitive mission rates.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959; Securities Exchange Act Release No. 11140.)

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Piliero II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–7075 Filed 3–14–75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1118]

ARKANSAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February, because of the effects of a certain disaster, damage resulted to property located in the State of Arkansas;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Pulaski County and adjacent affected areas, suffered damage or destruction resulting from a tornado which occurred February 22, 1975. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office:
Small Business Administration, District Office, 611 Gaines Street, Suite 900, Little Rock, Arkansas 72201.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to May 8, 1975. EIDL applications will not be accepted subsequent to December 8, 1975.

Dated: March 7, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75–6828 Filed 3–14–75;8:45 am]

DALLAS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Dallas District Advisory Council will meet at 9:00 a.m., (c.d.t.), Wednesday, April 30, 1975, at the Fort Worth National Bank, Board Room, 6th Floor, 5th and Taylor Streets, Fort Worth, Texas, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write, Rush Crain, Small Business Administration, 1100 Commerce Street, Dallas, Texas 75202, (214) 749-2706.

Dated: March 11, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-6907 Filed 3-14-75;8:45 am]

[Delegation of Authority No. 17-A]

MANAGEMENT ASSISTANCE ACTIVITIES

Delegation of Authority

I. Pursuant to the authority delegated by the Administrator to the Assistant Administrator for Management Assistance by Delegation of Authority No. 17 (39 FR 29445), as revised (39 FR 43675), the following authority is hereby delegated to the specific positions as indicated herein:

A. *Deputy Assistant Administrator for Management Assistance; Director, Office of Management Counseling Services;* and *Program Manager, Office of Management Counseling Services.*

1. To issue Delivery (Task) Orders under and extend or modify contracts, grants, or agreements to provide financial assistance to public or private organizations to pay all or part of the costs of projects designed to provide technical or management assistance to individuals or enterprises eligible for assistance under section 7 (i) and (j) of the Small Business Act, as amended, with special attention to small business concerns located in urban or rural areas of high concentration of unemployed or low-income individuals or owned by low-income individuals. Such financial assistance may be provided for projects including without limitation:

a. Planning and research, including feasibility studies and market research;

b. The identification and development of new business opportunities;

c. The furnishing of centralized services with regard to public services and Government programs, including programs authorized under section 7(i) of the Small Business Act, as amended;

d. The establishment and strengthening of business service agencies, including trade associations and cooperatives;

e. The encouragement of the placement of subcontracts by major businesses with small business concerns located in urban areas of high concentration of unemployed or low-income individuals or owned by low-income individuals, including the provisions of incentives and assistance to such major businesses so that they will aid in the training and upgrading of potential subcontractors or other small business concerns; and

f. The furnishing of business counseling, management training, and legal and other related services, with special emphasis on the development of management training programs using the resources of the business community, including the development of management training opportunities in existing businesses, and with emphasis in all cases upon providing management training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individuals served.

II. All acts performed during the period of July 8, 1974, to the effective date of this document are hereby ratified to the extent that they would have been authorized under this delegation had this delegation been in effect.

III. The authority delegated herein may not be redelegated.

IV. All authority delegated herein may be exercised by any Small Business Administration employee designated as acting in those positions.

Effective date: February 14, 1975.

Dated: March 6, 1975.

HENRY S. WARREN,
Assistant Administrator
for Management Assistance.

[FR Doc.75-6827 Filed 3-14-75;8:45 am]

LENDING INSTITUTIONS

Maximum Interest Rates

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after March 15, 1975, under Section 7 of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective March 15, 1975, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be ten and one-fourth (10¼%) a year, and the maximum rate on an immediate participation loan shall be nine and one-fourth percent (9¼%) a year. These maximum interest rates shall remain in effect until notification of a change is issued by SBA.

The "Treasury Peg Rate" for the quarter-year beginning April 1, 1975, will be seven and three-eighths percent (7⅜%) a year. This is an optional "peg" rate for use in connection with fluctuating interest rate loans made in cooperation with SBA.

This notice is issued under 13 CFR 120.3(b)(2)(vi).

(Catalog of Federal Domestic Assistance Programs:

No. 59.012 Small Business Loans
No. 59.013 State and Local Development Company Loans
No. 59.104 Coal Mine Health and Safety Loans
No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans)
No. 59.018 Occupational Safety and Health Loans
No. 59.001 Displaced Business Loans
No. 59.003 Economic Opportunity Loans for Small Business)

Dated: March 10, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-6906 Filed 3-14-75;8:45 am]

MINNEAPOLIS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Minneapolis District Advisory Council will meet at 11:00 a.m. (c.d.t.), Friday, April 11, 1975, at the Federal Reserve Bank, Minneapolis, Minnesota, to discuss such business as may be presented by members, the staff of the Small Business Administration and others attending. For further information, call or write Paul W. Jansen, Small Business Administration, Plymouth Building, Room 530, 12 South Sixth Street, Minneapolis, Minnesota 55402, (612) 725-2928.

Dated: March 10, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-6908 Filed 3-14-75;8:45 am]

PHILADELPHIA DISTRICT ADVISORY COUNCIL

Public Meeting; Cancelled

The public meeting of the Small Business Administration Philadelphia District Advisory Council called for March 19, 1975 has been cancelled. It will be rescheduled at a later date.

Dated: March 11, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-6909 Filed 3-14-75;8:45 am]

SYRACUSE DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Syracuse District Advisory Council will meet at 9:00 a.m., (e.d.t.), Wednesday, April 9, 1975, at the University Club, 431 E. Lafayette Street, Syracuse, New York, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write J. Wilson Harrison, Small Business Administration, Fayette and Salina Streets, Syracuse, New York 13202, (315) 473-3460.

Dated: March 11, 1975.

ANTHONY S. STASIO,
Chief Counsel for Advocacy,
Small Business Administration.

[FR Doc.75-6910 Filed 3-14-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 722]

ASSIGNMENT OF HEARINGS

MARCH 12, 1974.

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 117815 Sub 236, Pulley Freight Lines, Inc., now being assigned June 17, 1975 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 134501 Sub 14, UFT Transport Company, now being assigned June 19, 1975 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-F-12359, Charles N. Harris—Investigation of Control—L. A. Tucker Truck Lines, Inc., and Sam Tanksley Trucking, Inc., now being assigned June 23, 1975 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 116325 Sub 66, Jennings Bond, DBA Jennings Bond Enterprises, now being assigned June 25, 1975 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

No. 35914, H & R Scrap Iron and Metal Company v. Chicago and North Western Transportation Company, now assigned April 1, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 134494 Sub 7, Wayne Daniel Truck, Inc., now assigned April 14, 1975, at Chicago, Ill., will be held in room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 139685 Sub 2, Speedway Carriers, Inc., now assigned April 15, 1975, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 139847 Sub 1, W-H Transportation Co., Inc., now assigned April 17, 1975, at Chicago, Ill.; will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

FF 95 Sub 8, Lifschultz Fast Freight, Inc., now assigned April 21, 1975, at Chicago, Ill.; will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 106398 Sub 718, National Trailer Convoy, Inc., now assigned April 29, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

FF 347 Sub 1, Sal, Inc., now assigned April 30, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC-F-12264, Mayfield Transfer & Storage Co., Inc.—Purchase—(Portion)—Fred Olson Motor Service Company, now assigned May 5, 1975, at Chicago, Illinois, will be held in Room 1086A, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

FD 27773, Missouri Pacific Railroad Company—Merger—The Texas and Pacific Railway Company and Chicago & Eastern Illinois Railroad Company, now assigned April 15, 1975, at St. Louis, Mo., will be held in Court Room No. 2, 7th Floor, U.S. Customs House & Courthouse, 1114 Market St.

FD 27774, Missouri Pacific Railroad Company—Securities, now assigned April 15, 1975, at St. Louis, Mo., will be held in Court Room No. 2, 7th Floor, U.S. Customs House & Courthouse, 1114 Market St.

MC 126477 Sub 4, Jet Air Freight & Parcel Delivery, Inc., now assigned April 8, 1975, at Indianapolis, Ind., will be held in Cafeteria No. 3, State Office Bldg., 100 N. Senate Ave.

MC 139763, Oak Harbor Freight Lines, Inc., now assigned April 7, 1975, at Olympia, Washington, is transferred to Mt. Vernon, Washington, at the Town and Country Motor Inn, 2009 Riverside Drive.

No. 36060, Seaway Port Authority of Duluth, et al. v. Burlington Northern, Inc. et al., now assigned April 22, 1975, at St. Paul, Minn.; will be held in Courtroom No. 2, Federal Building & Courthouse, Kellogg and Robert St.

MC 95876 Sub 154, Anderson Trucking Service, Inc., now assigned April 28, 1975, at St. Paul, Minn., will be held in Court Room No. 2, Federal Building & Courthouse, Kellogg and Robert St.

MC 139821 Sub 1, Haugen Transit, Inc., now assigned May 1, 1975, at St. Paul, Minn., will be held in Court Room No. 2, Federal Building & Courthouse, Kellogg and Robert St.

MC-F-12269, R-W Service Systems, Inc.—Purchase (Portion) — Scherer Freight Lines, Inc., now assigned April 1, 1975 at Detroit, Michigan, will be held in Conference Room B, City County Bldg., Two Woodward Ave.

MC 67450 Sub 50, Peterlin Cartage Co., A corporation, now assigned April 15, 1975, at Chicago, Ill., will be held in Room 286, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 110683 Sub 99, Smith's Transfer Corporation, now assigned April 21, 1975, at Indianapolis, Ind., will be held in Cafeteria No. 3, State Office Bldg., 100 N. Senate Ave.

MC 118142 Sub 81, M. Bruenger and Co., Inc., now assigned April 14, 1975, at Dallas Texas; is cancelled and the application is dismissed.

MC 73937 Sub 16, Hogan Storage & Transfer Company, now assigned March 17, 1975, at Columbus, Ohio, is cancelled and application is dismissed.

MC 135018 Sub 5, Seahorse Transport, Inc., now being assigned April 14, 1975 (1 day), at Dallas, Texas; in Room 5A, 15-17 Federal Office Building, 1100 Commerce Street.

MC 95876 Sub 161, Anderson Trucking Service, Inc., now assigned April 28, 1975 (3 days) at St. Paul, Minnesota, in Court Room No. 2, Federal Building & Courthouse, Kellogg and Robert Streets.

MC 133931 Sub 4, M. Pollon, Inc., d.b.a. Marine Guard Service, now assigned April 23, 1975, at Washington, D.C., is cancelled and advanced to April 17, 1975 (2 days), at Philadelphia, Pa., in Room 3240, William J. Green, Jr., Federal Building, 600 Arch Street.

MC 3647 Sub 448, Transport of New Jersey, now assigned March 19, 1975, at Newark, N.J., will be held at the Robert Treat Hotel, 50 Park Place.

MC 381 Sub 5, Genova Express Lines, Inc., now assigned April 1, 1975, at Washington, D.C., is postponed to April 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119741 Sub 51, Green Field Transport Company, Inc., and MC 127042 Sub 153, Hagen, Inc., now assigned April 7, 1975, at Kansas City, Mo., is cancelled and reassigned on April 7, 1975, at Wichita, Kansas, in Room 120 Internal Revenue Building, 412 S. Main St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-6917 Filed 3-14-75;8:45 am]

[AB 6 (Sub- No. 22)]

BURLINGTON NORTHERN INC.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Kootenai County, Idaho, on or before March 26, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 4th day of March, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[AB 6 (Sub-No. 21)]

BURLINGTON NORTHERN INC., ABANDONMENT BETWEEN POST FALLS AND HUETTER, IN KOOTENAI COUNTY, IDAHO

The Interstate Commerce Commission hereby gives notice that by order dated March 4, 1975, it has been determined that the proposed abandonment of the 4.81 mile duplicate line of railroad of the Burlington Northern Inc., between Post Falls and Huetter, in Kootenai County, Idaho, 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 an active, parallel Burlington Northern line exists between Post Falls and Huetter, the subject line has been out of service since 1972, no traffic diversion would result, and there are no major historic, safety, or ecological impacts associated with the proposed action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 11, 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.75-6922 Filed 3-14-75;8:45 am]

[AB 6 (Sub-No. 22)]

BURLINGTON NORTHERN INC.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Kootenai County, Idaho on or before March 27, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 4th day of March, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 6 (Sub-No. 22)]

BURLINGTON NORTHERN INC., ABANDONMENT AT COEUR D'ALENE, KOOTENAI COUNTY, IDAHO

The Interstate Commerce Commission hereby gives notice that by order dated March 4, 1975, it has been determined that the proposed abandonment of the .94 mile section of the Burlington Northern Inc., railroad line in Coeur D'Alene, Kootenai County, Idaho, 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 adequate highways exist to handle the minimal amount of traffic which may be diverted to motor carriers, alternative rail lines will continue to serve the general area, there are no development plans which are dependent on continued direct rail service, and there are no major safety, historic, or ecological impacts associated with the proposed action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before April 11, 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.75-6918 Filed 3-14-75;8:45 am]

[AB 7 (Sub-No. 18); Finance Docket No. 27771]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment of Line and Trackage Rights

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do 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 Bonner and Kootenai Counties, Idaho and Pend Oreille County, Washington, on or before March 26, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 28th day of February, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 7 (Sub-No. 18)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT BETWEEN MCGUIRES AND NEWPORT, IN KOOTENAI AND BONNER COUNTIES, IDAHO, AND PEND OREILLE COUNTY, WASHINGTON

[Finance Docket No. 27771]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—TRACKAGE RIGHTS—OVER CERTAIN LINES OF THE BURLINGTON NORTHERN, INC., BETWEEN SPOKANE AND NEWPORT, WASHINGTON.

The Interstate Commerce Commission hereby gives notice that by order dated February 28, 1975, it has been determined that the proposed abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company between Newport and McGuires, a distance of 43.87 miles, all in Pend Oreille County, Wash., and Bonner and Kootenai Counties, Idaho, and the proposed trackage rights agreement by Chicago, Milwaukee, St. Paul and Pacific Railroad Company to acquire operation rights over the Burlington Northern Inc. line between Spokane and Newport, a distance of 44.37 miles, all in Spokane and Pend Oreille Counties, Wash., 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 all of the involved traffic would be rerouted over the Burlington Northern line, there are no specific governmental projects or developmental plans which would be affected by a loss of direct rail service, and there are no major ecological impacts associated with the proposed action.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 7, 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.75-6921 Filed 3-14-75;8:45 am]

[AB 1 (Sub.-No. 10)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does

not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Douglas County, Nebr., on or before March 26, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 4th day of March, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 1 (Sub-No. 10)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN IRVINGTON AND BENNINGTON ALL IN DOUGLAS COUNTY, NEBRASKA

The Interstate Commerce Commission hereby gives notice that by order dated March 4, 1975, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad between Irvington and Bennington, Nebr., a distance of approximately 6.5 miles, 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 area environmental quality will only be degraded slightly due to increased air pollution and energy consumption resulting from diversion of rail traffic to motor carrier tansport upon abandonment. Lack of direct rail service may impede local developmental efforts, although there are no identifiable plans or projects dependent upon continued rail access. There will be no effect on historic sites or recreational areas.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before April 7, 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.75-6920 Filed 3-14-75;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 12, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 1, 1975.

FSA No. 42950—*Iron or Steel Articles from Minnequa, Colorado.* Filed by Trans-Continental Freight Bureau, Agent, (No. 490), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Minnequa, Colorado, to points in California taking Rate Basis 4 or 6 rates as specified in the application.

Grounds for relief—Motor carrier competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42951—*Iron or Steel Articles from Minnequa, Colorado.* Filed by Trans-Continental Freight Bureau, Agent, (No. 489), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Minnequa, Colorado, to points in California taking Rate Basis 4 or 6 rates as specified in the application.

Grounds for relief—Maintenance of depressed rates published to meet carrier competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-6916 Filed 3-14-75;8:45 am]

WESTERN MARYLAND RAILWAY CO. AND BALTIMORE AND CUMBERLAND VALLEY RAILROAD EXTENSION CO.

Abandonment of Line

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in the Borough of Chambersburg and Carlisle in Franklin and Cumberland County, Pa., on or before March 27, 1975, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 28th day of February 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 69]

WESTERN MARYLAND RAILWAY COMPANY AND THE BALTIMORE AND CUMBERLAND VALLEY RAILROAD EXTENSION COMPANY ABANDONMENT NEAR SHIPPENSBURG, CUMBERLAND AND FRANKLIN COUNTIES, PENNSYLVANIA

The Interstate Commerce Commission hereby gives notice that by order dated February 28, 1975, it has been determined that the proposed abandonment by the Western Maryland Railway Company and the Baltimore and Cumberland Valley Railroad Extension Co. of its line from V.S. 1725+06.1 to V.S. 1795+80.5, a distance of 1.35 miles of main track located in Shippensburg, Cumberland and Franklin Counties, Pennsylvania, 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 income of traffic involved, the absence of any major ecological impacts and the fact the highways in the area are capable of accommodating the additional motor carrier services needed to transport anticipated shipments in the area involved with negligible impacts on the local air quality.

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, DC. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 9, 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.75-6919 Filed 3-14-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY
Elimination of Gateway Letter Notices

MARCH 11, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before March 27, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 17600 (Sub-No. E2), filed January 8, 1975. Applicant: PARAMOUNT MOVING & STORAGE CO., INC., 3 Commercial Avenue, Garden City, N.J. 11533. Applicant's representative: Robert J. Gallagher, 1776 Broadway Street, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nassau, Suffolk, Westchester, Orange, and Rockland Counties, N.Y., on the one hand, and, on the other, points in Virginia, West Virginia, Vermont, Maine, Ohio, Illinois, Delaware, Indiana, Maryland, New Jersey, Pennsylvania, Massachusetts, Connecticut, and the District of Columbia. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 21170 (Sub-No. E19), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in that part of Minnesota west of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 218 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 3, thence along Minnesota Highway 3 to junction Minnesota Highway 19, thence along Minnesota Highway 19 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 64, thence along Minnesota Highway 64 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line to Chicago, Ill. The purpose of this filing is to eliminate the gateways of Cambridge, Gilman Grundy Center, Oskaloosa, and Roland, Iowa.

No. MC 21170 (Sub-No. E77), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in Colorado, Kansas, and that part of Nebraska south and west of a line beginning at the Iowa-Nebraska State line and extending along Nebraska Highway 2 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 27, thence along Nebraska Highway 27 to the Nebraska-South Dakota State line, restricted to traffic originating at Detroit, Mich. The purpose of this filing is to eliminate the gateway of Carrollton, Mo.

No. MC 21170 (Sub-No. E78), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), restricted to such commodities as are dealt in by wholesale, retail, or chain grocery stores, from points in Dawson County, Nebr., to points in that part of Kansas east of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 59 to junction Kansas Highway 4, thence along Kansas Highway 4 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction Kansas Highway 99, thence along Kansas Highway 99 to the Kansas-Oklahoma State line, and that part of Missouri on and north of U.S. Highway 50 and west of U.S. Highway 63, restricted (1) to traffic originating at the facilities of Platte Valley Packing Company in Dawson County, Nebr., and (2) against traffic terminating at points within the Chicago, Ill., commercial zone as defined by the Commission. The purpose of this filing is to eliminate the gateway of Iowa.

No. MC 21170 (Sub-No. E82), filed June 4, 1974. Applicant: BOS LINES, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and groceries*, from St. Louis, Mo., to Norfolk, Nebr. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 29886 (Sub-No. E18), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheeled tractors* (other than truck tractors), with or without attachments, and *crawler tractors*, set up, with loading and grading attachments, (1) from those points in Iowa on and north of Interstate Highway 80 to those points in Florida south and east of a line beginning at the Florida-Georgia State line and extending along Interstate Highway 75 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico and those in Iowa on and north of Interstate Highway 90 (those points in Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, Mich., thence along Business Route Interstate Highway 96 to Lansing, Mich., to junction U.S. Highway 127, thence along U.S. Highway 127 to junction unnumbered highway at Jackson, Mich., thence along unnumbered highway to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line)*; (2) from those points in Ohio on and north of U.S. Highway 40 and those in Pennsylvania on and west of U.S. Highway 219 to points in Arkansas, Louisiana, Texas, Oklahoma, and Kansas (Churubusco, Ind.)*; and (3) from points in Ohio and those in Pennsylvania on and west of U.S. Highway 219 to points in Minnesota, North Dakota, South Dakota, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Nevada, California, Oregon, Washington, Nebraska, and Arizona (Churubusco, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E19), filed May 23, 1974. Applicant: DALLAS &

MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles* (except trailers and semi-trailers), in truckaway service, from Toledo, Ohio, to points in Arkansas, New Mexico, Texas, and Wyoming (South Bend, Ind.)*; (2) *Automobiles* (imported from foreign countries), from points in California to points in Indiana, South Carolina, and those in North Carolina west of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 21 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 52, thence along U.S. Highway 52 to the North Carolina-South Carolina State line, restricted to the transportation of vehicles which have been transported by said carrier, or by other carriers in initial movements from South Bend, Ind., and further restricted against the transportation of such vehicles which have had an immediately prior movement by water (South Bend, Ind.)*; and (3) *New automobiles and new trucks*, in secondary movements, in truckaway and driveaway service, from South Bend, Ind., to points in New Mexico, Arizona, and California (Texas)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 29886 (Sub-No. E21), filed May 23, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New trucks*, in driveaway service, (a) from Detroit, Mich., to points in Washington (Idaho and Oregon*) and (b) from places of manufacture and assembly at Lansing, Mich., to points in Washington, traversing Illinois, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Texas, Kansas, South Dakota, and North Dakota for operating convenience only (Idaho and Oregon*); (2) *new trucks*, in initial movements, in driveaway service, (a) from points in Macomb County Mich., south of 14 Mile Road and west of Gratiot Avenue (except Fraser, East Detroit, and Roseville, Mich.), to points in Washington, restricted against the use of the initial movement driveaway rights granted herein in conjunction with the secondary movement rights held by Robertson Truck-A-Away, Inc., Docket No. MC 109772 and subs thereunder, through interline, for the through transportation of traffic under such combination (Idaho and Oregon*) and (b) from points in Wayne County, Mich., to points in Texas (South Bend, Ind.*); (3) *new automobiles and new trucks*, in initial movements, in driveaway service, (a) from points in Wayne County, Mich., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Utah and Wisconsin, traversing Indiana and Illinois for operating convenience only (Toledo, Ohio*) and (b) from points in Wayne County, Mich., to points in Connecticut, Massachusetts, Alabama, Delaware, Florida, Georgia, Louisiana, Mississippi, New Hampshire, South Carolina, Vermont and Virginia (Toledo, Ohio*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 39123 (Sub-No. E1) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER February 19, 1975. Applicant: ASBESTOS EASTERN TRANSPORT, INC., Main Street, Manville, N.J. 08835. Applicant's representative: Ronald I. Shapps, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household goods*, 17 M.C.C. 467, commodities requiring special equipment, and those injurious or contaminating to other lading; (a) between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, points in that part of New York, east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, N.Y., to the United States-Canada International Boundary line, and north of a line beginning at South Kortright, N.Y., and extending easterly through Spencertown, N.Y., to the New York-Massachusetts State line; (b) between points in Suffolk County, N.Y., on the one hand, and, on the other, points in that part of New York east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, N.Y., to the United States-Canada International Boundary line, and north of a straight line beginning at South Kortright, N.Y., and extending easterly through Spencertown, N.Y., to the New York-Massachusetts State line; and (c) between Westchester County, N.Y., on the one hand, and, on the other, points in that part of New York east of a straight line beginning at the New York-New Jersey State line and extending in a northerly direction through Port Jervis and Minklers Corners, N.Y., to the United States-Canada International Boundary line, and north of a straight line beginning at Raquette Lake, N.Y., and extending easterly through Wright, N.Y., to the New York-Massachusetts State line. The purpose of this filing is to eliminate the gateway of Bergen County, N.J. The purpose of this correction is to correct the MC number, previously published as No. MC 7597.

No. MC 99427 (Sub-No. E1), filed June 3, 1974. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6910, Phoenix, Ariz. 85005. Applicant's representative: William J. Lippman (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, between points in Arizona, on the one hand, and, on the other, points in that part of Utah on, east, and south of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, that part of Colorado on, west, and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 50 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, and points in San Juan, McKinley, and Rio Arriba Counties, N. Mex. (points in Navajo, Apache, and Coconino Counties, Ariz.)*; (2) *Hydraulic fracturing fluid*, in bulk, in tank vehicles, between points in San Juan County, N. Mex., on the one hand, and, on the other, points in Arizona (points in Navajo, Apache, and Coconino Counties, Ariz.)*; (3) *Sulphuric acid*, in bulk, in tank vehicles, between points in Arizona, on the one hand, and, on the other, points in that part of Utah on, east, and south of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, that part of Colorado on, west, and south of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 50 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, and points in San Juan, McKinley, and Rio Arriba Counties, N. Mex. (points in Navajo, Apache, and Coconino Counties, Ariz.)*;

(4) *Petrochemicals*, which are included in the petroleum and petroleum products list described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in Arizona, on the one hand, and, on the other, points in that part of Utah on, south, and east of a line beginning at the Arizona-Utah State line and extending along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Nevada State line, that part of Colorado on, west, and south of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 50 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, and points in San Juan, McKinley, and Rio Arriba Counties, N. Mex. (points in Navajo, Apache, and Coconino Counties, Ariz.)*; (5) *Petroleum products* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C. 209, asphalt and asphalt products, sulphuric acid derived from petroleum, in bulk, in tank vehicles, from points in Arizona to points in Imperial, San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties, Calif. (points in Maricopa and Pima Counties, Ariz.)*; (6) *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, *asphalt and asphalt*

products, and sulphuric acid derived from petroleum, in bulk, in tank vehicles, from points in Arizona to the site of the Mohave Steam Generating Plant of the Southern California Edison Company in Clark County, Nev. (Kingman, Ariz.)*;

(7) *Petroleum products*, as described in Appendix XIII, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except asphalt, residual fuel oil, and liquefied petroleum gases), and sulphuric acid, derived from petroleum, in bulk, in tank vehicles, between points in San Juan, McKinley, Valencia, Catron, Bernalillo, Sandoval, and Rio Arriba Counties, N. Mex., Montezuma, La Plata, Archuleta, Rio Grande, and Conejos Counties, Colo., on the one hand, and, on the other, points in Arizona (points in Apache and Greenlee Counties, Ariz.)*; (8) *Sulphuric acid*, in bulk, in tank vehicles, from points in Maricopa, Pima, Gila, Santa Cruz, Greenlee, Graham, and Cochise Counties, Ariz., to points in California (Ajo, Douglas, Hayden, and Morenci, Ariz.)*; (9) *Sulphuric acid*, in bulk, in tank vehicles, from the plant site of Climax Chemical Company at or near Monument, N. Mex., to points in that part of Utah on, south, and east of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line, and that part of Colorado on, south, and west of a line beginning at the Colorado-New Mexico State line and extending along U.S. Highway 285 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line (points in Navajo, Apache, and Coconino Counties, Ariz.)*;

(10) *Petrochemicals*, which are included in the petroleum and petroleum products list described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in that point of Utah on, east, and south of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Utah State line, that part of Colorado on, south, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 50 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, and San Juan, McKinley, and Rio Arriba Counties, N. Mex., to points in Imperial, San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties, Calif. (points in Apache, Coconino, Navajo, Maricopa, and Pima Counties, Ariz.)*; (11) *Hydraulic fracturing fluid*, in bulk, in tank vehicles, from San Juan County, N. Mex., to points in Imperial, San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties, Calif. (points in Navajo, Apache, Greenlee, Maricopa, and Pima Counties, Ariz.)*; (12) *Sulphuric acid*, in bulk, in tank vehicles, from points in that part of Colorado on, south, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 50 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, and points in San Juan, McKinley, and Rio Arriba Counties, N. Mex., to points in that part of California in and south of Kern, San Luis Obispo and San Bernardino Counties (points in Apache, Navajo, and Coconino Counties, Ariz., and Ajo, Hayden, Morenci, and Douglas, Ariz.)*;

(13) *Petrochemicals*, which are included in the petroleum and petroleum products list described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in that part of Utah on, south, and east of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line, that part of Colorado on, south, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 50 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, and San Juan, McKinley, and Rio Arriba Counties, N. Mex., to the site of the Mohave Steam Generating Plant of the Southern California Edison Company in Clark County, Nev. (points in Navajo, Apache, and Coconino Counties, Ariz., and Kingman, Ariz.)*; (14) *Hydraulic fracturing fluid*, in bulk, in tank vehicles, from points in San Juan County, N. Mex., to the site of the Mohave Steam Generating Plant of the Southern California Edison Company in Clark County, Nev. (points in Navajo, Apache, and Coconino Counties, Ariz., and Kingman, Ariz.)*;

(15) *Petrochemicals* (except asphalt, residual fuel oil, and liquefied petroleum gases), which are included in the petroleum and petroleum products list described in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, between points in that part of Utah on, south, and east of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line, and that part of Colorado, on, south, and west of a line beginning at the Utah-Colorado State line and extending along U.S. Highway 50 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, on the one hand, and, on the other, points in Valencia, Catron, Bernalillo and Sandoval Counties, N. Mex. (points in San Juan, McKinley, and Rio Arriba Counties, N. Mex., and Apache County, Ariz.)*; (16) *Lime*, in bulk, in tank or hopper type vehicles, from Albuquerque, N. Mex., to points in Navajo, Apache, and Coconino Counties, Ariz., that part of Utah on, south, and east of a line beginning at the Utah-Arizona State line and extending along U.S. Highway 89 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line, and that part of Colorado on, south, and west of a line beginning at the Colorado-Utah State line and extending along U.S. Highway 50 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line (points in San Juan, Rio Arriba, and McKinley Counties, N. Mex.)*; (17) *Liquid sugar*, in bulk, in tank vehicles, from the plant and storage facilities of Spreckels Sugar Company Division, American Sugar Company, at or near Chandler and Phoenix, Ariz., to points in the United States east of Montana, Wyoming, Colorado, New Mexico, and Texas (points in Castro and Deaf Smith Counties, Tex.)*;

(18) *Sulphuric acid*, in bulk, in tank vehicles, from the plant site of Climax Chemical Company, at or near Monument, N. Mex., to points in California (Ajo, Hayden, Douglas, and Morenci, Ariz.)*; (19) *Petroleum products*, in bulk, in tank vehicles, from the site of the Shell Oil Refining at or near Ciniza, N. Mex., to points in Imperial, San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties, Calif. (points in Maricopa and Pima Counties, Ariz.)*; (20) *Petroleum products* (except asphalt, residual fuel oil, and liquefied petroleum gases), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *sulphuric acid*, derived from petroleum, in bulk, in tank vehicles, from points in San Juan, McKinley, Valencia, Catron, Bernalillo, Sandoval, and Rio Arriba Counties, N. Mex., Montezuma, points in Imperial, San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties, Calif. (points in Apache, Greenlee, Maricopa, and Pima Counties, Ariz.)*; and (21) *Corn syrup*, in bulk, in tank vehicles, from Albuquerque, N. Mex., to points in the United States east of Montana, Wyoming, Colorado, New Mexico, and Texas (points in Castro and Deaf Smith Counties, Tex.)*. Restriction: The authority authorized in (1), (2), (6), (13), and (14) above are limited to the transportation of shipments having a prior movement by rail. The operations authorized in (2), (11), and (14) above are limited to movements between oilfield locations. The operations authorized in (5), (10), (11), (19), and (20) above are restricted against the transportation of helium originating in Apache County, Ariz., and against the transportation of liquid fertilizer. The operations authorized in (17) and (21) above are restricted against the transportation of liquid sugar and corn syrup, from the plant site of Holly Sugar Corporation, near Hereford, Tex., to points in Arizona, Arkansas, Colorado, Louisiana, Kansas, Missouri, New Mexico, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 102143 (Sub-No. E2), filed October 21, 1974. Applicant: DOSCHER'S MOVING AND STORAGE WAREHOUSE, INC., 5925 Fresh Meadows, Flushing, N.Y. 11365. Applicant's repre-

sentative: Bruce J. Robbins, Suite 1515, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Connecticut and Rhode Island, on the one hand, and, on the other, points in South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, and Washington, D.C.; (2) between points in Rhode Island, on the one hand, and, on the other, points in Pennsylvania; (3) between points in Connecticut, on the one hand, and, on the other, points in that part of Pennsylvania on, west, and south of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to junction Pennsylvania Highway 46, thence along Pennsylvania Highway 46 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-New Jersey State line; (4) between points in Rhode Island, on the one hand, and, on the other, points in New Jersey.

(5) Between points in Rhode Island, on the one hand, and, on the other, points in that part of New York on, south, and west of a line beginning at the United States-Canada International Boundary line, thence along Interstate Highway 190 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 36, thence along New York Highway 36 to junction New York Highway 63, thence along New York Highway 63 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction New York Highway 352, thence along New York Highway 352 to junction New York Highway 17, thence along New York Highway 17 to junction Interstate Highway 87, thence along Interstate Highway 87 to the Hudson River, thence along the Hudson River to the New York-New Jersey State line, and points in Nassau and Suffolk Counties, N.Y.; (6) between points in New Jersey, on the one hand, and, on the other, points in Massachusetts, and Nassau and Suffolk Counties, N.Y.; (7) between points in New Jersey (except Sussex, Warren, Passaic, and Hunterdon Counties, N.J., and except points in that part of Morris County, N.J., west of Interstate Highway 287), on the one hand, and, on the other, points in that part of New York west of a line beginning at the New York-Canada International Boundary line, thence along New York Highway 30 to junction New York Highway 17, thence along New York Highway 17 to the New York-Pennsylvania State line, and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62 to Niagara Falls, N.Y., thence along the Niagara River to Lake Ontario. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E89), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of (1) Sherman, Tex., and (2) Sterling, Colo.

No. MC 102298 (Sub-No. E90), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in that part of Colorado on, west, and south of a line beginning at the Colorado-Wyoming State line, thence along U.S. Highway 85 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Colorado-Nebraska State line. The purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC 102298 (Sub-No. E91), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC 102298 (Sub-No. E92), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Minnesota The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., and (2) Albia, Iowa.

No. MC 102298 (Sub-No. E93), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 63 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., and (2) Albia, Iowa, and points within 25 miles thereof.

No. MC 102298 (Sub-No. E94), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC 102298 (Sub-No. E95), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC 102298 (Sub-No. E96), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Mississippi, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways of (1) Sherman, Tex., and (2) Sterling, Colo.

No. MC 102298 (Sub-No. E97), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas, on the one hand, and, on the other, points in that part of Iowa on and east of line beginning at the Iowa-Missouri State line, thence along U.S. Highway 63 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., and (2) Albia, Iowa.

No. MC 102298 (Sub-No. E98), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., and (2) Albia, Iowa.

No. MC 102298 (Sub-No. E99), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in that part of Texas, on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to Corsicana, Tex., thence along U.S. Highway 287 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., and (2) Albia, Iowa.

No. MC 102298 (Sub-No. E100), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) Sherman, Tex., (2) Lexington, Ky., (3) New York, N.Y., and (4) Boston, Mass.

No. MC 102298 (Sub-No. E101), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of (1) Sherman, Tex., (2) Lexington, Ky., (3) New York, N.Y., and (4) Boston, Mass.

No. MC 102298 (Sub-No. E102), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of (1) Sherman, Tex., (2) Lexington, Ky., and (3) New York, N.Y.

No. MC 102298 (Sub-No. E103), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of (1) Sherman, Tex., (2) Lexington, Ky., and (3) New York, N.Y.

No. MC 102298 (Sub-No. E104), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of (1) Sherman, Tex.; (2) Lexington, Ky.; and (3) New York, N.Y.

No. MC 102298 (Sub-No. E105), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of (1) Sherman, Tex., (2) Lexington, Ky., and (3) New York, N.Y.

No. MC 102298 (Sub-No. E106), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC 102298 (Sub-No. E107), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC 102298 (Sub-No. E108), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of New Mexico, on and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 84 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in that part of Illinois, on and east of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 47 to junction U.S. Highway 66, thence along U.S. Highway 66 to Springfield, Ill., thence along U.S. Highway 36 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Sherman, Tex.

No. MC 102298 (Sub-No. E109), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in that part of Arkansas, on, east, and south of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 65 to junction Arkansas Highway 7, thence along Arkansas Highway 7 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., and (2) Albia, Iowa.

No. MC 102298 (Sub-No. E110), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., (2) Albia, Iowa, (3) Moline, Ill., (4) New York, N.Y., and (5) Boston, Mass.

No. MC 102298 (Sub-No. E111), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in that part of Massachusetts, on and east of a line beginning at the Massachusetts-New Hampshire State line, thence along Massachusetts Highway 31 to the Massachusetts-Connecticut State line. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., (2) Albia, Iowa, (3) Moline, Ill., and (4) New York, N.Y.

No. MC 102298 (Sub-No. E112), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., (2) Albia, Iowa, (3) Moline, Ill., and (4) New York, N.Y.

No. MC 102298 (Sub-No. E113), filed May 30, 1974. Applicant: STAR VAN

LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Connecticut, on the one hand, and, on the other, points in that part of Oklahoma, on and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 177 to junction U.S. Highway 270, thence along U.S. Highway 270 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateways of (1) Lebanon, Mo., (2) Albia, Iowa, (3) Moline, Ill., and (4) New York, N.Y.

No. MC 102298 (Sub-No. E114), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) Albia, Iowa, (2) Moline, Ill., (3) New York, N.Y., and (4) Boston, Mass.

No. MC 102298 (Sub-No. E115), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of (1) Albia, Iowa, (2) Moline, Ill., (3) New York, N.Y., and (4) Boston, Mass.

No. MC 102298 (Sub-No. E116), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Vermont, on the one hand, and, on the other, points in that part of Kansas, on and north of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateways of (1) Albia, Iowa, (2) Moline, Ill., and (3) New York, N.Y.

No. MC 102298 (Sub-No. E117), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of (1) Albia, Iowa, (2) Moline, Ill., and (3) New York, N.Y.

No. MC 102298 (Sub-No. E118), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Iowa 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of (1) Albia, Iowa, (2) Moline, Ill., and (3) New York, N.Y.

No. MC 102298 (Sub-No. E119), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of (1) Albia, Iowa, (2) Moline, Ill., and (3) New York, N.Y.

No. MC 102298 (Sub-No. E120), filed May 30, 1975. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., (2) New York, N.Y., and (3) Boston, Mass.

No. MC 102298 (Sub-No. E121), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., (2) New York, N.Y., and (3) Boston, Mass.

No. MC 102298 (Sub-No. E122), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., and (2) New York, N.Y.

No. MC 102298 (Sub-No. E123), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of Moline, Ill., and New York, N.Y.

No. MC 102298 (Sub-No. E124), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., and (2) New York.

No. MC 102298 (Sub-No. E125), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., and (2) New York, N.Y.

No. MC 102298 (Sub-No. E126), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in that part of Nebraska, on and south of a line beginning at the Nebraska-Iowa State line thence along Nebraska Highway 91 to junction U.S. Highway 281, thence along U.S. Highway 281 to the Nebraska-South Dakota State line. The purpose of this filing is to eliminate the gateway of Albia, Iowa.

No. MC 102298 (Sub-No. E127), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., (2) New York, N.Y., and (3) Boston, Mass.

No. MC 102298 (Sub-No. E128), filed May 30, 1974. Applicant: STAR VAN

LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., (2) New York, N.Y., and (3) Boston, Mass.

No. MC 102298 (Sub-No. E129), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., and (2) New York, N.Y.

No. MC 102298 (Sub-No. E130), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateways of Moline, Ill., and New York, N.Y.

No. MC 102298 (Sub-No. E131), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways of (1) Moline, Ill., and (2) New York, N.Y.

No. MC 102298 (Sub-No. E132), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateways of Moline, Ill., and New York, N.Y.

No. MC 102298 (Sub-No. E133), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in Maine. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E134), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in New Hampshire. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E135), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E136), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in Massachusetts. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E137), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E138), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in Connecticut. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 102298 (Sub-No. E139), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of Indian Head, Md.

No. MC 102298 (Sub-No. E140), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Indian Head, Md.

No. MC 102298 (Sub-No. E141), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of Indian Head, Md.

No. MC 102298 (Sub-No. E142), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in that part of West Virginia, on and west of a line beginning at the West Virginia-Pennsylvania State line, thence along West Virginia Highway 69 to junction U.S. Highway 250, thence along U.S. Highway 250 to Fairmont, W. Va., thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of Indian Head, Md.

No. MC 102298 (Sub-No. E143), filed May 30, 1974. Applicant: STAR VAN LINES, INC., P.O. Box 669, Pacific Grove, Calif. 93950. Applicant's representative: K. A. Smith (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between the District of Columbia, on the one hand, and, on the other, points in that part of Pennsylvania on, west, and north of a line beginning at the Pennsylvania-West Virginia State line, thence along Pennsylvania Highway 18 to junction U.S. Highway 19, thence along U.S. Highway

19 to junction Pennsylvania Highway 8, thence along Pennsylvania Highway 8 to junction Pennsylvania Highway 68, thence along Pennsylvania Highway 68 to junction Pennsylvania Highway 949, thence along Pennsylvania Highway 949 to junction Pennsylvania Highway 120, thence along Pennsylvania Highway 120 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Indian Head, Md.

No. MC 106401 (Sub-No. E1) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading), (2) from points in that part of South Carolina on and east of a line beginning at the Atlantic Ocean, thence along South Carolina Highway 174 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 64, thence along South Carolina Highway 64 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, and to points in that part of North Carolina, Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at Greensboro, N.C., thence along Alternate U.S. Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to Burlington, N.C.; and on a line beginning at Richmond, Va., thence along U.S. Highway 1 to Baltimore, Md., thence along U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Philadelphia, Pa.; and to points in that part of North Carolina and Virginia on a line beginning at Greensboro, N.C., thence along U.S. Highway 29 to Danville, Va.; and to Camden, N.J., and points in Alleghany, Baltimore, Frederick, and Washington Counties, Md., and points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, North Hampton, and Schuylkill Counties, Pa. The purpose of this filing is to eliminate the gateways of Guilford and Albemarle, N.C. The purpose of this partial correction is to correct the territorial descriptions. The remainder of this letter-notice remains as previously published.

No. MC 106401 (Sub-No. E2) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 10, 1975. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading), from points in that part of South Carolina south of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 76, thence along U.S. Highway 76 to the South Carolina-North Carolina State line, to points in Allegany, Baltimore, Frederick, and Washington Counties, Md. (except points on a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 111 to junction Maryland Highway 45, thence along Maryland Highway 45 to Towson, Md., thence along U.S. Highway 111 to Baltimore, Md., thence along U.S. Highway 1 to the Baltimore-Howard County, Md. line; points on a line beginning at the Frederick County, Md. line, thence along Maryland Highway 194 to junction Maryland Highway 26, thence along Maryland Highway 26 to junction U.S. Highway 15, thence along U.S. Highway 15 to Frederick, Md., thence along Alternate U.S. Highway 40 to Hagerstown, Md.; points on a line beginning at the Pennsylvania-Maryland State line, thence along Maryland Highway 60 to Hagerstown, Md.; points on a line beginning at Baltimore, Md., thence along U.S. Highway 40 to the Harford County, Md. line), and to points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton and Schuylkill Counties, Pa. (except points on a line beginning at the Delaware-Pennsylvania State line, thence along U.S. Highway 13 to Philadelphia, Pa.; points on a line beginning at the Susquehanna River, thence along U.S. Highway 30 to Lancaster, Pa., thence along U.S. Highway 222 to Reading, Pa.; points on a line beginning at Harrisburg, Pa., thence along U.S. Highway 422 to Lebanon, Pa.; points on a line beginning at Lancaster, Pa., thence along Pennsylvania Highway 501 to Lititz, Pa.; and points on a line beginning at the New Jersey-Pennsylvania State line, thence along U.S. Highway 1 to Philadelphia).

The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to clarify the territorial description.

No. MC 106401 (Sub-No. E10) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock, and commodities injurious or contaminating to other lading, from points in Russell County, Ala., to points in that part of North Carolina, Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at the North thence along Alternate U.S. Highway 29 Carolina-South Carolina State line, to junction U.S. Highway 29, thence along U.S. Highway 29 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction unnumbered Highway, thence along unnumbered Highway to Concord, N.C., thence along Alternate U.S. Highway 29 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction Alternate U.S. Highway 29, thence along Alternate U.S. Highway 29 to junction Alternate U.S. Highway 70, thence along Alternate U.S. Highway 70 to junction U.S. Highway 70, thence along U.S. Highway 70 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 158, thence along U.S. Highway 158 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 13, thence along U.S. Highway 13 to Philadelphia, Pa.; to points in that part of North Carolina on a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction U.S. Highway 311, thence along U.S. Highway 311 to High Point, N.C.

To points in that part of North Carolina on a line beginning at Durham, N.C., thence along U.S. Highway 70 to junction unnumbered Highway, thence along unnumbered Highway to Nelson, N.C., thence along North Carolina Highway 54 via Morrisville, N.C., to Raleigh, N.C., thence along U.S. Highway 1 to junction Alternate U.S. Highway 1 via Wake Forest and Youngsville, N.C., to junction U.S. Highway 1, thence along U.S. Highway 1 to Henderson, N.C.; to points in North Carolina and Virginia on a line beginning at Greensboro, N.C., thence along U.S. Highway 29 to junction U.S. Highway 58, thence along U.S. Highway 58 to junction U.S. Highway 1, thence along U.S. Highway 1 to South Hill, Va.; to points in that part of North Carolina on a line beginning at Salisbury, N.C., thence along U.S. Highway 70 to junction U.S. Highway 321, thence along U.S. Highway 321 to junction Alternate U.S. Highway 321, thence along Alternate U.S. Highway 321 to Valmead, N.C.; to points in that part of North Carolina on a line beginning at the junction of U.S. Highway 29 and North Carolina Highway 49, Northeast of Charlotte, N.C.; thence along U.S. Highway 29 to China Grove, N.C.; and to points in Allegany, Baltimore, Frederick, and Washington Counties, Md., and Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa.

The purpose of this filing is to eliminate the gateways of Columbus, Ga., Graniteville, S.C., and Pineville, N.C. The purpose of this correction is to correct the territorial descriptions.

No. MC 111812 (Sub-No. E23), filed May 13, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Lou E. Boldes, Suite 507, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from Lake City, Pa., to points in California, Idaho, Montana, Nevada, Oregon, Utah, and Washington. The purpose of this filing is to eliminate the gateway of Fairmont, Minn.

No. MC 111812 (Sub-No. E26), filed May 13, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Lou E. Boldes, Suite 507, 1730 M St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, motion picture films, parts of motion picture projectors, advertising matter, and tickets, between Sioux Falls, South Dakota, on the one hand, and, on the other, points in that part of Iowa on and east of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 59 to the Iowa-Missouri State line, and to points in that part of Minnesota, on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 71 to International Falls, Minn. The purpose of this filing is to eliminate the gateway of any point which is both within 25 miles of Lakefield, Minn., and also within 10 miles of Ocheyedan, Iowa (including Ocheyedan).

No. MC 113974 (Sub-No. E39), filed November 29, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, commodities requiring special equipment (other than those requiring special equipment because of size or bulk), and those injurious or contaminating to other lading, between points in Ohio on, north, and west of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 80 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Ohio Highway 44, thence along Ohio Highway 44 to junction Ohio Highway 619, thence along Ohio Highway 619 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Ohio Highway 241, thence along Ohio Highway 241 to junction Ohio Highway 21, thence along Ohio Highway 21 to junction Ohio Highway 62, thence along Ohio Highway 62 to junction Ohio Highway 125, thence along Ohio Highway 125 to junction Ohio Highway 763, thence along Ohio Highway 763 to the Ohio-Kentucky State line, on the one hand, and, on the other, Philadelphia, Pa. The purpose of this filing is to eliminate the gateway of North Madison, Ohio.

No. MC 114109 (Sub-No. E328), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in the same vehicles with frozen foods, from Louisville, Ky., to those points in Michigan on, east and north of a line beginning at the Ohio-Michigan State line and extending along Interstate Highway 127 to its junction with U.S. Highway 27, thence along U.S. Highway 27 to junction Michigan Highway 115, thence along Michigan Highway 115 to Lake Michigan. The purpose of this filing is to eliminate the gateway of Toledo, Ohio.

No. MC 114019 (Sub-No. 329), filed May 16, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Armour and Company at Worthington, Minn., to Nashville, Tenn., restricted to the transportation of shipments originating at the above-named facilities, (2) *frozen meats*, from the facilities of Armour and Company at or near Worthington and Mankato, Minn., to Nashville, Tenn., restricted to the transportation of shipments originating at the above-named facilities. The purpose of this filing is to eliminate the gateway of Evansville, Ind.

No. MC 114019 (Sub-No. E408), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos scrap, asphalt, automobile, body panels, asphalt flooring blocks, fibreboard and pulpboard* (impregnated with asphalt), *asbestos wall boards, bituminized burlap, tin roofing caps, carpeting* (with asbestos, pitch tar, or rosin base), *conduits, creosote* in packages, *eave filler strips, roofing felt, asphalt composition flashing blocks, asbestos* or *felt paper insulating material, asbestos millboard, mineral wool, high temperature bonding mortar* or *cement* (in packages), *nails, asbestos packing, asphaltum, coal tar, asbestos*, and *coal tar paint, roofing paper, paving joints, cement pipe* containing asbestos *fiber, steel pans, roofing pitch, asphalt paving planks, asbestos ridge rolls, roofing*, asbestos packing, *asbestos sheathing, shingles, sheathings, shorts, asbestos and asphalt siding, concrete slabs, tin straps, roofing tar, asphalt floor tile, wood preservatives*. (Restricted against the transportation of the above-named commodities in bulk), from Wilmington, Ill., to those points in Nebraska on and west of U.S. Highway 77. The purpose of this filing is to eliminate the gateway of Waukegan, Ill.

No. MC 114019 (Sub-No. E419) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packinghouse products and by-products and packinghouse supplies*, from Sioux City and Des Moines, Iowa, St. Joseph, Kansas City, and St. Louis, Mo., Kansas City and Wichita, Kans., and Omaha, Nebr., to points in New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateways of Chicago, Ill., and Cleveland, Ohio. The purpose of this correction is to redescribe the territorial description.

No. MC 114019 (Sub-No. E420) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER February 6, 1975. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *The commodities* classified as (1) *meats, meat products, and meat by-products*, and (2) *articles distributed by meat packinghouses* in the Appendix to the report in *Modification of Permits of Motor Contract Carriers of Packing House Products*, 46 M.C.C. 23, between Akron, Cincinnati, Columbus, Dayton, and Toledo, Ohio, Chicago, Carbondale, and Peoria, Ill., Detroit and Grand Rapids, Mich., Evansville, Indianapolis, and Ft. Wayne, Ind., Madison, Wis., Louisville, Bellevue, and Covington, Ky., and St. Louis, Mo., on the one hand, and, on the other, points in New York, New Jersey, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. The purpose of this correction is to redescribe the whole letter-notice.

No. MC 114211 (Sub-No. E1066), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), equipment designed for use in conjunction with farm tractors, and parts thereof, from Thief River Falls, Minn., to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Wyoming, Texas, Oklahoma, Arkansas, Missouri, Louisiana, Mississippi, Alabama, Tennessee, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Indiana, Illinois, Pennsylvania, New York, New Jersey, Delaware, Maryland, District of Columbia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and to points in that part of Michigan on, east, and south of a line beginning at Marquette, Mich., extending along U.S. Highway 41 to the Michigan-Wisconsin State line to points in that part of Wisconsin on and south of a line beginning at the Minnesota-Wisconsin State line extending along U.S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to the Michigan-Wisconsin State line; to points in that part of Montana on and south of a line beginning at the United States-Canada International Boundary line extending along Montana Highway 247 to junction Montana Highway 24, thence along Montana Highway 24 to junction Montana Highway 200, thence along Montana Highway 200 to junction Interstate Highway 94, thence along Interstate Highway 94 to the Montana-South Dakota State line; to points in that part of North Dakota on and south of a line beginning at the North Dakota-Minnesota State line extending along Interstate Highway 94 to the North Dakota-Montana State line. The purpose of this filing is to eliminate the gateway of Fargo, N. Dak.

No. MC 114211 (Sub-No. E1067), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from Barnesville, Minn., to points in Texas and to points in that part of Missouri on and south of a line beginning at the Iowa-Missouri State line extending along Interstate Highway 275 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 22, thence along Missouri Highway 22 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and points in Iowa.

No. MC 114211 (Sub-No. E1069), filed July 3, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof* (except commodities the transportation of which because of size or weight, requires the use of special equipment), from Thief River Falls, Minn., to points in Texas, Louisiana, Florida, and to points in that part of Arizona on and south of a line beginning at the California-Arizona State line extending along Interstate Highway 40 to the Arizona-New Mexico State line; to points in that part of California on and west of a line beginning at San Luis Obispo, Calif., extending along U.S. Highway 101 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction U.S. Highway 95, thence along U.S. Highway 95 to the California-Arizona State line; to points in that part of New Mexico on and south of a line beginning at the Arizona-New Mexico State line extending along Interstate Highway 40 to junction U.S. Highway 85, thence along U.S. Highway 85 to junction U.S. Highway 84, thence along U.S. Highway 84 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 66, thence along U.S. Highway 66 to the New Mexico-Texas State line; to points in that part of Arkansas on, south, and west of a line beginning at the Missouri-Arkansas State line extending along U.S. Highway 63 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction Interstate Highway 55, thence along Interstate Highway 55 to the Arkansas-Tennessee State line;

To points in that part of Tennessee on and south of a line beginning at the Arkansas-Tennessee State line extending along Interstate Highway 55 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 76, thence along Tennessee Highway 76 to junction Tennessee Highway 57, thence along Tennessee Highway 57 to junction Tennessee Highway 18, thence along Tennessee Highway 18 to the Tennessee-Mississippi State line; to points in that part of Mississippi on, south, and west of a line beginning at the Tennessee-Mississippi State line extending along U.S. Highway 72 to junction Mississippi Highway 7, thence along Mississippi Highway 7 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Alabama State line; to points in that part of Alabama on, south, and west of a line beginning at the Mississippi-Alabama State line extending along U.S. Highway 78 to junction U.S. Highway 280, thence along U.S. Highway 280 to the Alabama-Georgia State line; and to points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line extending along U.S. Highway 280 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Georgia Highway 22, thence along Georgia Highway 22 to junction Georgia Highway 247, thence along Georgia Highway 247 to junction U.S. Highway 80, thence along U.S. Highway 80 to Savannah, Ga. The purpose of this filing is to eliminate the gateways of Beatrice and Nebraska City, Nebr., Tulsa, Okla., and points in Iowa.

No. MC 114211 (Sub-No. E1236), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements and parts thereof*, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction Texas Highway 16, thence along Texas Highway 16 to junction Texas Highway 67, thence along Texas Highway 67 to junction U.S. Highway 180, thence along U.S. Highway 180 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 181, thence along U.S. Highway 181 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 358, thence along Texas Highway 358 to the Gulf of Mexico; to points in that part of Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State line extending along Wisconsin Highway 82 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 33, thence along Wisconsin Highway 33 to junction Wisconsin Highway 68, thence along Wisconsin Highway 68 to junction U.S. Highway 151, thence along U.S. Highway 151 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, Wis., and to points in the Upper Peninsula of Michigan, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1237), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as

above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements and parts thereof*, from points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along Texas Highway 136 to junction Texas Highway 207, thence along Texas Highway 207 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Texas Highway 92, thence along Texas Highway 92 to junction Texas Highway 70, thence along Texas Highway 70 to junction U.S. Highway 277, thence along U.S. Highway 277 to Del Rio, Tex., to points in that part of Michigan on and north of a line beginning at Empire, Mich., extending along Michigan Highway 72 to junction Michigan Highway 33, thence along Michigan Highway 33 to junction Michigan Highway 55, thence along Michigan Highway 55 to Tawas City, Mich.; and to points in that part of Wisconsin on and north of a line beginning at the Iowa-Wisconsin State line extending along U.S. Highway 18 to Milwaukee, Wis., restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and Minneapolis, Minn.

No. MC 114211 (Sub-No. E1238), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled agricultural implements and parts thereof*, from points in that part of Texas on and east of a line beginning at the Arkansas-Texas State line extending along U.S. Highway 67 to junction U.S. Highway 259, thence along U.S. Highway 259 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 75, thence along U.S. Highway 75 to Galveston, Tex., to points in that part of North Dakota on, north, and east of a line beginning at the South Dakota-North Dakota State line extending along North Dakota Highway 3 to junction U.S. Highway 10, thence along U.S. Highway 10 to the North Dakota-Montana State line, and, to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line extending along U.S. Highway 10 to junction Montana Highway 200S, thence along Montana Highway 200S to junction Montana Highway 200, thence along Montana Highway 200 to junction U.S. Highway 10, thence along U.S. Highway 10 to the Idaho-Montana State line; to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line extending along U.S. Highway 10 to the Washington-Idaho State line; and to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line extending along U.S. Highway 10 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Washington Highway 174, thence along Washington Highway 174 to junction Washington Highway 17, thence along Washington Highway 17 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Interstate Highway 5, thence along Interstate Highway 5 to the United States-Canada International Boundary line, restricted against movement to oil field locations. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114211 (Sub-No. E1239), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 281 to junction Texas Highway 16, thence along Texas Highway 16 to junction U.S. Highway 377, thence along U.S. Highway 377 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 81, thence along U.S. Highway 81 to the United States-Mexico International Boundary line, to points in North Dakota. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., and points in Iowa.

No. MC 114211 (Sub-No. E1240), filed September 5, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with farm tractors, *parts thereof*, from points in that part of Texas on and east of a line beginning at the Arkansas-Texas State line extending along U.S. Highway 67 to junction U.S. Highway 271, thence along U.S. Highway 271 to junction Texas Highway 155, thence along Texas Highway 155 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 75, thence along U.S. Highway 75 to Galveston, Tex., to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line extending along U.S. Highway 12 to junction Washington Highway 124, thence along Washington Highway 124 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 433, thence along Washington Highway 433 to the Washington-Oregon State line; and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line and extending along U.S. Highway 12 to the Idaho-Washington State line; and to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line extending along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Montana-Idaho State line. The purpose of this filing is to eliminate the gateways of Beatrice, Nebr., points in Iowa, and Fargo, N. Dak.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-6925 Filed 3-14-75;8:45 am]

OFFICE OF THE FEDERAL REGISTER

FREEDOM OF INFORMATION REQUIREMENTS

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The Freedom of Information Act requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Pub. L. 93-502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly.

In an effort to assist agencies in publicizing the availability and content of their indexes the following format has been developed in consultation with the Office of the Attorney General. It is intended to provide a convenient way of announcing the indexes themselves and setting forth in one place the information necessary for the ordering or inspection of such indexes. Each agency should submit information in this format at least quarterly to the Office of the Federal Register by March 31, June 30, September 30, and December 31. The information will then be compiled and published in the FEDERAL REGISTER. Instructions for agency use are included on the format itself and blank copies are available.

Questions regarding the format should be directed to the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408. Comments on the content and intended use are invited.

FRED J. EMERY,
Director of the Federal Register.

MARCH 14, 1975.

[FR Doc.75-7164 Filed 3-14-75;12:15 pm]

AVAILABILITY OF AGENCY INDEX MATERIAL

Instructions for agencies. 5 U.S.C. 552 (commonly called the Freedom of Information Act) requires agencies to maintain and make available for public inspection and copying current indexes providing identifying information for the public as to any matter issued, adopted, or promulgated after July 4, 1967, and required to be made available or published (5 U.S.C. 552(a)(2)). Recent amendments (Pub. L. 93–502, November 21, 1974, 88 Stat. 1561) require the publication (with some exceptions) and distribution of these indexes at least quarterly. The following format is designed for use by agencies in notifying the public of the availability of these indexes for sale and/or public inspection. This information should be submitted to the Office of the Federal Register typewritten, in duplicate, with the signature, title, and telephone number of the approving official at the bottom. The information should be submitted quarterly on or before March 31, June 30, September 30, and December 31 and mailed to the Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408. Information submitted by agencies will be compiled and published quarterly in the FEDERAL REGISTER. Blank copies are available from the Office of the Federal Register or by calling (202) 523–5266.

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PART II

DEPARTMENT OF THE INTERIOR

■

NATIONAL PARK SERVICE

BIG THICKET NATIONAL PRESERVE BOUNDARIES DESCRIPTION

DEPARTMENT OF THE INTERIOR

National Park Service

BIG THICKET NATIONAL PRESERVE

Boundaries Description

Whereas, the Act of October 11, 1974 (Pub. L. 93-439) provides for the establishment of a Big Thicket National Preserve to be administered by the Secretary of the Interior as a part of the National Park System.

Whereas, section 1(b) of said act states the Big Thicket National Preserve (hereafter referred to as the Preserve) shall include the units as generally depicted on the map entitled "Big Thicket National Preserve," dated November 1973 and numbered NBR-BT 91,027.

Whereas, section 1(b) provides that stream corridor unit boundaries shall be referenced from the stream bank on each side thereof and that every reasonable effort shall be made to exclude from such units any improved year round residential properties which it is determined are not necessary for the protection of the values of the area or for its proper administration.

Whereas, section 1(b) of said act designates the area of the following units:

Big Sandy Creek unit, Polk County, Texas, comprising approximately fourteen thousand three hundred acres;

Menard Creek Corridor unit, Polk, Hardin, and Liberty Counties, Texas, including a module at its confluence with the Trinity River, comprising approximately three thousand three hundred and fifty-nine acres;

Hickory Creek Savannah unit, Tyler County, Texas, comprising approximately six hundred and sixty-eight acres;

Turkey Creek unit, Tyler and Hardin Counties, Texas, comprising approximately seven thousand eight hundred acres;

Beech Creek unit, Tyler County, Texas, comprising approximately four thousand eight hundred and fifty-six acres;

Upper Neches River corridor unit, Jasper, Tyler, and Hardin Counties, Texas, including the Sally Withers Addition, comprising approximately three thousand seven hundred and seventy-five acres;

Neches Bottom and Jack Gore Baygall unit, Hardin and Jasper Counties, Texas, comprising approximately thirteen thousand three hundred acres;

Lower Neches River corridor unit, Hardin, Jasper, and Orange Counties, Texas, except for a one-mile segment on the east side of the river, including the site of the papermill near Evadale, comprising approximately two thousand six hundred acres;

Beaumount unit, Orange, Hardin, and Jefferson Counties, Texas, comprising approximately six thousand two hundred and eighteen acres;

Loblolly unit, Liberty County, Texas, comprising approximately five hundred and fifty acres;

Little Pine Island-Pine Island Bayou corridor unit, Hardin and Jefferson Counties, Texas, comprising approximately two thousand one hundred acres; and

Lace Rosier Unit, Hardin County, Texas, comprising approximately twenty-five thousand and twenty-four acres.

Whereas, section 1(b) provides that a detailed description of the boundaries of the preserve shall be published in the FEDERAL REGISTER not later than six months after the date of enactment of the act.

Now, therefore, a boundary description is hereby published for the Big Thicket National Preserve.

JOHN E. COOK,
Associate Director,
Park System Management.

The boundaries of the Big Thicket National Preserve are particularly described as follows:

BOUNDARY DESCRIPTION

BIG THICKET NATIONAL PRESERVE UPPER NECHES UNIT

THAT PORTION LYING WITHIN JASPER COUNTY

The lands described belowe are derived from National Park Service Map Number 175:30,016, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: Robert M. Williamson; A-516.

Portion: Part of said A-516 described as follows: BEGINNING on the North line of said A-516 at a point 4800 feet S 87° W of the Southeast corner of A-117; THENCE, S 3° E 400 feet and S 63° W 3100 feet to a point on the South line of said A-516; THENCE, along said South line, S 87° W 2500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 2200 feet to the North line of said A-516; THENCE, along said North line, N 87° E 4200 feet to the Point of Beginning.

Survey and Abstract No.: Joseph Conn; A-117.

Portion: All that part of said A-117 lying between the left bank of the Neches River and a line parallel to and 4800 feet West of the East line of said A-117.

Survey and Abstract No.: Lucretia Brown; A-5.

Portion: Part of said A-5 described as follows: BEGINNING on the South line of said A-5 at a point 4800 feet S 87° W of the Northeast corner of A-117; THENCE, along said South line, S 87° W 3150 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 9500 feet to the North line of said A-5; THENCE, along said North line, N 86° E 500 feet; THENCE, S 20° W 1250 feet, S 64° E 1800 feet, S 5° W 1900 feet, N 86°E 1600 feet and S 3° E 2800 feet to the South line of said A-5 and the Point of Beginning.

Survey and Abstract No.: William Allen; A-49.

Portion: Part of said A-49 described as follows: BEGINNING on the North line of said A-49 at a point 5900 feet S 87° W of the Southeast corner of A-50; THENCE, S 44° E 400 feet, S 22° W 1400 feet, S 34° E 1450 feet, S 5° W 1600 feet, N 86° E 2250 feet, S 54° E 3400 feet and S 23° E 1050 feet to the South line of said A-49; THENCE, along said South line, S 86° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 11,500 feet to the North line of said A-49; THENCE, along said North line, N 87° E 300 feet to the Point of Beginning.

Survey and Abstract No.: William Allen; A-50.

Portion: Part of said A-50 described as follows: BEGINNING on the North line of said A-50 at a point 6350 feet S 87° W of the Southeast corner of A-415; THENCE, S 44° E 1750 feet to a point on the South line of said A-50, which is 5900 feet S 87° W of the Southeast corner of said A-50; THENCE, along said South line, S 87° W 300 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 2000 feet to the North line of said A-50; THENCE, along said North line, N 87° E 500 feet to the Point of Beginning.

Survey and Abstract No.: Smith Robertson; A-415.

Portion: Part of said A-415 described as follows: BEGINNING on the North line of said A-415 at a point 7200 feet S 87° W of the Northeast corner of said A-415; THENCE, S 44° E 1600 feet to a point on the South line of said A-415, which is 6350 feet S 87° W of the Southeast corner of said A-415; THENCE, along said South line, S 87° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 1800 feet to the North line of said A-415; THENCE, along said North line, N 87° E 600 feet to the point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,-015 and 175:30,016, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: M. Delano; A-132.

Portion: Part of said A-132 described as follows: BEGINNING on the North line of said A-132 at a point 6000 feet S 87° W of the Northeast corner of said A-132; THENCE, S 2° E 700 feet, S 59° W 900 feet, N 81° W 1150 feet, S 11° W 2400 feet, N 87° E 1450 feet, S 14° E 1350 feet, S 60° E 1500 feet and S 4° E 1400 feet to a point on the South line of said A-132, which is 5500 feet S 87° W of the Southeast corner of said A-132; THENCE, along said South line, S 87° W 3050 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 14,000 feet to the North line of said A-132; THENCE, along said North line, N 87° E 400 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,-015, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: William Jordan; A-320.

Portion: Part of said A-320 described as follows: BEGINNING on the South line of said A-320 at a point 6000 feet S 87° W of the Northeast corner of A-132; THENCE, along said South line, S 87° W 400 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 8300 feet to the North line of said A-320; THENCE, along said North line, N 87° E 300 feet; THENCE, S 2° E 1400 feet, S 87° W 1900 feet, S 49° E 1350 feet, S 3° E 900 feet, S 55° W 1500 feet and S 2° E 1200 feet to the South line of said A-320 and the Point of Beginning.

Survey and Abstract No.: Owen Taylor; A-456.

Portion: Part of said A-456 described as follows: BEGINNING on the North line of said A-456 at a point 4900 feet S 87° W of the Southeast corner of A-562; THENCE, S 32° E 400 feet, S 25° W 1000 feet, S 87° W 600 feet, S 2° E 1950 feet, S 38° W 1450 feet, N 77° W 1850 feet, S 53° W 800 feet, S 41° E 1050 feet and S 2° E 1250 feet to the South line of said A-456; THENCE, along said South line, S 87° W 300 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 15,500 feet to the North line of said A-456; THENCE, along said North line, N 87° E 250 feet to the Point of Beginning.

Survey and Abstract No.: I. & G. N. R.R.; A-562.

Portion: Part of said A-562 described as follows: BEGINNING at the Northeast corner of said A-562; THENCE, S 41° W 5000 feet, S 85° W 1900 feet and S 32° E 1000 feet to a point on the South line of said A-562, which

is 4900 feet S 87° W of the Southeast corner of said A–562; THENCE, along said South line, S 87° W 250 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 8600 feet to the North line of said A–562; THENCE, along said North line, N 86° E 450 feet to the Point of Beginning.

Survey and Abstract No.: J. H. Blount; A–4.

Portion: Part of said A–4 described as follows: BEGINNING on the South line of said A–4 at the Northeast corner of A–562; THENCE, along said South line, S 86° W 450 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 13,400 feet to the North line of said A–4; THENCE, along said North line, N 87° E 250 feet; THENCE, S 19° W 1150 feet, S 27° E 2450 feet, S 2° E 1350 feet, S 38° W 1650 feet and S 40° E 1450 feet to the South line of said A–4 and the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,014 and 175:30,015, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: William Williams; A–45.

Portion: Part of said A–45 described as follows: BEGINNING on the North line of said A–45 at a point 7250 feet S 87° W of the Southeast corner of A–24; THENCE, S 18° E 1000 feet, S 48° E 1200 feet, S 65° E 1100 feet, S 4° W 3500 feet, N 86° E 950 feet, N 3° W 1450 feet, N 38° E 2400 feet, N 87° E 600 feet, S 40° E 2050 feet, S 85° E 1700 feet, S 43° E 2500 feet, S 58° E 1800 feet and S 32° E 2400 feet to the South line of said A–45; THENCE, along said South line, S 87° W 250 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 30,000 feet to the North line of said A–45; THENCE, along said North line, N 87° E 450 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,-014, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: E. O. Legrand; A–24.

Portion: Parts of said A–24 described as follows: BEGINNING on the North line of said A–24 at a point 850 feet S 87° W of the Northeast corner of a 150 acre tract of land now or formerly owned by Angelina County Lumber Company; THENCE, S 52° W 3250 feet, S 46° E 6300 feet, S 6° W 2750 feet, S 38° E 1000 feet, S 19° W 2400 feet, N 80° E 2500 feet, N 55° E 2450 feet, S 84° E 2450 feet, N 65° E 1700 feet, S 81° E 1650 feet, S 64° E 1350 feet, S 12° W 1300 feet and S 85° W 500 feet to a point on the left bank of the Neches River, said point being 550 feet North of the North line of a 425 acre tract of land now or formerly owned by Kirby Lumber Company; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 30,000 feet to the North line of said A–24; THENCE, along said North line, N 87° E 500 feet to the Point of Beginning.

ALSO BEGINNING on the South line of said A–24 at a point 7250 feet S 87° W of the Southeast corner of said A–24; THENCE, along said South line, S 87° W 450 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 650 feet; THENCE, N 87° E 450 feet and S 18° E 650 feet to the South line of said A–24 and the Point of Beginning.

Survey and Abstract No.: Giles McKinnon; A–1052.

Portion: Part of said A–1052 described as follows: BEGINNING on the South line of said A–1052 at a point 850 feet S 87° W of the Northeast corner of a 150 acre tract of land now or formerly owned by Angelina County Lumber Company in A–24; THENCE, S 87° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 600 feet to the North line of said A–1052; THENCE, along said North line, N 87° E 450 feet; THENCE, S 3° E 550 feet to the South line of said A–105 and the Point of Beginning.

Survey and Abstract No.: R. M. Williamson; A–515.

Portion: Part of said A–515 described as follows: BEGINNING on the North line of said A–515 at its intersection with the left bank of the Neches River; THENCE, along said North line, N 86° E 650 feet; THENCE, S 35° E 2900 feet to the South line of said A–515; THENCE, along said South line, S 87° W 450 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 3000 feet to the North line of said A–515 and the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,013 and 175:30,014, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: George W. Smythe; A–36.

Portion: Part of said A–36 described as follows: BEGINNING on the North line of said A–36 at a point 3500 feet S 87° W of the Southwest corner of a 403.9 acre tract of land now or formerly owned by Angelina County Lumber Company in A–34; THENCE, S 18° E 1050 feet, S 34° W 3050 feet, S 13° W 2150 feet and S 28° E 2200 feet to the South line of said A–36; THENCE, along said South line, S 86° W 650 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 9000 feet to the North line of said A–36; THENCE, along said North line, N 87° E 300 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,013, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: John Schrier; A–34.

Portion: Part of said A–34 described as follows: BEGINNING on the South line of said A–34 at a point 3500 feet S 87° W of the Southwest corner of a 403.9 acre tract of land now or formely owned by Angelina County Lumber Company; THENCE, along said South line, S 87° W 300 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 10,000 feet to the North line of said A–34; THENCE, along said North line, N 87° E 800 feet; THENCE, S 9° E 1400 feet, S 31° W 3400 feet, S 38° E 900 feet, EAST 2250 feet and S 18° E 1850 feet to the South line of said A–34 and the Point of Beginning.

Survey and Abstract No.: C. A. Yocum; A–550.

Portion: Part of said A–550 described as follows: BEGINNING on the North line of said A–550 at its intersection with the left bank of the Neches River; THENCE, along said North line, N 87° E 950 feet; THENCE, S 65° E 1050 feet and S 42° E 2300 feet to the South line of said A–550; THENCE, along said South line, S 87° W 800 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 3500 feet to the North line of said A–550 and the Point of Beginning.

Survey and Abstract No.: John James; A–326.

Portion: Part of said A–326 described as follows: BEGINNING on the North line of said A–326 at its intersection with the left bank of the Neches River; THENCE, along said North line, N 87° E 500 feet; THENCE, S 21° E 500 feet and S 10° W 1800 feet to the South line of said A–326; THENCE, along said South line, S 87° W 950 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 2500 feet to the North line of said A–326 and the Point of Beginning.

Survey and Abstract No.: W. M. Wilson; A–520.

Portion: Part of said A–520 described as follows: BEGINNING on the North line of said A–520 at a point 5400 feet S 87° W of the Southwest corner of a 200 acre tract of land now or formerly owned by Angelina County Lumber Company in A–31; THENCE, S 51° E 4000 feet and S 21° E 1250 feet to the South line of said A–520; THENCE, along said South line, S 87° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 5400 feet to the North line of said A–520; THENCE, along said North line, N 87° E 800 feet to the Point of Beginning.

Survey and Abstract No.: Peter B. Pry; A–31.

Portion: Part of said A–31 described as follows: BEGINNING on the South line of said A–31 at a point 5400 feet S 87° W of the Southwest corner of a 200 acre tract of land now or formerly owned by Angelina County Lumber Company; THENCE, along said South line, S 87° W 800 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general WESTERLY direction approximately 5300 feet to the Southeast line of land now or formerly owned by the United States of America; THENCE, along said Southeast line, N 29° E 350 feet; THENCE, S 66° E 1800 feet, S 81° E 1350 feet and N 76° E 1500 feet to the most Southern corner of L. Wilson Subdivision; THENCE, along the East line of said Subdivision, N 27° E 300 feet; THENCE, S 70° E 1300 feet to the South line of said A–31 and the Point of Beginning.

THAT PORTION LYING WITHIN TYLER COUNTY

The lands described below are derived from National Park Service Map Number 175:30,016, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: Samuel R. Fisher; A–17.

Portion: Part of said A–17 described as follows: BEGINNING on the North line of said A–17 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 5600 feet to the South line of said A–17; THENCE, along said South line, S 87° W 500 feet; THENCE, N 27° E 600 feet, N 75° E 1350 feet, N 11° E 1450 feet, N 85° W 1700 feet and N 14° W 700 feet to the North line of said A–17; THENCE, along said North line, N 87° E 400 feet to the Point of Beginning.

Survey and Abstract No.: John Fisher; A–16.

Portion: Part of said A–16 described as follows: BEGINNING on the North line of said A–16 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 11,000 feet to the South line of said A–16; THENCE, along said South line, S 87° W 400 feet; THENCE, N 14° W 2550 feet, N 47° W 1800 feet, S 87° W 2050 feet, N 74° W 2200 feet and N 6° W 2500 feet to the North line of said A–16; THENCE, along said North line, N 87° E 2000 feet to the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,015 and 175:30,016, copies of which

are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: William F. Slaughter; A-31.

Portion: Part of said A-31 described as follows: BEGINNING on the North line of said A-31 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 11,500 feet to the South line of said A-31; THENCE, along said South line, S 87° W 2000 feet; THENCE, N 6° W 4000 feet, N 17° W 1300 feet, N 42° E 2000 feet and N 3° W 450 feet to the North line of said A-31; THENCE, along said North line, N 86° E 400 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,-015, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: John Nowlin; A-483.

Portion: Part of said A-483 described as follows: BEGINNING on the North line of said A-483 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 5500 feet to the South line of said A-483; THENCE, along said South line, S 86° W 400 feet; THENCE, N 3° W 350 feet, S 87° W 1750 feet, N 59° W 400 feet and N 3° W 1400 feet to the Southeast corner of a 40 acre tract of land now or formerly owned by Champion Paper & Fibre Company; THENCE, N 23° E 1800 feet to the North line of said A-483; THENCE, along said North line, N 87° E 400 feet to the Point of Beginning.

Survey and Abstract No.: Josephine Millhom; A-448.

Portion: Part of said A-448 described as follows: BEGINNING on the North line of said A-448 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 6300 feet to the South line of said A-448; THENCE, along said South line, S 87° W 400 feet; THENCE, N 23° E 1500 feet, N 86° E 1550 feet and N 17° W 2300 feet to the North line of said A-448; THENCE, along said North line, N 87° E 2200 feet to the Point of Beginning.

Survey and Abstract No.: George J. W. Collins; A-11.

Portion: Part of said A-11 described as follows: BEGINNING on the North line of said A-11 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 13,300 feet to the South line of said A-11; THENCE, along said South line, S 87° W 800 feet; THENCE, N 30° W 1400 feet, N 28° E 1500 feet, N 88° E 1250 feet, N 3° W 1300 feet, N 45° W 1450 feet, N 33° E 950 feet, N 72° E 2350 feet, S 71° E 1100 feet, N 7° E 1150 feet and N 70° W 750 feet to the North line of said A-11; THENCE, along said North line, N 86° E 700 feet to the Point of Beginning.

Survey and Abstract No.: Theophilus Cushing; A-14.

Portion: Part of said A-14 described as follows: BEGINNING on the North line of said A-14 at its intersections with the right bank of the Neches River; THENCE, along said right bank downstream in a general SOUTHERLY direction approximately 19,000 feet to the South line of said A-14; THENCE, along said South line, S 86° W 700 feet; THENCE, N 70° W 1350 feet, N 3° W 1400 feet, N 55° E 3150 feet, N 87° E 1750 feet, N 5° E 2400 feet, N 87° E 1250 feet, N 54° E 750 feet, and N 10° W 700 feet to the North line of said A-14; THENCE, along said North line, N 87° E 200 feet to the Point of Beginning.

Survey and Abstract No.: Norman Hurd; A-22.

Portion: Part of said A-22 described as follows: BEGINNING on the North line of said A-22 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 13,000 feet to the South line of said A-22; THENCE, along said South line, S 87° W 200 feet; THENCE, N 10° W 500 feet, N 40° E 2000 feet, N 20° W 1600 feet, WEST 1750 feet, N 15° W 2000 feet, N 28° E 750 feet, N 86° E 1300 feet and N 31° W 850 feet to the North line of said A-22; THENCE, along said North line, N 87° E 350 feet to the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,-014 and 175:30,015, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: Adolpho Sterne; A-32.

Portion: Part of said A-32 described as follows: BEGINNING on the North line of said A-32 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 27,000 feet to the South line of said A-32; THENCE, along said South line, S 87° W 350 feet; THENCE, N 31° W 700 feet, N 52° W 4400 feet, N 65° W 2700 feet, S 20° W 1000 feet, S 84° E 1450 feet, S 3° E 2600 feet, S 88° W 1250 feet, N 60° W 1600 feet, S 66° W 1950 feet, N 39° W 850 feet, N 14° W 900 feet, N 33° E 1050 feet, N 12° E 2100 feet and N 61° W 2000 feet to the North line of said A-32; THENCE, along said North line, N 87° E 550 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,-014, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: Ephraim Thompson; A-34.

Portion: Parts of said A-34 described as follows: BEGINNING on the North line of said A-34 at a point 5250 feet N 87° E of the Southwest corner of A-551; THENCE, along said North line, N 87° E 450 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general EASTERLY direction approximately 11,000 feet to the West line of the Pool Henderson River Acres Subdivision; THENCE, along said West line, S 2° E 550 feet, THENCE, S 72° W 1000 feet, WEST 3200 feet, S 56° W 2750 feet and N 59° W 300 feet to the Southeast line of a tract of land now or formerly owned by Martin Ramer; THENCE, along said Southeast line, S 62° W 700 feet; THENCE, N 85° W 700 feet and S 55° W 650 feet to the East line of a 3 acre tract of land now or formerly owned by Marvin Ramer; THENCE, along said East line, S 2° E 250 feet to the Southeast corner of said tract; THENCE, along the South line of said tract, S 86° W 300 feet; THENCE, N 69° W 850 feet and N 22° W 1150 feet to the North line of said A-34 and the Point of Beginning.

ALSO BEGINNING on the South line of said A-34 at its intersection with the right bank of the Neches River; THENCE, along said South line, S 87° W 550 feet; THENCE, N 3° W 650 feet and N 18° W 1900 feet to the South line of a tract of land now or formerly owned by J. B. Hodges; THENCE, along said South line, N 87° E 100 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 2600 feet to the Point of Beginning.

Survey and Abstract No.: J. C. Robertson; A-551.

Portion: Part of said A-551 described as follows: BEGINNING on the North line of said A-551 at a point 5550 feet N 87° E of the Northwest corner of said A-551; THENCE, along said North line, N 87° E 400 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 1300 feet to the South line of said A-551; THENCE, along said South line, S 87° W 450 feet to a point which is 5250 feet N 87° E of the Southwest corner of said A-551; THENCE, N 8° E 1300 feet to the North line of said A-551 and the Point of Beginning.

Survey and Abstract No.: John J. Pemberton; A-530.

Portion: Part of said A-530 described as follows: BEGINNING on the North line of said A-530 at a point 5850 feet N 87° E of the Northwest corner of said A-530; THENCE, along said North line, N 87° E 500 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 1800 feet to the South line of said A-530; THENCE, along said South line, S 87° W 400 feet to a point which is 5550 feet N 87° E of the Southwest corner of said A-530; THENCE, N 8° E 1500 feet to the North line of said A-530 and the Point of Beginning.

Survey and Abstract No.: John J. Pemberton; A-502.

Portion: Part of said A-502 described as follows: BEGINNING on the North line of said A-502 at a point 5750 feet N 86° E of the Southwest corner of A-503; THENCE, along said North line, N 86° E 150 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 9000 feet to the South line of said A-502; THENCE, along said South line, S 87° W 500 feet to a point which is 5850 feet N 87° E of the Northwest corner of A-530; THENCE, N 8° E 2600 feet and N 42° W 6050 feet to the North line of said A-502 and the Point of Beginning.

Survey and Abstract No.: John J. Pemberton; A-503.

Portion: Part of said A-503 described as follows: BEGINNING on the North line of said A-503 at a point 5850 feet N 86° E of the Northwest corner of said A-503; THENCE, along said North line, N 86° 300 feet to the right bank of the Neches River; THENCE, along said North line, N 86° E 300 feet to the eral SOUTHERLY direction approximately 1700 feet to the South line of said A-503; THENCE, along said South line, S 86° W 150 feet to a point which is 5750 feet N 86° E of the Southwest corner of said A-503; THENCE, N 42° W 650 feet to the Southwest corner of a 0.97 of an acre tract now or formerly owned by C. C. Hicks heirs; THENCE, along the West and Northwest lines of said tract N 5° W 250 feet and N 34° E 450 feet; THENCE, N 34° E 350 feet to the North line of said A-503 and the Point of Beginning.

Survey and Abstract No.: John J. Pemberton; A-529.

Portion: Part of said A-529 described as follows: BEGINNING on the North line of said A-529 at a point 7450 feet N 86° E of the Southwest corner of A-597; THENCE, along said North line, N 86° E 500 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 3500 feet to the South line of said A-529; THENCE, along said South line, S 86° W 300 feet to a point which is 5850 feet N 86° E of the Northwest corner of A-503; THENCE, N 47° E 1950 feet and N 35° W 1000 feet to the North line of said A-529 and the Point of Beginning.

Survey and Abstract No.: C. J. M. Sapp; A-597.

Portion: Part of said A-597 described as follows: BEGINNING on the North line of

said A–597 at a point 3350 feet N 86° E of the Southwest corner of A–90; THENCE, along said North line, N 86° E 850 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 1200 feet to the South line of said A–597; THENCE, along said South line, S 86° W 500 feet to a point which is 7450 feet N 86° E of the Southwest corner of said A–597; THENCE, N 35° W 1300 feet to the North line of said A–597 and the Point of Beginning.

Survey and Abstract No.: Soloman Bright; A–90.

Portion: Part of said A–90 described as follows: BEGINNING on the North line of said A–90 at a point 2000 feet N 86° E of the Northwest corner of said A–90; THENCE, along said North line, N 86° E 550 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 3000 feet to the South line of said A–90; THENCE, along said South line, S 86° E feet to a point which is 3350 feet N 86° E of the Southwest corner of said A–90; THENCE, N 35° W 2650 feet to the North line of said A–90 and the Point of Beginning.

Survey and Abstract No.: C. J. M. Sapp; A–599.

Portion: Part of said A–599 described as follows: BEGINNING on the North line of said A–599 at a point 2300 feet N 86° E of the Northwest corner of said A–599; THENCE, along said North line, N 86° E 500 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 1300 feet to the South line of said A–599; THENCE, along said South line, S 86° W 550 feet to a point which is 2000 feet N 86° E of the Southwest corner of said A–599; THENCE, N 13° E 1250 feet to the North line of said A–599 and the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175: 30,013 and 175:30,014, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: Josiah Wheat; A–661.

Portion: Part of said A–661 described as follows: BEGINNING on the North line of said A–661 at a point 6850 feet N 87° E of the Southwest corner of A–256; THENCE, along said North line, N 87° E 1750 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 5000 feet to the South line of said A–661; THENCE, along said South line, S 86° W 500 feet to a point which is 2300 feet N 86° E of the Northwest corner of A–599; THENCE, N 26° E 3000 feet and N 4° W 1500 feet to the North line of said A–661 and the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175: 30,013, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: James H. Pulgham; A–256.

Portion: Part of said A–256 described as follows: BEGINNING on the North line of said A–256 at a point 5350 feet N 87° E of the Northwest corner of said A–256; THENCE, along said North line, N 87° E 650 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 4300 feet to the South line of said A–256; THENCE, along said South line, S 87° W 1750 feet to a point which is 6850 feet N 87° E of the Southwest corner of said A–256; THENCE, N 4° W 1350 feet and N 65° W 1750 feet to the North line of said A–256 and the Point of Beginning.

Survey and Abstract No.: Jackson Williams A–660.

Portion: Part of said A–660 described as follows: BEGINNING on the North line of said A–660 at a point 7900 feet N 87° E of the Southwest corner of A–592; THENCE, along said North line, N 87° E 500 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 2100 feet to a South line of said A–660; THENCE, along said South line, S 87° W 650 feet to a point which is 5350 feet N 87° E of the Northwest corner of A–256; THENCE, N 28° W 1950 feet 4o the North line of said A–660 and the Point of Beginning.

Survey and Abstract No.: Wesley W. Hanks; A–348.

Portion: Part of said A–348 described as follows: BEGINNING on the South line of said A–348 at its intersection with the right bank of the Neches River; THENCE, along said South line, S 87° W 350 feet; THENCE, N 44° W 4350 feet, S 87° W 950 feet, S 78° W 1400 feet and N 77° W 1450 feet to the Southeast corner of a tract of land now or formerly owned by J. R. Davis; THENCE, along the East line of said tract, N 2° W 200 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 8700 feet to the Point of Beginning. ALSO Lots 151–164 and 188–191 and 195 of Mont Neches Subdivision, Section 1.

TYLER AND JASPER COUNTIES

ALSO land in Tyler and Jasper Counties described as follows:

All land lying between the left bank and the right bank of the Neches River from the South line of Robert M. Williamson Survey A–516 upstream to Dam B.

NECHES BOTTOM & JACK GORE BAYGALL UNIT

THAT PORTION LYING WITHIN HARDIN COUNTY

The lands described below are derived from National Park Service Map Number 175: 30,018, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: Henry McGill; A–38.

Portion: Part of said A–38 described as follows: COMMENCING on the South line of said A–38 at its intersection with the right bank of the Neches River; THENCE, along said South line, S 87° W 600 feet; THENCE, N 1° E 1550 feet to the point of beginning; THENCE, N 48° W 850 feet, N 14° W 1900 feet and N 21° E 3250 feet to the North line of said A–38; THENCE, along said North line, N 86° E 1150 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 15,500 feet; THENCE, N 87° W 1600 feet to the Point of Beginning.

Survey and Abstract No.: Joseph Ellery; A–17.

Portion: Part of said A–17 described as follows: BEGINNING on the South line of said A–17 at its intersection with the right bank of the Neches River; THENCE along said South line, S 86° W 1150 feet; THENCE, N 21° E 1100 feet, N 59° W 1800 feet, N 2° E 1100 feet, N 66° E 1300 feet, N 27° W 1750 feet, N 3° W 500 feet, N 85° E 1100 feet and N 39° E 1800 feet to the North line of said A–17; THENCE along said North line, N 86° E 1300 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 12,400 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,-017, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: G. W. Brooks; A–4.

Portion: Part of said A–4 described as follows: BEGINNING on the South line of said A–4 at its intersection with the right bank of the Neches River; THENCE, along said South line, S 86° W 1300 feet to the Southeast line of a tract of land now or formerly owned by N. A. Cravens; THENCE, along the lines of said land now or formerly owned by N. A. Cravens, N 34° E 600 feet, N 29° W 200 feet and S 85° W 400 feet; THENCE, N 56° W 1450 feet to the Southeast corner of land now or formerly owned by R. E. Wright; THENCE, along the lines of said land now or formerly owned by R. E. Wright, N 7° W 450 feet, N 2° W 200 feet and N 87° E 200 feet; THENCE, N 43° E 1100 feet to the Southerly line of Johns Lake; THENCE, along the South and West lines of said Johns Lake; N 76° W 550 feet, N 40° W 500 feet, N 14° W 300 feet, N 32° E 500 feet and N 70° E 100 feet; THENCE, N 4° W 2300 feet and N 63° W 1200 feet to the North line of said A–4; THENCE, along said North line, N 86° E 5500 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 9000 feet to the Point of Beginning.

Survey and Abstract No.: O. C. Nelson; A–40. *Portion:* Parts of said A–40 described as follows: BEGINNING on the North line of said A–40 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 15,000 feet to the South line of said A–40; THENCE, along said South line, S 86° W 5500 feet; THENCE, N 23° W 3200 feet and N 29° E 2350 feet to a road; THENCE, along said road, N 78° E 250 feet, N 18° W 200 feet and N 78° W 800 feet; THENCE, N 51° W 2300 feet to the North line of said A–40; THENCE, along said North line, N 86° E 9400 feet to the Point of Beginning.

ALSO BEGINNING on the North line of said A–40 at a point 1200 feet N 86° E of the Southwest corner of A–45; THENCE, along said North line, N 86° E 9800 feet; THENCE, S 4° E 3200 feet to a road; THENCE, along said road, S 48° W 600 feet and S 24° W 600 feet to the Northerly line of land now or formerly owned by Anna Oddo; THENCE, along the Northerly and Westerly lines of said land now or formerly owned by Anna Oddo and along the Westerly line of land now or formerly owned by Floyd H. Sirmons, N 73° W 1350 feet and S 18° W 1350 feet; THENCE, S 5° E 2200 feet to the South line of said A–40.

THENCE, along said South line, S 86° W 7700 feet to the East line of a tract of land now or formerly owned by R. W. Cook Estate, et al; THENCE, along said East line and along the East line of a tract of land now or formerly owned by Mary B. Collier, N 4° W approximately 600 feet to the South line of a tract of land now or formerly owned by Alice Yawn; THENCE, along said South line, S 86° W approximately 1950 feet to the center line of a road; THENCE, along said center line, N 35° W approximately 1250 feet to its intersection with the West line of a tract of land now or formerly owned by Josie McInnis; THENCE, along said West line and along the West line of lands now or formerly owned by Marg E. Reeves, C. B. Kirkendall, Hardy Gore and Arthur Kirkendall, N 4° W approximately 1150 feet to the Northwest corner of said Arthur Kirkendall tract; THENCE, along the North line of said tract, N 86° E 1900 feet, THENCE, N 5° W approximately 500 feet to the South line of a tract of land now or formerly owned by Mrs. D. A. Cunningham; THENCE, along said South line, N 86° E approximately 500 feet to the Southeast corner thereof; THENCE, along the East line of said Cunningham tract, N 5° W approximately 950 feet to the Northeast corner thereof; THENCE, along the lines of lands now or formerly owned by N. A. Cravens, N 86° E 150 feet, NORTH 300 feet, N 87° E 450 feet and N 8° E 600 feet to a Northwest corner of said

Cravens land; THENCE, N 11° W 2000 feet to the Point of Beginning.

Survey and Abstract No.: James Rafferty; A-45.

Portion: Part of said A-45 described as follows: BEGINNING on the South line of said A-45 at a point 1200 feet N 86° E of the Southwest corner of said A-45; THENCE, N 15° E 1300 feet and N 7° E 2150 feet to the Northeast corner of a tract of land now or formerly owned by W. Stanley Hollyfield, et al; THENCE, along the South line of land now or formerly owned by H. O. Cunningham, et al, and along the South and East lines of land now or formerly owned by Clifford Sharpe, N 88° E 1100 feet and N 3° W 450 feet to the South line of a tract of land now or formerly owned by Southern Neches Corporation, THENCE, along the South, East and North lines of said land now or formerly owned by Southern Neches Corporation, N 87° E 600 feet, N 3° W 2000 feet and S 87° W 1200 feet to the East line of a tract of land now or formerly owned by S. C. Gore; THENCE, along said East line, N 2° W 1250 feet to the North line of said A-45; THENCE, along said North line, N 86° E 26,950 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 12,500 feet to the South line of said A-45; THENCE, along said South line, S 86° W 9400 feet; THENCE, N 20° W 2000 feet, N. 71° W 2000 feet, S 80° W 2500 feet and S 4° E 2400 feet to a point on the South line of said A-45; THENCE, along said South line, S 86° W 9800 feet to the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175: 30,016 and 175:30,017, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: W. N. Cox; A-13.

Portion: Part of said A-13 described as follows: BEGINNING on the South line of said A-13 at the Southeast corner of a tract of land now or formerly owned by Sam Gordon, said point being approximately 1350 feet N 86° E of the Southwest corner of said A-13; THENCE, along the Southeast line of said land now or formerly owned by Sam Gordon, N 30° E 700 feet; THENCE, N 86° E 1150 feet and N 3° W 650 feet to the Southeast corner of a tract of land now or formerly owned by Tommy E. Ara; THENCE, along the East line of said Ara tract and along the East line of a tract of land now or formerly owned by Robert Hooks, et al, N 3° W 1700 feet; THENCE, N 86° E 4400 feet to the center line of the American Petroleum Pipeline; THENCE, along said center line, N 8° E 700 feet to the center line of a road; THENCE, along said road center line, N 79° E 3000 feet; THENCE, S 33° E 3350 feet, N 86° E 7000 feet, N 4° W 4500 feet and N 45° E 2100 to the North line of said A-13; THENCE, along said North line, N 87° E 8850 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 10,000 feet to the South line of said A-13; THENCE, along said South line, S 86° W 27,100 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175: 30,-016, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: Samuel R. Fisher; A-20.

Portion: Part of said A-20 described as follows: BEGINNING on the North line of said A-20 at its intersection with the right bank of the Neches River; THENCE, along said right bank downstream in a general SOUTHERLY direction approximately 5000 feet to the South line of said A-20; THENCE, along said South line, S 87° W 8850 feet; THENCE, N 39° E 700 feet and N 3° W 3300 feet to the North line of said A-20; THENCE, along said North line, N 87° E 9300 feet to the Point of Beginning.

THAT PORTION LYING WITHIN JASPER COUNTY

The lands described below are derived from National Park Service Map Number 175: 30,-018, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: Jacob H. Garner; A-154.

Portion: Part of said A-154 described as follows: BEGINNING on the North line of said A-154 at a point 5600 feet S 86° W of the Northeast corner of said A-154; THENCE, S 3° E 800 feet, S 86° E 4500 feet and N 86° E 1200 feet to a point on the East line of said A-154, which is 1450 feet S 4° E of the Northwest corner of A-370; THENCE, along said East line, S 4° E 2050 feet; THENCE, S 86° W 850 feet, S 4° E 3000 feet, S 87° W 8150 feet and S 3° E 1000 feet to a point on the South line of said A-154, which is 9200 feet S 86° W of the Southwest corner of said A-154; THENCE, S 86° W 600 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 18,000 feet to the North line of said A-154; THENCE, N 86° E 4800 feet to the Point of Beginning.

Survey and Abstract No.: Washington C. Frazer A-145.

Portion: Part of said A-145 described as follows: BEGINNING on the North line of said A-145 at a point 600 feet S 86° W of the Northeast corner of said A-145; THENCE, S 3° E 3600 feet, S 87° W 3400 feet and S 3° E 700 feet to a point on the South line of said A-145, which is 4000 feet S 86° W of the Southeast corner of said A-145; THENCE, along said South line, S 86° W 4800 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 8000 feet to the North line of said A-145; THENCE, along said North line, N 86° E 6500 feet to the Point of Beginning.

Survey and Abstract No.: Oliver Mahoffy; A-370.

Portion: The South 2050 feet of the North 3500 feet of the West 2000 feet of said A-370.

The lands described below are derived from National Park Service Maps Numbers 175:30,017 and 175:30,018, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: Cynthia C. Frazier; A-144.

Portion: Part of said A-144 described as follows: BEGINNING on the North line of said A-144 at a point 6750 feet S 87° W of the Northeast corner of said A-144; THENCE, S 3° E 1200 feet, N 80° E 1250 feet, N 87° E 3350 feet and S 4° E 2550 feet to a point on the South line of said A-144, which is 600 feet S 86° W of the Northeast corner of A-145; THENCE, along said South line, S 86° W 6500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 4500 feet to the North line of said A-144; THENCE, along said North line, N 87° E 900 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,017, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: Andrew Montgomery; A-371.

Portion: Part of said A-371 described as follows: BEGINNING on the North line of said A-371 at a point 5350 feet S 87° W of the Northeast corner of said A-371; THENCE, S 22° W 3950 feet to a point on the South line of said A-371, which is 7050 feet S 87° W of the Southeast corner of said A-371; THENCE, along said South line, S 87° W 900 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 5000 feet to the North line of said A-371; THENCE, along said North line, N 87° E 600 feet to the Point of Beginning.

Survey and Abstract No.: Everett Nantz; A-803.

Portion: Part of said A-803 described as follows: BEGINNING on the North line of said A-803 at a point 4700 feet S 87° W of the Northeast corner of said A-803; THENCE, S 40° W 1600 feet to a point on a South line of said A-803, which is 5350 feet S 87° W of the Northeast corner of A-371; THENCE, along said South line, S 87° W 600 feet to a point on the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 2000 feet to the North line of said A-803; THENCE, along said North line, N 87° E 500 feet to the Point of Beginning.

Survey and Abstract No.: T. & N.O. R.R.; A-478.

Portion: Part of said A-478 described as follows: BEGINNING on the South line of said A-478 at a point 4700 feet S 87° W of the Northeast corner of A-803; THENCE, along said South line, S 87° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 2500 feet to the North line of said A-478; THENCE, along said North line, N 87° E 450 feet; THENCE, S 19° W 2150 feet to the Point of Beginning.

Survey and Abstract No.: S. W. Settlement & Development Corp.: A-1077.

Position: Part of said A-1077 described as follows: BEGINNING at the intersection of the North line of said A-1077 with the left bank of the Neches River; THENCE, along said North line, N 87° E 450 feet; THENCE, S 19° W 550 feet to the South line of said A-1077; THENCE, along said South line, S 87° W 450 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 500 feet to the Point of Beginning.

Survey and Abstract No.: John R. Salsbury; A-432.

Position: Part of said A-432 described as follows: BEGINNING at the intersection of the North line of said A-432 with the left bank of the Neches River; THENCE, along said North line, N 87° E 500 feet; THENCE, S 45° W 1300 feet and S 24° E 2000 feet to the South line of said A-432; THENCE, along said South line, S 87° W 450 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 9000 feet to the Point of Beginning.

Survey and Abstract No.: John D. Johnson; A-21.

Position: Part of said A-21 described as follows: BEGINNING at the intersection of the North line of said A-21 with the left bank of the Neches River; THENCE, along said North line, N 87° E 1250 feet; THENCE, S 36° E 900 feet, S 37° W 2000 feet, N 66° W 1300 feet, S 36° W 1400 feet and S 15° W 4350 feet to the South line of said A-21; THENCE, along said South line, S 87° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 12,000 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,016, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: Elisha Morris; A-28.

Portion: Part of said A-28 described as follows: BEGINNING on the North line of said A-28 at its intersection with the left

bank of the Neches River; THENCE, along said North line, N 87° E 650 feet; THENCE, S 19° W 1000 feet, S 52° W 1500 feet, S 34° E 2000 feet and S 3° E 3550 feet to the South line of said A–28; THENCE, along said South line, S 87° W 1250 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 11,000 feet to the Point of Beginning.

NECHES BOTTOM UNIT

HARDIN AND JASPER COUNTIES

ALSO land in Hardin and Jasper Counties described as follows:

All land lying between the left bank and right bank of the Neches River from the North line of Isaac Winfry Survey A–524 upstream to the Tyler-Hardin County line.

LOWER NECHES UNIT

THAT PORTION LYING WITHIN HARDIN COUNTY

The lands described below are derived from National Park Service Maps Numbers 175: 30,020 and 175:30,021, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: A. W. Smith; A–47.

Portion: That part of said A–47 bounded on the North by the North line of said A–47; on the East by the right bank of the Neches River; on the South by the South bank of the Neches Canal and on the West by the following described lines: BEGINNING on the North line of said A–47 at a point 15,350 feet N 85° E of the Southeast corner of Lot 56 of Gleen Acres Subdivision, said point also being 600 feet S 85° W of the right bank of the Neches River; THENCE, S 4° W 1700 feet, S 23° E 1200 feet and S 14° W 1300 feet to the South bank of the Neches Canal.

LOWER NECHES UNIT

THAT PORTION LYING WITHIN HARDIN COUNTY

The lands described below are derived from National Park Service Map Number 175:30,020, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: Elisha Duncan; A–14.

Portion: That part of said A–14 bounded on the North by the North line of said A–14; on the East by the right bank of the Neches River; on the South by the South line of said A–14 and on the West by the following described lines: BEGINNING on the South line of said A–14 at a point 15,350 feet N 85° E of the Southeast corner of Lot 56 of Gleen Acres Subdivision, said point also being 600 feet S 85° W of the right bank of the Neches River; THENCE, N 17° W 1800 feet, N 11° E 2000 feet, N 56° W 1600 feet and N 37° E 2400 feet to a point on the North line of said A–14, which is 7600 feet N 85° E of the Southeast corner of a tract of land now or formerly owned by Louis V. Nelson, et al. said point also being 1600 feet S 85° W of the right bank of the Neches River.

Survey and Abstract No.: S. K. Vanmeter; A–53.

Portion: Part of said A–53 described as follows: BEGINNING on the South line of said A–53 at a point 8600 feet N 85° E of the Southeast corner of a tract of land now or formerly owned by Louis V. Nelson, et al, said point also being 600 feet S 85° W of the right bank of the Neches River; THENCE, N 31° E 4500 feet, N 76° E 2000 feet, N 59° W 1400 feet, S 88° W 3500 feet, and N 1° W 2100 feet to a point on the North line of said A–53, which is 15,250 feet N 86° E of the Southeast corner of Lot 34 of W. T. Jay Subdivision; THENCE, along said North line, N 86° E 1150 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 18,000 feet to the South line of said A–53; THENCE, along said South line, S 85° W 600 feet to the Point of Beginning.

Survey and Abstract No.: Chas. A. Felder, A–21.

Portion: That part of said A–21 bounded on the North by the North line of said A–21; on the East by the right bank of the Neches River; on the South by the South line of said A–21 and on the West by the following described lines: BEGINNING on the South line of said A–21 at a point 15,250 feet N 86° E of the Southeast corner of Lot 34, W. T. Jay Subdivision, said point also being 1150 feet S 86° W of the right bank of the Neches River; THENCE, N 1° W 2150 feet and N 34° W 5500 feet to a point on the North line of said A–21, which is 10,500 feet N 87° E of the Southeast corner of a tract of land now or formerly owned by B. B. David, said point also being 900 feet S 87° W of the right bank of the Neches River.

THAT PORTION LYING WITHIN HARDIN COUNTY

The lands described below are derived from National Park Service Maps Numbers 175: 30,019 and 175:30,020, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: D. C. Montgomery; A–39.

Portion: That part of said A–39 bounded on the North by the North line of said A–39; on the East by the right bank of the Neches River; on the South by the South line of said A–39; and on the West by the following described lines: BEGINNING on the South line of said A–39 at a point 10,500 feet N 87° E of the Southeast corner of a tract of land now or formerly owned by B. B. David, said point also being 900 feet S 87° W of the right bank of the Neches River; THENCE, N 34° W 400 feet, N 33° E 2500 feet, N 17° W 900 feet, N 14° W 1550 feet and N 22° E 2500 feet to a point on the North line of said A–39, which is 17,900 feet N 87° E of the intersection of said North line with the East line of land now or formerly owned by F. W. Wishard, said point also being 800 feet S 87° W of the right bank of the Neches River.

The lands described below are derived from National Park Service Map Number 175:30,019, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: M. M. Bradley; A–7.

Portion: That part of said A–7 bounded on the North by the North line of said A–7; on the East by the right bank of the Neches River; on the South by the South line of said A–7; and on the West by the following described lines: BEGINNING on the South line of said A–7 at a point 17,900 feet N 87° E of the intersection of said South line with the East line of a tract of land now or formerly owned by F. W. Wishard, said point also being 800 feet S 87° W of the right bank of the Neches River; THENCE, N 22° E 1100 feet, N 68° E 1900 feet, N 27° E 2500 feet and N 16° W 3500 feet to a point on the North line of said A–7, which is 15,850 feet N 87° E of the Northeast corner of a tract of land now or formerly owned by Elmer Marsalis, said point also being 3000 feet S 87° W of the right bank of the Neches River.

Survey and Abstract No.: Alfred Ellis; A–19.

Portion: Part of said A–19 described as follows: BEGINNING on the South line of said A–19 at a point 16,400 feet N 87° E of the Northeast corner of a tract of land now or formerly owned by Elmer Marsalis; THENCE, N 27° E 3550 feet, N 18° E 3650 feet, S 85° E 2200 feet and N 59° E 1250 feet to a point on the North line of said A–19, which is 4600 feet N 87° E of the Northeast corner of the 400 acre "J. J. Enders tract" of land now or formerly owned by Kirby Lumber Company; THENCE, along said North line of A–19, N 87° E 700 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 12,000 feet to the South line of said A–19; THENCE, along said South line, S 87° W 2450 feet to the Point of Beginning.

Survey and Abstract No.: Elijah Hunter; A–29.

Portion: Parts of said A–29 described as follows: BEGINNING on the South line of said A–29 at a point 4600 feet N 87° E of the Northeast corner of the 400 acre "J. J. Enders tract" of land now or formerly owned by Kirby Lumber Company, said point also being 700 feet S 87° W of the right bank of the Neches River; THENCE, N 5° E approximately 2400 feet to the North right of way line of the G. C. & S. F. R.R.; THENCE, along said North right of way line, WEST 550 feet and N 71° W 2000 feet; THENCE, N 5° W 1000 feet and N 54° W 1650 feet to the South right of way line of Highway 96; THENCE, along said South right of way line, EASTERLY, 1100 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 12,000 feet to the South line of said A–29; THENCE, along said South line, S 87° W 700 feet to the Point of Beginning.

ALSO BEGINNING on the North line of said A–29 at its intersection with the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 4500 feet to its intersection with the North right of way line of Highway 96; THENCE, along said North right of way line, WESTERLY 800 feet; THENCE, N 16° W 750 feet and N 46° W 1500 feet to the North line of said A–29; THENCE, along said North line, N 87° E 500 feet to the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,018 and 175:30,019, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: T. J. Harrison; A–28.

Portion: That part of said A–28 bounded on the North by the North line of said A–28; on the East by the right bank of the Neches River; on the South by the South line of said A–28; and on the West by the following described lines; BEGINNING on said South line of A–28 at a point 500 feet S 87° W of its intersection with the right bank of the Neches River; THENCE, N. 23° W 1750 feet and N 6° W 5100 feet to a point on the North line of said A–28, which is 350 feet S 87° W of its intersection with the right bank of the Neches River.

The lands described below are derived from National Park Service Map Number 175:30,018, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: P. Bankston; A–3.

Portion: That part of said A–3 described as follows: BEGINNING on the South line of said A–3 at its intersection with the right bank of the Neches River; THENCE, along said South line S 87° W 350 feet; THENCE, N 6° W 400 feet, N 43° W 3050 feet, N 24° E 1700 feet, N 65° W 4000 feet and N 1° E 1150 feet to the North line of said A–3; THENCE, along said North line, N 87° E 600 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 16,000 feet to the South line of said A–3 and the Point of Beginning.

Survey and Abstract No.: Henry McGill; A–38.

Portion: Part of said A–38 described as follows: BEGINNING on the South line of said A–38 at its intersection with the right bank of the Neches River; THENCE, along said South line, S 87° W 600 feet; THENCE, N 1° E 1550 feet and S 87° E 1600 feet to the right bank of the Neches River; THENCE, along said right bank, downstream in a general SOUTHERLY direction approximately 2000 feet to the Point of Beginning.

THAT PORTION LYING WITHIN JASPER COUNTY

The lands described below are derived from National Park Service Map Number 175:30,020, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: Sarah Gray; A–152.

Portion: Part of said A–152 described as follows: BEGINNING on the South line of said A–152 at a point 4600 feet S 87° W of the intersection of said South line with the West line of a 37 acre tract of land now or formerly owned by J. R. Serafino; THENCE, along said South line, S 87° W 400 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 5500 feet; THENCE, S 10° E 500 feet, S 50° W 1300 feet, S 12° W 1700 feet, S 56° W 1400 feet and S 30° W 850 feet to the point of Beginning.

Survey and Abstract No.: Benjamin F. Matt; A–368.

Portion: Part of said A–368 described as follows: BEGINNING on the North line of said A–368 at a point 6200 feet S 86° W of the intersection of said North line with the Westerly line of land now or formerly owned by Champion Paper & Fiber Company; THENCE, S 11° E 2600 feet and N 79° E 700 feet to the Westerly line of a tract of land now or formerly owned by Arthur W. Coffman; THENCE, along said Westerly line, N 10° E 600 feet to the Northwest corner of said tract; THENCE, along the Northerly line of said tract, S 79° E 1300 feet; THENCE, S 3° E 1300 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 11,500 feet to the North line of said A–368; THENCE, along said North line, N 86° E 650 feet to the Point of Beginning.

Survey and Abstract No.: John W. Spottell; A–435.

Portion: Part of said A–435 described as follows: BEGINNING on the North line of said A–435 at a point 7500 feet S 86° W of the Southeast corner of A–404; THENCE, S 35° E 3950 feet to a point on the South line of said A–435, which is 6200 feet S 86° W of the intersection of said South line with the Westerly line of land now or formerly owned by Champion Paper & Fiber Company; THENCE, along said South line, S 86° W 650 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 4000 feet to the North line of said A–435; THENCE, along said North line, N 86° E 500 feet to the Point of Beginning.

Survey and Abstract No.: Thomas J. Pyne; A–404.

Portion: Part of said A–404 described as follows: BEGINNING on the North line of said A–404 at a point 6200 feet S 86° W of the Northeast corner of said A–404; THENCE, S 31° W 1250 feet, S 86° W 1050 feet and S 35° E 950 feet to a point on the South line of said A–404, which is 7500 feet S 86° W of the Southeast corner of said A–404; THENCE, along said South line, S 86° W 500 feet to a point on the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 5400 feet to the North line of said A–404; THENCE, along said North line, N 86° E 500 feet to the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,-019 and 175:30,020, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: G.C. & S.F. R.R.; A–656.

Portion: Part of said A–656 described as follows: BEGINNING on the North line of said A–656 at a point 1900 feet S 86° W of the Southeast corner of A–1020; THENCE, S 11° E 600 feet and S 22° E 2600 feet to a point on the South line of said A–656, which is 6200 feet S 86° W of the Northeast corner of A–404; THENCE, along said South line, S 86° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 3400 feet to the North line of said A–656; THENCE, along said North line, N 86° E 600 feet to the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,019, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: J. W. Sanders; A–1020.

Portion: Part of said A–1020 described as follows: BEGINNING at a point on the South line of said A–1020, which is 1900 feet S 86° W of the Southeast corner of said A–1020; THENCE, along said South line, S 86° W 600 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 7000 feet to the East line of said A–1020; THENCE, along said East line, S 5° E 650 feet to a point which is 3100 feet N 5° W of the Southeast corner of said A–1020; THENCE, S 43° W 2800 feet and S 11° E 1250 feet to the Point of Beginning.

Survey and Abstract No.: Chas. E. Anderson; A–822.

Portion: Part of said A–822 described as follows: BEGINNING at the Northwest corner of A–114; THENCE, along the West line of said A–114, S 4° E 800 feet; THENCE, S 19° W 2100 feet and S 60° W 2550 feet to a point on the West line of said A–822, which is 3100 feet N 5° W of the Southeast corner of said A–1020; THENCE, N 5° W 650 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 6000 feet to the most Northern line of said A–822; THENCE, along said most northern line, N 86° E 300 feet to the Point of Beginning.

Survey and Abstract No.: C. A. Richardson; A–962.

Portion: Part of said A–962 described as follows: BEGINNING on the most Northern line of said A–962 at the Northwest corner of A–169; THENCE, along the West line of said A–169, S 4° E approximately 2750 feet to the Southwest corner of said A–169; THENCE, S 18° W 1450 feet to the North line of A–114; THENCE, along the North line of said A–114 and A–822, S 86° W 550 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 9000 feet to the North line of said A–962; THENCE, along said North line, N 86° E 1300 feet to the Point of Beginning.

Survey and Abstract No.: Andrew Richardson; A–424.

Portion: Part of said A–424 described as follows: BEGINNING on the South line of said A–424 at a point 550 feet S 86° W of the Northwest corner of A–169; THENCE, along said South line, S 86° W 750 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 2400 feet to the North line of said A–424, said point being 6250 feet S 86° W of the Northeast corner of said A–424; THENCE, S 15° W 2000 feet to the Point of Beginning.

Survey and Abstract No.: Benjamin Richardson; A–413.

Portion: Part of said A–413 described as follows: BEGINNING on the North line of said A–413 at a point 4900 feet S 86° W of the Southeast corner of A–402; THENCE, S 7° E approximately 700 feet to the South right of way line of old Highway 96, THENCE, along said South right of way line, N 82° E approximately 100 feet to the East line of a tract of land now or formerly owned by M. B.; THENCE, along said East line, S 6° E 150 feet to the North right of way line of the G. C. & S. F. R.R. THENCE, along said railroad right of way line, S 86° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 900 feet to the North line of said A–413; THENCE, along said North line, N 86° E 600 feet to the Point of Beginning.

Survey and Abstract No.: G. A. Patillo; A–402.

Portion: Part of said A–402 described as follows: BEGINNING on the North line of said A–402 at a point 1200 feet S 86° W of the Southeast corner of A–1019; THENCE, S 4° E approximately 950 feet to the North line of a tract of land now or formerly owned by George P. Kirkpatrick; THENCE, along said North line, N 87° E 650 feet; THENCE, S 7° E 450 feet to a point on the South line of said A–402, which is 4900 feet S 86° W of the Southeast corner of said A–402; THENCE, S 86° W 600 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 6700 feet to the North line of said A–402; THENCE, along said North line, N 86° E 1950 feet to the Point of Beginning.

Survey and Abstract No.: E. Nantz; A–1019.

Portion: Parts of said A–1019 described as follows: BEGINNING on the South line of said A–1019 at a point 2600 feet S 86° W of the Southeast corner of said A–1019; THENCE, along said South line, S 86° W 550 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 1200 feet to the South right of way line of Highway 96; THENCE, along said right of way line, EASTERLY 1100 feet; THENCE, S 35° E 800 feet to the Point of Beginning.

ALSO BEGINNING on the North line of said A–1019 at a point 5500 feet S 86° W of the Northeast corner of said A–1019; THENCE, S 28° E 550 feet, N 86° E 1650 feet and S 4° E 2050 feet to the North right of way line of Highway 96; THENCE, along said North right of way line, WESTERLY 550 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 5300 feet to the North line of said A–1019; THENCE, along said North line, N 86° E 500 feet to the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,018 and 175:30,019, copies of which are available for inspection in the Jasper County Courthouse.

Survey and Abstract No.: Isaac Winfry; A–524.

Portion: Part of said A–524 described as follows: BEGINNING on the North line of said A–524 at a point 9200 feet S 86° W of the Southwest corner of A–610; THENCE, S 25° W 1800 feet, S 46° E 2000 feet, N 89° E 1700 feet, S 51° E 1100 feet, S 14° W 2500 feet, N 85° E 650 feet, S 16° E 6650 feet, S 22° W 1200 feet and S 28° E 1100 feet to a point on the South line of said A–524, said point being 5500 feet S 86° W of the Northeast corner of A–1019; THENCE, along said South

line, S 86° W 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 30,000 feet to the North line of said A-524; THENCE, along said North line, N 86° E 600 feet to the Point of Beginning.

THAT PORTION LYING WITHIN ORANGE COUNTY

The lands described below are derived from National Park Service Map Number 175:30,-020, copies of which are available for inspection in the Orange County Courthouse.

Survey and Abstract No.: Peterson Loyd; A-465.

Portion: Part of said A-465 described as follows: BEGINNING on the Northwest line of said A-465 at a point 4700 feet S 45° W of the most Northerly corner of said A-465; THENCE, S 20° W 700 feet and S 44° W 700 feet to the left bank of the Neches River; THENCE, along said left bank, NORTHWESTERLY approximately 350 feet to the Northwest line of said A-465; THENCE, along said Northwest line, N 45° E approximately 1300 feet to the Point of Beginning.

Survey and Abstract No.: H. J. Kane; A-126.

Portion: Part of said A-126 described as follows: BEGINNING at a point on the Northwest line of A-465, which is 4700 feet S 45° W of the most Northern corner of said A-465; THENCE, along said Northwest line, S 45° W 1300 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 7000 feet to the North line of said A-126; THENCE, along said North line, N 87° E 700 feet to a point 4850 feet S 87° W of the Southwest corner of a 37 acre tract of land now or formerly owned by J. R. Serafino; THENCE, S 16° E 1500 feet, S 30° W 1400 feet, S 26° E 1650 feet, S 1° E 1200 feet and S 50° E 700 feet to the Point of Beginning.

Survey and Abstract No.: Sarah Gray; A-486.

Portion: Part of said A-486 described as follows: BEGINNING on the South line of said A-486 at a point 4850 feet S 87° W of the Southwest corner of a 37 acre tract of land now or formerly owned by J. R. Serafino; THENCE, along said South line, S 87° W 700 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 2000 feet to the North line of said A-486; THENCE, along said North line, N 87° E 400 feet to a point 4600 feet S 87° W of the intersection of said North line with the West line of said 37 acre tract of land now or formerly owned by J. R. Serafino; THENCE, S 30° W 600 feet to the Point of Beginning.

HARDIN, ORANGE AND JASPER COUNTIES

ALSO land in Hardin, Orange and Jasper Counties described as follows:

All land lying between the left bank and right bank of the Neches River from its confluence with the Neches Canal upstream to the North line of Isaac Winfry Survey A-524.

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THAT PORTION LYING WITHIN HARDIN COUNTY

The lands described below are derived from National Park Service Maps Numbers 175:30,021 and 175:30,023, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: David Choate; A-139.

Portion: Parts of said A-139 described as follows: BEGINNING on the West line of said A-139 at the Northwest corner of a tract of land now or formerly owned by L. W. Basco, et al; THENCE, SOUTHEASTERLY approximately 350 feet to a point 300 feet perpendicular distance Southeast of the Northwest line of said L. W. Basco, et al tract; THENCE, parallel to said Northwest line, NORTHEASTERLY 450 feet to the Northeast line of said tract and the Southwest right of way line of the G. C. & S. F. R.R.; THENCE, along said right of way line, SOUTHEASTERLY approximately 100 feet to the left bank of Pine Island Bayou; THENCE, upstream along said left bank, SOUTHWESTERLY approximately 1800 feet to the East right of way line of Highway 69-96-287; THENCE, along said right of way line, NORTHERLY approximately 400 feet to the West line of said A-139; THENCE, along said West line of A-139, NORTHERLY approximately 1050 feet to the Point of Beginning.

ALSO BEGINNING at the intersection of the center line of a road with the Northerly prolongation of the East line of a tract of land now or formerly owned by O. Yellott, said point being approximately 200 feet South and 400 feet West of the Northwest corner of A-175; THENCE, along said road center line, WESTERLY 1700 feet; THENCE, SOUTH approximately 150 feet to the left bank of Pine Island Bayou; THENCE, along said left bank, EASTERLY approximately 1700 feet to its intersection with the East line of said tract now or formerly owned by O. Yellott; THENCE, along said East line and its prolongation, NORTHERLY approximately 300 feet to the center line of a road and the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,021, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: David Chandler; A-175.

Portion: That part of said A-175 lying South of the following described lines; BEGINNING on the West line of said A-175 at a point 1150 feet South of the Northwest corner thereof; THENCE, EAST, 550 feet, SOUTH 450 feet and EAST approximately 1200 feet to a point on the East line of said A-175, which is 1600 feet South of the Northeast corner of said A-175.

Survey and Abstract No.: J. L. Little; A-904.

Portion: ALL.

Survey and Abstract No.: P. A. Dowlen; A-925.

Portion: ALL.

Survey and Abstract No.: J. Lewis Kirby; A-685.

Portion: Part of A-685 described as follows: BEGINNING at the Northeast corner of A-904; THENCE, EAST approximately 4250 feet to the Southerly Prolongation of the Easterly line of a tract of land now or formerly owned by W. A. Tanner; THENCE, along said prolongation East line of said tract, the East line of a tract of land now or formerly owned by Steve O. Helton, the East line of tract of land now or formerly owned by H. R. Richardson and its Northerly prolongation; NORTHERLY approximately 1350 feet to the center line of a road; THENCE, along said road center line, NORTHEASTERLY 1000 feet; THENCE, SOUTHEASTERLY approximately 2400 feet to a point on the Southeast line of the Neches Canal; THENCE, along said Southeast line, NORTHEASTERLY 900 feet to the East line of said A-685; THENCE, along said East line, SOUTHERLY approximately 2050 feet; THENCE, along the South line of said A-685, WESTERLY approximately 6800 feet to the Southwest corner of said A-685 and the East line of said A-904; THENCE, along said East line of A-904; NORTHERLY approximately 2350 feet to the Point of Beginning.

Survey and Abstract No.: T. R. & S. F. Pickle; A-687.

Portion: That part of said A-687 lying Southeast of the Southeast line of the Neches Canal.

Survey and Abstract No.: Thomas Spear; A-48.

Portion: ALL.

Survey and Abstract No.: S. E. Fairchild; A-589.

Portion: That part of said A-589 lying Southeast of the Southeast line of the Neches Canal.

Survey and Abstract No.: Uriah Davidson; A-15.

Portion: That part of said A-15 lying East of the East line of the Neches Canal.

Survey and Abstract No.: A. W. Smith; A-47.

Portion: That part of said A-47 lying Southeast of the Southeast line of the Neches Canal.

THAT PORTION LYING WITHIN JEFFERSON COUNTY

The lands described below are derived from National Park Service Maps Numbers 175:30,021 and 175:30,023, copies of which are available for inspection in the Jefferson County Courthouse.

Survey and Abstract No.: Wesley Dikes; A-17.

Portion: Part of said A-17 described as follows: BEGINNING on the right bank of Pine Island Bayou at its intersection with the East right of way line of Highways 69, 96 and 287, said point being on the West line of a tract of land now or formerly owned by Joe and Bob Mabry and C. W. Crenshaw and distant approximately 800 feet Northerly of the Southwest corner of said tract; THENCE, in a general EASTERLY direction downstream along the right bank of said Pine Island Bayou, approximately 10,500 feet to the Northwest line of Pine Island Bayou Estates, THENCE, along said Northwest line, SOUTHWESTERLY 300 feet, THENCE, N 36° W 550 feet, N 3° E 2000 feet, N 88° W 700 feet, S 5° W 1150 feet, S 75° W 1000 feet and N 78° W 500 feet to the East right of way line of the G. C. & S. F. R.R., said point being 900 feet Southeasterly of the right bank of the Pine Island Bayou; THENCE, at right angles to said railroad right of way, SOUTHWESTERLY 150 feet.

THENCE, SOUTHWESTERLY 650 feet to a point on the East line of a tract of land now or formerly owned by Joe and Bob Mabry and C. W. Crenshaw, which is 1000 feet Northerly of the Southeast corner of said tract; THENCE, SOUTHWESTERLY approximately 1000 feet to a point on the West line of said tract, also being the East right of way line of Highways 69, 96 and 287, said point being 400 feet Northerly of the Southwest corner of said Joe and Bob Mabry and C. W. Crenshaw tract; THENCE, along said East right of way line, NORTHERLY approximately 400 feet to the Point of Beginning. ALSO BEGINNING on the right bank of Pine Island Bayou at its intersection with the Northeast line of Lot "R" of Pine Island Bayou Estates, THENCE, along the Northeast lines of Lots "R" and "M" of said subdivision, NORTHWESTERLY approximately 1150 feet to the Southwest line of Lot "Q".

THENCE, NORTHWESTERLY approximately 250 feet to the Southeast corner of Lot "O", THENCE, along the East lines of said Lot "O",

NORTHERLY approximately 150 feet to the right bank of Pine Island Bayou; THENCE, along said right bank, downstream in a general SOUTHEASTERLY direction approximately 1700 feet to the East line of said A-17; THENCE, along said East line, SOUTHERLY 600 feet to the right bank of Pine Island Bayou; THENCE, along said right bank, downstream in a general SOUTHWESTERLY direction approximately 900 feet to the Northeast line of said Lot "R" and the Point of Beginning.

ALSO BEGINNING on the East line of said A–17 at its intersection with the right bank of Pine Island Bayou, said point being 3050 feet North of the intersection of said East line with the center line of the G. C. & S. F. R.R.; THENCE, along said East line, SOUTHERLY 550 feet, THENCE, NORTHWESTERLY approximately 400 feet to the East line of Pine Island Bayou Estates, THENCE, along the East and Southeast lines of said Pine Island Bayou Estates, NORTHERLY 350 feet and NORTHEASTERLY 150 feet to the right bank of Pine Island Bayou; THENCE, along said right bank, downstream in a general SOUTHEASTERLY direction approximately 300 feet to the East line of said A–17 and the Point of Beginning.

Survey and Abstract No.: Peterson Loyd; A–465.

Portion: Part of said A–465 described as follows: BEGINNING on the West line of said A–465 at its intersection with the right bank of Pine Island Bayou, said point being approximately 3050 feet North of the intersection of said West line with the center line of the G. C. & S. F. R.R.; THENCE, along said right bank of Pine Island Bayou, SOUTHEASTERLY approximately 750 feet to its intersection with the East line of said A–465; THENCE, along said East line, SOUTHERLY approximately 600 feet to a point on said East line, which is 3150 feet North of the intersection of said East line with the center line of said G. C. & S. F. R.R.; THENCE, NORTHWESTERLY approximately 800 feet to a point on the West line of said A–465, which is 2500 feet North of the intersection of said West line with the center line of said G. C. & S. F. R.R.; THENCE, along said West line, NORTHERLY approximately 550 feet to the right bank of Pine Island Bayou and the Point of Beginning.

Survey and Abstract No.: Thomas Spear; A–50.

Portion: Parts of said A–50 described as follows: BEGINNING on the right bank of Pine Island Bayou at its intersection with the West line of A–50, said point being approximately 600 feet South of the Southwest corner of A–904 (Hardin County); THENCE, along said right bank of the Pine Island Bayou, EASTERLY, SOUTHERLY, and WESTERLY, downstream approximately 900 feet to the West line of said A–50; THENCE, along said West line, NORTHERLY approximately 600 feet to the Point of Beginning.

ALSO BEGINNING on the West line of said A–50 at its intersection with the right bank of Pine Island Bayou, said point being approximately 3750 feet North of the intersection of said West line of A–50 with the center line of the G. C. & S. F. R.R.; THENCE, in a general SOUTHEASTERLY direction along said right bank of Pine Island Bayou and along the right bank of the Neches River, approximately 29,000 feet to the intersection of said right bank of the Neches River with the North line of Lot 1 of Thomas Spear Survey; THENCE, along said North line, WESTERLY approximately 1050 feet to the Northwest corner of said Lot 1; THENCE, along the East line of Lots 4 and 5 of said Thomas Spear Survey, NORTH 1850 feet.

THENCE, NORTHWESTERLY approximately 1350 feet to a point on the West line of said Lot 4, which is 800 feet North of the Southwest corner thereof; THENCE, SOUTHWESTERLY approximately 1550 feet to the Southwest corner of Lot 9 of said Thomas Spear Survey; said point being approximately 600 feet South of said right bank of the Pine Island Bayou; THENCE, NORTHWESTERLY approximately 1450 feet to the Southeast corner of the Northeast Quarter of Lot 15 of said Thomas Spear Survey; THENCE, WEST approximately 700 feet to the Southwest corner of said Northeast Quarter of Lot 15; THENCE, NORTH approximately 600 feet to the Northwest corner of said Northeast Quarter of Lot 15; THENCE, along the North line of Lots 15 and 16 of said Thomas Spear Survey, WEST 1350 feet; THENCE, SOUTHWESTERLY approximately 900 feet to a point on the West line of said Lot 16, which is 700 feet South of the Northwest corner of said Lot 16.

THENCE, NORTHWESTERLY approximately 1500 feet to the Northeast corner of Lot 22 of said Thomas Spear Survey; THENCE, along the North line of Lots 22, 27 and 28 of said Thomas Spear Survey; WESTERLY approximately 2900 feet to the Southeast corner of a tract of land now or formerly owned by the Lower Neches Valley Authority; THENCE, along the East line of said tract, NORTH 1900 feet; THENCE, SOUTHWESTERLY approximately 1150 feet to a point on the West line of said Lower Neches Valley Authority tract, which is 1800 feet North of the Southwest corner thereof; THENCE, along said West line, SOUTH 600 feet; THENCE, NORTHWESTERLY approximately 3300 feet to a point on the West line of said A–50, which is 3150 feet North of the intersection of said West line with the center line of the G. C. & S. F. R.R.; THENCE, along said West line of A–50, NORTH approximately 600 feet to its intersection with the right bank of Pine Island Bayou and the Point of Beginning.

THAT PORTION LYING WITHIN ORANGE COUNTY

The lands described below are derived from National Park Service Map Number 175:30,021, copies of which are available for inspection in the Orange County Courthouse.

Surveys and Abstract Nos.: Peterson Lloyd; A–465 and William R. Barnes; A–45.

Portion: Part of said A–465 and A–45 described as follows: BEGINNING on the Southwest line of a half acre tract of land now or formerly owned by L. E. Parrott at a point which is 50 feet Northwesterly of the Southeast corner of said tract; THENCE, along the bank of a slough the following approximate courses and distances: S 15° E 200 feet and S 30° W 400 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHWESTERLY direction approximately 1800 feet to a point, THENCE, S 35° E 150 feet, N 55° E 700 feet and EAST 400 feet to a point on the Southwest line of said tract now or formerly owned by L. E. Parrott, which is 150 feet Northwesterly of the Southeast corner of said tract; THENCE, along said Southwest line, SOUTHEASTERLY 100 feet to the Point of Beginning.

Survey and Abstract No.: Victor N. Harris; A–98.

Portion: Part of said A–98 described as follows: BEGINNING on the left bank of the Neches River at its intersection with the Southeast line of said A–98; THENCE, along said left bank of the Neches River, upstream in a general NORTHWESTERLY direction approximately 800 feet, THENCE, N 32° W 400 feet, N 20° W 400 feet, N 20° E 300 feet, N 53° E 350 feet, EAST 250 feet, S 50° E 200 feet, S 7° E 500 feet and E 26° E 500 feet to a point on the Southeast line of said A–98; THENCE, along said Southeast line, SOUTHWESTERLY 150 feet to the left bank of the Neches River and the Point of Beginning.

Survey and Abstract No.: T. & N.O. R.R.; A–183.

Portion: Part of said A–183 described as follows: BEGINNING on the left bank of the Neches River at its intersection with the Northwest line of said A–183; THENCE, along said Northwest line, NORTHEASTERLY 150 feet; THENCE, S 26° E 400 feet, S 59° E 550 feet, N 64° E 650 feet, S 69° E 600 feet, S 28° E 200 feet, S 61° W 250 feet, S 20° W 250 feet and S 39° W 600 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHWESTERLY direction approximately 2000 feet to the Point of Beginning.

ALSO BEGINNING on the left bank of the Neches River at a point 300 feet N 49° W of its intersection with the South line of said A–183; THENCE, along said left bank, upstream in a general WESTERLY direction approximately 3000 feet; THENCE, N 62° E 300 feet, S 37° E 350 feet, N 76° E 100 feet, N 1° E 250 feet, N 47° E 500 feet, N 18° E 150 feet, N 85° E 350 feet, S 66° E 200 feet and S 14° W 200 feet to the left bank of the Neches River and the Point of Beginning.

Survey and Abstract No.: Amasa Rand; A–498.

Portion: That part of said A–498 lying West of a line beginning on the North line of said A–498 at a point 6250 feet West of the Northeast corner of said A–498 and running THENCE, SOUTHERLY approximately 1600 feet to a point on the South line of said A–498, which is 6200 feet West of the Southeast corner of said A–498.

Survey and Abstract No.: Martin Palmer; A–19.

Portion: Part of said A–19 described as follows: BEGINNING on the North line of said A–19 at a point 6200 feet West of the Southeast corner of A–498; THENCE, S 5° E approximately 300 feet to the South line of a tract of land now or formerly owned by A. P. Hart and Carl T. Bledsoe; THENCE, along the South line of said tract and along the South line of a tract of land now or formerly owned by Robert M. Elliott, N 87° E approximately 2650 feet to the center line of a road; THENCE, along said road center line, SOUTHWESTERLY approximately 4800 feet to the East line of a tract of land now or formerly owned by Murray Levy; THENCE, along said East line NORTHERLY 650 feet to the most Northern corner of said tract of land now or formerly owned by Murray Levy; THENCE, along the Northwest line of said Murray Levy tract, SOUTHWESTERLY 2500 feet.

THENCE, SOUTH approximately 250 feet to the center line of a road; THENCE, along said center line, SOUTHWESTERLY 800 feet; THENCE, WEST 150 feet to said Northwest line of land now or formerly owned by Murray Levy; THENCE, along said Northwest line, SOUTHWESTERLY 600 feet; THENCE, N 55° W 850 feet, S 44° W 850 feet, S 84° W 1350 feet, and S 1° W 1950 feet to a point on the South line of said A–19, which is 1850 feet West of the intersection of said South line with the East line of a tract of land now or formerly owned by A. P. Hart and Carl T. Bledsoe; THENCE, along said South line, WEST 500 feet to the left bank of the Neches River; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 19,500 feet to the North line of said A–19; THENCE, along said North line, EAST approximately 1200 feet to the Point of Beginning.

Survey and Abstract No.: Pickney Lout League; A–17.

Portion: That part of said A–17 lying West of the following described lines; BEGINNING on the North line of said A–17 at a point 1850 feet West of the intersection of said North line with the East line of a tract of land now or formerly owned by A. P. Hart and Carl T. Bledsoe; THENCE, SOUTHERLY approximately 1550 feet to a point on the North line of a tract of land now or formerly owned by Harry T. Latham, said point being 350 feet East of the Northwest corner of said tract; THENCE, SOUTHERLY approximately 700 feet to Southwest corner of said tract; THENCE, S 77° W 600 feet and N 47° W 300 feet to the left bank of the Neches River; THENCE, along said left bank, SOUTHWESTERLY 1000 feet, THENCE, S 85° E 700 feet, S 31° E 1450 feet and S 71° E 550 feet to the Northwest corner of a 5.659 acre tract of land now or formerly owned by the City of Beau-

mont; THENCE, along the Northwest line of said tract, SOUTHWESTERLY approximately 1100 feet to the Southwest corner thereof on the left bank of the Neches River; THENCE, along the South line of said tract, EAST approximately 150 feet to the center line of a road; THENCE, along said road center line, SOUTHWESTERLY approximately 2400 feet to the South line of said A–17, said point being approximately 200 feet East of the left bank of the Neches River.

Survey and Abstract No.: Nancy Davis; A–5.

Portion: That part of said A–5 lying North and West of the following described lines; BEGINNING on the North line of said A–5 at its intersection with the center line of a road, said point being approximately 200 feet East of the left bank of the Neches River; THENCE, along said road center line, SOUTHERLY 900 feet; THENCE, WEST approximately 350 feet to the left bank of the Neches River.

HARDIN, ORANGE AND JEFFERSON COUNTIES

ALSO land in Hardin and Jefferson Counties described as follows:

All land lying between the left bank and right bank of Pine Island Bayou from the center line of Route 69–96–287 downstream to its confluence with the Neches River.

ALSO land in Hardin and Orange Counties described as follows:

All land lying between the left bank and right bank of the Neches River from its confluence with the Neches Canal downstream to a point 700 feet South of its confluence with Pine Island Bayou.

PINE ISLAND BAYOU UNIT

THAT PORTION LYING WITHIN HARDIN COUNTY

The lands described below are derived from National Park Service Map Number 175:30,023, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: Mary Ann Cottle; A–137.

Portion: Part of said A–137 described as follows: BEGINNING at the intersection of the left bank of Pine Island Bayou with the West line of A–137; THENCE, along said West line, NORTH approximately 1000 feet to the North line of a tract of land now or formely owned by the Keith Company; THENCE, along said North line, EAST approximately 400 feet to the Highway right of way; THENCE, along said right of way line, SOUTHERLY approximately 900 feet to the left bank of Pine Island Bayou; THENCE, along said left bank of Pine Island Bayou, WESTERLY approximately 500 feet to the Point of Beginning.

Survey and Abstract No.: Michael Pevto; A–419.

Portion: Parts of said A–419 described as follows: BEGINNING on the East line of said A–419 at its intersection with the Easterly right of way line of the Texas and New Orleans Railroad; THENCE, along said right of way line, NORTHERLY 600 feet; THENCE, WEST approximately 100 feet to the left bank left bank, SOUTHERLY and EASTERLY approximately 1800 feet to the East line of said A–419; THENCE, along said East line, NORTH approximately 1000 feet to the Point of Beginning.

ALSO BEGINNING on the left bank of Pine Island Bayou at its intersection with the West line of said A–419; THENCE, along said West line, NORTH 500 feet; THENCE, EAST 600 feet, NORTH 1200 feet and EAST approximately 550 feet to the West line of Artesian Acres Subdivision; THENCE, along said West line, SOUTH approximately 150 feet to said left bank of Pine Island Bayou; THENCE, along said left bank, SOUTHWESTERLY approximately 2300 feet to the Point of Beginning.

Survey and Abstract No.: John Choate; A–138 and Hooks & Keith; A–782.

Portion: That part of said A–138 and A–782 lying South of the following described lines: BEGINNING on the East line of A–148 at a point 2750 feet S 4° E of the Northeast corner of said A–148, said point also being 600 feet N 4° W of the left bank of Pine Island Bayou; THENCE, EAST 600 feet, N 7° E 1900 feet, EAST 200 feet, N 67° E 1150 feet, N 87° E 1800 feet and S 50° E approximately 1050 feet to a point on the East line of said A–133, which is approximately 1000 feet N 4° W of the left bank of Pine Island Bayou.

Survey and Abstract No.: Edmund Choate; A–148.

Portion: That part of said A–148 lying Southeast of the following described lines: BEGINNING on the West line of said A–148 at a point 4200 feet S 4° E of the Northwest corner of said A–148, said point also being 600 feet N 4° W of the left bank of Pine Island Bayou; THENCE, N 37° E 1400 feet and N 63° E 1050 feet to a point on the East line of said A–148, which is 2750 feet S 4° E of the Northeast corner of said A–148, said point also being 600 feet N 4° W of the left bank of Pine Island Bayou.

Survey and Abstract No.: Edmund Choate; A–136.

Portion: That part of said A–136 lying Southeast of the following described lines: BEGINNING on the West line of said A–136 at a point 7300 feet S 4° E of the Northeast corner of A–548, said point also being 650 feet N 4° W of the left bank of Pine Island Bayou; THENCE, N 56° E 2550 feet and N 37° E 500 feet to a point on the East line of said A–136, which is 4200 feet S 4° E of the Northwest corner of A–148, said point also being 600 feet N 4° W of the left bank of Pine Island Bayou.

Survey and Abstract No.: W. T. Evans; A–548.

Portion: That part of said A–548 lying South of the following described lines: BEGINNING at the intersection of the West line of said A–548 with the South line of A–593, said point being approximately 300 feet N 86° E of the Southwest corner of said A–593, said point also being 600 feet N 4° W of the left bank of Pine Island Bayou; THENCE, S 45° E 1150 feet, N 86° E 1500 feet, N 4° W 750 feet, N 86° E 200 feet, N 4° W 300 feet, N 86° E 900 feet, N 4° W 1250 feet and N 86° E 1450 feet to a point on the East line of said A–548, which is 7700 feet S 4° E of the Northeast corner of said A–548, said point also being 250 feet N 4° W of the left bank of Pine Island Bayou.

Survey and Abstract No.: G.C. & S.F. R.R.; A–590.

Portion: That part of said A–590 lying South of the following described lines: BEGINNING on the West line of said A–590 at a point 6550 feet Southerly of the Northeast corner of A–170, said point also being 450 feet Northerly of the left bank of Pine Island Bayou; THENCE, NORTHEASTERLY approximately 2150 feet to the Southwest corner of A–593; THENCE, along the South line of said A–593, EAST approximately 300 feet to the East line of said A–590, said point also being 600 feet Northerly of the left bank of Pine Island Bayou.

Survey and Abstract No.: David Choate; A–170.

Portion: That part of said A–170 lying South of the following described lines: BEGINNING on the West line of said A–170 at a point 5050 feet S 4° E of the Northwest corner of said A–170, said point also being 250 feet N 4° W of the left bank of Pine Island Bayou; THENCE, N 71° E 500 feet and S 54° E 1600 feet to a point on the East line of said A–170, which is 5950 feet S 4° E of the Northeast corner of said A–170, said point also being 1050 feet N 4° W of the left bank of Pine Island Bayou.

Survey and Abstract No.: Robert B. Irvine; A–33.

Portion: Part of said A–33 described as follows: BEGINNING at the Northeast corner of said A–33; THENCE, along the East line of said A–33, S 4° E 450 feet; THENCE, S 86° W 1600 feet and N 47° W 600 feet to the North line of said A–33; THENCE, along said North line, N 86° E 450 feet to the right bank of Little Pine Island Bayou (formerly Marsh Gully); THENCE, continuing N 86° E 500 feet to another intersection with the right bank of Little Pine Island Bayou (formerly Marsh Gully); THENCE, continuing N 86° E 1100 feet to the Northeast corner of A–33 and the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,-022 and 175:30,023, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: Walker Pettitt; A–43.

Portion: Part of said A–43 described as follows: BEGINNING at the Northeast corner of A–33; THENCE, N 4° W 450 feet and N 78° E 800 feet to the left bank of Pine Island Bayou; THENCE, along said left bank of Pine Island Bayou downstream in a general NORTHEASTERLY direction approximately 11,000 feet to its intersection with the East line of said A–43; THENCE, along said East line, N 4° W approximately 250 feet to a point 2450 feet S 4° E of the Northeast corner of said A–43; THENCE, S 71° W 600 feet, S 37° W 1500 feet, N 85° W 1950 feet, N 45° W 700 feet, S 86° W 1950 feet, S 35° W 1650 feet, S 85° W 2600 feet, N 35° W 900 feet, S 84° W 2100 feet, N 72° W 1650 feet, S 54° W 2800 feet and S 79° W 2500 feet to a point on the West line of said A–43, which is 4950 feet S 4° E of the Northwest corner of said A–43, said point also being 550 feet N 4° W of the left bank of Little Pine Island Bayou; THENCE, along said West line, S 4° E 900 feet to a point 300 feet S 4° E of the right bank of Little Pine Island Bayou, THENCE, N 80° E 2800 feet, N 59° E 2450 feet, S 72° E 750 feet, N 86° E 2000 feet and S 47° E 1500 feet to a point on the North line of said A–33; THENCE, along said North line of A–33, N 86° E 2050 feet to the Northeast corner of said A–33 and the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,-022, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: John M. Boyer; A–595.

Portion: Part of said A–595 described as follows: BEGINNING on the West line of said A–595 at a point 550 feet S 4° E of the Northwest corner of said A–595, said point also being 650 feet N 4° W of the left bank of Little Pine Island Bayou; THENCE, S 64° E 2900 feet, to a point 50 feet Northeasterly of and perpendicular to, a United Gas pipeline, THENCE, along said pipeline, S 56° E 3600 feet and N 56° E 1350 feet to a point on the East line of said A–595, which is 3450 feet S 4° E of the Northeast corner of said A–595, said point also being 550 feet N 4° W of the left bank of Little Pine Island Bayou; THENCE, along said East line, S 4° E 900 feet; THENCE, S 87° W 500 feet, S 45° W 400 feet to a point 50 feet Southwesterly of and perpendicular to a United Gas Pipeline, THENCE, along said pipeline, N 56° W 4200 feet, S 60° W 800 feet and N 64° W 2000 feet to the West line of said A–595; THENCE, along said West line, N 4° W 950 feet to the Point of Beginning.

Survey and Abstract No.: W.C.R.R.; A–512.

Portion: Part of said A–512 described as follows: BEGINNING on the West line of said A–512 at a point 150 feet S 4° E of the Northwest corner of said A–512, said point also being 750 feet N 4° W of the left bank of Little Pine Island Bayou; THENCE, S 50° E 950

feet and S 41° E 3600 feet to a point on the East line of said A–512, which is 550 feet S 4° E of the Northwest corner of A–595, said point also being 650 feet N 4° W of the left bank of Little Pine Island Bayou; THENCE, along said East line, S 4° E 950 feet; THENCE, WEST 300 feet and N 42° W 4200 feet to a point on the West line of said A–512; THENCE, along said West line, N 4° W 1150 feet to the Point of Beginning.

Survey and Abstract No.: S. H. Huston; A–694.

Portion: Part of said A–694 described as follows: BEGINNING on the East line of said A–694 at point 150 feet S 4° E of the Northeast corner of said A–694, said point also being 750 feet N 4° W of the left bank of Little Pine Island Bayou; THENCE, along said East line, S 4° E 1150 feet; THENCE, S 76° W 2500 feet, N 52° W 2050 feet and S 87° W 400 feet to a West line of said A–694; THENCE, along said West line, N 3° W 350 feet to the left bank of Little Pine Island Bayou and a Northwest corner of said A–694; THENCE, along the North line of said A–694, N 87° E 1400 feet; THENCE, S 47° E 1100 feet and N 71° E 2300 feet to the East line of said A–694 and the Point of Beginning.

Survey and Abstract No.: W. J. Pelt; A–627.

Portion: That part of said A–627 lying Southwest of a line beginning at a point on the West line of said A–627 distant 650 feet N 3° W of the Southwest corner of said A–627 and running, THENCE, SOUTHEASTERLY approximately 1600 feet to a point on the South line of said A–627 distant 1400 feet N 87° E of said Southwest corner of A–627, said point also being 600 feet N 89° E of the intersection of said South line with the left bank of Little Pine Island Bayou.

Survey and Abstract No.: Benito Mancha; A–573.

Portion: Part of said A–573 described as follows: BEGINNING on the East line of said A–573 at a point 650 feet N 3° W of the Southwest corner of A–627, said point also being 650 feet N 3° W of the left bank of Little Pine Island Bayou; THENCE, along said East line, S 3° E 1000 feet; THENCE, S 87° W 3500 feet and N 56° W 2450 feet to a West line of said A–573, said point being 800 feet S 4° E of the right bank of Little Pine Island Bayou; THENCE, along said West line, N 4° W 1050 feet to a point 1200 feet S 4° E of a Northwest corner of said A–573; THENCE, N 86° E 400 feet; THENCE, S 50° E 2600 feet and N 82° E 3250 feet to the East line of said A–573 and the Point of Beginning.

Survey and Abstract No.: J. E. Burke; A–90.

Portion: Part of said A–90 described as follows: BEGINNING on the East line of said A–90 at a point 1200 feet South of the Northeast corner of said A–90, said point also being 250 feet North of the left bank of Little Pine Island Bayou; THENCE, along said East line, SOUTH approximately 1050 feet to the North line of the Howard Tex Oil Company Subdivision; THENCE, along said North line, WEST approximately 2000 feet to the Northwest corner of said Subdivision; THENCE, WESTERLY approximately 1100 feet to the Southeast corner of Lot 27 of the Sour Lake Inv. Company Subdivision; THENCE, along the South line of said Lot 27, WESTERLY approximately 650 feet to the Southwest corner of said Lot 27; THENCE, NORTHWESTERLY approximately 600 feet to a point on the West line of said A–90, which is 1250 feet North of the Southwest corner of said A–90; THENCE, along said West line, NORTH 1100 feet to a point 500 feet North of the left bank of Little Pine Island Bayou; THENCE, SOUTHEASTERLY approximately 550 feet to the Southwest corner of Lot 13 of said Sour Lake Inv. Company Subdivision; THENCE, along the South line of said Lot 13; EAST approximately 650 feet to the Southeast corner of said Lot 13; THENCE, along the East line of said Sour Lake Inv. Company Subdivision; SOUTH 100 feet; THENCE, EASTERLY approximately 3100 feet to the East line of said A–90 and the Point of Beginning.

Survey and Abstract No.: A. J. Fountain; A–813.

Portion: Part of said A–813 described as follows: BEGINNING on the West line of said A–813 at the Northwest corner of a tract of land now or formerly owned by Luther C. Alton, said point being 650 feet South of the Northeast corner of A–120; THENCE along the North line of said Luther C. Alton tract, EAST approximately 600 feet to an East line of said A–813; THENCE, along said East line, SOUTHERLY approximately 500 feet to the left bank of Pine Island Bayou; THENCE, along said left bank, NORTHWESTERLY approximately 650 feet to the West line of said A–813; THENCE, along said West line, NORTHERLY approximately 300 feet to the Point of Beginning.

Survey and Abstract No.: B.B.B. & C.R.R.; A–120.

Portion: Part of said A–120 described as follows: BEGINNING at the Northeast corner of said A–120; THENCE, along the East line of said A–120, SOUTH 1450 feet to a point 500 feet South of the right bank of Pine Island Bayou; THENCE, NORTHWESTERLY approximately 700 feet to a point on the West line of a tract of land now or formerly owned by E. A. Luce, which is 950 feet South of the North line of said A–120; THENCE, WEST 1050 feet; THENCE, NORTHWESTERLY approximately 750 feet to the Northeast corner of Lot 190 of L. B. Moody Subdivision; THENCE, along the North lines of said Lots 190–210 of said Subdivision, WESTERLY approximately 850 feet to the Northwest corner of Lot 210 of said Subdivision.

THENCE, along the East line of Block 1 of Bettie Bryan Subdivision, SOUTHERLY approximately 600 feet to the Southeast corner of said Block 1; THENCE, along the South line of Blocks 1 and 2 of said Bettie Bryan Subdivision and along the South line of a tract of land now or formerly owned by Alex Thomson, WEST approximately 1000 feet to the Southwest corner of said Alex Thomson tract; THENCE, NORTHWESTERLY approximately 1250 feet to the North line of said A–120 and the Northeast corner of J. D. Boone Subdivision, said point also being 200 feet West of the right bank of Little Pine Island Bayou. THENCE, along said North line of A–120, EAST approximately 4650 feet to the Northeast corner of said A–120 and the Point of Beginning.

Survey and Abstract No.: Isaac Bridge; A–133.

Portion: Part of said A–133 described as follows: BEGINNING at the Southwest corner of said A–133; THENCE, along the West line of said A–133, NORTH 1300 feet to a point 400 feet North of the left bank of Little Pine Island Bayou; THENCE, EASTERLY approximately 350 feet to the Northwest corner of a tract of land now or formerly owned by F. H. Carpenter and W. L. Selman; THENCE SOUTHEASTERLY approximately 1300 feet to a point on the East line of said tract now or formerly owned by F. H. Carpenter and W. L. Selman, which is 500 feet North of the Southeast corner of said tract; THENCE, parallel to the South line of said A–133, EASTERLY 2850 feet; THENCE, at right angles to said South line of A–133, SOUTHERLY 500 feet to said South line, THENCE, along said South line, WEST approximately 4250 feet to the Southwest corner of said A–133 and the Point of Beginning.

Survey and Abstract No.: Isaac Bridge; A–127.

Portion: Part of said A–127 described as follows: BEGINNING at the Southeast corner of said A–127; THENCE, along the East line of said A–127, NORTHERLY 1300 feet to a point 400 feet North of the left bank of Little Pine Island Bayou; THENCE, at right angles to said East line, WESTERLY 550 feet; THENCE, SOUTHWESTERLY approximately 1600 feet to the South line of said A–127, said point being 700 feet West of the left bank of Little Pine Island Bayou; THENCE, along said South line, EASTERLY 1500 feet to the Southeast corner of A–127 and the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,022 and 175:30,025, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: Isaac Bridge; A–131.

Portion: Part of said A–131 described as follows: The Northwest diagonal Half of the Northeast Quarter Northeast Quarter, That part of the Northwest Quarter Northeast Quarter lying Southeast of a line beginning on the West line of said Northwest Quarter Northeast Quarter at a point 900 feet South of the Northwest corner of said Northwest Quarter Northeast Quarter and running; THENCE, NORTHEASTERLY approximately 1450 feet to a point on the North line of said Northwest Quarter Northeast Quarter which is 1150 feet East of the Northwest corner of said Northwest Quarter Northeast Quarter, The West Half Southwest Quarter Northeast Quarter, the Southeast diagonal Half of the Northeast Quarter Southwest Quarter Northwest Quarter, the South Half Southwest Quarter Northwest Quarter, the Southeast Quarter Northwest Quarter, the Northeast diagonal Half of the North Half Northeast Quarter Southwest Quarter, the Northwest Quarter Northwest Quarter Northwest Quarter Southwest Quarter and that part of the Northwest Quarter Southeast Quarter lying Northwest of a line beginning at a point on the West line of said Northwest Quarter Southeast Quarter which is 700 feet South of the Northwest corner of said Northwest Quarter Southeast Quarter and running.

THENCE, NORTHEASTERLY approximately 850 feet to a point on the North line of said Northwest Quarter Southeast Quarter which is 500 feet East of the Northwest corner of said Northwest Quarter Southeast Quarter. The right bank of Little Pine Island Bayou intersects the North line of said A–131 at a point 750 feet West of the Northeast corner of said A–131 and said right bank intersects the West line of said A–131 at a point 2650 feet South of the Northwest corner of said A–131.

THAT PORTION LYING WITHIN JEFFERSON COUNTY

The lands described below are derived from National Park Service Map Number 175:30,023, copies of which are available for inspection in the Jefferson County Courthouse.

Survey and Abstract No.: W. C. Dyches; A–112.

Portion: That part of said A–112 lying North of the following described lines: BEGINNING on the East line of said A–112 at a point 450 feet N 4° W of the Southwest corner of Lot 11 of the Savage Morrica Subdivision in A–111, said point also being 400 feet S 4° E of the right bank of Pine Island Bayou; THENCE, N 85° W 1650 feet, N 4° W 450 feet and S 86° W approximately 1850 feet to the East line of a tract of land now or formerly owned by J. R. Beck; THENCE, along said East line, S 4° E 850 feet; THENCE, S 78° W approximately 800 feet to the right bank of Pine Island Bayou.

Survey and Abstract No.: Josiah Dyches; A–111.

Portion: Parts of said A–111 described as follows: BEGINNING on the West line of said A–111 at a point 450 feet N 4° W of the Southwest corner of Lot 11 of the Savage Morrica Subdivision, said point also being 400 feet S 4° E of the right bank of Pine Island Bayou; THENCE, EASTERLY approximately 1450 feet to the West line of Lot 9 of said Subdivision; THENCE, NORTHERLY 200 feet to the Northwest corner of said Lot 9; THENCE, EASTERLY approximately 700 feet to the Northeast corner of said Lot 9; THENCE, NORTHERLY approximately 600 feet to the Northwest corner of Lot 5 of said Subdivision; THENCE, EASTERLY approximately 700 feet to the Northeast corner of said Lot 5; THENCE, SOUTHERLY approximately 600 feet to the Southeast corner of said Lot 5; THENCE, EASTERLY approximately 700 feet to the Northeast corner of Lot 7 of said Savage Morrica Subdivision.

THENCE, S 63° E 1250 feet, N 77° E 2050 feet, S 33° E 950 feet and S 84° E 1850 feet to a point on the center line of a canal, said point being 1500 feet Northwesterly of the intersection of the center line of said canal with the center line of a road, said point also being distant 500 feet Southeasterly of the intersection of said canal center line with the right bank of Pine Island Bayou; THENCE, N 47° E 1200 feet, N 3° W 800 feet, N 86° E 1100 feet, N 6° E 1100 feet and N 43° E 750 feet to a point on the West line of a tract of land now or formerly owned by Robert E. Webb & Company, said point being 2700 feet Northerly of the Southwest corner of said tract; THENCE, N 73° E 700 feet and S 41° E 1150 feet to a point on the East line of said Robert E. Webb & Company tract, which is 2000 feet Northerly of the Southeast corner thereof.

THENCE, S 78° E 700 feet and N 34° E 1600 feet to the Northeast corner of a tract of land now or formerly owned by Harold F. Bean; THENCE, along the North line of said tract, WESTERLY 200 feet; THENCE, NORTH approximately 50 feet to the right bank of Pine Island Bayou; THENCE, along said right bank, upstream in a general WESTERLY direction approximately 26,000 feet to the intersection of said right bank with the West line of said A–111; THENCE, along said West line, SOUTH approximately 400 feet to the Point of Beginning.

ALSO, a 4 acre, more or less, tract of land in the West 600 feet of the East 2300 feet of said A–111, said tract being in Horseshoe Bend and is surrounded by former or present channels of Pine Island Bayou. The approximate center of said tract is approximately 850 feet West of the Southeast corner of a tract of land now or formerly owned by D. Cowart.

Survey and Abstract No.: Daniel Easley; A–20.

Portion: Part of said A–20 described as follows: BEGINNING on the Southwest line of a tract of land now or formerly owned by Emery Best at a point 1400 feet Northwest of the most Southern corner of said tract; THENCE, along said Southwest line, NORTHWESTERLY approximately 200 feet to the right bank of Pine Island Bayou; THENCE, along said right bank, downstream in a general EASTERLY direction approximately 16,000 feet to its intersection with the East line of said A–20; THENCE, along said East line, S 4° E approximately 350 feet; THENCE, N 57° W 700 feet, N 33° E 200 feet, N 57° W 650 feet and S 33° W 850 feet to the most Eastern corner of a tract of land now or formerly owned by Donnie M. Barnes; THENCE, along the Southeast line of said tract, S 33° W 900 feet; THENCE, WESTERLY approximately 400 feet to a point on the Northwest line of said tract, which is 800 feet Northeasterly of the most Western corner of said tract; THENCE, along said Northwest line, SOUTHWESTERLY 500 feet; THENCE, N 57° W 1050 feet, N 33° E 400 feet, N 57° W 1400 feet and S 57° W 800 feet to a point on the Northeast line of said tract of land now or formerly owned by Emery Best which is 1700 feet Northwesterly of the most Eastern corner of said tract; THENCE, SOUTHERLY approximately 650 feet to the Point of Beginning.

Survey and Abstract No.: Wesley Dikes; A–17.

Portion: Parts of said A–17 described as follows: BEGINNING on the right bank of Pine Island Bayou at its intersection with the West line of A–17; THENCE, along said right bank downstream in a SOUTHEASTERLY direction approximately 400 feet to its intersection with the Northwest line of a tract of land now or formerly owned by Annie L. Scheffield; THENCE, along said Northwest line, SOUTHWESTERLY 300 feet; THENCE, at right angles to said Northwest line, NORTHWESTERLY approximately 250 feet to said West line of A–17; THENCE, along said West line, NORTHERLY 350 feet to the Point of Beginning.

ALSO BEGINNING on the right bank of Pine Island Bayou at its intersection with the East line of said tract of land now or formerly owned by Annie L. Scheffield; THENCE, along said right bank of Pine Island Bayou downstream in a general SOUTHERLY direction approximately 1500 feet to its intersection with the Southeast line of a tract of land now or formerly owned by Emery Best.

THENCE, along said Southeast line, SOUTHWESTERLY 350 feet; THENCE, at right angles to said Southeast line, NORTHWESTERLY approximately 300 feet to the Easterly line of a road; THENCE, along said Easterly line, NORTHERLY 300 feet; THENCE, at right angles to said Easterly line, EASTERLY approximately 250 feet; THENCE, NORTHERLY approximately 850 feet to the Southeast corner of said tract now or formerly owned by Annie L. Scheffield; THENCE, along the East line of said tract, NORTHERLY approximately 300 feet to the Point of Beginning.

ALSO a tract of land described as follows: BEGINNING on the right bank of Pine Island Bayou at its intersection with the West right of way line of Highway 69–96–287; THENCE, along said right of way line, SOUTHERLY 600 feet; THENCE, WESTERLY approximately 250 feet to East right of way line of the Texas & New Orleans Railroad; THENCE, along said railroad right of way line, NORTHERLY 600 feet to the right bank of Pine Island Bayou; THENCE, along said right bank, EASTERLY approximately 300 feet to the Point of Beginning.

ALSO land in Hardin and Jefferson Counties described as follows:

All land lying between the left bank and right bank of Pine Island Bayou from the centerline of Route 69–96–287 upstream to a point on said Pine Island Bayou, which is 400 feet Southerly of its confluence with Little Pine Island Bayou.

ALSO land in Hardin County described as follows:

All land lying between the left bank and right bank of Little Pine Island Bayou from its confluence with Pine Island Bayou upstream to the West line of Isaac Bridge Survey A–131.

LANCE ROSIER UNIT

THAT PORTION LYING WITHIN HARDIN COUNTY

The lands described below are derived from National Park Service Map Number 175:30,024, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: Thompson C. Gaines; A–23 and McKinny & Williams; A–409 and C. M. Votaw; A–802 and R. C. Crane; A–812 and C. F. S. Jordt; A–906.

Portion: A tract of land being all of A–409 and A–906 and part of A–23, A–802 and A–812 and being more particulary described as follows: BEGINNING at the Northeast corner of said A–409; THENCE, along the North line of said A–409 and along the South line of A–783, WEST approximately 6300 feet to the Southwest corner of said A–783; THENCE, along the West line of said A–783, NORTH approximately 550 feet to the North line of Lot 45 of C. M. Votaw Subdivision; THENCE, along said North line, WEST approximately 250 feet to the West line of land now or formerly owned by Texaco, Inc. and the East line of land now or formerly owned by Gulf Oil; THENCE, along said common line, SOUTH approximately 850 feet to the North line of A–812; THENCE, along said North line, WEST approximately 800 feet to the Northeast corner of Lot 13 of R. C. Crane Subdivision.

THENCE, along the East line of said Lot 13, SOUTH approximately 400 feet to the Southeast corner thereof; THENCE, along South lines of Lots 13 and 12, WEST approximately 800 feet to the Southwest corner of Lot 12; THENCE, along the West line of said Lot 12, NORTH approximately 400 feet to the North line of said A–812; THENCE, along said North line, WEST approximately 750 feet to the Southeast corner of Lot 43 of C. M. Votaw Subdivision; THENCE, along the East line of Lots 43, 30 and 25; NORTH approximately 2050 feet to a Northeast corner of a tract of land in said Lot 25, now or formerly owned by Southern Neches Corporation; THENCE, along the North line of said Southern Neches Corporation tract, WEST approximately 1250 feet to the East line of Lot 24 of said C. M. Votaw Subdivision.

THENCE, along the East lines of Lots 24, 13 and 6 of said Subdivision, NORTH approximately 1500 feet to the North line of said A–802; THENCE, along said North line, WEST approximately 3000 feet to the center line of Route #770–105; THENCE, along said center line, SOUTHWESTERLY, approximately 2800 feet to its intersection with the West line of Lot 21 of said C. M. Votaw Subdivision; THENCE, along the West lines of Lots 21, 34, 39, 47, 52, 55 and 60, SOUTH approximately 4300 feet to the Southwest corner of said Lot 60; THENCE, along the South lines of Lots 59 and 58 of said C. M. Votaw Subdivision and along the Westerly prolongation of the South line of said Lot 58, WESTERLY approximately 2950 feet to the West line of said A–23; THENCE, along said West line, SOUTHERLY approximately 4000 feet to the center line of Route #105; THENCE, along said center line, SOUTHEASTERLY 2650 feet.

THENCE, EASTERLY approximately 5850 feet to a point on the East line of lands now or formerly owned by Marrs McLean Estate said point being 850 feet North of the Northwest corner of Lot 9 of the Allen-Miller Subdivision; THENCE, SOUTH 850 feet to the Northwest corner of said Lot 9; THENCE, along the North line of Lots 9, 8, 7 and 6, EASTERLY approximately 2650 feet to the center line of the West Texas Gulf Pipeline; THENCE, along said center line; SOUTHEASTERLY approximately 5850 feet to the East line of A–23; THENCE, along said East line, NORTHERLY approximately 7600 feet to the South line of A–409; THENCE, along said South line, EAST approximately 5050 feet to the Southeast corner of said A–409; THENCE, along the East line of said A–409, NORTH approximately 5300 feet to the Northeast corner thereof and the Point of Beginning.

Survey and Abstract No.: Mary E. Hopkins; A–779.

Portion: Part of said A–779 described as follows: BEGINNING at the Southwest cor-

ner of A–777; THENCE, along the South line of said A–777, EAST approximately 1600 feet to the Northwest corner of Lot 9 of Block 1 of Mary Hopkins Survey #1; THENCE, along the West line of Lots 9 and 10, SOUTH approximately 450 feet to the South line of A–779; THENCE, along said South line, WEST approximately 2600 feet to the center line of Route #770–105; THENCE, along said center line, NORTHEASTERLY approximately 1250 feet to the West line of said A–777; THENCE, along said West line, SOUTH approximately 300 feet to the Point of Beginning.

Portion: Part of said A–783 described as A–783.

Portion: Part of said A–783 described as follows: BEGINNING at the Southwest corner of said A–783; THENCE, NORTH approximately 1000 feet to the South line of land now or formerly owned by W. E. Orgain, et al.; THENCE, along said South line, EAST approximately 100 feet to the West line of land now or formerly owned by D. D. Feldman, et al.; THENCE, along the West line of said tract, NORTH 700 feet; THENCE, EAST approximately 1500 feet to the East line of said Feldman, et al. tract; THENCE, along said East line, SOUTH approximately 1700 feet to the South line of said A–783; THENCE, along said South line, WEST approximately 1600 feet to the Point of Beginning.

Survey and Abstract No.: Nancy Fuller Heirs; A–207.

Portion: Lots 1–20 inclusive of the Nancy Fuller Heirs Survey, also described as being the approximate South 1650 feet of the approximate West 2750 feet of said A–207.

Survey and Abstract No.: R. C. Crane; A–897.

Portion: Lots 13–36 inclusive of the R. C. Crane Survey, also described as being the approximate South 3200 feet of said A–897.

Survey and Abstract No.: Mary Smith; A–445.

Portion: ALL.

Survey and Abstract No.: Joel E. Hawley; A–26.

Portion: All that part lying Northeast of the center line of the West Texas-Gulf Pipeline, said center line intersects the East line of said A–26 at a point approximately 1000 feet South of the Northeast corner thereof and intersects the North line of said A–26 at a point approximately 700 feet West of the Northeast corner thereof.

Survey and Abstract No.: P. M. Henderson; A–27.

Portion: All that part lying Northeast of the center line of the West Texas-Gulf Pipeline said center line intersects the East line of said A–27 at a point approximately 1400 feet South of the Northeast corner thereof and intersects the North line of said A–27 at a point approximately 1500 feet West of the Northeast corner thereof.

The lands described below are derived from National Park Service Maps Numbers 175: 30,-024 and 175: 30,027, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: James Walea; A–493.

Portion: Part of said A–493 described as follows: BEGINNING at the Southeast corner of said A–493, being on a West line of A–727; THENCE, along the East line of said A–493, NORTH approximately 3850 feet to the North line of a tract of land now or formerly owned by Kirby Lumber Company; THENCE, along said North line, WEST approximately 6400 feet to the East line of Lot 20 of the R. A. Cruse Subdivision; THENCE, along said East line, NORTH approximately 50 feet to the Northeast corner of said Lot 20; THENCE, along the North line of said Lot 20, WEST approximately 1300 feet to the Northwest corner of said Lot 20 and the East line of Lot 75 of Saratoga Lake Subdivision; THENCE, along said East line, NORTH approximately 100 feet to the Northeast corner of said Lot 75; THENCE, along the North line of Lots 71–75 inclusive of said Saratoga Lake Subdivision and along the North line of Lots 50–53 inclusive of W. E. Brice Subdivision, WEST approximately 6450 feet to the East line of A–897.

THENCE, along said East line, SOUTH approximately 2000 feet to the Southeast corner of said A–897; THENCE, along the South line of said A–897, WEST approximately 2750 feet to the Southwest corner of said A–897 and the East line of A–409; THENCE, along said East line, South approximately 500 feet to the Southeast corner of said A–409; THENCE, along the South line of said A–409, WEST approximately 4200 feet to the most Western line of said A–493; THENCE, along said most Western line, SOUTH approximately 1400 feet to the Southwest corner of said A–493; THENCE, along the South line of said A–493, EAST approximately 21,100 feet to the Point of Beginning.

Survey and Abstract No.: McKinney & Williams; A–402.

Portion: ALL.

Survey and Abstract No.: McKinney & Williams; A–403.

Portion: ALL.

The lands described below are derived from National Park Service Maps Numbers 175: 30,024, 175:30,025 and 175:30,027, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: James Blythe; A–8.

Portion: Part of said A–8 described as follows: BEGINNING at the Southeast corner of said A–8; THENCE, along the South line of said A–8, WEST approximately 8900 feet to the center line of the West Texas-Gulf Pipeline; THENCE, along said center line, NORTHWESTERLY approximately 12,400 feet to the East line of A–26; THENCE, along said East line, NORTHERLY approximately 1000 feet to the Northeast corner of said A–26; THENCE, along the North line of said A–26; WESTERLY approximately 1150 feet to the East line of A–27; THENCE, along said East line, NORTH approximately 900 feet to the North line of said A–8; THENCE, along said North line, EAST approximately 12,600 feet to the Northwest corner of Lot 9 of Block 2 of Brights Subdivision; THENCE, along the West line of Lots 9 and 10 of said Block 2 of Brights Subdivision, SOUTH approximately 1700 feet to the Southwest corner of said Lot 10; THENCE, along the South line of said Lot 10, EAST approximately 50 feet to the Northwest corner of land now or formerly owned by H. H. Meyers Estate et al.

THENCE, along the West line of said H. H. Meyers Estate et al. land and along the West line of land now or formerly owned by F. M. McDonald and along the West line of lands now or formerly owned by Robert Hooks, et al.; SOUTH approximately 3400 feet to the Northwest corner of Lot 10 of I. C. Davis Subdivision; THENCE, along the West lines of Lots 10–14 inclusive, SOUTH approximately 3500 feet to the Southwest corner of land in said Lot 14 now or formerly owned by Rex G. Fortenberry; THENCE, along the South line of said Fortenberry land, EAST approximately 2100 feet to the East line of said Lot 14; THENCE, along said East line, SOUTH approximately 300 feet to the Northwest corner of Lot 9 of said I. C. Davis Subdivision.

THENCE, along the North line of said Lot 9, EAST approximately 1500 feet to the Northeast corner of said Lot 9 THENCE, along the East line of said Lot 9, SOUTH approximately 50 feet to the Northwest corner of Block 8 of the Jackson-Thorp and Griffith Subdivision; THENCE, along the North lines of Blocks 8, 7, 6 and 5 of said Subdivision, EAST approximately 2650 feet to the Northeast corner of said Block 5 and the East line of said A–8; THENCE, along the East line of Blocks 5 and 4 of said Subdivision and along the East line of said A–8, SOUTH approximately 1300 feet to the Southeast corner of said Block 4 and the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175: 30,025, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: E. Turnbow; A–51 and Isaac Bridge; A–130.

Portion: That part of said A–51 and A–130 lying North and East of the following described lines: BEGINNING on the North line of said A–51 at its intersection with the center line of the West Texas-Gulf Pipeline, said point being approximately 100 feet East of the Northwest corner of Lot 7 of E. Turnbow Survey; THENCE, along said center line, SOUTHEASTERLY approximately 2000 feet to the South line of Lot 24 of said E. Turnbow Survey; THENCE, along the South line of Lots 24, 21 and 3B; EAST approximately 6450 feet to the East line of said A–130 and A–51.

Survey and Abstract No.: Isaac Bridge; A–129.

Portion: That part of said A–129 lying Southwest of a line beginning on the North line of said A–129 at its intersection with the East line of A–8, said point being approximately 4250 feet West of the Northeast corner of said A–129 and running THENCE, SOUTHEASTERLY approximately 6900 feet to the Southeast corner of said A–129.

Survey and Abstract No.: Isaac Bridge; A–132.

Portion: That part of said A–132 lying North and East of the following described lines; BEGINNING on the North line of said A–132 at its intersection with the center line of the Rio Bravo Pipeline, said point being approximately 1250 feet East of the Northwest corner of said A–132; THENCE, SOUTHEASTERLY along said center line, 2800 feet; THENCE, SOUTHEASTERLY approximately 2400 feet to a point on the East line of said A–132, which is 3000 feet South of the Northeast corner of said A–132.

The lands described below are derived from National Park Service Map Number 175: 30,026, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: G. W. Eaton, A–716.

Portion: ALL.

Survey and Abstract No.: Smith, et al.; A–865.

Portion: ALL.

Survey and Abstract No.: Smith, et al.; A–866.

Portion: ALL.

Survey and Abstract No.: Eugene Wood; A–887.

Portion: The West 3900 feet.

Survey and Abstract No.: W.C.R.R.; A–527.

Portion: Being all that part of said A–527 lying West of the following described line: BEGINNING on the North line of A–341 at its intersection with the center line of Route # 326, said point being approximately 250 feet East of the Northwest corner of said A–341; THENCE, along said center line, NORTHERLY approximately 1250 feet to its intersection with the Easterly prolongation of the Southerly line of a church tract; THENCE, along said prolongation and along said Southerly line, WESTERLY approximately 400 feet to the Southwest corner of said tract; THENCE, along the West line of said tract, NORTHERLY approximately 300 feet to the Northwest corner thereof; THENCE, along the North line of said tract and its Easterly prolongation, EASTERLY approximately 350 feet to its intersection with the center line of Route # 326; THENCE, along said center line, NORTHERLY approxi-

mately 1200 feet to its intersection with the East line of said A–527.

Survey and Abstract No.: B.B.B. & C.R.R.; A–116.

Portion: ALL.

Survey and Abstract No.: Frank Alvey; A–703.

Portion: The West 4400 feet.

Survey and Abstract No.: J. C. Baldwin; A–882.

Portion: The West 4400 feet.

Survey and Abstract No.: B.B.B. & C.R.R.; A–119.

Portion: That part of said A–119 lying Easterly of the center line of Route #770.

Survey and Abstract No.: Hardin Co. School Ld.; A–255.

Portion: That part of said A–255 lying Southeast of the center line of Route #770.

Survey and Abstract No.: A. B. Mitchell; A–408.

Portion: ALL.

The lands described below are derived from National Park Service Maps Numbers 175:30,026 and 175:30,027, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: W.C.R.R.; A–523.

Portion: ALL.

Survey and Abstract No.: G. W. Eaton; A–721.

Portion: ALL.

Survey and Abstract No.: J. N. Votaw; A–747.

Portion: That part of said A–747 lying South of the following described lines: BEGINNING on the West line of said A–747 at the Northwest corner of Lot 31 of the J. R. Davenport Subdivision; THENCE, along the North line of Lots 31 and 32 of said Subdivision and along the South line of A–115; EAST approximately 6050 feet to the Southeast corner of said A–115; THENCE, along the West line of Lots 107, 109, 111 and 113 of said Subdivision, SOUTH approximately 1100 feet to the Southwest corner of said Lot 113; THENCE, along the South line of Lots 113 and 114 of said Subdivision, EAST approximately 1650 feet to the East line of said A–747.

Survey and Abstract No.: B.B.B. & C.R.R.; A–109.

Portion: That part of the East 1100 feet of said A–109 lying Southeast of the center line of Route #770.

Survey and Abstract No.: H. B. Force and H. C. Smith; A–214.

Portion: ALL.

Survey and Abstract No.: W.C.R.R.; A–524.

Portion: ALL.

The lands described below are derived from National Park Service Map Number 175:30,-027, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: Smith Crawford & Sonfield; A–864.

Portion: That part of said A–864 lying Northwest of the center line of the Black Lake Pipeline, said center line described approximately as follows: BEGINNING at the Southwest corner of said A–864 and running THENCE, NORTHEASTERLY approximately 2900 feet to a point on the North line of said A–864, which is 2050 feet East of the Northwest corner of said A–864.

Survey and Abstract No.: W.C.R.R.; A–525.

Portion: That part of said A–525 lying Northwest of the center line of the Black Lake Pipeline, said center line described approximately as follows: BEGINNING at the Southwest corner of A–864 and running THENCE, SOUTHWESTERLY approximately 800 feet to a point on the West line of said A–525 which is 500 feet South of the Northwest corner of said A–525.

Survey and Abstract No.: Frank Alvey; A–753.

Portion: That part of said A–753 lying Northwest of the center line of the Black Lake Pipeline, said center line described approximately as follows: BEGINNING on the South line of said A–753 at a point 1050 feet East of the Southwest corner of said A–753 and running; THENCE, NORTHEASTERLY approximately 2700 feet to a point on the East line of said A–753 which is 500 feet South of the Northwest corner of A–525.

Survey and Abstract No.: J. C. Baldwin; A–883.

Portion: ALL.

Survey and Abstract No.: Thomas Hughes; A–265.

Portion: That part of said A–265 lying Northeast of the center line of the Magnolia Pipeline, said center line intersects the East line of said A–265 at a point 1100 feet South of the Northeast corner thereof and intersects the North line of said A–265 at a point 900 feet West of the Northeast corner thereof.

Survey and Abstract No.: H. B. Force & H. C. Smith; A–213.

Portion: That part of said A–213 lying North of the following described line: BEGINNING on the East line of said A–213 at its intersection with the center line of the Magnolia Pipeline, said point being approximately 950 feet North of the Southeast corner of said A–213; THENCE, along said center line NORTHWESTERLY approximately 2300 feet to its intersection with the North line of a tract of land now or formerly owned by Kirby Lumber Company; THENCE, along said North line, WEST approximately 1300 feet to the West line of said A–213, said point being approximately 2700 feet North of the Southwest corner of said A–213.

Survey and Abstract No.: E. Bacon; A–844.

Portion: ALL.

Survey and Abstract No.: B.B.B. & C.R.R.; A–94.

Portion: ALL.

Survey and Abstract No.: B.B.B. & C.R.R.; A–108.

Portion: ALL.

Survey and Abstract No.: William Wingate; A–486.

Portion: ALL.

Survey and Abstract No.: Minnie W. Stanley; A–741.

Portion: That part of said A–741 lying West of the West line and its Southerly prolongation of land now or formerly owned by Rex G. Fontenberry, being the West appoximate 5250 feet of said A–741.

Survey and Abstract No.: James Chessher; A–169.

Portion: The West 2650 feet of the South 3850 feet of said A–169.

Survey and Abstract No.: W.C.R.R.; A–521.

Portion: ALL.

Survey and Abstract No.: R. Miller; A–398.

Portion: The North 2500 feet.

Survey and Abstract No.: Pelitiah Brewster; A–84.

Portion: ALL.

Survey and Abstract No.: Luke Bryan; A–91.

Portion: ALL.

Survey and Abstract No.: Richard Treat; A–474.

Portion: ALL.

Survey and Abstract No.: Ebenezer Pulsifer; A–423.

Portion: ALL.

Survey and Abstract No.: Mabel Gregory; A–727.

Portion: ALL.

Survey and Abstract No.: T. & N. O. R. R. A–479.

Portion: ALL.

Survey and Abstract No.: J. P. Huston; A–697.

Portion: ALL.

BIG SANDY CREEK UNIT

THAT PORTION LYING WITHIN POLK COUNTY

The lands described below are derived from National Park Service Map Number 175:30,029, copies of which are available for inspection in the Polk County Courthouse.

Survey and Abstract No.: John Bright; A–135.

Portion: ALL.

Survey and Abstract No.: P. R. Rowe & Tom M. Drew; A–1021.

Portion: ALL.

Survey and Abstract No.: William Nash; A–59.

Survey and Abstract No.: Lowery T. Hampton; A–34.

Portion: That part of said A–59 lying Northeast of the Northeast line of A–34. Part of said A–34 described as follows: BEGINNING at the most Southern corner of a tract of land now or formerly owned by Patsy Woodard Mills, said point being approximately 8200 feet Southwest of the most Eastern corner of said A–34; THENCE, along a Southwest line of said tract, NORTHWESTERLY approximately 1150 feet to a Western corner thereof; THENCE, along a Northwest line of said tract, NORTHEASTERLY approximately 950 feet to an interior corner thereof.

THENCE, NORTHEASTERLY approximately 1650 feet to the Northeast line of said Patsy Woodard Mills tract and the most Southern corner of a 26.44 acre tract of land now or formerly owned by Velma Bailey; THENCE, along the Southeast line of said Velma Bailey tract, NORTHEASTERLY approximately 750 feet to the most Southern corner of a 34.99 acre tract of land now or formerly owned by M. Rhoden; THENCE, along said M. Rhoden tract, NORTHEASTERLY approximately 600 feet, NORTHERLY approximately 1700 feet, WESTERLY approximately 650 feet and SOUTHERLY approximately 200 feet to the center line of Route #1276; THENCE, along said center line, NORTHWESTERLY approximately 2600 feet to a South line of lands now or formerly owned by T. E. Collins; THENCE, along said South line, EASTERLY approximately 1650 feet to a Southeast corner of said T. E. Collins land; THENCE, along the East line of said T. E. Collins land; NORTHERLY approximately 1400 feet, THENCE, NORTHERLY approximately 2000 feet to a point on the Northeast line of said A–34, which is 7850 feet Northwest of the most Eastern corner of said A–34.

THENCE, along said Northeast line of A–34, SOUTHEASTERLY approximately 7000 feet to the most Northern corner of a tract of land now or formerly owned by E. L. Mitchell; THENCE, along the Northwest line of said E. L. Mitchell tract, SOUTHWESTERLY approximately 1400 feet to the most Western corner thereof; THENCE, along the Southwest line of said E. L. Mitchell tract and along the Southwest line of a tract of land now or formerly owned by T. P. Herring, SOUTHEASTERLY approximately 850 feet to the Southeast line of said A–34; THENCE, along said Southeast line, SOUTHWESTERLY approximately 6800 feet to the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,-029 and 175:30,030, copies of which are available for inspection in the Polk County Courthouse.

Survey and Abstract No.: Francisca Castanedo; A–13.

Portion: That part of said A–13 lying Southwest of the following described lines: BEGINNING on the Southeast line of said A–13 at the most Southern corner of a tract of land now or formerly owned by E. T. Page, N. P. & J. E. Hendrix, said point being

approximately 9150 feet Northeast of the most Southern corner of said A-13; THENCE, along the Southwest line of said E. T. Page, N. F. & J. E. Hendrix tract and along the Southwest line of lands now or formerly owned by Lola H. Williams, Elton Hendrix and T. J. Hendrix; NORTHWESTERLY approximately 2650 feet to the Southeast line of a 3.68 acre tract of land now or formerly owned by T. J. Hendrix; THENCE, along the lines of said 3.68 acre tract, SOUTHWESTERLY approximately 150 feet, NORTHWESTERLY approximately 450 feet and NORTHEASTERLY approximately 600 feet to the center line of Route #1276; THENCE, along said center line, NORTHWESTERLY approximately 11,100 feet to its intersection with the East line of a tract of land now or formerly owned by Chester Cotton; THENCE, along said East line, SOUTHERLY 400 feet; THENCE, NORTHWESTERLY approximately 600 feet to a point on the Northwest line of said A-13 which is 3100 feet Southwest of the most Northern corner of said A-13.

The lands described below are derived from National Park Service Map Number 175:-30,030, copies of which are available for inspection in the Polk County Courthouse.

Survey and Abstract No.: Henry W. Augustine; A-3 and John D. Nash; A-58 and B.B.B. & C.R.R.; A-154 and O.C. Garvey; A-1073.

Portion: A tract of land being all of A-154 and A-1073 and part of A-3 and A-58 and being more particularly described as follows: BEGINNING at the most Eastern corner of said A-3; THENCE, along the Southeast line of said A-3, SOUTHWESTERLY approximately 6100 feet to the most Eastern corner of a tract of land now or formely owned by E. A. Sumrall, Jr., et al; THENCE, along the Northeast line of said tract, NORTHWESTERLY approximately 1250 feet to the most Northern corner thereof; THENCE, along the Northwest line of said E. A. Sumrall, Jr., et al. tract and along the Northwest line of land now or formerly owned by Jessie Cain, SOUTHWESTERLY approximately 1700 feet to the Northeast line of land now or formerly owned by Harris Carroll; THENCE, along said Harris Carroll land, NORTHWESTERLY approximately 600 feet and WESTERLY approximately 1450 feet to the center line of a road; THENCE, along said road center line NORTHWESTERLY 5900 feet; THENCE at right angles to the Southwest line of said A-3, SOUTHWESTERLY approximately 3000 feet to the Southwest line of said A-3.

THENCE, along said Southwest line, NORTHWESTERLY 2050 feet; THENCE, at right angles to said Southwest line of A-3, NORTHEASTERLY approximately 2700 feet to the center line of a road; THENCE, along said road center line, NORTHWESTERLY approximately 3000 feet to a Southeast line of A-58; THENCE, NORTHEASTERLY approximately 1650 feet to the most Eastern corner of a 119.47 acre tract of land now or formerly owned by Plychamp Corporation, et al.; THENCE, along the Northwest line of A-3, NORTHEASTERLY approximately 850 feet to the Southwest corner of an 80 acre tract of land now or formerly owned by Plychamp Corporation, et al.; THENCE, along the West line of said 80 acre Plychamp Corporation, et al. tract and along the West line of a tract of land now or formerly owned by Ben Ogletree, NORTHERLY approximately 3400 feet; THENCE, along the Northwest line of said Ben Ogletree tract, NORTHEASTERLY approximately 600 feet; THENCE, NORTHERLY approximately 1100 feet to the Southeast corner of a tract of land now or formerly owned by Ethel Macomber.

THENCE, along the East line of said Ethel Macomber tract and along the West line of a tract of land now or formerly owned by Peyton Bailey, NORTHERLY approximately 2300 feet to the Northwest corner of said Peyton Bailey tract; THENCE, NORTHEASTERLY approximately 1450 feet to the Northeast line of a 100 acre tract of land now or formerly owned by Plychamp Corporation, et al, said point being 1500 feet Southeast of the Northwest corner of said 100 acre Plychamp Corporation, et al tract; THENCE, NORTHWESTERLY approximately 1800 feet to the most Southern corner of a 51 acre tract of land now or formerly owned by Peyton Bailey; THENCE, along the Southwest and Northwest lines of said tract, NORTHWESTERLY approximately 1150 feet and NORTHEASTERLY approximately 1950 feet to the Southwest line of A-13; THENCE, along the Southwest line of said A-13, SOUTHEASTERLY approximately 12,000 feet to the most Eastern corner of said A-1073; THENCE, along the Southeast line of said A-1073, SOUTHWESTERLY approximately 950 feet to the Northeast line of said A-3; THENCE, along said Northeast line of A-3; SOUTHEASTERLY approximately 13,100 feet to the most Eastern corner of said A-3 and the Point of Beginning.

Survey and Abstract No.: John C. Davis; A-222.

Portion: ALL.

Survey and Abstract No.: W. J. S. Coulter; A-182.

Portion: ALL.

Survey and Abstract No.: I. & G. N. R.R.; A-667.

Portion: ALL.

Survey and Abstract No.: Abel Cain; A-183.

Portion: ALL.

Survey and Abstract No.: I. & G. N. R.R.; A-677.

Portion: That part of said A-677 lying West of a line beginning at a point on the North line of said A-677, which is 4600 feet West of the Northeast corner of said A-677 and running

THENCE, SOUTHERLY approximately 4200 feet to a point on the South line of said A-677, which is 4500 feet West of the Southeast corner of said A-677.

Survey and Abstract No.: I. & G. N. R.R.; A-676.

Portion: That part of said A-676 lying West of the following described lines: BEGINNING on the North line of said A-676 at a point 4500 feet West of the Northeast corner of said A-676; THENCE, SOUTHERLY approximately 3400 feet to an interior corner of said A-676, which is the Northwest corner of A-699; THENCE, along an East line of said A-676, SOUTHERLY approximately 3200 feet to the most Southern line of said A-676.

Survey and Abstract No.: I. & G. N. R.R.; A-699.

Portion: ALL.

Survey and Abstract No.: W. Sumrall; A-546.

Portion: ALL.

Survey and Abstract No.: M. McCormick; A-439.

Portion: ALL.

Survey and Abstract No.: J. E. Williford, A-823.

Portion: ALL.

Survey and Abstract No.: M. Whittington; A-598.

Portion: All of said A-598 except a 20 acre tract in the most Eastern corner of said A-598 now or formerly owned by T. J. Kinard, Jr., said excepted 20 acre tract also being the Southeast approximate 850 feet of the Northeast approximate 1100 feet of said A-598.

The lands described below are derived from National Park Service Maps Numbers 175:30,-030 and 175:30,031, copies of which are available for inspection in the Polk County Courthouse.

Survey and Abstract No.: Mary Thomas; A-75.

Portion: Part of said A-75 described as follows: BEGINNING at the most Northern corner of said A-75; THENCE, along the Northeast line of said A-75, SOUTHEASTERLY approximately 4800 feet to the most Northern corner of a 142.24 acre tract of land now or formerly owned by Harris Carroll; THENCE, along the Northwest line of said tract, SOUTHWESTERLY 1700 feet; THENCE, parallel to the Northeast line of said A-75, SOUTHEASTERLY approximately 2650 feet to the center line of Route No. 1276.

THENCE, along said center line, SOUTHWESTERLY approximately 3300 feet to its intersection with the center line of Route #943; THENCE, along said center line of Route #943, WESTERLY approximately 6100 feet to its intersection with the Southeasterly prolongation of the Easterly line of a tract of land now or formerly owned by T. D. Galloway; THENCE, along said prolongation and said Easterly line, NORTHWESTERLY approximately 750 feet to the most Eastern corner of a tract of land now or formerly owned by Bessie M. Johnson; THENCE, along the lines of said Bessie M. Johnson tract, NORTHWESTERLY approximately 1250 feet, SOUTHWESTERLY approximately 1000 feet and NORTHWESTERLY approximately 500 feet to the most Northern corner of said Bessie M. Johnson tract; THENCE, NORTHWESTERLY approximately 1550 feet to the Northeast corner of a tract of land now or formerly owned by Raymond Knight; THENCE, along the North line of said tract, WESTERLY approximately 1000 feet to the Northeast line of a tract of land now or formerly owned by Daisy R. Kersh; THENCE, along said Northeast line, NORTHWESTERLY approximately 1450 feet to the Northwest line of said A-75; THENCE, along said Northwest line, NORTHEASTERLY approximately 8200 feet to the most Northern corner of said A-75 and the Point of Beginning.

MENARD CREEK UNIT

THAT PORTION LYING WITHIN HARDIN COUNTY

The lands described below are derived from National Park Service Map Number 175:30,032, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: M.M.S. De Casanova; A-11.

Portion: Part of said A-11 described as follows: BEGINNING at the Southwest corner of said A-11; THENCE, N 45° E 9350 feet and N 3° W 1000 feet to the North line of said A-11, being the Polk-Hardin County line; THENCE, along said North line, N 87° E 1100 feet to a point which is 3000 feet S 87° W of the Northeast corner of said A-11; THENCE, S 3° E 700 feet, S 32° W 1000 feet and S 40° W 7900 feet to the South line of said A-11; THENCE, along said South line, S 86° W 500 feet to the left bank of Menard Creek; THENCE, continuing along said South line, S 86° W 1500 feet to the Southwest corner of said A-11 and the Point of Beginning.

Survey and Abstract No.: John Thompson; A-472.

Portion: Part of said A-472 described as follows: BEGINNING at the Northwest corner of said A-472; THENCE, along the North line of said A-472, N 86° E 2000 feet; THENCE, S 18° W 1100 feet, S 40° W 1700 feet and S 62° W 450 feet to the West line of said A-472; THENCE, along said West line, N 4° W 800 feet to the left bank of Menard Creek; THENCE, continuing along said West line, N 4° W 1600 feet to the Northwest corner of said A-472 and the Point of Beginning.

Survey and Abstract No.: R. A. Irion; A-32.

Portion: Part of said A–32 described as follows: BEGINNING on the East line of said A–32 at a point 1050 feet S 4° E of the Northwest corner of A–472; THENCE, along said East line, S 4° E 1350 feet; THENCE S 62° W 3200 feet to the Southwest line of said A–32, being the Hardin-Liberty County line; THENCE, along said Southwest line, N 20° W 700 feet to the left bank of Menard Creek; THENCE, continuing along said Southwest line, N 20° W 350 feet; THENCE, N 43° E 250 feet, N 78° E 1450 feet and N 48° E 2050 feet to the East line of said A–32 and the Point of Beginning.

THAT PORTION LYING WITHIN LIBERTY COUNTY

The lands described below are derived from National Park Service Map Number 175:30,032, copies of which are available for inspection in the Liberty County Courthouse.

Survey and Abstract No.: R. A. Irion; A–52.

Portion: Parts of said A–52 described as follows: BEGINNING on the South line of said A–52 at the Southeast corner of a tract of land now or formerly owned by M. R. Page trustee, said point being 2300 feet S 86° W of the Southeast corner of said A–52; THENCE, N 32° E 1900 feet and N 43° E 850 feet to the Northeast line of said A–52, being the Liberty-Hardin County line; THENCE, along said Northeast line, S 20° E 1050 feet; THENCE, S 62° W 300 feet and S 17° W 1000 feet to the South line of said A–52; THENCE, along said South line, S 86° W 200 feet to the left bank of Menard Creek; THENCE, continuing along said South line, S 86° W 1200 feet to the Point of Beginning. ALSO BEGINNING at the Southwest corner of said A–52; THENCE, along the West line of said A–52, N 3° W 900 feet; THENCE, N 86° E 150 feet, S 7° W 300 feet, S 73° E 900 feet and N 84° E 400 feet to the center line of a road; THENCE, along said road center line, S 23° E 250 feet to the South line of said A–52; THENCE, along said South line, S 86° W 1450 feet to the Southwest corner of said A–52 and the Point of Beginning.

Survey and Abstract No.: Joseph Carriere; A–6.

Portion: Part of said A–6 described as follows: BEGINNING at the Northwest corner of said A–6; THENCE, along the North line of said A–6, N 86° E 4600 feet to a point 900 feet S 86° W of the Northeast corner of said A–6; THENCE, S 5° E 1400 feet, S 86° W 2100 feet, N 74° W 1500 feet and S 87° W 1100 feet to the West line of said A–6; THENCE, along said West line, N 3° W 900 feet to the Northwest corner of said A–6 and the Point of Beginning.

Survey and Abstract No.: V. E. Disboe; A–166.

Portion: The North 900 feet of the East 1300 feet of said A–166.

Survey and Abstract No.: P. A. Sublett; A–111.

Portion: Part of said A–111 described as follows: BEGINNING at the Southeast corner of said A–111; THENCE, along the South line of said A–111, S 86° W 200 feet; THENCE, N 7° W 650 feet to the left bank of Menard Creek; THENCE, along said left bank, downstream in a general NORTHWESTERLY direction approximately 7300 feet; THENCE, SOUTH 400 feet and N 66° W 500 feet to a point on the West line of said A–111, said point being 2550 feet N 3° W of the Southwest corner of said A–111; THENCE, along said West line, N 3° W 550 feet to the left bank of Menard Creek; THENCE, continuing along said West line, N 3° W 600 feet; THENCE, S 75° E 3300 feet to the Northwest corner of land claimed by Harvey Collins; THENCE, along the Westerly line of said tract, S 12° E 800 feet THENCE, N 85° E 300 feet to the East line of said A–111; THENCE, along said East line, S 3° E 1800 feet to the Southeast corner of said A–111 and the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,032 and 175:30,033, copies of which are available for inspection in the Liberty County Courthouse.

Survey and Abstract No.: Joaquin Fernandez De Rumayor; A–103.

Portion: Parts of said A–103 described as follows: BEGINNING on the East line of said A–103 at a point 2550 feet N 3° W of the Southwest corner of A–111; THENCE, N 79° W 1550 feet and N 3° W 2550 feet to the left bank of Menard Creek; THENCE, along said left bank, N 31° W 400 feet and S 83° W 150 feet; THENCE, SOUTH 300 feet, N 87° W 1700 feet and N 39° W 2050 feet to the South line of Big Thicket Estates; THENCE, along said South line, N 88° E 1100 feet to the left bank of Menard Creek; THENCE, continuing along said South line, N 88° E 250 feet; THENCE, S 50° E 1400 feet, N 86° E 800 feet, S 33° E 700 feet, SOUTH 550 feet, S 25° E 400 feet and S 45° E 1550 feet to the East line of said A–103; THENCE, along said East line, S 3° E 1150 feet to the Point of Beginning.

ALSO BEGINNING on the North line of said A–103, being the Liberty-Polk County line, at a point 3750 feet S 87° W of the intersection of said North line with the center line of Highway 146; THENCE, S 51° E 1500 feet, S 65° E 3200 feet and N 88° E 1000 feet to the center line of Highway 146; THENCE, along said center line, S 29° E 750 feet to the right bank of Menard Creek; THENCE, continuing along said center line, S 29° E 400 feet; THENCE, S 88° W 2000 feet, N 64° W 3300 feet, N 52° W 1600 feet, S 86° W 2050 feet and N 39° W 1100 feet to said North line of A–103; THENCE, along said North line, N 87° E 3400 feet to the Point of Beginning.

ALSO BEGINNING on the Northerly line of said A–103 at a point 450 feet Westerly, when measured along said Northerly line of A–103, of the center line of Highway 2610; THENCE, S 37° W 700 feet and S 53° E 350 feet to the center line of said Highway 2610; THENCE, along said center line, S 36° W 1650 feet and S 31° W 1150 feet; THENCE, N 60° W 1550 feet to the left bank of the Trinity River; THENCE, along said left bank, upstream in a general NORTHEASTERLY direction approximately 100 feet to the Northerly line of said A–103; THENCE, along said Northerly line of A–103, NORTHEASTERLY 4000 feet to the Point of Beginning. ALSO a strip of land described as follows:

BEGINNING at the point of intersection of the center line of Highway 146 and the South line of Big Thicket Lake Estates; THENCE, EASTERLY, along said South line of Big Thicket Lake Estates, 3000 feet; THENCE, SOUTH 100 feet; WESTERLY, parallel to said South line of Big Thicket Lake Estates, 3000 feet to the center line of said Highway 146; THENCE, NORTHERLY along said center line 100 feet to the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,030 and 175:30,031, copies of which are available for inspection in the Polk County Courthouse.

Survey and Abstract No.: Henry W. Augustine; A–3 and James Morgan; A–57.

Portion: Part of said A–3 and A–57 described as follows: BEGINNING at the most Southern corner of said A–3, said point also being the most Southern corner of A–1003 and the most Eastern corner of A–55 and approximately 100 feet East of left bank of Menard Creek; THENCE, along the Northeast line of said A–1003; NORTHWESTERLY approximately 5050 feet to the most Northern corner of said A–1003; THENCE, along the Northwest line of said A–1003, SOUTHWESTERY 800 feet; THENCE, at right angles to said Northwest line, NORTHWESTERLY 1000 feet; THENCE, NORTHWESTERLY 2400 feet to the Southwest line of a 316.75 acre tract of land now or formerly owned by E. Y. Brooks.

THENCE, along said Southwest line being also the Northeast line of A–55, NORTHWESTERLY 2150 feet to the most Western corner of said Brooks' Tract; THENCE, along said Northeast line of A–55, NORTHWESTERLY 2750 feet to the right bank of Menard Creek; THENCE, continuing along said Northeast line, NORTHWESTERLY 400 feet to the Southeast line of A–58; THENCE, along said Southeast line, NORTHEASTERLY 2750 feet; THENCE, SOUTHEASTERLY 2350 feet to the Northwest line of said Brooks' tract; THENCE, along said Northwest line, NORTHEASTERLY 1350 feet to the most Northern corner of said Brooks' tract and the Southwest line of said A–3; THENCE, along the Northeast line of said Brooks' tract and the Southwest line of said A–3, SOUTHEASTERLY 3200 feet; THENCE, at right angles to said Southwest line of A–3, NORTHEASTERLY approximately 3000 feet to the center line of a road.

THENCE, along said road center line, SOUTHEASTERLY 6250 feet to the Northwest line of a 7.2 acre tract of land now or formerly owned by Harris Carroll; THENCE, along the Northwest and Southwest lines of said Carroll tract, SOUTHWESTERLY 500 feet and SOUTHEASTERLY 450 feet; THENCE, parallel to the Southeast line of said A–3, SOUTHWESTERLY 2050 feet to the most Northern corner of a 62.5 acre tract now or formerly owned by Jim Murphy, et al.; THENCE, along the Northwest line of said Murphy, et al. tract, SOUTHWESTERLY 1000 feet; THENCE, at right angles to the Southeast line of said A–3, SOUTHEASTERLY 1200 feet to said Southeast line of A–3; THENCE, along said Southeast line of A–3; SOUTHWESTERLY 1300 feet to the most Southern corner of said A–3 and the Point of Beginning.

Survey and Abstract No.: T. F. Pinckney; A–1003.

Portion: ALL.

Survey and Abstract No.: John W. Moreland; A–55.

Portion: Part of said A–55 described as follows: BEGINNING at the most Eastern corner of said A–55, being also the most Southern corner of A–1003; THENCE, along the Southeast line of said A–55, SOUTHWESTERLY approximately 100 feet to the left bank of Menard Creek; THENCE, continuing along said Southeast line of A–55, SOUTHWESTERLY approximately 300 feet to the Northeast line of a 93.6 acre tract of land now or formerly owned by Plychamp Corporation, et al.; THENCE, along the et al. tract, NORTHWESTERLY approximately 2100 feet to the Southeast line of a tract of land now or formerly owned by Lamar Carrol; THENCE, along said Southeast line and its Northeasterly prolongation, NORTHEASTERLY approximately 400 feet to the Northeast line of said A–55; THENCE, along said Northeast line, SOUTHEASTERLY approximately 2100 feet to the most Eastern corner of said A–55 and the Point of Beginning.

Survey and Abstract No.: L. B. Dortch, A–989.

Portion: All that part of said A–989 in a 79.22 acre tract of land now or formerly owned by Plychamp Corporation, et al, being a strip of land approximately 500 feet wide lying East of and adjoining the West line of said A–989.

Survey and Abstract No.: I. & G. N. R.R.; A–716.

Portion: Part of said A–716 described as follows: BEGINNING at the most Northern corner of said A–716; THENCE, along the East line of said A–716, SOUTHERLY ap-

proximately 1400 feet to the left bank of Menard Creek; THENCE, continuing SOUTHERLY along said East line 1250 feet to the most Southern corner of A-989; THENCE, NORTHWESTERLY approximately 1500 feet to the center line of Highway 943, said point being 750 feet Southwesterly of the intersection of said center line with the East line of said A-716; THENCE, along said center line, WESTERLY approximately 1450 feet to a Northwest line of said A-716; THENCE, along Northwest lines of said A-716, NORTHEASTERLY approximately 300 feet to the right bank of Menard Creek; THENCE, continuing along said Northwest lines NORTHEASTERLY 200 feet and NORTHEASTERLY approximately 1600 feet to the most Northern corner of said A-716 and the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,-031,copies of which are available for inspection in the Polk County Courthouse.

Survey and Abstract No.: J. G. Loring; A-403.

Portion: Part of said A-403 described as follows: BEGINNING at the Southwest corner of said A-403; THENCE, along the West line of said A-403; NORTHERLY approximately 550 feet to the Northwest line of said A-403; THENCE, along said Northwest line, NORTHEASTERLY approximately 350 feet to the right bank of Menard Creek; THENCE, continuing along said Northwest line, NORTHEASTERLY 350 feet; THENCE, SOUTHEASTERLY approximately 1050 feet to the South line of said A-403; THENCE, along said South line, WESTERLY 950 feet to the Southwest corner of said A-403 and the Point of Beginning.

Survey and Abstract No.: John V. Williams; A-615.

Portion: Part of said A-615 described as follows: BEGINNING at the Northwest corner of said A-615; THENCE along the North line of said A-615; N 87° E 600 feet to the right bank of Menard Creek; THENCE, continuing N 87° E 350 feet; THENCE, S 26° E 1300 feet, S 3° E 1150 feet, S 15° W 1350 feet and S 48° E 1200 feet to the South line of said A-615; THENCE, along said South line, S 87° W 1050 feet to the left bank of Menard Creek; THENCE, continuing along said South line, S 87° W 850 feet to the Southwest corner of said A-615; THENCE, along the West line of said A-615, N 3° W approximately 2100 feet to the South line of a 10 acre tract of land now or formerly owned by Eva Maze; THENCE, along said South line, N 87° E 400 feet; THENCE, N 3° W 1550 feet and N 27° W 900 feet to the Northwest corner of said A-615 and the Point of Beginning.

Survey and Abstract No.: James Williams; A-614.

Portion: Part of said A-614 described as follows: BEGINNING at the Northwest corner of said A-614; THENCE, along the North line of said A-614; N 87° E 1900 feet; THENCE, S 13° W 2450 feet and S 3° E 450 feet to the South line of said A-614; THENCE, along South and West lines of said A-614, S 87° W 300 feet, N 3° W approximately 1200 feet to the right bank of Menard Creek; THENCE, continuing along said South and West lines, N 3° W 600 feet, S 87° W 900 feet and N 3° W 1000 feet to the Northwest corner of said A-614 and the Point of Beginning.

Survey and Abstract No.: William Ashby; A-85.

Portion: Part of said A-85 described as follows: BEGINNING at the Northeast corner of said A-85; THENCE, along the East line of said A-85, SOUTHERLY approximately 3350 feet to the left bank of Menard Creek; THENCE, continuing along said East line approximately 1050 feet to the center line of the Magnolia Pipeline; THENCE, along said pipeline, NORTHWESTERLY approximately 1300 feet to a point 900 feet West of the East line of said A-85; THENCE, parallel to said East line of A-85; NORTHERLY 3450 feet to the North line of said A-85; THENCE, along said North line, EASTERLY 900 feet to the Northeast corner of said A-85 and the Point of Beginning.

Survey and Abstract No.: Ambrose Crane; A-170.

Portion: Part of said A-170 described as follows: BEGINNING at the Northwest corner of said A-170; THENCE, along the North line of said A-170, N 87° E 300 feet; THENCE, S 3° E 550 feet, S 31° E 3800 feet, and S 3° E 800 feet to the South line of said A-170; THENCE, along said South line, S 87° W 350 feet to the left bank of Menard Creek; THENCE, continuing along said South line, S 87° W 650 feet to a point lying 400 feet N 87° E of the Northwest corner of A-110; THENCE, N 3° W 900 feet to the center line of the Magnolia pipeline; THENCE, along said center line, N 46° W 1600 feet to the West line of said A-170; THENCE, along said West line, N 3° W 2600 feet to the Northwest corner of said A-170 and the Point of Beginning.

Survey and Abstract No.: Henry Burkhart; A-110.

Portion: Part of said A-110 described as follows: BEGINNING on the North line of said A-110 at a point 400 feet N 87° E of the Northwest corner of said A-110, THENCE, along said North line, N 87° E 1000 feet; THENCE, S 3° E 1700 feet, S 37° W 1500 feet and S 3° E 2300 feet to the South line of said A-110; THENCE, along said South line, S 87° W 400 feet to the Southwest corner of said A-110; THENCE, along the West line of A-110, N 3° W 2350 feet to the left bank of Menard Creek; THENCE, continuing along said West line, N 3° W 650 feet; THENCE, N 34° E 700 feet and N 3° W 1650 feet to the North line of said A-110 and the Point of Beginning.

Survey and Abstract No.: Henry Gunter; A-252.

Portion: Part of said A-252 described as follows: BEGINNING at the Northeast corner of Lot 9 of Holly Grove Subdivision, said point being 3000 feet Northerly of the Southwest corner of A-110; THENCE, along the East line of said A-252, SOUTHERLY 2200 feet to the Southeast corner of said A-252; THENCE, along said South line, WESTERLY 200 feet to the left bank of Menard Creek; THENCE, continuing along said South line, WESTERLY 400 feet; THENCE, NORTHERLY 2250 feet to the North line of said Lot 9 of Holly Grove Subdivision; THENCE, along said North line, EASTERLY 300 feet to the Point of Beginning.

Survey and Abstract No.: I. & G. N. R.R.; A-670.

Portion: Part of said A-670 described as follows: BEGINNING at the Northeast corner of said A-670, said point also being approximately 150 feet N 3° W of the Southeast corner of Lot 4 of Holly Grove Subdivision; THENCE, along Easterly lines of said A-670, S 3° E 1450 feet, N 87° E 150 feet and S 3° E 2150 feet to the South line of said A-670; THENCE, along said South line, S 87° W 200 feet to the left bank of Menard Creek; THENCE, continuing along said South line, S 87° W 550 feet; THENCE, N 15° W 2100 feet and N 13° E 1600 feet to the North line of said A-670; THENCE, along said North line, N 87° E 600 feet to the Northeast corner of A-670 and the Point of Beginning.

The lands described below are derived from National Park Service Maps Numbers 175:30,-031 and 175:30,032, copies of which are available for inspection in the Polk County Courthouse.

Survey and Abstract No.: M. M. S. De Casanova; A-14.

Portion: Part of said A-14 described as follows: BEGINNING on the South line of said A-14 at a point 3000 feet S 87° W of the Southeast corner of said A-14; THENCE, along said South line, S 87° W 350 feet to the left bank of Menard Creek; THENCE, continuing along said South line, S 87° W 750 feet; THENCE N 3° W 1400 feet, N 26° E 1650 feet, N 3° W 1950 feet, N 72° W 1100 feet, N 63° W 1150 feet and N 15° W 1100 feet to the South line of A-670; THENCE, along said South line, N 87° E 750 feet; THENCE, along the South line of A-565, EAST 450 feet to the Northwest corner of a 150 acre tract of land now or formerly owned by Clyde Moore, et ux.; THENCE, along the West line of said tract, S 3° E 850 feet; THENCE, S 77° E 2100 feet, S 3° E 2900 feet, S 43° W 950 feet and S 3° E 1800 feet to the South line of said A-14 and the Point of Beginning.

The lands described below are derived from National Park Service Map Number 175:30,-033, copies of which are available for inspection in the Polk County Courthouse.

Survey and Abstract No.: Joaquin Fernandez De Rumayor; A-66.

Portion: Part of said A-66 described as follows: BEGINNING on the left bank of the Trinity River at its intersection with the South line of A-66, being also the Polk-Liberty County line; THENCE, along said left bank, upstream in a general NORTHERLY direction approximately 5000 feet to a South line of an 80 acre tract of land now or formerly owned by Thomas E. Duke; THENCE, along the Southerly lines of said land now or formerly owned by Thomas E. Duke, S 88° E 1300 feet, S 1° W 500 feet, and S 89° E 1300 feet; THENCE, S 89° E 2950 feet and N 45° E 900 feet to the center line of Highway 2610; THENCE, along said center line, N 5° E 600 feet to the North line of said A-66; THENCE, along said North line of said A-66, N 88° E 7100 feet; THENCE, S 38° E 2800 feet to a point on the South line of said A-66, being also the Polk-Liberty County line, said point being 3750 feet S 87° W of the intersection of said North line with the center line of Highway 146.

THENCE, along said South line, S 87° W 750 feet to the left bank of Menard Creek; THENCE, continuing S 87° W. 650 feet; THENCE, N 39° W 1400 feet, S 83° W 1350 feet, S 50° W 1000 feet to the Northeasterly line of a 163.24 acre tract now or formerly owned by F. R. Duke; THENCE, along the Northeasterly and Northerly lines of said F. R. Duke tract, N 34° W 150 feet, S 71° W 600 feet, N 58° W 150 feet to the East line of a 850 acre tract now or formerly owned by F. R. Duke; THENCE, NORTH along said East line 200 feet to the left bank of Menard Creek; THENCE, in a general WESTERLY direction along said left bank approximately 4000 feet to the center line of Highway 2610; THENCE, along said highway center line, S 14° W 750 feet, THENCE, S 84° W 400 feet, S 37° W 700 feet, N 53° W 150 feet, S 37° W 200 feet and S 53° E 150 feet to the South line of said A-66, being also the Polk-Liberty County line; THENCE, along said South line, WESTERLY and SOUTHWESTERLY to the left bank of Trinity River and the Point of Beginning.

HARDIN, POLK AND LIBERTY COUNTIES

ALSO land in Hardin, Polk and Liberty Counties described as follows:

All land lying between the left bank and right bank of Menard Creek from the Northeast line of John W. Moreland Survey A-55 downstream to its confluence with the Trinity River.

LOBLOLLY UNIT

THAT PORTION LYING WITHIN LIBERTY COUNTY

The lands described below are derived from National Park Service Map Number 175:30,034, copies of which are available for inspection in the Liberty County Courthouse.

Survey and Abstract No.: C. Eigeneaur; A–186.

Portion: Part of said A–186 described as follows: BEGINNING at the Northwest corner of said A–186; THENCE, along the North line of said A–186, EAST approximately 5100 feet to the Northeast corner thereof; THENCE, along the East line of said A–186, SOUTH approximately 6050 feet to the Southeast corner thereof; THENCE, along the South line of said A–186, WEST approximately 2550 feet to the East line of a tract of land now or formerly owned by J. T. Doucette; THENCE, along said East line and along the East line of a tract of land now or formerly owned by G. S. Lloyd and the East line of a tract of land now or formerly owned by D. L. Lloyd, NORTH approximately 2550 feet to the Northeast corner of a tract of land now or formerly owned by D. L. Lloyd; THENCE, along the North line of said tract now or formerly owned by D. L. Lloyd and along the North line of a tract of land now or formerly owned by Louise T. Verret, WEST approximately 2550 feet to the West line of said A–186; THENCE, along said West line, NORTH approximately 3500 feet to the Northwest corner of said A–186 and the Point of Beginning.

HICKORY CREEK UNIT

THAT PORTION LYING WITHIN TYLER COUNTY

The lands described below are derived from National Park Service Map Number 175:30,-035, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: L. A. Beard; A–929.

Portion: ALL.

Survey and Abstract No.: L. A. Beard; A–1006.

Portion: Part of said A–1006 described as follows: BEGINNING at the Northwest corner of A–929; THENCE, along the West line of said A–929, SOUTH approximtaely 2900 feet to the most Southern line of said A–1006; THENCE, along said most Southern line, WEST approximately 1850 feet to the East line of A–1054; THENCE, along said East line, NORTH approximtaely 850 feet to the South line of A–1105, THENCE, along the lines of said A–1105, EAST approximately 100 feet, NORTH approximately 1500 feet, WEST approximately 600 feet and NORTH approximately 600 feet to the North line of land now or formerly owned by Mrs. Catherine Williford, et al.; THENCE, along said North line, EAST approximtaely 400 feet to a Northeast corner of said Williford, et al. land; THENCE, along the East line of said Williford, et al. land, SOUTH 350 feet; THENCE, EASTERLY approximately 400 feet to the West line of land now or formerly owned by Cecil Smith; THENCE, along said West line, SOUTH 950 feet to the Southwest corner of said Cecil Smith land.

THENCE, along the South line of said Cecil Smith land, EAST approximately 700 feet to the Southeast corner thereof; THENCE, along the most Eastern line of said Cecil Smith land and its Northerly prolongation, NORTH 1300 feet; THENCE, WESTERLY approximately 400 feet to an East line of said Cecil Smith land; THENCE, along said East line, NORTH 1600 feet to the center line of a road; THENCE, along said center line, EASTERLY 1900 feet; THENCE, SOUTH 550 feet; THENCE, EASTERLY approximately 950 feet to the West line of land now or formerly owned by Jean R. D. Anderson; THENCE, along said West line, SOUTH 550 feet to the North line of A–929; THENCE, along said North line, WEST approximately 1650 feet to the Point of Beginning.

Survey and Abstract No.: C. J. Knox; A–1054.

Portion: ALL.

Survey and Abstract No.: S. F. Williford; A–1105.

Portion: ALL.

Survey and Abstract No.: L. A. Casey; A–1143.

Portion: ALL.

TURKEY CREEK UNIT

THAT PORTION LYING WITHIN HARDIN COUNTY

The landa described below are derived from National Park Service Map Number 175:30,-037, copies of which are available for inspection in the Hardin County Courthouse.

Survey and Abstract No.: William D. Durham; A–188.

Portion: ALL.

Survey and Abstract No.: A. J. Richardson; A–431.

Portion: That part lying Northwest of the following described line: BEGINNING at the intersection of the North line of said A–431 with the center line of a road, said point being 1350 feet West of the Northeast corner of said A–431; THENCE, along said center line, SOUTHWESTERLY approximately 1200 feet to the East line of a tract of land now or formerly owned by Mollie Allison; THENCE, along the East line of said Allison tract, SOUTH approximately 200 feet to the Southeast corner thereof; THENCE, along the South line of said Allison tract, WEST approximately 900 feet to the Southwest corner thereof and the West line of said A–431.

Survey and Abstract No.: Nathaniel H. Hooe; A–238.

Portion: That part lying West of the following described line: BEGINNING on the North line of said A–238 at a point 450 feet West of the Southeast corner of A–188; THENCE, at right angles to said North line of A–238, SOUTH approximately 400 feet to the center line of a road; THENCE, along said center line, EASTERLY 300 feet; THENCE, SOUTHEASTERLY approximately 2350 feet to a point on the South line of said A–238 distant 3900 feet East of the Southwest corner of said A–238.

Survey and Abstract No.: Nathaniel H. Hooe; A–240.

Portion: That part lying West of a line beginning on the North line of said A–240 at a point 3900 feet East of the Northwest corner of said A–240 and running THENCE, SOUTHERLY approximately 2400 feet to a point on the South line of said A–240 distant 3650 feet East of the Southwest corner of said A–240.

Survey and Abstract No.: Nathaniel H. Hooe; A–239.

Portion: That part lying West of a line beginning on the North line of said A–239 at a point 3650 feet East of the Northwest corner of said A–239 and running THENCE SOUTH approximately 2400 feet to a point on the South line of said A–239 distant 3450 feet East of the Southwest corner of said A–239.

Survey and Abstract No.: Nathaniel H. Hooe; A–241.

Portion: Part of said A–241 described as follows: BEGINNING on the North line of said A–241 at a point 800 feet East of the Northwest corner of said A–241; THENCE, along said North line EAST 2900 feet; THENCE, SOUTHERLY approximately 2300 feet to a point on the South line of said A–241 distant 3400 feet East of the Southwest corner of said A–241; THENCE, along said South line, WEST 1900 feet; THENCE parallel to the West line of said A–241, NORTHERLY 1350 feet; THENCE, NORTHWESTERLY approximately 1300 feet to the Point of Beginning.

Survey and Abstract No.: Nathaniel H. Hooe; A–236.

Portion: Part of said A–236 described as follows: BEGINNING on the North line of said A–236 at a point 1500 feet East of the Northwest corner of said A–236; THENCE, along said North line, EAST 1900 feet; THENCE, SOUTHERLY approximately 2400 feet to a point on the South line of said A–236 distant 3050 feet East of the Southwest corner of said A–236; THENCE, along said South line, WEST 3000 feet; THENCE, parallel to the West line of said A–236, NORTHERLY 550 feet; THENCE, NORTHEASTERLY approximately 1600 feet; THENCE, parallel to said West line, NORTHERLY 850 feet to the Point of Beginning.

Survey and Abstract No.: Nathaniel H. Hooe; A–281.

Portion: Part of said A–281 described as follows: BEGINNING on the North line of said A–281 at a point 50 feet East of the Northwest corner of said A–281; THENCE, parallel to the West line of said A–281, SOUTHERLY approximately 650 feet to the center line of a pipeline; THENCE, along said center line, SOUTHEASTERLY 1550 feet; THENCE, SOUTHERLY approximately 1300 feet to a point on the South line of said A–281 distant 800 feet East of the Southwest corner of said A–281; THENCE, along said South line, EAST approximately 1900 feet to a point lying 800 feet distant from the Northwest corner of A–838; THENCE, NORTHERLY to a point on the North line of said A–281 distant 3050 feet East of the Northwest corner of said A–281; THENCE, along said North line, WEST 3000 feet to the Point of Beginning.

Survey and Abstract No.: T. M. McNeally; A–838.

Portion: That part lying Northwest of a line beginning at a point on the West line of said A–838 distant 900 feet South of the Northwest corner of said A–838 and running THENCE, NORTHEASTERLY approximately 1200 feet to a point on the North line of said A–838 distanct 800 feet East of the Northwest corner of said A–838.

Survey and Abstract No.: McKinny & Williams; A–401.

Portion: That part of said A–401 lying South of a line beginning at the most Eastern corner of A–274 and running THENCE, EASTERLY approximately 4150 feet to the Southeast corner of A–281.

Survey and Abstract No.: John W. Holland; A–274.

Portion: ALL.

Survey and Abstract No.: L. W. Reed; A–916.

Portion: ALL.

Survey and Abstract No.: Jesse Hammett; A–269.

Portion: ALL.

Survey and Abstract No.: Hiram Herrington; A–833.

Portion: That part lying North of the center line of Route #420.

Survey and Abstract No.: John D. Kennedy; A–354.

Portion: That part lying North of the center line of Route #420.

Survey and Abstract No.: William Dunbar; A–189.

Portion: That part lying North of the center line of Route #420.

Survey and Abstract No.: Greenbury Dorsey; A–195.

Portion: That part lying North of the following described line: BEGINNING on the West line of said A–195 at its intersection with the center line of Route #420; THENCE, along said center line, SOUTHEASTERLY approximately 1200 feet to its intersection with the Southerly prolongation of the West line of a tract of land now or formerly owned by Edward E. Jordan; THENCE, along said prolongation and along said West line, NORTH approximately 700 feet to the Northwest corner of said Jordan tract; THENCE, along the North line of said Jordan tract and along the North line of a tract of land now or formerly owned by Edna E. Ganus, EAST approximately 950 feet to the East line of said A–195, said point being approximately 600 feet South of the Northeast corner of said A–195.

Survey and Abstract No.: Greenbury Dorsey; A-194.

Portion: Being all that part of said A-194 in a tract in the Northwest corner now or formerly owned by H. J. Halliday, described as follows: BEGINNING at the Northwest corner of said A-194; THENCE, SOUTH approximately 600 feet to the South line of said Halliday tract; THENCE, along said South line, EAST approximately 900 feet to the Southeast corner of said tract; THENCE, along the East line of said tract, NORTH approximately 650 feet to the North line of said A-194; THENCE, along the North line of said A-194, WESTERLY approximately 900 feet to the Point of Beginning.

Survey and Abstract No.: Richard P. Forbes; A-211.

Portion: ALL.

TURKEY CREEK UNIT

THAT PORTION LYING WITHIN TYLER COUNTY

The lands described below are derived from National Park Service Map Number 175:30,-036, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: A. J. Browning; A-91.

Portion: That part of the East 1200 feet lying South of the center line of Route #1943.

Survey and Abstract No.: McKinny & Williams; A-474.

Portion: That part lying South of the center line of Route #1943.

Survey and Abstract No.: M. Granger; A-285.

Portion: ALL.

Survey and Abstract No.: R. L. Granberry; A-300.

Portion: All that part lying East of the following described line: BEGINNING on the North line of said A-300 at the Northeast corner of a 20 acre tract of land now or formerly owned by A. W. Bumstead, said point being approximately 950 feet East of the Northwest corner of said A-300, THENCE, along the East line of said Bumstead tract, SOUTH approximately 1000 feet to the Southeast corner thereof; THENCE, along the South line of said Bumstead tract, WEST approximately 200 feet to the Northeast corner of a 29.95 acre tract now or formerly owned by N. C. Holland; THENCE, along the East line of said Holland tract, SOUTH approximately 1000 feet to the North line of a cemetery; THENCE along said North line, EAST approximately 200 feet to the Northeast corner of said cemetery; THENCE, along the East line of said cemetery, SOUTH approximately 250 feet to the Southeast corner thereof; THENCE, along the South line of said cemetery, WEST approximately 200 feet to the line common to the lands now or formerly owned by said N. C. Holland and the lands now or formerly owned by W. A. Read, Jr. and Doris J. Read; THENCE, along said common line, SOUTH approximately 300 feet to the South line of said A-300.

Survey and Abstract No.: Galv. & Braz. Nav. Co.; A-335.

Portion: All that part lying Southwest of the following described line: BEGINNING at a point on the South line of said A-335 distant approximately 3750 feet East of the Southwest corner of said A-335, said point being on the center line of a road; THENCE, along the center line of said road, NORTHERLY approximately 800 feet to its intersection with the center line of Route #1943; THENCE, along said center line of Route #1943, NORTHWESTERLY approximately 4900 feet to its intersection with the North line of said A-335.

Survey and Abstract No.: Jubal Evans; A-841.

Portion: All that part lying West of a North-South road, the center line of which intersects the North line of said A-841 at a point approximately 3750 feet East of the Northwest corner of said A-841 and intersects the South line of said A-841 at a point approximately 4150 feet East of the Southwest corner of said A-841.

Survey and Abstract No.: B. E. Williams; A-681.

Portion: All that part lying East of the following described line: BEGINNING at the Southwest corner of a 115 acre tract of land now or formerly owned by Charles G. Hooks, et al., said point being approximately 500 feet East of the Southwest corner of said A-681, THENCE, along the line common to said Hooks, et al. and land now or formerly owned by W. Burlin Nash, NORTH approximately 1250 feet, and EAST approximately 500 feet and NORTH approximately 800 feet to the Northeast corner of said Nash tract; THENCE, continuing along the West line of said Hooks, et al. tract, NORTH approximately 650 feet to the North line of said A-681 at a point approximately 1000 feet East of the Northwest corner of said A-681.

Survey and Abstract No.: William S. Brown; A-63.

Portion: Part of said A-63, described as follows: BEGINNING on the North line of said A-63 at its intersection with the center line of a road, said point being approximately 950 feet East of the Northwest corner of said A-63; THENCE, along the North line of said A-63, EAST approximately 5950 feet to the Northwest corner of a 35 acre tract of land now or formerly owned by J. K. Adam, et al; THENCE, along the West line of said Adam, et al tract, SOUTH approximately 400 feet to a corner common to said Adam, et al and a 75 acre tract of land now or formerly owned by Laura W. Barbee, et al; THENCE, along the West line of said Barbee, et al tract, SOUTH 1200 feet; THENCE, EAST approximately 800 feet to the center line of a road.

THENCE, along said center line, NORTH approximately 800 feet to a North line of said Barbee, et al tract; THENCE, along said North line, EAST approximately 1600 feet to the Northeast corner of said Barbee, et al tract; THENCE, along the East line of said Barbee, et al tract, SOUTH approximately 1300 feet to the Southeast corner of said Barbee, et al tract; THENCE, SOUTHERLY approximately 1800 feet to a point on the South line of said A-63, distant 2300 feet West of the Southeast corner of said A-63; THENCE, along the South line of said A-63, WEST approximately 7650 feet to its intersection with the center line of a road, said point being distant approximately 800 feet East of the Southwest corner of said A-63; THENCE, along said road center line, NORTHERLY approximately 4000 feet to the Point of Beginning.

Survey and Abstract No.: H. M. Trueheart; A-645.

Portion: That part lying East of the following described line: BEGINNING on the North line of said A-645 at its intersection with the center line of a road, said point being approximately 800 feet East of the Northwest corner of said A-645; THENCE, along said center line, SOUTHERLY approximately 1550 feet to its intersection with the North line of a tract of land now or formerly owned by W. H. Gardner; THENCE, along said North line, EAST approximately 1000 feet to the Northeast corner of said W. H. feet to the Northeast corner of said W. H. Gardner tract; THENCE, along the East line of said W. H. Gardner tract, SOUTH approximately 550 feet to the Southeast corner thereof and a point on the North line of a tract of land now or formerly owned by Fletcher Nolen; THENCE, along said North line, EAST approximately 50 feet to the Northeast corner of said Fletcher Nolen tract.

THENCE, along the Northeast line of said Nolen tract, SOUTHEASTERLY approximately 800 feet to the Southeast corner thereof and a point on the North line of a 43.2 acre tract of land now or formerly owned by H. M. Gardner; THENCE, along said North line, EAST 900 feet; THENCE, SOUTH approximately 550 feet to the Northeast corner of a tract of land now or formerly owned by Stackpole, et vir; THENCE, along the East line of said Stackpole, et vir tract, SOUTH approximately 350 feet to the Southeast corner thereof and the South line of said A-645, said point being approximately 1500 feet West of the Southeast corner of said A-645.

Survey and Abstract No.: William J. Jones; A-308.

Portion: That part of said A-308 lying West of the following described line: BEGINNING on the North line of said A-308 at a point 2300 feet West of the Southeast corner of A-63; THENCE, at right angle to the North line of said A-308, SOUTH 700 feet; THENCE, parallel to said North line, WEST approximately 800 feet to the center line of a road; THENCE, along said center line, SOUTHERLY approximately 850 feet to its intersection with the Easterly prolongation of the North line of land now or formerly owned by I. J. Campbell; THENCE, along said prolongation and said North line, WEST approximately 950 feet to the Northwest corner of said Campbell tract; THENCE, along the West line of said Campbell tract and along the West line of a tract of land now or formerly owned by Hugh Campbell, SOUTH approximately 2250 feet to a point on the South line of said A-308, distant approximately 5200 feet West of the Southeast corner of said A-308.

Survey and Abstract No.: William S. Brown; A-62.

Portion: Part of said A-62 described as follows: BEGINNING at the Southwest corner of said A-62; THENCE, along the West line of said A-62; NORTHWESTERLY approximately 1850 feet to its intersection with the center line of a road; THENCE, along said center line, NORTHEASTERLY approximately 1100 feet to the North line of land now or formerly owned by William M. Rice, Inst., et al.; THENCE, along said North line, EAST 1150 feet; THENCE, NORTHERLY approximately 2550 feet to a point on the North line of land now or formerly owned by Mrs. Jessie E. Dixon, said point being distant 2600 feet East of the Northeast corner of A-1164.

THENCE, along said North line of Dixon land, WEST 1000 feet; THENCE, NORTH approximately 3000 feet to a point on the North line of said A-62, distant 1500 feet West of the Southeast corner of said A-645; THENCE, along said North line, EAST approximately 3650 feet to the East line of land now or formerly owned by W. N. Hatton; THENCE, along said East line and its Southerly prolongation, SOUTH approximately 800 feet to the South line of land now or formerly owned by John Henry Hatton; THENCE, along said South line, EAST approximately 1050 feet to the Northwest corner of a 10 acre tract of land now or formerly owned by J. H. Hatton; THENCE, along the West line of said 10 acre tract, SOUTH approximately 600 feet to the Southwest corner thereof; THENCE, along the South line of said tract, EAST approximately 100 feet to the center line of a road; THENCE, along said center line, SOUTHERLY approximately 4700 feet to a point on the Northwest line of A-679; THENCE, along said Northwest line, SOUTHWESTERLY approximately 600 feet to the most Western corner of said A-679; THENCE, along the Southwest line of said A-679, SOUTHEASTERLY approximately 2400 feet to the South line of said A-62; THENCE, along said South line of A-62, WEST ap-

proximately 6650 feet to the Point of Beginning.

Survey and Abstract No.: William H. Williams; A–679.

Portion: Part of said A–679 described as follows: BEGINNING at the most Southern corner of said A–679; THENCE, along the Southwest line of said A–679, NORTHWESTERLY approximately 1950 feet to the most Southern corner of a tract of land now or formerly owned by C. L. Felder; THENCE, SOUTHEASTERLY approximately 1450 feet to a point on the Northwest line of a tract of land now or formerly owned by William Temple, which is 600 feet Northeasterly of the most Western corner of said tract; THENCE, along the lines of said William Temple tract, NORTHEASTERLY approximately 950 feet; SOUTHERLY approximately 200 feet; SOUTHWESTERLY approximately 850 feet; SOUTHEASTERLY approximately 400 feet; and SOUTHWESTERLY approximately 750 feet to the most Southern corner of said A–679 and the Point of Beginning.

Survey and Abstract No.: William M. Rice; A–1168.

Portion: That part lying South of the center line of a road, said road center line intersects the Southwest line of said A–1168 at a point approximately 450 feet Southeasterly of the Northwest corner of said A–1168.

Survey and Abstract No.: So. Settlement & Dev. Co.; A–1166.

Portion: ALL.

Survey and Abstract No.: T & N. O. R.R.; A–807.

Portion: All that part lying Southeast of the center line of a road which intersects the South line of said A–807 at a point distant approximately 3000 feet West of the Southeast corner of said A–807 and intersects the Northeast line of said A–807 at a point distant approximately 4450 feet Northwesterly of said Southeast corner of A–807.

Survey and Abstract No.: Nathaniel H. Hove; A–307.

Portion: All that part lying West of the center line of a road which intersects the South line of said A–307 at a point distant approximately 2650 feet West of the Southeast corner of said A–307 and intersects the North line of said A–307 at a point distant approximately 2400 feet West of the Northeast corner of said A–307.

The lands described below are derived from National Park Service Maps Numbers 175:30,-036 and 175:30,037, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: T. & N. O. R.R.; A–806.

Portion: All that part lying East of the following described line: BEGINNING at the intersection of the center line of a road with the North line of said A–806, said point being 3000 feet West of the Northeast corner of said A–806; THENCE, along said center line, SOUTHEASTERLY approximately 2700 feet to its intersection with the North line of A–833; THENCE, along said North line, EAST approximately 1700 feet to the Northeast corner of said A–833; THENCE, along the East line of said A–833, SOUTH approximately 2650 feet to the Southeast corner thereof; THENCE, along the South line of A–833, WEST approximately 1300 feet to the East line of land now or formerly owned by T. H. Bussells; THENCE, along the said East line, SOUTH approximately 150 feet to the Southeast corner thereof; THENCE, along the South line of said Bussells tract; WEST approximately 600 feet to its intersection with the center line of a road; THENCE, along said center line, SOUTHERLY approximately 1700 feet to a point on the South line of said A–806 distant approximately 4050 feet West of the Southeast corner of said A–806.

Survey and Abstract No.: Nathaniel H. Hove; A–1022.

Portion: All that part lying West of the following described line: BEGINNING on the South line of said A–1022 at its intersection with the West line of A–610; THENCE, along said West line of A–610, NORTH approximately 1300 feet to the Northwest corner thereof; THENCE, along the North line of said A–610, EAST approximately 1100 feet to its intersection with the Center line of a road; THENCE, along said center line NORTHEASTERLY approximately 1800 feet to its intersection with the North line of said A–1022, said point being distant approximately 2650 feet West of the Northeast corner of said A–1022.

The lands described below are derived from National Park Service Map Number 175:30,-037, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: Nathaniel H. Hove; A–306.

Portion: Being all that part lying West of the following described line: BEGINNING at the intersection of the North line of said A–306 with the West line of said A–610, THENCE, along said West line, SOUTH approximately 1350 feet to the Southwest corner of said A–610; THENCE, along the Southerly prolongation of said West line, SOUTH approximately 900 feet to its intersection with the center line of a road; THENCE, along said center line, SOUTHWESTERLY approximately 900 feet to a point on the South line of said A–306 distant approximately 600 feet West of the Northeast corner of A–547.

Survey and Abstract No.: William D. Durhan; A–1157.

Portion: ALL.

Survey and Abstract No.: A. J. Richardson; A–547.

Portion: All that part lying West of a road, the center line of which intersects the North line of said A–547 at a point approximately 600 feet West of the Northeast corner of said A–547 and intersects the South line of said A–547 at a point distant approximately 1350 feet West of the Southeast corner of said A–547.

BEECH CREEK UNIT

THAT PORTION LYING WITHIN TYLER COUNTY

The lands described below are derived from National Park Service Map Number 175:30,038, copies of which are available for inspection in the Tyler County Courthouse.

Survey and Abstract No.: William R. Goode; A–284.

Portion: That part of the East 4800 feet of said A–284 lying South of a road, the center line of which intersects the West line of said A–284 at a point approximately 900 feet North of the Southwest corner of said A–284 and intersects the East line of said A–284 at a point approximately 850 feet North of the Southeast corner of said A–284.

Survey and Abstract No.: B. S. Mangam; A–464.

Portion: That part of said A–464 lying South of a road, the center line of which intersects the West line of said A–464 at a point approximately 850 feet North of the Southwest corner of said A–464 and intersects the East line of said A–464 at a point approximately 50 feet North of the Southeast corner of said A–464.

Survey and Abstract No.: William G. Wood; A–677.

Portion: That part of said A–677 lying South of a road, the center line of which intersects the West line of said A–677 at a point approximately 50 feet North of the Southwest corner of said A–677 and intersects the South line of said A–677 approximately 600 feet West of the Southeast corner of said A–677.

Survey and Abstract No.: Charles M. Terrel; A–638.

Portion: ALL.

Survey and Abstract No.: John B. Dodd; A–215.

Portion: All of said A–215 except that part in Lots 1–3 inclusive in the Southwest corner of said A–215, said exception being the South approximate 1600 feet of the West approximate 1800 feet of said A–215.

Survey and Abstract No.: A. F. Smyth; A–566.

Portion: The West 1300 feet.

Survey and Abstract No.: James F. Walker; A–676.

Portion: The West 1300 feet.

Survey and Abstract No.: Burrel J. Hollomon; A–371.

Portion: The West 1300 feet.

Survey and Abstract No.: William C. Hooker; A–360.

Portion: All of said A–360 except that part in Lots 1–9 inclusive in the Northwest corner of said A–360, said exception being the North approximate 3950 feet of the West approximate 1800 feet of said A–360.

Survey and Abstract No.: William H. Brown; A–76.

Portion: Part of said A–76 described as follows: BEGINNING at the Northwest corner of said A–76; THENCE, SOUTHEASTERLY approximately 3900 feet to a point on the East line of said A–76, which is 1750 feet North of the Southeast corner of said A–76; THENCE, along said East line, SOUTH 1750 feet to the Southeast corner thereof; THENCE, along the South line of said A–76, WEST approximately 2250 feet to the Southwest corner of a tract of land now or formerly owned by B. E. Quinn, Jr., et al.; THENCE, along the Northwest line of said B. E. Quinn, Jr., et al. tract, NORTHEASTERLY 850 feet; THENCE, at right angles to said Northwest line, NORTHWESTERLY 900 feet; THENCE, SOUTHWESTERLY approximately 400 feet to the most Northern corner of a 7.44 acre tract of land now or formerly owned by A. C. Chaddick; THENCE, along the Northwest and West lines of said 7.44 acre tract, SOUTHWESTERLY approximately 600 feet and SOUTHERLY approximately 350 feet to the South line of said A–76; THENCE, along said South line, WEST approximately 300 feet to the Southwest corner of said A–76; THENCE, along the West line of said A–76, NORTHERLY approximately 3200 feet to the Northwest corner thereof and the Point of Beginning.

Survey and Abstract No.: John W. Richards; A–542.

Portion: That part of said A–542 lying South of the North lines of a 50 acre tract now or formerly owned by Citizens State Bank and a 75.25 acre tract now or formerly owned by Genevieve Sekaly and lying East of the West line of said 50 acre tract now or formerly owned by Citizens State Bank, said part being the South approximate 1800 feet of the East approximate 2900 feet of said A–542.

Survey and Abstract No.: Enis Hardin; A–346.

Portion: Part of said A–346 described as follows: BEGINNING at the Southeast corner of said A–346; THENCE, along a South line of said A–346, WEST approximately 4050 feet to the East line of A–102; THENCE, along said East line of A–102, NORTH approximately 1300 feet to the Northeast corner of said A–102; THENCE, along the North line of said A–102, WEST approximately 2850 feet to the center line of a road; THENCE, along said center line, NORTHWESTERLY 2700 feet to the South line of a tract of land now or formerly owned by James Chapman;

THENCE, along the South and East lines of said Chapman tract, EASTERLY approximately 500 feet and NORTHERLY approximately 1200 feet to the Southeast corner of a tract of land now or formerly owned by L. E. DeCordova, et al.

THENCE, along the East line of said DeCordova tract, NORTHERLY approximately 3850 feet to the South line of a tract of land now or formerly owned by Champion Paper & Fiber Company; THENCE, along the South and East lines of said Champion Paper & Fiber Company tract and the East line of a tract of land now or formerly owned by H. M. McDonald, et al., EASTERLY approximately 1400 feet and NORTHERLY approximately 2500 feet to the North line of said A–346; THENCE, along said North line of A–346, EASTERLY approximately 5300 feet to the Northeast corner of said A–346; THENCE, along the East line of said A–346, SOUTHERLY approximately 11,300 feet to the Southeast corner of said A–346 and the Point of Beginning.

Survey and Abstract No.: Mathias H. Pruitt; A–508.

Portion: The West 3500 feet.

Survey and Abstract No.: Archibald Montgomery; A–457.

Portion: That part of said A–457 now or formerly owned by International Paper Company, being the West approximate 3550 feet of the North approximate half of said A–457 and the West approximate 3400 feet of the South aproximate half of said A–457.

Survey and Abstract No.: John Nowlin; A–484.

Portion: Part of said A–484 described as follows: BEGINNING at the Southwest corner of said A–484; THENCE, along the West line of said A–484, NORTH approximately 700 feet to a Northwest corner of said A–484; THENCE, along the South line of A–457, EAST 3400 feet; THENCE, SOUTHWESTERLY approximately 800 feet to the South line of said A–484; THENCE, along said South line, WEST 3000 feet to the Southwest corner of said A–484 and the Point of Beginning.

Survey and Abstract No.: John J. Pemberton; A–502.

Portion: Part of said A–502 described as follows: BEGINNING on the North line of said A–502 at the Northeast corner of a tract of land now or formerly owned by Jim B. Jenkins, said point being approximately 4850 feet East of the Northwest corner of said A–502; THENCE, along said North line, EAST approximately 2200 feet to the Northwest corner of a tract of land now or formerly owned by J. E. Nolen; THENCE, along the West line of said J. E. Nolen tract, SOUTH approximately 1100 feet to the center line of a road, THENCE, along said center line, WESTERLY and SOUTHWESTERLY approximately 2400 feet to the East line of said Jim B. Perkins tract; THENCE, along said East line, NORTHERLY approximately 1500 feet to the Point of Beginning.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

DESEGREGATION OF PUBLIC EDUCATION

Notice of Proposed Rule Making

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 180]

DESEGREGATION OF PUBLIC EDUCATION

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority contained in Title IV of the Civil Rights Act of 1964, 78 Stat. 246, as amended (42 U.S.C. 2000c-2000c-9), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 180 of the Code of Federal Regulations to read as set forth below.

There will be no guidelines for these programs. The regulations contain mandatory requirements for the programs. Should guidelines be issued in the future, they would be limited to suggestions and recommendations for program operation management.

1. *Program purpose.* Title IV of the Civil Rights Act authorizes three types of assistance in connection with the desegregation of public elementary and secondary schools. Technical assistance to school districts, authorized by section 403, is provided pursuant to the regulations (Subparts B and C) through State educational agencies and public or private agencies (including institutions of higher education) which receive awards for this purpose. Training institutes conducted by institutions of higher education, authorized by section 404, are provided for (Subpart D) to assist elementary and secondary school personnel to deal with desegregation problems. Grants to school boards, authorized by section 405, are provided for (Subpart E) to enable school boards to hire desegregation specialists and give inservice training to school personnel respecting desegregation. "Desegregation" would, under the proposed regulations, include not only desegregation on the basis of race, color, religion, or national origin but desegregation on the basis of sex. The term would also include, for the purpose of Subparts B and C, desegregation on the basis of English language deficiencies resulting from students' non-English dominant environments.

2. *Major amendments to current regulations.* A. *Provision for desegregation on the basis of sex.* The proposed regulations provide for activities focusing on desegregation on the basis of sex under all four programs, *Technical Assistance Arrangements With State Educational Agencies* (Subpart B), *General Assistance Centers* (Subpart C), *Training Institutes* (Subpart D), and *Grants to School Boards* (Subpart E).

An applicant for funds under any of these subparts may seek funds for activities focusing only on desegregation on the basis of race, color, religion, or national origin (as under the existing regulations), for activities focusing only on desegregation on the basis of sex, or for activities focusing on both types of desegregation. For the most part, all such applications will be submitted and considered in the same manner, and the activities authorized under the current regulations (§§ 180.12, 180.22, 180.32, and 180.42) are sufficiently generalizable that only minor modifications to such sections have been deemed necessary in making them applicable to desegregation on the basis of sex. However, the following substantive distinctions between applications focusing only on desegregation on the basis of race, color, religion, or national origin and those focusing only on desegregation on the basis of sex appear in the proposed regulations:

(i) At least ten awards are to be made for each fiscal year for training institutes (Subpart D) of which the primary focus would be training with regard to desegregation on the basis of sex, regardless of how applications for such activity compare with other applications for training institutes, provided that no application need be approved which is of such insufficient promise for achieving the purposes of the program that its approval is not warranted. (See § 180.35.)

(ii) The revised criteria for applications under Subparts B, C, and E provide that in the case of applications focusing on desegregation on the basis of sex, some points will be awarded on the basis of the total number of students in the school districts or other governmental units to be assisted. The corresponding provisions in the case of applications focusing on desegregation on the basis of race, color, religion, or national origin continue to refer to what is considered the meaningful variable of the number of minority group students in the school districts or other governmental units to be assisted. Applications focusing on both types of desegregation will be at a slight competitive advantage. Applications which are to serve large numbers of minority group students will be at a slight competitive advantage over applications focusing on desegregation on the basis of sex. (See §§ 180.14(a), 180.24(a), 180.44(b).)

B. *Provision for desegregation on the basis of English language deficiencies resulting from students' non-English dominant environments.* The proposed regulations provide for awards, from funds set aside for this purpose, for activities focusing on desegregation on the basis of English language deficiencies resulting from students' non-English dominant environments under two programs, *Technical Assistance Arrangements With State Educational Agencies* (Subpart B, § 180.16) and *General Assistance Centers* (Subpart C, § 180.26).

In *Lau* v. *Nichols*, 414 U.S. 563 (1974), the Supreme Court held that where about 1800 non-English speaking students of a common language background were not provided with special instruction taking account of such background, the school system violated section 601 of the Civil Rights Act of 1964 as implemented by regulation (45 CFR Part 80). The Court said that the school system's denial to non-English speaking students of a meaningful opportunity to participate in the system's educational program constituted discrimination banned by the regulations. Hence the proposed regulations for Title IV of the Civil Rights Act include the aforementioned new components designed to serve students "who have been specifically determined by the Commissioner to be from environments in which the dominant language is other than English and who, as a result of such circumstances, are not capable of effective participation in the educational process." (§ 180.02 (e)(2); see also § 180.02(a)(2) and (f).)

An applicant for funds under § 180.16 or § 180.26 may be one which is also applying for funds under Subpart B or C, respectively, for activities focusing on desegregation on the basis of sex or of race, color, religion, or national origin, or both. However, the service areas for § 180.26 differ from those (180.22) for applicants seeking to serve as General Assistance Centers for desegregation on such other bases, because non-English speaking students of the type described above are concentrated geographically in such a manner that adoption of the existing service areas for General Assistance Centers serving such students would not be feasible. Correspondingly, certain additional activities are authorized under both subparts in recognition of the special needs of such students.

The proposed regulations provide for division of available funds between §§ 180.16 and 180.26 on a 1:3 ratio. For the most part, §§ 180.16 and 180.26 otherwise incorporate the regulatory provisions generally applicable to Subparts B and C, respectively, except that the criteria for applications under § 180.26 do not provide for the awarding of any points on the basis of the number of students to be served.

3. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below include the results of this study as it pertains to programs under Title IV of the Civil Rights Act of 1964. Upon publication of revised Part 180 in final form, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with, or affecting Part 180 (except the Office of Education General Provisions Regulations) will be superseded, effective thirty days after such publication.

4. *Effect of Office of Education general provisions regulations.* Provisions

relating to general fiscal and administrative matters (except with respect to Subpart C) are covered under the overall Office of Education general provisions regulations. (See 45 CFR Parts 100 and 100a).

5. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between that citation and the next preceding citation. When the citation appears only at the end of the section it applies to the entire section.

6. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations, as follows:

A hearing will take place at the U.S. Office of Education on April 21, 1975, in the auditorium of Regional Office Building Three, located at 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials. Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue, SW., Room 2085, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received not later than April 16, 1975, will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 8:30 a.m. and 4 p.m. Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program No. 13.405, Civil Rights Technical Assistance and Training)

Dated: February 7, 1975.

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

Approved: March 10, 1975.

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

PART 180—DESEGREGATION OF PUBLIC EDUCATION

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AUTHORITY: Title IV of the Civil Rights Act of 1964, 78 Stat. 246, as amended (42 U.S.C. 2000c–2000c–9), unless otherwise noted.

Subpart A—General Provisions

§ 180.01 Purpose.

The purpose of this part is to provide for awards as authorized by sections 403, 404, and 405 of title IV of the Civil Rights Act of 1964, as amended, for technical assistance, training institutes, and grants to school boards in connection with desegregation of public elementary and secondary schools.

(42 U.S.C. 2000c)

§ 180.02 Definitions.

Except as otherwise specified, the following definitions shall apply to the terms used in this part:

(a)(1) "Desegregation" means (except for purposes of §§ 180.16 and 180.26) the assignment of students to public schools and within such schools without regard to their race, color, religion, sex, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance. For purposes of this paragraph, overcoming racial imbalance means the assignment of students to correct conditions of segregation or separation (on the basis of race, color, religion, or national origin) not resulting from State or local law or official action.

(2) For purposes of §§ 180.16 and 180.26, "desegregation" means the assignment of students to public schools and within such schools in such manner as to provide such students with an equal opportunity for effective participation in educational programs despite English language deficiencies of such students which result because they are from environments in which the dominant language is other than English. ((42 U.S.C. 2000c(b)); *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836, 878–879 (5th Cir. 1966), cert. den. 389 U.S. 840 (1967); *Lau* v. *Nichols*, 414 U.S. 563 (1974))

(b) "Public school" means any elementary or secondary educational institution, provided that such public school is operated by a State, subdivision of a State, or government agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(42 U.S.C. 2000c(c))

(c) "School board" means any agency or agencies which administer a system of one or more public schools, and any other agency which is responsible for the assignment of students to or within such system.

(42 U.S.C. 2000c(d))

(d) "Institution of higher education" means an educational institution in any State which: (1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate; (2) is legally authorized within such State to provide a program of education beyond high school; (3) provides an educational program for which it awards a bachelor's degree; or provides not less than a 2-year program which is acceptable for full credit toward such a degree; or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge; (4) is a public or other nonprofit institution; and (5) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner.

(42 U.S.C. 2000c–2000c–9)

(e)(1) "Minority group" refers (except for purposes of §§ 180.16 and 180.26) to persons (i) who are Negro, American Indian, Spanish surnamed American, Portuguese, Oriental, Alaskan natives, or Hawaiian natives, or (ii) who have been specifically determined by the Commissioner to have been segregated or separated on the basis of race, color, religion, or national origin as a result of State or local law or official action.

(2) For purposes of §§ 180.16 and 180.26, "minority group" refers to persons who have been specifically determined by the Commissioner to be from environments in which the dominant language is other than English and who, as a result of such circumstances, are not capable of effective participation in the educational process.

(42 U.S.C. 2000c–2000c–9; *Lau* v. *Nichols*, 414 U.S. 563 (1974))

(f) "Non-English dominant minority group" refers to persons described in § 180.02(e)(2).

(42 U.S.C. 2000c-2000c-9)

(g) "State" means one of the 50 States or the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(42 U.S.C. 2000c)

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

(42 U.S.C. 2000c-2000c-9)

§ 180.03 Applicability of Subchapter A.

Assistance under this part is subject to applicable provisions contained in Parts 100 and (except with respect to Subpart C) 100a of this title (relating to fiscal, administrative, property management, and other matters), except that such assistance shall not be subject to the provisions of § 100a.26(b) of Part 100a, relating to criteria for awards.

(42 U.S.C. 2000c-2000c-9)

Subpart B—Technical Assistance Arrangements With State Educational Agencies

§ 180.11 Eligibility for awards.

(a) Any State educational agency may submit a proposal for a contract or other appropriate agreement pursuant to this subpart for the purpose of rendering technical assistance, upon request, to any school board, municipality, school district, or other governmental unit legally responsible for operating a public school or schools in the preparation, adoption, and implementation of plans, assurances, or programs for the desegregation of public schools.

(42 U.S.C. 2000c-2; 20 U.S.C. 1231(b))

(b) Technical assistance proposed to be rendered pursuant to this subpart shall consist of or include the provision of information regarding effective methods of coping with special educational problems occasioned by desegregation.

(42 U.S.C. 2000c-2)

§ 180.12 Authorized activities.

Funds made available pursuant to this subpart shall be used for the activities described in paragraph (a) of this section and for one or more of the activities described in paragraphs (b) through (i) of this section, when such activities are requested in accordance with § 180.11(a).

(a) Planning and other activities designed to insure that administrators, teachers, and other educational personnel are not demoted or dismissed on the basis of race, color, religion, sex or national origin in the process of, or as a result of, desegregation;

(b) Assessment of desegregation-related educational needs in one or more public schools;

(c) Development of administrative methods and techniques to cope with special educational problems occasioned by desegregation;

(d) Development of educational programs, materials, and methods for use in desegregated classroom situations;

(e) Training of administrators, teachers, or other public school personnel in the implementation or use of methods, techniques, programs, and materials designed to cope with special educational problems occasioned by desegregation;

(f) Development of techniques for communications or interaction between public schools or school systems and the groups affected by the desegregation of such schools or school systems;

(g) Technical assistance to public school administrative staffs in determining the availability and appropriate utilization of funds under other Federal and State programs which would assist in coping with special educational problems occasioned by desegregation;

(h) Training of administrative staffs (in school districts which are required to desegregate their schools pursuant to a final order of a court of the United States, a State court, or a State agency or official or pursuant to a plan or assurance required by the Secretary) in efficient and educationally sound methods of assigning students to and within public schools;

(i) Any other activity which the Commissioner determines will make substantial progress toward achieving the purposes of this subpart.

(42 U.S.C. 2000c-2)

§ 180.13 Proposals.

(a) An applicant desiring to enter into an arrangement pursuant to this subpart for any fiscal year shall submit to the Commissioner a proposal for such fiscal year, which proposal shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds awarded on the basis of such proposal only for the activities described in § 180.12. Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner, unless such availability prior to the funding of proposals submitted under this subpart could result in another applicant's obtaining a competitive advantage.

(42 U.S.C. 2000c-2)

(b) Proposals submitted pursuant to this subpart shall contain a listing of the school boards, municipalities, school districts, or other governmental units to which the applicant proposes to render technical assistance, the nature of such assistance expected to be rendered, and a statement as to whether the proposed recipients of such assistance are desegregating their schools pursuant to an order of a court of the United States, a State court, or a State agency or official, or pursuant to a plan or assurance required by the Secretary. Such proposals shall also include copies of all requests for such assistance from such school boards, municipalities, school districts, or other governmental units, and a copy of the form to be prescribed or employed for additional requests for such assistance. Such requests, at a minimum, shall indicate the status of the requesting school board, municipality, school district, or other governmental unit with respect to desegregation and the nature of the special educational problems with respect to which technical assistance is requested, and shall be signed by the chief executive officer or other authorized representative of the requesting agency.

(42 U.S.C. 2000c-2)

(c) Proposals shall be submitted pursuant to this subpart in such form and at such times as the Commissioner may require.

(42 U.S.C. 2000c-2)

§ 180.14 Criteria for awards.

In reviewing proposals under this subpart, the Commissioner shall apply the following criteria:

(a) *Concentration of students*—(1) *(12 points)*. The number of minority group students enrolled in the public schools of the school boards, municipalities, school districts, or other governmental units which have requested technical assistance from the applicant (other than those governmental units which have requested assistance only with regard to desegregation on the basis of sex), for the fiscal year for which assistance is sought.

(2) *(6 points)*. The total number of students enrolled in the public schools of the school boards, municipalities, school districts, or other governmental units which have requested technical assistance from the applicant for desegregation on the basis of sex for the fiscal year for which assistance is sought.

(42 U.S.C. 2000c-2)

(b) *Needs assessment (6 points)*. (1) The magnitude of desegregation-related educational needs assessed by the applicant with respect to school boards, municipalities, school districts, or other governmental units within the applicant's State, and (2) the degree to which the applicant has demonstrated by objective evidence the existence of such needs.

(42 U.S.C. 2000c-2)

(c) *Statement of objectives (8 points)*. The degree (1) to which the applicant sets forth specific, measurable objectives for its program, project, or activity, in relation to specifically identified educational needs, and (2) to which such objectives are realistically attainable within the limits of the project period and the available resources.

(42 U.S.C. 2000c-2)

(d) *Activities (23 points)*—(1) *Project design (13 points)*. The extent to which (i) the proposal provides for a continuing exchange of information between the applicant and the school boards, municipalities, school districts,

or other governmental units proposed to be served; (ii) the proposed program, project, or activity promises to involve a substantial proportion of the school boards, municipalities, school districts, or other governmental units within the applicant's State which could benefit from technical assistance; (iii) the proposed program, project, or activity is part of a comprehensive, long-range approach to desegregation planning and implementation; and (iv) the proposed services are concentrated upon classes or categories of beneficiaries which are sufficiently limited and specific to give promise of significant results;

(2) *Staffing (6 points).* The extent to which (i) the proposal contains evidence of background, training, and experience on the part of the professional staff employed or to be employed by the applicant in coping with special educational problems occasioned by desegregation; and (ii) the professional and other staff employed or to be employed by the applicant reflects in composition the race, sex, and ethnicity of the population to be served; and

(3) *Coordination (4 points).* The extent to which the applicant proposes to make use of other State resources and capabilities in meeting the desegregation-related needs of school boards, municipalities, school districts, and other governmental units.

(42 U.S.C. 2000c–2)

(e) *Resource management (4 points).* The extent to which the applicant demonstrates that project costs are reasonable in relation to the expected benefits.

(42 U.S.C. 2000c–2)

(f) *Evaluation (5 points).* The extent to which the applicant sets out a format for objectives, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (1) a timetable for compilation of data for evaluation, and (2) a method of reviewing the proposed program, project, or activity in the light of such data.

(42 U.S.C. 2000c–2)

§ 180.15 Award procedures.

Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in § 180.14, except that assistance shall be awarded separately for purposes of § 180.16. However, the Commissioner shall not be required to approve any application which does not meet the requirements of this part, or which is otherwise of such insufficient promise for achieving the purposes of this part that its approval is not warranted. No more than 25 percent of the funds made available for assistance pursuant to this part (other than funds available under §§ 180.16 and 180.26) for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the proposals pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c–2)

§ 180.16 Awards for activities to benefit non-English dominant minority group students.

(a) Any State educational agency may submit a proposal for a contract or other appropriate agreement pursuant to this subpart for the purpose of rendering technical assistance, upon request, to any school board, municipality, school district, or other governmental unit legally responsible for operating a public school or schools in the preparation, adoption and implementation of plans or programs for the desegregation of public schools (as the term "desegregation" is defined in § 180.02(a)(2) for purposes of this section), with respect to non-English dominant minority group students (as the term "non-English dominant minority group" is defined in § 180.02(f)). Such a proposal may be submitted whether or not the applicant has submitted a proposal pursuant to §§ 180.11–15.

(42 U.S.C. 2000c–2; 20 U.S.C. 1231(b); *Lau* v. *Nichols*, 414 U.S. 563 (1974))

(b) The provisions set forth for assistance under §§ 180.11–15 (except for § 180.14(a)(2) and the third sentence of § 180.15) shall apply to assistance under this section, except that:

(1) "Desegregation" and "minority group" are defined for purposes of this section as indicated in §§ 180.02(a)(2) and 180.02(e)(2); and

(2) Funds made available under this section shall be available for the following activities in addition to those described in § 180.12:

(i) Training of teachers and other ancillary educational personnel in skills related to desegregation problems associated with providing an equal educational opportunity for non-English dominant minority group students, including cultural awareness, oral and written language skills in the dominant languages of such students, and diagnostic evaluation, teaching of English as a second language, and prescriptive teaching techniques; and

(ii) Development of bilingual education programs, materials, and methods for their use in desegregated classroom situations involving non-English dominant minority group students.

(42 U.S.C. 2000c–2; *Lau v. Nichols*, 414 U.S. 563 (1974))

(c) No more than 25 percent of the funds made available for awards pursuant to this section and § 180.26 for any fiscal year shall be awarded for programs, projects or activities to be conducted pursuant to this section, unless the Commissioner determines that the proposals pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c–2; *Lau v. Nichols*, 414 U.S. 563 (1974))

Subpart C—General Assistance Centers

§ 180.21 Eligibility for awards.

Any public or private agency (other than a State educational agency), including any institution of higher education, may submit a proposal for a contract or other appropriate agreement pursuant to this subpart for the purpose of rendering technical assistance (as described in § 180.11(b)), upon request, to any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools in the preparation, adoption, and implementation of plans, assurances, or programs for the desegregation of public schools. Such technical assistance shall be rendered through general assistance centers serving designated service areas as described in § 180.22(b).

(42 U.S.C. 2000c–2; 20 U.S.C. 1231(b))

§ 180.22 Authorized activities.

(a) Funds made available pursuant to this subpart shall be used for one or more of the activities described in § 180.12 (a) through (i), when such activities are requested in accordance with § 180.21.

(42 U.S.C. 2000c–2)

(b) *Service areas.* (1) Activities authorized under paragraph (a) of this section shall be carried out in one of the following designated service areas, to be specified by the applicant in its proposal:

Area and States

1. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.
2. New York, New Jersey, Puerto Rico, Virgin Islands.
3. Pennsylvania, Delaware, Maryland.
4. Virginia, West Virginia, District of Columbia.
5. North Carolina.
6. South Carolina.
7. Georgia.
8. Florida.
9. Alabama.
10. Mississippi.
11. Kentucky, Tennessee.
12. Ohio.
13. Indiana.
14. Illinois.
15. Michigan.
16. Wisconsin, Minnesota.
17. Texas.
18. Louisiana.
19. Oklahoma.
20. Arkansas.
21. New Mexico.
22. Iowa, Nebraska, Kansas, Missouri.
23. North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.
24. California, Nevada, Arizona.
25. Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands.
26. Oregon, Washington, Idaho.
27. Alaska.

(2) A public or private agency entering into an arrangement pursuant to this subpart shall provide technical assistance, to the extent that financial and other resources permit, upon the request of any school board, State, municipality, school district or other governmental unit located within such agency's designated service area.

(3) No more than one award shall be made pursuant to §§ 180.21–25 for technical assistance activities in a single designated service area, unless the Commissioner determines that the proposals pending before him for additional awards for such activities in such an area are of exceptional merit or promise. Where the Commissioner determines that insufficient need exists in one or more designated service areas for a general assistance center, he may require applicants to expand their proposed activities to include more than one such area. Where the Commissioner determines that needs existing in one or more designated service areas will not be met by a general assistance center or a State educational agency, he may require applicants under this subpart to expand their proposed activities to include such areas.

(42 U.S.C. 2000c–2)

§ 180.23 Proposals.

(a) An applicant desiring to enter into an arrangement pursuant to this subpart for any fiscal year shall submit to the Commissioner a proposal for such fiscal year, which proposal shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds awarded on the basis of such proposal only for the activities described in § 180.22. Such proposals shall contain the information and materials described in § 180.13(b). Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner, unless such availability prior to the funding of proposals submitted under this subpart could result in another applicant's obtaining a competitive advantage.

(42 U.S.C. 2000c–2)

(b) Proposals shall be submitted pursuant to this subpart in such form and at such times as the Commissioner may require

(42 U.S.C. 2000c–2)

(c) Awards under this subpart shall be subject to the Federal Procurement Regulations (41 CFR Chapters 1 and 3), to the extent that such regulations are not inconsistent with the provisions of this part.

(42 U.S.C. 2000c–2)

§ 180.24 Criteria for awards.

In reviewing proposals under this subpart, the Commissioner shall apply the following criteria:

(a) *Concentration of students*—(1) (*18 points*). The number of minority group students enrolled in the public schools of the school broads, municipalities, school districts, or other governmental units, including State agencies legally responsible for operating a public schools of the school boards, muncipalitechnical assistance from the applicant (other than those governmental units which have requested assistance only with regard to desegregation on the basis of sex), for the fiscal year for which assistance is sought.

(2) (*9 points*). The total number of students enrolled in the public schools of the school boards, municipalities, school districts, or other governmental units, including State agencies legally responsible for operating a public school or schools, which have requested technical assistance from the applicant for desegregation on the basis of sex for the fiscal year for which assistance is sought.

(b) *Needs assessment* (*9 points*). (1) The magnitude of desegregation-related educational needs assessed by the applicant with respect to school boards, municipalities, school districts, or other governmental units within the applicant's service area, and (2) the degree to which the applicant has demonstrated by objective evidence the existence of such needs.

(c) *Statement of objectives* (*12 points*). The degree (1) to which the applicant sets forth specific, measurable objectives for its program, project, or activity, in relation to specifically identified educational needs, and (2) to which such objectives are realistically attainable within the limits of the project period and the available resources.

(d) *Activities* (*35 points*)—(1) *Project design* (*23 points*). The extent to which (i) the proposal provides for a continuing exchange of information between the applicant and the school boards, municipalities, school districts, or other governmental units proposed to be served; (ii) the proposed program, project, or activity promises to involve a substantial proportion of the school boards, municipalities, school districts, or other governmental units within the applicant's service area which could benefit from technical assistance; (iii) the proposed program, project, or activity is part of a comprehensive, long-range approach to desegregation planning and implementation; and (iv) the proposed services are concentrated upon classes or categories of beneficiaries which are sufficiently limited and specific to give promise of significant results.

(2) *Staffing* (*12 points*). The extent to which (i) the proposal contains evidence of background, training, and experience on the part of the professional staff employed or to be employed by the applicant in coping with special edudcational problems occasioned by desegregation; (ii) the professional and other staff employed or to be employed by the applicant reflects in composition the race, sex, and ethnicity of the population to be served.

(e) *Evaluation* (*7 points*). The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (1) a timetable for compilation of data for evaluation, and (2) a method of reviewing the proposed program, project, or activity in the light of such data.

(f) *Budget* (*10 points*). The degree to which (1) the proposal sets forth the lowest cost in relation to the numbers of minority group or (in the case of activities with regard to desegregation on the basis of sex) other students to be served and (2) the proposal reflects prudent and balanced use of equipment, subcontracts, travel, and other support costs.

(42 U.S.C. 2000c–2)

§ 180.25 Award procedures.

In awarding funds under this subpart (which shall be done separately for awards provided for in § 180.26), the Commissioner shall apply the provisions of the Federal Procurement Regulations (41 CFR Chapters 1 and 3). However, he shall not be required to approve any proposal which does not meet the requirements of this part, or which is otherwise of such insufficient promise for achieving the purposes of this part that its approval is not warranted. No more than 50 percent of the funds made available for assistance pursuant to this part (other than funds available under §§ 180.16 and 180.26) for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the proposals pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c–2)

§ 180.26 Awards for activities to benefit non-English dominant minority group students.

(a) Any public or private agency (other than a State educational agency), including any institution of higher education, may submit a proposal for a contract or other appropriate agreement pursuant to this subpart for the purpose of rendering technical assistance (as described in § 180.11(b)), upon request, to any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools in the preparation, adoption, and implementation of plans or programs for the desegregation of public schools (as the term "desegregation" is defined in § 180.02(a)(2) for purposes of this section), with respect to non-English dominant minority group students (as the term "non-English dominant minority group" is defined in § 180.02(f). Such technical assistance shall be rendered through general assistance centers serving designated service areas as described in paragraph (b)(3) of this section. Such a proposal may be submitted whether or not the applicant has submitted a proposal pursuant to §§ 180.21–25.

(42 U.S.C. 2000c–2; 20 U.S.C. 1231(b); *Lau v. Nichols*, 414 U.S.C. 563 (1974))

(b) The provisions set forth for assistance under §§ 180.21–25 (except for § 180.24(a) and the third sentence of § 180.25) shall apply to assistance under this section, except that:

(1) "Desegregation" and "minority group" are defined for purposes of this section as indicated in § 180.02(a)(2) and 180.02(e)(2);

(2) Funds made available under this section shall be available for the activities described in § 180.16(b)(2) in addition to those described in § 180.12;

(3) The following designated service areas, one of which is to be specified by each applicant in its proposal, will prevail:

Area and States

A. Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Puerto Rico, Virgin Islands.
B. Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Mississippi, Florida.
C. Ohio, Indiana, Illinois, Michigan, Minnesota, Wisconsin, Missouri, Kansas, Iowa, Nebraska.
D. Texas, Louisiana, Arkansas.
E. Montana, North Dakota, South Dakota, Wyoming, Colorado, Utah, Oklahoma.
F. New Mexico, Arizona, Nevada.
G. Southern California (that part of California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties).
H. Northern California (that part of California not included in Area G).
I. Washington, Oregon, Idaho, Alaska, Hawaii, Guam, Trust Territory of the Pacific Islands, American Samoa.

(42 U.S.C. 2000c-2; *Lau* v. *Nichols*, 414 U.S. 563 (1974))

(c) No more than 75 percent of the funds made available for awards pursuant to this section and § 180.16 for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this section, unless the Commissioner determines that the proposals pending before him for funds in excess of such amount for such programs, projects or activities are of exceptional merit or promise.

(42 U.S.C. 2000c-2; *Lau* v. *Nichols*, 414 U.S. 563 (1974))

Subpart D—Training Institutes

§ 180.31 Eligibility for assistance.

Any institution of higher education may apply for a grant pursuant to this subpart for the operation of short term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel (including school board members or trustees) to deal effectively with special educational problems occasioned by desegregation.

(42 U.S.C. 2000c-3)

§ 180.32 Authorized activities.

(a) Funds made available pursuant to this subpart shall be used for institutes for special training in one or more of the problem areas described in § 180.12 (except § 180.12 (b) and (g)). Such institutes may be held on the campus of the applicant institutions or at other locations, and shall consist of (1) summer sessions not to exceed 6 weeks in duration, or (2) sessions conducted during the regular academic year.

(42 U.S.C. 2000c-3)

(b) Training shall be provided pursuant to this subpart only upon the request of a school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools.

(42 U.S.C. 2000c-3)

(c) *Stipends.* An individual who attends an institute on a full-time basis shall be paid a stipend of $30 for each institute day of attendance up to $150 per week. If, in the case of an institute described in paragraph (a)(2), less than five hours of training is scheduled to be provided on an institute day, the payment for such day shall be $6 per hour, within the $150 weekly limit. In the event that participation in an institute is interrupted or is terminated prior to completion of the institute program, stipend payment shall be made to the individual for such period as he was in attendance on a full-time basis. For purposes of this paragraph, "attendance on a full-time basis" means attendance during a period for which the individual is receiving no other compensation for such attendance or for work performed during such period, and an "institute day" means each day of a program of an institute on which at least 2 (or, in the case of an institute described in paragraph (a)(1) of this section, 5) hours of training is scheduled to be provided.

(42 U.S.C. 2000c-3)

(d) *Travel allowances.* (1) An individual who attends an institute on a full-time basis (as defined in paragraph (c) of this section) may be provided travel, or an allowance for his actual cost of travel, from place of residence or employment to place of the institute, and from place of the institute to his place of residence or employment, as set forth in the institution's arrangement with the Commissioner. The allowance for travel in the case of travel by private automobile shall be at the rate of 12 cents per mile. In the case of joint travel by private automobile by a group of participants, travel allowances shall be payable only to one of such participants, but without reduction on account of contribution to him by the other participants.

(2) In addition to the limitations of paragraph (d)(1) of this section, when air, rail, or steamship transportation is used, first-class accommodations or an allowance therefor may be provided only where first-class accommodations are the only class of service for the most direct travel route, or where less than first-class accommodations result or would result in greater cost than first-class accommodations.

(3) In the event that an individual's participation in an institute is terminated prior to his completion of the institute program, travel, or an allowance therefor, from place of the institute to his place of residence or employment may be provided only if such termination is occasioned by extraordinary circumstances not reasonably within the control of the individual.

(42 U.S.C. 2000c-3)

§ 180.33 Applications.

(a) An applicant desiring to receive assistance pursuant to this subpart for any fiscal year shall submit to the Commissioner an application for such fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use funds awarded on the basis of such application only for the activities described in § 180.32. Such applications, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner, unless such availability prior to the funding of applications submitted under this subpart could result in another applicant's obtaining a competitive advantage.

(42 U.S.C. 2000c-3)

(b) Applications for assistance submitted pursuant to this subpart shall contain a listing of the school boards, States, municipalities, school districts, or other governmental units to whose teachers, supervisors, counselors, and other elementary or secondary school personnel the applicant proposes to provide special training, the nature of such training expected to be provided, and a statement as to whether such school boards, States, municipalities, school districts, or other governmental units are desegregating their schools pursuant to an order of a court of the United States, a State court, or a State agency or official or pursuant to a plan or assurance required by the Secretary. Such applications shall also include copies of all requests for such training from such school boards, States, municipalities, school districts, or other governmental units, and a copy of the form to be prescribed or employed for additional requests for such training. Such requests, at a minimum, shall indicate the status of the requesting school board, State, municipality, school district, or other governmental unit with respect to desegregation, the number and percentage of minority group students enrolled, the nature of the special educational problems with respect to which training is requested, and the approximate number and type of personnel to be trained, and shall be signed by the chief executive officer or other authorized representative of the requesting agency.

(42 U.S.C. 2000c-3)

(c) Applications for assistance pursuant to this subpart shall be submitted in such form and at such time as the Commissioner may require.

(42 U.S.C. 2000c-3)

§ 180.34 Criteria for assistance.

(a) In reviewing applications under this subpart, the Commissioner shall apply the criteria set forth at § 180.14 (b), (c), (d)(2), (e), and (f), except that (1) needs shall be assessed pursuant to § 180.14(b) with respect to all school boards, States, municipalities, school districts, or other governmental units which have requested training assistance, and

(2) 8 points shall be awarded for the criteria set forth in § 180.14(d)(2).

(42 U.S.C. 2000c-3)

(b) *Project design (15 points).* The Commissioner shall also apply the following criteria: the extent to which (1) The participants in the proposed institute or institutes will include persons with authority to effect substantive changes in public school policies and procedures, including school board members or trustees, superintendents, assistant superintendents, and school principals; (2) the applicant proposes to work with institute participants on a regular basis in classroom and other field situations after completion of formal training sessions; (3) the applicant sets forth specific methods or techniques for preparing institute participants to train other teachers, supervisors, counselors, and other elementary and secondary school personnel in dealing effectively with desegregation-related problems; and (4) the proposed program, project, or activity is designed to develop specific educational strategies for dealing effectively with such problems.

(42 U.S.C. 2000c-3)

§ 180.35 Award procedures.

Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in § 180.34, except that at least ten awards shall be made for each fiscal year for institutes of which the primary focus would be training with regard to desegregation on the basis of sex. However, the Commissioner shall not be required to approve any application which does not meet the requirements of this part, or which is otherwise of such insufficient promise for achieving the purposes of this part that its approval is not warranted. No more than 15 percent of the funds made available for assistance pursuant to this part (other than funds available under §§ 180.16 and 180.26) for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the applications pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c-3)

Subpart E—Grants to School Boards

§ 180.41 Eligibility for assistance.

Any school board may make application pursuant to this subpart for a grant to pay, in whole or in part, the cost of employing a specialist to advise in problems incident to desegregation, and of giving to teachers and other public school personnel inservice training in dealing with problems incident to desegregation.

(42 U.S.C. 2000c-4)

§ 180.42 Authorized activities.

Funds made available pursuant to this subpart shall be used to employ specialists as described in § 180.41 and to provide inservice training as described in § 180.41, for the purpose of advice or training in one or more of the problem areas described in § 180.12, when such advice or training is not available from other sources.

(42 U.S.C. 2000c-4)

§ 180.43 Applications.

(a) An applicant desiring to receive assistance under this subpart for any fiscal year shall submit to the Commissioner an application for such fiscal year, which application shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use funds awarded on the basis of such application only for the activities described in § 180.42. Such applications, together with all correspondence and other written materials thereto, shall be made readily available to the public by the applicant and by the Commissioner, unless such availability prior to the funding of applications submitted under this subpart could result in another applicant's obtaining a competitive advantage.

(42 U.S.C. 2000c-4)

(b) Applications for assistance pursuant to this subpart shall indicate whether the applicant is desegregating its schools pursuant to an order of a court of the United States, a State court, or a State agency or official, or pursuant to a plan or assurance required by the Secretary, and shall describe the problems incident to desegregation to be addressed by the proposed program, project, or activity. If an application for assistance pursuant to this subpart includes a request for funds for inservice training as described in § 180.41, such application shall indicate the reasons that such training is not available from other sources.

(42 U.S.C. 2000c-4)

(c) Applications for assistance pursuant to this subpart shall be submitted in such form and at such times as the Commissioner may require.

(52 U.S.C. 2000c-4)

§ 180.44 Criteria for assistance.

(a) In reviewing applications for assistance under this subpart, the Commissioner shall apply the criteria set forth in § 180.14 (c), (e) and (f). The Commissioner shall also apply the criteria set forth in paragraphs (b), (c), and (d) of this section.

(42 U.S.C. 2000c-4)

(b) *Concentration of students*—(1) *(20 points) (Except where assistance only with regard to desegregation on the basis of sex is sought).* The number and percentage of minority group students enrolled in the schools of the applicant school board for the fiscal year preceding the fiscal year for which assistance is sought.

(2) *(10 points) (Where assistance with regard to desegregation on the basis of sex is sought).* The total number of students enrolled in the schools of the applicant school board for the fiscal year preceding the fiscal year for which assistance is sought.

(42 U.S.C. 2000c-4)

(c) *Needs assessment (6 points)*—(1) The magnitude of desegregation-related educational needs assessed by the applicant; (2) the degree to which the applicant has demonstrated by objective evidence the existence of such needs; and (3) the extent to which the applicant lacks the financial and other resources necessary to meet such needs.

(42 U.S.C. 2000c-4)

(d) *Activities (23 points)*—(1) *Qualifications of specialist (8 points).* The extent to which the application (i) contains evidence of desegregation-related background, training, and experience on the part of the person to be employed as an advisory specialist, and (ii) sets forth procedures for direct, formal consultation, on a regular basis, by such specialist with school board members and trustees and the superintendent of the affected school district concerning problems incident to desegregation;

(2) *Community involvement (7 points).* The extent to which the application (i) reflects the participation of representatives of the communities affected by desegregation (including, as applicable, minority and non-minority group communities) in the development of the proposed program, project, or activity, and (ii) contains evidence that such representatives will participate in the implementation of the proposed program, project, or activity; and

(3) *Comprehensiveness (8 points).* The extent to which (i) the application contains evidence that the proposed program, project, or activity is part of a comprehensive, long-range approach to desegregation planning and implementation, and (ii) the applicant proposes to conduct activities addressing a broad range of problem areas.

(42 U.S.C. 2000c-4)

§ 180.45 Award procedures.

Assistance under this subpart shall be awarded to applicants according to their ranking on the basis of the criteria set forth in § 180.44. However, the Commissioner shall not be required to approve any application which does not meet the requirements of this part, or which is otherwise of such insufficient promise for achieving the purposes of this part that its approval is not warranted. No more than 10 percent of the funds made available pursuant to this part (other than funds available under §§ 180.16 and 180.26) for any fiscal year shall be awarded for programs, projects, or activities to be conducted pursuant to this subpart, unless the Commissioner determines that the applications pending before him for funds in excess of such amount for such programs, projects, or activities are of exceptional merit or promise.

(42 U.S.C. 2000c-4)

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(Revised as of January 1, 1975)

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