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PART I



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

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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 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3342 is amended to show that one position of Special Assistant to the President and Chairman is reestablished under Schedule C.

Effective February 6, 1975, § 213.3342 (d) is amended as set out below.

§ 213.3342 Export-Import Bank of the United States.

* * * * *

(d) One Special Assistant to the President and Chairman.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

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

[FR Doc.75-3472 Filed 2-5-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 75-WE-1]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulation is to alter the description of the Los Angeles, California (Los Angeles International Airport); Santa Ana, California (Orange County Airport) and Santa Ana, California (MCAS) control zones.

The control zone at Hawthorne, California, in order to provide controlled airspace for IFR operations, becomes part of the Los Angeles control zone when the part-time tower at Hawthorne is not operating. In the same manner the Santa Ana, California (MCAS) control zone provides controlled airspace for IFR procedures to Orange County Airport.

To provide uniform description of the regulation and uniform charting, it is necessary to amend the descriptions of the Los Angeles, California (Los Angeles International Airport) and the Santa Ana, California (Orange County Airport) control zones. The descriptions, as amended, will then correspond to the description of the Oakland and Hayward, California adjacent control zones and their charting notations.

The Santa Ana, California (MCAS) control zone is amended to remove wording that is duplicated in the Orange County control zone description.

Since this amendment is editorial in nature, involves no change in airspace boundaries, and imposes no additional burden on any person, notice and public procedure thereon is unnecessary.

In consideration of the foregoing in § 71.171 (40 FR 354) the description of the Los Angeles, Calif. (Los Angeles International Airport) control zone is amended by adding "* * * when it is effective * * *" following "* * * the Hawthorne Municipal Airport Control Zone * * *"

In consideration of the foregoing in § 71.171 (40 FR 354) the description of the Santa Ana, Calif. (Orange County Airport) control zone is amended in part as follows: Delete all after "* * * (MCAS) control zone * * *" and substitute "* * * when it is effective. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual."

In consideration of the foregoing in § 71.171 (40 FR 354) the description of the Santa Ana, Calif. (MCAS) control zone is amended to read as follows:

SANTA ANA, CALIF. (MCAS)

Within a 5-mile radius of MCAS Santa Ana (latitude 33°42'22" N., longitude 117°49'35" W.) excluding that portion east and south of a line from latitude 33°43'55" N., longitude 117°47'00" W. to latitude 33°41'15" N., longitude 117°48'10" W., to latitude 33°42'30" N., longitude 117°56'40" W. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Effective date. This amendment shall be effective 0901 G.m.t. March 27, 1975.

This amendment is issued under the authority of Sec. 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on January 28, 1975.

LYNN L. HINK,
Acting Director, Western Region.

[FR Doc.75-3349 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-46]

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

Name Change of Control Zone and Transition Area

On page 43315 of the FEDERAL REGISTER dated December 12, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of the Federal Aviation Regulations so as to change the name of the Jefferson, Ohio control zone and Jefferson, Ohio transition area to Ashtabula, Ohio.

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

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

This amendment shall be effective 0901 G.m.t., April 24, 1975.

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

Issued in Des Plaines, Illinois on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.171 (39 FR 354) and § 71.181 (39 FR 440) the name of the control zone and transition area is changed from Jefferson, Ohio to Ashtabula, Ohio.

[FR Doc.75-3350 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-38]

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

Designation of Transition Area

On pages 38389 and 38390 of the FEDERAL REGISTER dated October 31, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of the Federal Aviation Regulations so as to designate a transition area at Angola, Indiana.

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

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

This amendment shall be effective 0901 G.m.t., April 24, 1975.

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

Issued in Des Plaines, Illinois on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

ANGOLA, INDIANA

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Tri-State Airport (Latitude 41°-38'22" N., Longitude 85°05'12" W.), and within three miles either side of the 239° bearing from the airport extending from the 7-mile radius to 8 miles southwest of the airport.

[FR Doc.75-3348 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-44]

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

Designation of Transition Area

On pages 43556 and 43557 of the FEDERAL REGISTER dated December 16, 1974, The Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Cadiz, Ohio.

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

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

This amendment shall be effective April 24, 1975.

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

Issued in Des Plaines, Illinois, on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

CADIZ, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Harrison County Airport (Latitude 40°14'18" N., Longitude 81°00'45" W.); within 3 miles each side of the 311° bearing from the airport, extending from the 7-mile radius area to 8 miles northwest of the airport.

[FR Doc.75-3346 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-45]

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

Designation of Transition Area

On page 43557 of the FEDERAL REGISTER dated December 16, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 171.181 of the Federal Aviation Regulations so as to designate a transition area at Antigo, Wisconsin.

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

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

This amendment shall be effective 0901 G.m.t., May 22, 1975.

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

Issued in Des Plaines, Illinois on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

ANTIGO, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Langlade County Airport (Latitude 45°09'20" N., Longitude 89°06'33" W.); within 3 miles each side of the 358° bearing from the airport extending from the 5-mile radius area to 8 miles north of the airport.

[FR Doc.75-3345 Filed 2-5-75;8:45 am]

[Airspace Docket No. 74-GL-41]

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

Designation of Transition Area

On page 43556 of the FEDERAL REGISTER dated December 16, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Medford, Wisconsin.

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

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

This amendment shall be effective April 24, 1975.

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

Issued in Des Plaines, Illinois, on January 23, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

MEDFORD, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius of the Taylor County Airport (Latitude 45°06'02" N., Longitude 90°18'18" W.); within 3 miles each side of the 162° bearing from the airport extending from the 5.5 mile radius area to 8 miles Southeast of the airport.

[FR Doc.75-3347 Filed 2-5-75;8:45 am]

[Docket No. 14300; Amdt. No. 954]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective March 20, 1975:*

Amarillo, Tex.—Amarillo Air Terminal, VOR Rwy 21, Amdt. 19.
Clearfield, Pa.—Clearfield Lawrence Arpt., VOR Rwy 30, Orig.

Hutchinson, Kans.—Hutchinson Municipal Arpt., VOR Rwy 3, Amdt. 14.
Hutchinson, Kans.—Hutchinson Municipal Arpt., VORTAC Rwy 21, Amdt. 1.
St. Joseph, Mo.—Rosecrans Memorial Arpt., VOR Rwy 17, Amdt. 9.
Waterloo, Iowa—Waterloo Municipal Arpt., VOR Rwy 12, Amdt. 3.

* * * *effective February 27, 1975:*

Decatur, Tex.—Decatur Municipal Arpt., VOR-A, Orig.
Mt. Pleasant, Tex.—Mt. Pleasant Municipal Arpt., VOR/DME-A, Orig.

* * * *effective January 29, 1975:*

Visalia, Calif.—Visalia Municipal Arpt., VOR Rwy 30, Amdt. 2.

* * * *effective January 27, 1975:*

Cross City, Fla.—Cross City Arpt., VOR Rwy 31, Amdt. 14.
Saginaw, Mich.—Tri-City Arpt., VOR Rwy 14, Amdt. 8.

* * * *effective January 23, 1975:*

Elyria, Ohio—Elyria Arpt., VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective March 20, 1975.*

Amarillo, Tex.—Amarillo Air Terminal, LOC (BC) Rwy 21, Amdt. 9.
Hutchinson, Kans.—Hutchinson Municipal Arpt., LOC (BC) Rwy 31, Amdt. 8.
Moline, Ill.—Quad-City Arpt., LOC (BC) Rwy 27, Amdt. 16.
St. Joseph, Mo.—Rosecrans Memorial Arpt., LOC (BC) Rwy 17, Amdt. 2.
Waterloo, Iowa—Waterloo Municipal Arpt., LOC (BC)/DME Rwy 30, Amdt. 1.

* * * *effective February 27, 1975:*

Greenville, Miss.—Greenville Municipal Arpt., LOC (BC) Rwy 35R, Orig.

* * * *effective January 30, 1975:*

Savannah, Ga.—Savannah Municipal Arpt., LOC (BC) Rwy 27, Amdt. 8.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 20, 1975:*

Amarillo, Tex.—Tradewind Arpt., NDB-A, Amdt. 10.
Amarillo, Tex.—Amarillo Air Terminal, NDB Rwy 3, Amdt. 11.
Butler, Pa.—Butler-Graham Arpt., NDB Rwy Orig.
Butler, Pa.—Butler- Graham Arpt., NDB Rwy 36, Amdt. 9, cancelled.
Hutchinson, Kans.—Hutchinson Municipal Arpt., NDB Rwy 13, Amdt. 7.
St. Joseph, Mo.—Rosecrans Memorial Arpt., NDB Rwy 17, Amdt. 2.
St. Joseph, Mo.—Rosecrans Memorial Arpt., NDB Rwy 35, Amdt. 22.
Waterloo, Iowa—Waterloo Municipal Arpt., NDB Rwy 12, Amdt. 2.

* * * *effective February 27, 1975:*

Greenville, Miss.—Greenville Municipal Arpt., NDB Rwy 35R, Orig.

* * * *effective January 23, 1975:*

Fairmont, W. Va.—Fairmont Municipal Arpt., NDB-A, Amdt. 1.

4. Section 97.29 as amended by originating, amending, or canceling the following ILS SIAPs, *effective March 20, 1975:*

Amarillo, Tex.—Amarillo Air Terminal, ILS Rwy 3, Amdt. 14.
Hutchinson, Kans.—Hutchinson Municipal Arpt., ILS Rwy 13, Amdt. 8.
St. Joseph, Mo.—Rosecrans Memorial Arpt., ILS Rwy 35, Amdt. 23.
Waterloo, Iowa—Waterloo Municipal Arpt., ILS Rwy 12, Admt. 1.

* * * *effective January 30, 1975:*

Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 17L, Amdt. 1.

* * * *effective January 22, 1975:*

New Orleans, La.—New Orleans Int'l. Arpt., (Moisant Field), ILS Rwy 10, Admt. 27.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective March 20, 1975:*

Fort Wayne, Ind.—Fort Wayne Municipal Arpt., (Baer Field), RADAR-1, Amdt. 11.

* * * *effective January 27, 1975:*

Washington, D.C.—Washington National Arpt., RADAR-1, Amdt. 19.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective March 20, 1975:*

Amarillo, Tex.—Amarillo Air Terminal, RNAV Rwy 21, Amdt. 1.
St. Joseph, Mo.—Rosecrans Memorial Arpt., RNAV Rwy 17, Amdt. 1.

These amendments are made effective under the authority of (secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on January 30, 1975.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (35 FR 5610).

[FR Doc.75-3355 Filed 2-5-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER C—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS

PART 304—RULES AND REGULATIONS UNDER THE HOBBY PROTECTION ACT

On July 19, 1974 (39 FR 26429) a notice of proposed regulations to be promulgated under the Hobby Protection Act, 15 U.S.C. 2101, et seq., was published in the FEDERAL REGISTER. Promulgation of these proposals would regulate the manner and form of permanently marking imitation political and imitation numismatic items. The proposals afforded all interested persons the opportunity to submit data, and express views or comments.

The Commission has now considered all matters of fact, law and policy, including all responses to the published proposals, and has determined that the proposed regulations, with certain modifications as explained herein, should be adopted.

The Commission received sixty-seven (67) comments from Federal and local officials, private citizens and industry representatives. Fifty-four (54) of the comments objected to the proposal in § 304.1(d) that the term "imitation numismatic item" shall not include any reissue or re-strike of any original numismatic item by the United States Mint. This exemption is based upon the fact that nothing in the Hobby Protection Act or its legislative history suggests that the Congress intended to subject the United States Mint to the marking requirements. In fact, the language of the Act makes it clear that governmental operations are outside the Act's purview. The general statutory definition of "person" subject to Act, as contained in sections 3 and 4 of the Act, in 1 U.S.C. 1, does not include the United States Government or its agencies. Further, a requirement that re-issued or re-struck United States Mint medals be incused with the word "COPY" would impose a limitation on the Treasury's general authority to strike national medals (31 U.S.C. 368), which would be inconsistent with section 6 of the Hobby Protection Act which provides that the provisions of the statute are in addition to, and not in substitution for or in limitation of, any other law of the United States. Therefore, the specific language in the Act and its legislative history exempts the United States Mint from the marking requirements of the Act.

The definition of "United States" in section 304.1(j) of the regulation is redefined to conform to the definition contained in the Hobby Protection Act [15 U.S.C. 2106(7)] and the Tariff Act of 1930 [19 U.S.C. 1401(h)] in order to avoid conflicts with the enforcement jurisdiction of the United States Customs Service under Section 5 of the Hobby Protection Act.

It was suggested that the Commission make it clear that the regulations do not permit the otherwise unlawful reproduction of genuine currency simply because it is marked with the word "COPY". This suggestion prompted new §304.4 which incorporates section 6 of the Hobby Protection Act and provides, in effect, that the regulations are in addition to and not in substitution for or limitation of the existing statutes and regulations prohibiting the reproduction of genuine currency.

It has been brought to the Commission's attention that marking requirements for imitation political and imitation numismatic items should be amended to require that the calendar year or the word "COPY", as appropriate, be marked only on either the obverse or reverse surface of the items. Such a requirement would prevent any attempt to subvert the purpose of the regulations by marking the edge of the items, which would be inconsistent with the requirement that the items be conspicuously marked. The Commission considers this proposed change to be justified to avoid circumvention of the Act's requirements, and therefore has incorporated it in §§ 304.5 and 304.6.

The remaining substantive comments were evaluated and rejected by the Commission as not being within the scope of section 2(c) of the Act or as not being in the public interest, because they either (1) recommended regulations which would have exceeded the permissible authority of the Hobby Protection Act, e.g., advertisements offering reproductions for sale should state the items are being sold as reproductions; (2) recommended expanding the authority of the Act in an area already covered by existing statutes, e.g., medals and decorations of a military nature which are governed by 18 U.S.C. 704; (3) suggested word changes inconsistent with the language of the Act, e.g., date of manufacture be substituted for the word "COPY" as the marking requirement on imitation numismatic items; or (4) recommended a size requirement which was not as clear and conspicuous as the proposed requirement. Since there were only two comments relating to size of the calendar year or the word "COPY", and since our initial size proposals were based on the expert opinion of twenty representative consumer, industry and government authorities, the size requirements are adopted as proposed.

Accordingly, pursuant to the provisions of the Hobby Protection Act, 15 U.S.C. 2101 et seq., Subchapter C is amended by adding thereto the following new Part 304:

Sec.
304.1 Terms defined.
304.2 General requirement.
304.3 Applicability.
304.4 Application of other laws and regulations.
304.5 Marking requirements for imitation political items.
304.6 Marking requirements for imitation numismatic items.

AUTHORITY: 15 U.S.C. 2101 et seq.

§ 304.1 Terms defined.

(a) "Act" means the Hobby Protection Act (approved November 29, 1973; Pub. L. 93-167, 87 Stat. 686, (15 U.S.C. 2101, et seq.)).

(b) "Commerce" has the same meanings as such term has under the Federal Trade Commission Act.

(c) "Commission" means the Federal Trade Commission.

(d) "Imitation numismatic item" means an item which purports to be, but in fact is not, an original numismatic item or which is a reproduction, copy, or counterfeit of an original numismatic item. Such term includes an original numismatic item which has been altered or modified in such a manner that it could reasonably purport to be an original numismatic item other than the one which was altered or modified. The term shall not include any re-issue or re-strike of any original numismatic item by the United States or any foreign government.

(e) "Imitation political item" means an item which purports to be, but in fact is not, an original political item, or which is a reproduction, copy or counterfeit of an original item.

(f) "Original numismatic item" means anything which has been a part of a coinage or issue which has been used in exchange or has been used to commemorate a person, object, place, or event. Such term includes coins, tokens, paper money, and commemorative medals.

(g) "Original political item" means any political button, poster, literature, sticker, or any advertisement produced for use in any political cause.

(h) "Person" means any individual, group, association, partnership, or any other business entity.

(i) "Regulations" means any or all regulations prescribed by the Federal Trade Commission pursuant to the Act.

(j) "United States" means the States, the District of Columbia, and the Commonwealth of Puerto Rico.

§ 304.2 General requirement.

Imitation political or numismatic items subject to the Act shall be marked in conformity with the requirements of the Act and the regulations promulgated thereunder. Any violation of these regulations shall constitute a violation of the Act and of the Federal Trade Commission Act.

§ 304.3 Applicability.

Any person engaged in the manufacturing, or importation into the United States for introduction into or distribution in commerce, of imitation political or imitation numismatic items shall be subject to the requirements of the Act and the regulations promulgated thereunder.

§ 304.4 Application of other law or regulation.

The provisions of these regulations are in addition to, and not in substitution for or limitation of, the provisions of any other law or regulation of the United States (including the existing statutes and regulations prohibiting the reproduction of genuine currency) or of the law or regulation of any State.

§ 304.5 Marking requirements for imitation political items.

(a) An imitation political item which is manufactured in the United States, or imported into the United States for introduction into or distribution in commerce, shall be plainly and permanently marked with the calendar year in which such item was manufactured.

(b) The calendar year shall be marked upon the item legibly, conspicuously and nondeceptively, and in accordance with the further requirements of these regulations.

(1) The calendar year shall appear in arabic numerals, shall be based upon the Gregorian calendar and shall consist of four digits.

(2) The calendar year shall be marked on either the obverse or the reverse surface of the item. It shall not be marked on the edge of the item.

(3) An imitation political item of incusable material shall be incused with the calendar year in sans-serif numerals. Each numeral shall have a vertical dimension of not less than two millimeters (2.0 mm) and a minimum depth of three-tenths of one millimeter (0.3 mm) or one-half (½) the thickness of the reproduction, whichever is the lesser. The minimum total horizontal dimension for the four numerals composing the calendar year shall be six millimeters (6.0 mm).

(4) An imitation political button, poster, literature, sticker, or advertisement composed of nonincusable material shall be imprinted with the calendar year in sans-serif numerals. Each numeral shall have a vertical dimension of not less than two millimeters (2.0 mm). The minimum total horizontal dimension of the four numerals composing the calendar year shall be six millimeters (6.0 mm).

§ 304.6 Marking requirements for imitation numismatic items.

(a) An imitation numismatic item which is manufactured in the United States, or imported into the United States for introduction into or distribution in commerce, shall be plainly and permanently marked "COPY".

(b) The word "COPY" shall be marked upon the item legibly, conspicuously, and nondeceptively, and in accordance with the further requirements of these regulations.

(1) The word "COPY" shall appear in capital letters, in the English language.

(2) The word "COPY" shall be marked on either the obverse or the reverse surface of the item. It shall not be marked on the edge of the item.

(3) An imitation numismatic item of incusable material shall be incused with the word "COPY" in sans-serif letters having a vertical dimension of not less than two millimeters (2.0 mm) and a minimum depth of three-tenths of one millimeter (0.3 mm) or to one-half (½) the thickness of the reproduction, whichever is the lesser. The minimum total horizontal dimension of the word "COPY" shall be six millimeters (6.0 mm).

(4) An imitation numismatic item composed of nonincusable material shall be imprinted with the word "COPY" in sans-serif letters having a vertical dimension of not less than two millimeters (2.0 mm). The minimum total horizontal dimension of the word "COPY" shall be six millimeters (6.0 mm).

Effective date. Pursuant to Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.16(e) these regulations shall be effective March 10, 1975.

Dated: February 6, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-3403 Filed 2-5-75;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 4]

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

Representation of Parties, Time Limit for Petitioning for Approval of Attorney Fees

On November 7, 1974, there were published in the FEDERAL REGISTER (39 FR 39474), a notice of proposed rule making and proposed amendments to Regulations No. 4 of the Social Security Administration, providing: (1) For administrative review of initial approvals of attorney fees subsequent to the expiration of the time limitation for requesting such review and (2) for the establishment of a time limitation on the filing of petitions for approval of fees when past-due benefits are being withheld.

The present regulations preclude any administrative review of a fee determination upon failure on the part of either the representative or the claimant to request such review within the prescribed 30-day time limit under any circumstances. The amendment makes this provision more flexible and permits review upon showing of good cause for not filing the request timely. Examples of what constitutes "good cause" are also included.

The present regulations do not provide a time limitation for filing a petition for approval of a fee, so that, technically a portion of past-due benefits must be withheld indefinitely. In disability cases the amount withheld can be a substantial amount. The amendment remedies this by providing that if a petition is not filed within 60 days of the notice of a favorable determination, the attorney representing the claimant will be notified that if he does not file a petition or a request for extension of time within 20 days of the date of such notice, the funds withheld will be released to the claimant. If no such petition is filed upon the expiration of the 20-day period or the period for which an extension of time was granted, the Social Security Administration may release the funds.

Interested parties were given 30 days within which to submit their data, views, and comments. No comments were received. Accordingly, the amendments are adopted without change, and are set forth below.

(Secs. 205, 206, and 1102, 53 Stat. 1368, as amended, 68 Stat. 1082, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 406, and 1302)

Effective date: These amendments shall be effective on February 6, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: January 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

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

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.975 is amended by revising paragraph (e) to read as follows:

§ 404.975 Fee for services performed for an individual before the Social Security Administration.

* * * * *

(e) *Administrative review of fee determination.* (1) *Request timely filed.* Administrative review of a fee determination will be granted if either the representative or the claimant files a written request for such review at an office of the Social Security Administration within 30 days after the date of the notice of the fee determination. The party requesting the review shall send a copy of the request to the other party. An authorized official of the Administration who did not participate in the fee determination in question will review the determination. Written notice of the decision made on the administrative review shall be mailed to the representative and the claimant at their last known addresses.

(2) *Request not timely filed.* Where the representative or the claimant files a request for administrative review, in accordance with paragraph (e) (1) of this section, but more than 30 days after the date of the notice of the fee determination, the person making the request shall state in writing the reasons why it was not filed within the 30-day period. The Social Security Administration will grant the review only if it determines that there was good cause for not filing the request timely. For purposes of this section, "good cause" is defined as any circumstance or event which would prevent the representative or the claimant from filing the request for review within such 30-day period or would impede his efforts to do so. Examples of such circumstances include the following:

(i) The representative or claimant was seriously ill or had a physical or mental impairment and such illness prevented him from contacting the Social Security Administration in person or in writing;

(ii) There was a death or serious illness in the individual's family;

(iii) Pertinent records were destroyed by fire or other accidental cause;

(iv) The representative or claimant was furnished incorrect or incomplete information by the Social Security Administration about his right to request review;

(v) The individual failed to receive timely notice of the fee determination;

(vi) The individual transmitted the request to another government agency in good faith within such 30-day period and the request did not reach the Social Security Administration until after such period had expired.

The Social Security Administration assumes no responsibility for the payment of a fee based on a revised determination where the request for administrative review was not filed timely. (See § 404.977(b) for payment of attorney fees authorized by the Administration.)

2. Section 404.977 is amended by revising paragraph (b)(1) and adding paragraph (c) to read as follows:

§ 404.977 Payment of fees.

* * * * *

(b) *Fees authorized by the Administration.* (1) *Attorneys.* Except as provided in paragraph (c) of this section, in any case where the Social Security Administration makes a determination favorable to a claimant who was represented by an attorney as defined in § 404.972(a) in a proceeding before the Social Security Administration and as a result of such determination past-due benefits, as defined in § 404.975(c), are payable, the Social Security Administration shall certify for direct payment to the attorney, out of such benefits, whichever of the following is the smallest:

(i) 25 percent of the total of such past-due benefits,

(ii) The amount of the attorney's fee set by the Administration, or

(iii) The amount agreed upon between the attorney and the claimant.

* * * * *

(c) *Time limit for filing petition for approval of attorney fee.* In order for an attorney to receive direct payment of a fee authorized by the Social Security Administration from a claimant's past-due benefits (see paragraph (b) of this section), the petition for approval of a fee, or written notice of the intent to file a petition, should be filed with the Social Security Administration within 60 days of the date the notice of the determination favorable to the claimant is mailed. Where no such petition is filed within 60 days after the date such notice is mailed, written notice shall be sent to the attorney and the claimant, at their last known addresses, that the Social Security Administration will certify for payment to the claimant all the past-due benefits unless the attorney files within 20 days from the date of such notice a written petition for approval of a fee pursuant to § 404.976(a), or a written request for an extension of time. The attorney shall send to the claimant a copy of any request for an extension of time. Where the petition is not filed within this time, or by the last day of any extension approved, the Social Security Administration may certify the funds for payment to the claimant. Any fee charged thereafter remains subject to Social Security Administration approval but collection of any such approved fee shall be a matter between the attorney and his client.

[FR Doc.75-3423 Filed 2-5-75;8:45 am]

[Reg. No. 4, further amended]

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

Procedures, Payment of Benefits, and Representation of Parties

GOOD CAUSE FOR FAILURE TO FILE A TIMELY REQUEST

On September 17, 1974, there was published in the FEDERAL REGISTER (39 FR

33377) a Notice of Proposed Rule Making with a proposed amendment to Subpart J of Regulations No. 4. The proposed amendment specified the circumstances to be considered in determining whether good cause existed for failure to file a request for reconsideration, hearing, or review or to commence a civil action for judicial review timely and gave examples of when good cause might be found.

Interested persons were given a 30-day period to submit data, views, or arguments with regard to the proposed amendment.

One letter of comments was received in response to the Notice of Proposed Rule Making. This commenter suggested that it be made clear in the regulations that the examples of "good cause" spelled out in paragraphs (a) through (h) of proposed new § 404.954(a) are not exclusive and that "good cause" may be established by a showing of other circumstances. The commenter also indicated that extensions are frequently needed because the claimant did not understand the complex procedure of the appellate process or the effect of each step. In this regard, the commenter suggested that an additional example be added to § 404.954a illustrating that "good cause" may be found upon a showing that the claimant did not understand or comprehend the procedural steps necessary to pursue his claim.

In response to the commenter's suggestions we have added a new paragraph (i) to § 404.954a which contains a provision establishing "good cause" upon a showing of unusual or unavoidable circumstances, the nature of which demonstrates that the individual could not reasonably be expected to have been aware of the need to file timely, or such circumstances prevented him from filing timely.

The commenter also expressed concern over the wording of the first sentence in § 404.954a which states that an extension "may" be granted if the individual establishes good cause for failure to file a timely request. The commenter indicated that unless the word "shall" is used in this sentence instead of the word "may", an Administrative Law Judge could deny a request for extension even after "good cause" has been established.

The wording in the first sentence of § 404.954a is not new. It is merely repetitive of the wording in § 404.954, which has been in existence for many years and which states: "For good cause shown, an Administrative Law Judge or the Appeals Council, as the case may be, may extend the time for filing such request or action." Similar language is also used in § 405.712 (with respect to reconsideration under the Hospital Insurance Benefits program), § 410.669 (with respect to hearing, Appeals Council review, and judicial review under the Black Lung Benefits program), and § 416.1473 (with respect to hearing, Appeals Council review, and judicial review under the Supplemental Security Income for the Aged, Blind, and Disabled program) of this chapter. No objections were received from the public with respect to the language used in these sections. Under the circumstances, a change of language is not deemed necessary.

Accordingly, with the addition of a new paragraph (i) to § 404.954a, the proposed amendment to the regulations is adopted as set forth below.

Effective date: This amendment shall be effective February 6, 1975.

(Catalog of Federal Domestic Assistance Programs No. 13.800 Health Insurance for the Aged—Hospital Insurance, No. 13.801 Health Insurance for the Aged—Supplementary Medical Insurance, No. 13.802 Social Security—Disability Insurance, No. 13.803 Social Security—Retirement Insurance, No. 13.804 Social Security—Special Benefits for Person Aged 72 and Over, No. 13.805 Social Security—Survivors Insurance.)

Dated: January 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

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

Subpart J of Regulations No. 4 is amended by adding § 404.954a to read as follows:

§ 404.954a "Good cause" for extension of time to request reconsideration, hearing, or review, or to begin civil action.

With regard to §§ 404.953 and 404.954, an extension of time to request reconsideration, hearing, or review, or to begin civil action may be granted if the individual establishes to the satisfaction of the Administrative Law Judge, the Appeals Council, or other component of the Social Security Administration, that his failure to file a timely request was due to good cause. In determining whether "good cause" for failure to file a timely request has been established by the individual, consideration is given to whether the failure to file the request within the proper time limit was the result of circumstances which impeded the individual's efforts to pursue his claim, misleading action of the Social Security Administration, or misunderstanding as to the requirements of the Act resulting from amendments to the Act, other legislation, or court decisions. For example, good cause for failure to file a timely request may be found where such failure resulted from the following circumstances:

(a) The individual was seriously ill or had a physical or mental impairment and such illness or impairment prevented him from contacting the Social Security Administration in person, or in writing, or through a friend, relative, or other person;

(b) There was a death or serious illness in the individual's immediate family;

(c) Pertinent records were destroyed or damaged by fire or other accidental cause;

(d) The individual was actively seeking evidence to perfect his claim and his search, though diligent, was not completed before the time period expired;

(e) The individual requested additional explanation concerning the Social Security Administration's decision within the time limit, provided that, within 60 days after receipt of such explanation, he requested reconsideration or hearing, or within 30 days after receipt of such explanation, he requested review or began a civil action;

(f) The individual was furnished incorrect or incomplete information by the Social Security Administration or was otherwise misled by a representative of the Social Security Administration about his right to request reconsideration, hearing, or review, or to begin a civil action.

(g) The individual failed to receive the notice of initial determination, reconsideration, decision of an Administrative Law Judge, or a decision of the Appeals Council;

(h) The individual transmitted the request to another Government agency in good faith within the time limit and the request did not reach the Social Security Administration until after the time period had expired; or

(i) Unusual or unavoidable circumstances exist, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to file timely, or such circumstances prevented him from filing timely.

(Secs. 205 and 1102 of the Social Security Act, as amended; 53 Stat. 1368 as amended and 49 Stat. 647 as amended; 42 U.S.C. (405 and 1302))

[FR Doc.75-3424 Filed 2-5-75;8:45 am]

CHAPTER V—MANPOWER ADMINISTRATION

PART 618—FEDERAL SUPPLEMENTAL BENEFITS (EMERGENCY UNEMPLOYMENT COMPENSATION)

The "Emergency Unemployment Compensation Act of 1974", Public Law 93-572, 88 Stat. 1869, was approved by the President on December 31, 1974. The Act creates a new, temporary unemployment compensation program, financed from Federal funds, to furnish up to thirteen additional weeks of supplemental benefits to individuals covered by established unemployment compensation programs who are unemployed and unable to obtain work. Individuals may qualify for the supplemental benefits after exhausting their rights to regular unemployment benefits under State laws which are included in the Federal-State Unemployment Compensation Program, or under the Federal unemployment compensation laws for Federal employees and for ex-servicemen and ex-servicewomen (20 CFR Parts 609 and 614), and who have also exhausted their rights to Federal-State Extended Unemployment Compensation (20 CFR Part 615) or, in certain situations, have no rights to the extended

benefits. The supplemental benefits payable under the new Act (hereafter referred to as Federal Supplemental Benefits, or in shortened form as FSB) are payable through State unemployment compensation agencies in those States which have entered into an agreement under the Act with the Secretary of Labor of the United States. The first week in which the new program could become effective in any State was the first week beginning after December 31, 1974, which was the week beginning on January 5, 1975.

Part 618 is issued to effectuate the required implementation of the Act, and shall take effect February 6, 1975.

Since the new program of Federal Supplemental Benefits became effective in some States in the first week of January 1975, it is essential to publish the required implementing regulation in Part 618 as quickly as possible. For this reason I, as Secretary of Labor, find that, irrespective of 29 CFR 2.7, it is contrary to the public interest to publish Part 618 as a proposal with opportunity for comment, and for the same reason I find that it is necessary that it shall become effective February 6, 1975.

Although Part 618 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor to solicit and consider comments on the regulations it issues. Therefore, comments will be received, just as though Part 618 were a proposal, until March 14, 1975, after which time the comments received will be evaluated and, if warranted, the regulation will be appropriately revised. Meanwhile, in the interest of making Part 618 effective as soon as possible, it shall remain in force until revised.

Interested persons are invited to submit written data, views, or arguments on Part 618, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213, on or before March 14, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Part 618 is added to Title 20, Code of Federal Regulations. The new Part 618 reads as follows:

Sec.

618.1 Purpose.
618.2 Definitions.
618.3 Effective period of the program.
618.4 Eligibility requirements for Federal Supplemental Benefits.
618.5 Definition of "exhaustee."
618.6 Federal Supplemental Benefits: weekly amount.
618.7 Federal Supplemental Benefits: maximum amount.
618.8 Claims for Federal Supplemental Benefits.
618.9 Determination of entitlement; notice to individual.
618.10 Reconsideration and appeal of determination.
618.11 Provisions of State law applicable to claims.
618.12 The applicable State for an individual.
618.13 Restrictions on entitlement.
618.14 Overpayments; penalties.
618.15 Disclosure of information.
618.16 Federal Supplemental Benefit Period.
618.17 Determination of "on" and "off" indicators.
618.18 Announcement of beginning and ending of a Federal Supplemental Benefit Period.
618.19 Payments to States.
618.20 Information, reports and studies.

AUTHORITY: Pub. L. 93-572 (88 Stat. 1869).

§ 618.1 Purpose.

This regulation is promulgated to implement the "Emergency Unemployment Compensation Act of 1974", under which a State whose unemployment compensation law is approved by the Secretary under section 3304 of the Internal Revenue Code of 1954, and contains a requirement that extended compensation shall be payable thereunder as provided by the Federal-State Extended Unemployment Compensation Act of 1970, title II of Public Law 91-373, as amended, may enter into an agreement with the Secretary of Labor whereby the unemployment compensation agency of the State will pay supplemental benefits to eligible individuals as specified in the Act. The benefits provided under the Act are hereafter referred to as Federal Supplemental Benefits, or FSB.

§ 618.2 Definitions.

For the purposes of the Act and this regulation:

(a) "Act" means the Emergency Unemployment Compensation Act of 1974.

(b) "Agreement" means the agreement entered into pursuant to § 102 of the Act, between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Federal Supplemental Benefits in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Base period" means, with respect to an individual, the base period as determined under the applicable State law for the individual's benefit year.

(e) "Benefit year" means the benefit year as defined in the applicable State law.

(f) "Extended benefit period" shall have the meaning assigned to the term by section 203 of the Federal-State Extended Unemployment Compensation Act of 1970.

(g) "Compensation" means cash benefits payable to individuals with respect to their unemployment.

(h) "Regular compensation" means compensation payable to an individual (including dependents' allowances) under any State law, including compensation payable pursuant to 5 U.S.C. Ch. 85, but not including extended compensation or additional compensation.

(i) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors.

(j) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to the payment of extended compensation, and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. ch. 85.

(k) "Federal Supplemental Benefits" means the compensation payable under the Act to individuals eligible thereunder for the payments, and which is referred to as FSB.

(l) "Period of eligibility" means, in the case of any individual, the weeks in the individual's benefit year which begin in an extended benefit period or a Federal Supplemental Benefit Period and, if the benefit year ends within the extended benefit period; any weeks thereafter which begin in the extended benefit period or in the Federal Supplemental Benefit Period.

(m) "Secretary" means the Secretary of Labor of the United States.

(n) "State" means the States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(o) "State agency" means the agency of the State which administers the applicable State law.

(p) "State law" means the unemployment compensation law of a State, approved by the Secretary under section 3304 of the Internal Revenue Code of 1954.

(q) "Week" means, for purposes of eligibility for and payment of FSB, a week as defined in the applicable State law, and, for purposes of computations of Federal Supplemental Benefit "on" and "off" indicators and the beginning and ending of a Federal Supplemental Benefit Period, a calendar week.

(r) "Week of unemployment" means any week during which an individual is totally, part-totally, or partially unemployed. A week of total unemployment is a week in which an individual performs no work and earns no wages or has less than full-time work and earns not more than the earnings allowance prescribed in the applicable State law. A week of part-total unemployment is a week of otherwise total unemployment during which an individual has odd jobs or subsidiary work with earnings in excess of the earnings allowance prescribed in the applicable State law but less than the earnings allowance plus the individual's weekly amount of FSB. A week of partial unemployment is a week during which an individual works less than regular, full-time hours for the individual's regular employer, because of lack of work, and earns more than the earnings allowance prescribed by the applicable State law but less than the earnings allowance plus the individual's weekly amount of FSB.

§ 618.3 Effective period of the program.

(a) Except as provided in paragraph (b) of this section, FSB shall be payable with respect to any week of unemployment beginning:

(1) After December 31, 1974, or

(2) With the week after the week in which the State enters into an Agreement under the Act, or

(3) The first week after the date of enactment of the Act, whichever is the latest: *Provided*, That such weeks of unemployment begin in a Federal Supplemental Benefit Period.

(b) FSB shall not be payable to any individual with respect to any week of unemployment that:

(1) Ends after December 31, 1976; or

(2) Ends after March 31, 1977, in the case of an individual who had a week of unemployment ending January 1, 1977, with respect to which FSB was payable; even though there remains in effect an Agreement entered into pursuant to the Act and a Federal Supplemental Benefit Period.

(c) Notwithstanding any other provision of the Act or this regulation, FSB shall be payable solely through a State agency and only pursuant to an Agreement.

§ 618.4 Eligibility requirements for Federal Supplemental Benefits.

An individual is entitled to FSB for a week of unemployment which begins in the individual's period of eligibility if, with respect to such week, the individual is an exhaustee as defined in § 618.5, files a timely claim for FSB, and satisfies the pertinent requirements of the applicable State law as provided in the Act and this regulation.

§ 618.5 Definition of "exhaustee."

An individual is an exhaustee with respect to a week of unemployment if the individual:

(a) Is an exhaustee of regular compensation as prescribed in § 615.4 (b) and (c) of this chapter; and

(b) Is an exhaustee of extended compensation; that is, the individual has received, prior to that week, all the extended compensation available under a State law in the individual's most recent eligibility period, or the individual is not entitled to extended compensation because of the ending of the individual's eligibility period for extended compensation under the applicable State law or any other State law prior to the beginning of that week; and

(c) Has no right to any compensation, including regular, additional, and extended compensation, with respect to that week under the applicable State law or the State law of any other State, or the Hawaii Agricultural Unemployment Compensation Law, and has no right to compensation under the Railroad Unemployment Insurance Act or any other Federal unemployment compensation law; and

(d) The individual is not receiving compensation with respect to that week under the unemployment compensation law of the Virgin Islands or Canada.

§ 618.6 Federal Supplemental Benefits: weekly amount.

(a) *Total unemployment.* The weekly amount of FSB payable to an individual for a week of total unemployment in a period of eligibility shall be equal to the amount of regular compensation (including dependents' allowances) payable to the individual for a week of total unemployment during the individual's current benefit year, of if the individual has no current benefit year, during the most recent benefit year. If the individual had more than one weekly amount of regular compensation for total unemployment during the benefit year, the weekly amount of FSB for total unemployment shall be the weekly amount payable under the applicable State law with respect to extended compensation.

(b) *Partial and part-total unemployment.* The weekly amount of FSB payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation.

§ 618.7 Federal Supplemental Benefits: maximum amount.

(a) The State agency of the applicable State shall establish a Federal Supplemental Benefit Account for each individual determined to be eligible for FSB, in an amount equal to the lesser of—

(1) Fifty per centum of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's applicable benefit year; or

(2) Thirteen times the individual's average weekly benefit amount of regular compensation (including dependents' allowances), as determined pursuant to § 618.6(a).

(b) If, after a Federal Supplemental Benefit Account is established, it is determined as the result of a redetermination or appeal that the individual was entitled to more or less of regular or more or less of extended compensation, the individual's status as an exhaustee for the purposes of the Act shall be redetermined as of new date of exhaustion of extended compensation and an appropriate change shall be made in the individual's Federal Supplemental Benefit Account.

§ 618.8 Claims for Federal Supplemental Benefits.

(a) An initial claim for FSB shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) Claims for FSB for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) The procedures for reporting and filing claims for FSB shall be consistent with the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (Employment Security Manual, Part V, sections 5000 et seq.).

§ 618.9 Determination of entitlement; notice to individual.

(a) The State agency shall, promptly upon the filing of an initial claim for FSB, determine whether the individual is eligible and whether a disqualification applies, and, if the individual is found to be eligible, the weekly and maximum amounts of FSB payable to the individual.

(b) The State agency shall give notice in writing to the individual of any determination of an initial claim and determinations of all subsequent claims with respect to weeks of unemployment, and each notice of determination shall include such information regarding the determination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations with respect to claims for regular compensation.

(c) The procedures for making determinations and furnishing written notices of determinations to individuals claiming FSB shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

§ 618.10 Reconsideration and appeal of determination.

(a) *Reconsideration.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to FSB. Written notice of redetermination, with notice of right to appeal, shall be furnished to the individual claiming FSB and shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

(b) *Appeal.* (1) The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for on entitlement to FSB.

(2) The provisions on right of appeal and opportunity for a fair hearing with respect to claims for FSB shall be consistent with sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)).

§ 618.11 Provisions of State law applicable to claims.

(a) Except where the result would be inconsistent with the provisions of the Act, or this regulation and the procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall apply to claims for, and the payment of, FSB. The provisions of the

applicable State law which shall apply to claims for, and the payment of, FSB include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to FSB;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work; and

(6) Disqualifications.

(b) The Interstate Benefit Payment Plan shall apply where appropriate, to individuals filing claims for FSB.

(c) The Interstate Arrangement for Combining Employment and Wages (20 CFR Part 616) shall apply, where appropriate, to individuals filing claims for FSB: *Provided*, That the "Paying State" shall be the applicable State as prescribed in § 618.12.

(d) The provisions of the applicable State law which apply hereunder to claims for, and the payment of, FSB shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular and extended compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this regulation.

§ 618.12 The applicable State for an individual.

(a) The applicable State for an individual is the State with respect to which the individual most recently exhausted rights to regular and extended compensation.

(b) FSB is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 618.13 Restrictions on entitlement.

(a) An individual who is entitled with respect to a week to both FSB and a training allowance under section 203 of the Manpower Development and Training Act of 1962 shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(b) An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 shall not, by reason of entitlement to a payment under that Act, be disqualified for a payment of FSB to which the individual otherwise is entitled.

(c) If the week of unemployment for which an individual claims FSB is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to such compensation, the individual shall not be entitled to a payment of FSB for that week.

§ 618.14 Overpayments; penalties.

(a) If the State agency of the applicable State or a court of competent jurisdiction finds, after a determination and opportunity for a fair hearing thereon, that an individual has received a payment of FSB to which the individual was not entitled under the Act and this regulation, irrespective of whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under the applicable State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

(b) In addition to recovery in the manner prescribed in paragraph (a) of this section, the State agency of the applicable State, or the State agency of any other applicable State, shall recover any payment to which an individual was not entitled by offset against any further payment to which the individual lawfully may be otherwise entitled under the Act and this regulation.

(c) In addition, the provisions of 5 U.S.C. 8507 shall be applicable in the event of fraudulent overpayments of FSB to former Federal employees and ex-servicemen and ex-servicewomen.

(d) FSB payable to an individual under the Act and this regulation shall not be available for the recovery by offset of any debt due to any State or the United States or any overpayment under any other State or Federal law providing for assistance or an allowance with respect to an individual's unemployment. Overpayments of FSB shall be recoverable only as provided in this section, or by civil suit against the individual concerned, and shall not be recoverable by offsetting any sum due to the individual under any State law or under any other Federal law providing for payments to individuals for the relief of unemployment.

(e) Overpayments recovered pursuant to this section, 5 U.S.C. 8507, or in any other manner, shall be credited or returned, as the case may be, to the appropriate account of the United States.

(f) Any provision of the applicable State law providing for waiver of recovery of overpayments of compensation shall not be applicable to FSB. However, provisions of the applicable State law relating to disqualification for fraudulently claiming or receiving a payment of compensation shall apply to claims for and payments of FSB.

(g) Recovery of any overpayment of FSB shall not be enforced by a State agency until the determination establishing the overpayment has become final or the decision after opportunity for a fair hearing has become final.

(h) Procedures for the determination of overpayments of FSB, and opportunity for a hearing thereon, shall accord with the procedures under the applicable State law for determinations and hearings with respect to overpayments of compensation, and shall be consistent with sections 303(a)(1) and 303(a)(3) of the Social Security Act.

(i) Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of FSB shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (Employment Security Manual, Part V, sections 7510 et seq.).

§ 618.15 Disclosure of information.

Information obtained by a State agency in administering the Act shall be kept confidential, and may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information obtained in the administration of the Act shall not apply, however, to the U.S. Department of Labor or in the case of information and reports requested pursuant to § 618.20.

§ 618.16 Federal Supplemental Benefit Period.

(a) A Federal Supplemental Benefit Period shall begin in a State on the first day of the third calendar week following the week for which there is a Federal Supplemental Benefit "on" indicator in the State, but in no event shall a Federal Supplemental Benefit Period commence with a week beginning before January 5, 1975.

(b) Except as provided in paragraph (c) of this section, a Federal Supplemental Benefit Period in a State shall end on the last day of the third calendar week after the first week for which there is a Federal Supplemental Benefit "off" indicator in that State.

(c) A Federal Supplemental Benefit Period which becomes effective in any State shall continue for not less than 26 consecutive weeks, but in no event shall FSB be paid for any week beginning before or ending after the dates specified in § 618.3.

§ 618.17 Determination of "on" and "off" indicators.

(a) There is a Federal Supplemental Benefit "on" indicator in a State for a week if the Secretary determines with respect to that State that there is a State or National "on" indicator for the week as determined under subsection (d) or (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended.

(b) There is a Federal Supplemental Benefit "off" indicator in a State for a week if the Secretary determines with respect to that State that there is both a State and a National "off" indicator for the week as determined under subsections (d) and (e) of section 203 of the Federal-State Extended Unemployment Compensation Act of 1970, as amended.

§ 618.18 Announcement of the beginning and ending of a Federal Supplemental Benefit Period.

(a) In the case of Federal Supplemental Benefit indicators based on National indicators under the Federal-State Extended Unemployment Compensation Act of 1970, as amended—

(1) Whenever the Secretary determines that there is an "off" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Federal Supplemental Benefit Period will commence and information regarding the nationwide scope of the Federal Supplemental Benefit Program.

(2) Whenever the Secretary determines that there is an "off" tindicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "off" indicator, the week when the Federal Supplemental Bcnefit Period will end, and each State which shall remain in a Federal Supplemental Benefit Period because there was not for that week a State "off" indicator as prescribed in section 203(e) of the Federal-State Extended Unemployment Compensation Act of 1970.

(3) The Secretary shall also notify appropriate news media and the heads of all State agencies of the determination of an "on" or "off" indicator and of its effect.

(b) In the case of Federal Supplemental Benefit indicators, when there is not in effect a Federal Supplemental Benefit Period based on a National "on" indicator under the Federal-State Extended Unemployment Compensation Act of 1970, as amended, the Secretary shall cause to be published in the FEDERAL REGISTER the determination that there is a Federal Supplemental Benefit "on" or "off" indicator in a State which has entered into an Agreement that is in effect, and the beginning or ending date, as the case may be, of the Federal Supplemental Benefit Period in that State.

(c) Whenever the head of a State agency is notified of the Secretary's determination that a Federal Supplemental Benefit "on" or "off" indicator will begin or end a Federal Supplemental Benefit Period in the State, the head of the State agency shall promptly announce the Secretary's determination and the beginning or ending date of the Federal Supplemental Benefit Period through appropriate news media in the State. In the case of a Federal Supplemental Benefit Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for FSB during the period; and in the case of a Federal Supplemental Benefit Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to FSB will be terminated.

(d) (1) Whenever there has been a determination that a Federal Supplemental Benefit Period will begin in a State, the State agency shall provide prompt written notice of potential entitlement to FSB to each individual who is an exhaustee of regular and extended compensation as prescribed in § 618.5.

(2) The State agency shall provide the same notice promptly to each individual who exhausts rights to regular and extended compensation, as prescribed in § 618.5, during a Federal Supplemental Benefit Period.

(e) Whenever there has been a determination that a Federal Supplemental Benefit Period will end in a State, the State agency shall provide written notice to each individual who is currently filing claims for FSB of the forthcoming end of the Federal Supplemental Benefit Period and its effect on the individual's right to compensation.

§ 618.19 Payments to States.

(a) *Federal Supplemental Benefits.* The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State which has entered into an Agreement, either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of FSB in accordance with the Act and this regulation and the procedures thereunder prescribed by the Secretary; except that the amounts certified shall not include sums for which the State is entitled to reimbursement under the provisions of any Federal law other than the Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with the certifications, by transfers from the extended unemployment compensation account in the Unemployment Trust Fund to the account of the State in the Fund.

(b) *Costs of administration.* With the amount certified by the Secretary for payment to each State, pursuant to title III of the Social Security Act, for the purpose of assisting the State in the administration of the State law, there shall be included such amount as the Secretary determines to be necessary for the proper and efficient administration of the Act by the State. Sections 303 (a)(8) and 303(a)(9) of the Social Security Act shall apply to amounts paid to a State for costs of administration of the Act.

§ 618.20 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

Effective date. Part 618 shall become effective February 6, 1975.

Signed at Washington, D.C. this 30th day of January, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3411 Filed 2-5-75;8:45 am]

PART 619—SPECIAL UNEMPLOYMENT ASSISTANCE

Implementation

Title II of the "Emergency Jobs and Unemployment Assistance Act of 1974", Public Law 93-567, 88 Stat. 1845, was approved by the President on December 31, 1974. The Act creates a new, temporary program of unemployment assistance, financed from Federal funds, to furnish up to twenty-six weeks of unemployment benefits to individuals who are unemployed and unable to obtain work, and who have no rights to compensation under established unemployment compensation laws or to assistance or allowances with respect to their unemployment under other Federal laws. Special Unemployment Assistance (referred to in shortened form as SUA) is payable through State unemployment compensation agencies in those States which have entered into an agreement under the Act with the Secretary of Labor of the United States. In the light of the fact that the rate of national unemployment averaged more than 6.0 per centum for the three month period of September to November 1974, the Special Unemployment Assistance Program became effective with the week beginning on December 22, 1974.

Part 619 is issued to effectuate the required implementation of the Act, and shall take effect February 6, 1975.

Since the new program of Special Unemployment Assistance became effective in many States with the week beginning on December 22, 1974, it is essential to publish the required implementing regulation in Part 619 as quickly as possible. For this reason I, as Secretary of Labor, find that, irrespective of 29 CFR 2.7, it is contrary to the public interest to publish Part 619 as a proposal with opportunity for comment, and for the same reason I find that it is necessary that Part 619 shall become effective February 6, 1975.

Although Part 619 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor to solicit and consider comments on the regulations it issues. Therefore, comments will be received, just as though Part 619 were a proposal, until March 14, 1975, after which time the comments received will be evaluated and, if warranted, the regulation will be appropriately revised. Meanwhile, in the interest of making Part 619 effective as soon as possible, it shall remain in force until revised.

Interested persons are invited to submit written data, views, or arguments on Part 619, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213, on or before March 14, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Part 619 is added to Title 20, Code of Federal Regulations. The new Part 619 reads as follows:

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AUTHORITY: Pub. L. 93-567 (88 Stat. 1845).

§ 619.1 Purpose.

The regulation in this part is issued to carry out the purpose of establishing a temporary program of Special Unemployment Assistance (SUA) for individuals who are unemployed during a period of aggravated unemployment and who are not otherwise eligible for unemployment compensation or allowance with respect to their unemployment under any other law.

§ 619.2 Definitions.

For the purposes of the Act and this regulation:

(a) "Act" means title II of the "Emergency Jobs and Unemployment Assistance Act of 1974", providing for the Special Unemployment Assistance Program.

(b) "Agreement" means an agreement entered into pursuant to section 202 of the Act, between a State and the Secretary of Labor of the United States, under which the State agency of the State agrees to make payments of Special Unemployment Assistance in accordance with the Act and the regulations and procedures thereunder prescribed by the Secretary.

(c) "Applicable State law" means the State law of the State which is the applicable State for an individual.

(d) "Area" means an area designated by the Secretary as an area served by an entity which is eligible to be a prime sponsor under section 102(a) of the Comprehensive Employment and Training Act of 1973.

(e) "Compensation" means cash benefits payable to individuals with respect to their unemployment, and includes regular, additional, extended, and emergency compensation as defined herein, and unemployment compensation payable under the Hawaii Agricultural Unemployment Compensation Law and the Railroad Unemployment Insurance Act.

(f) "Regular compensation" means compensation payable to an individual (including dependents' allowances) under any State law, including compensation payable pursuant to 5 U.S.C. ch. 85, but not including extended compensation or additional compensation.

(g) "Additional compensation" means compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors.

(h) "Extended compensation" means compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970 with respect to the payment of extended compensation, and, when so payable, includes additional compensation and compensation payable pursuant to 5 U.S.C. ch. 85.

(i) "Emergency compensation" means compensation payable under the Emergency Unemployment Compensation Act of 1974 (Pub. L. 93-572), and referred to as Federal Supplemental Benefits (20 CFR Part 618).

(j) "Not covered" means services performed by an individual for another as an employee (as defined in 26 U.S.C. 3306 (i)) within a State or within or among two or more States, or on or in connection with an American vessel or American aircraft (as specified and defined in 26 U.S.C. 3306 (c), (m), and (n)), or outside of the States (except in Canada) for an American employer (as defined in 26 U.S.C. 3306(j)(3)) if the individual is a citizen of the United States, if the services are not services covered for the purpose of determining eligibility for compensation under a State law, the Hawaii Agricultural Unemployment Compensation Law, the Railroad Unemployment Insurance Act, or 5 U.S.C. ch. 85.

(k) "Secretary" means the Secretary of Labor of the United States.

(l) "Special Unemployment Assistance" (referred to herein as SUA) means the benefits payable under the Act to individuals who are not entitled to compensation as defined herein.

(m) "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(n) "State agency" means the agency of the State which administers the applicable State law.

(o) "State law" means the unemployment compensation law of a State which has been approved by the Secretary under section 3304 of the Internal Revenue Code of 1954, and further means, with respect to the Virgin Islands, the unemployment compensation law of the Virgin Islands.

(p) "Wages" means remuneration for services performed for another in an employer-employee relationship.

(q) "Waiting period" means the waiting period as provided in the applicable State law.

(r) "Week" means a calendar week.

(s) "Week of unemployment" means any week during which an individual is totally, part-totally, or partially unemployed. A week of total unemployment is a week in which an individual performs no work and earns no wages or has less than full-time work and earns not more than the earnings allowance prescribed in the applicable State law. A week of part-total unemployment is a week of otherwise total unemployment during which an individual has odd jobs or subsidiary work with earnings in excess of the earnings allowance prescribed in the applicable State law but less than the earnings allowance plus the individual's weekly amount of SUA. A week of partial unemployment is a week during which an individual works less than regular, full-time hours for the individual's regular employer, because of lack of work, and earns more than the earnings allowance prescribed by the applicable State law but less than the earnings allowance plus the individual's weekly amount of SUA.

§ 619.3 Effective period of the program.

(a) Except as provided in paragraphs (b) and (c) of this section, SUA shall be payable, or waiting period credited, with respect to a week of unemployment commencing with the week beginning on December 22, 1974.

(b) SUA shall not be payable to any individual with respect to any week of unemployment ending after March 31, 1976; and no individual shall be entitled to a payment of SUA with respect to any week of unemployment which begins after December 31, 1975, unless the individual has filed an initial claim for SUA which is effective with respect to a week that begins on or before December 31, 1975.

(c) Notwithstanding any other provision of the Act or this regulation, SUA shall be payable solely through a State agency and only pursuant to an Agreement.

§ 619.4 Eligibility requirements for Special Unemployment Assistance.

An individual shall be eligible to receive a payment of SUA or waiting period credit with respect to a week of unemployment which begins during a Special Unemployment Assistance Period, in accordance with the provisions of the Act and this regulation, if that week is within the effective period of the program as set forth in § 619.3, and if, with respect to that week, all of the following requirements of (a) through (f) are met.

(a) The individual (1) is not eligible for compensation under any State or Federal unemployment compensation law, including the State law of any State, 5 U.S.C. ch. 85, the Railroad Unemployment Insurance Act, the Emergency Unemployment Compensation Act of 1974, and the Hawaii Agricultural Unemployment Compensation Law, with respect to that week of unemployment; (2) is not receiving compensation with respect to that week of unemployment under the

unemployment compensation law of Canada; and (3) is not eligible for assistance or an allowance payable with respect to that week of unemployment under such laws as the Public Works and Economic Development Act Amendments of 1974, the Disaster Relief Act of 1974, the Trade Expansion Act of 1962, as amended, or any successor legislation or similar legislation, as determined by the Secretary.

(b) The individual meets the qualifying employment and wage requirements of the applicable State law in a base year which, notwithstanding the State law, shall be the 52-week period preceding the first week with respect to which the individual (1) files a timely initial claim for SUA; (2) is totally, part-totally, or partially unemployed; and (3) meets such qualifying employment and wage requirements; and for the purpose of this paragraph employment and wages which are not covered by the applicable State law shall be treated as though they were covered, and shall be combined with employment and wages covered by any State or Federal unemployment compensation law, including the Railroad Unemployment Insurance Act and the Hawaii Agricultural Unemployment Compensation Law, in determining whether the individual meets the qualifying employment and wage requirements of the applicable State law, except that employment and wages shall be excluded for this purpose to the extent that individual is or was entitled to compensation on the basis of such employment and wages under any unemployment compensation law, and employment and wages considered in determining an individual's eligibility for and entitlement to SUA shall not thereafter be considered in determining the individual's eligibility for an entitlement to SUA in connection with any further claim for SUA.

For the purpose of determining an individual's eligibility for SUA under a State law that bases eligibility on employment or wages by calendar quarters, any employment and wages during the 52-week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters or shall be combined and treated as falling within one quarter, whichever is most advantageous to the individual.

(c) The individual is totally, part-totally, or partially unemployed, and is able to work, available for work, and seeking work within the meaning of, or as required by, the applicable State law, and is not subject to disqualification under that law as provided in § 619.12(d), with respect to that week of unemployment.

(d) The individual has filed a timely initial claim for SUA, and, as appropriate, has filed a timely claim for waiting period credit or a payment of SUA with respect to that week of unemployment.

(e) In the area in which the individual was last employed for at least five workdays prior to filing an initial claim for SUA, a Special Unemployment Assistance Period is in effect with respect to that week of unemployment: *Provided*, That if the individual, except for the imposition of a disqualification, was otherwise eligible for a payment of SUA or waiting period credit with respect to a week of unemployment which began during a Special Unemployment Assistance Period, but did not exhaust entitlement to SUA during the period, entitlement shall continue after the end of the period, but SUA shall not be payable for any week of unemployment that begins more than twenty-six weeks after the end of the period or after the effective period of the Special Unemployment Assistance Program as specified in § 619.3.

(f) The State in which the individual was last employed for at least five workdays, prior to filing an initial claim for SUA, entered into an Agreement which is in effect with respect to that week of unemployment.

§ 619.5 Special Unemployment Assistance: weekly amount.

(a) *Total unemployment.* (1) The weekly amount of SUA payable to an eligible individual for a week of total unemployment shall be the weekly benefit amount for a week of total unemployment that would be payable to the individual as regular compensation (including dependents' allowances), as computed under the provisions of the applicable State law: *Provided*, That, in computing the individual's weekly benefit amount, the base year, notwithstanding the applicable State law, shall be the fifty-two week period preceding the first week with respect to which the individual (i) files a timely initial claim for SUA; (ii) is totally, part-totally, or partially unemployed; and (iii) meets the qualifying employment and wage requirements as set forth in § 619.4(b), and for the purpose of this proviso employment and wages which are not covered by the applicable State law, and employment and wages which are covered by any unemployment compensation law, shall be treated in the same manner and with the same effect and exception as is provided in § 619.4(b).

(2) If the individual would have more than one weekly amount of regular compensation for total unemployment computed under the provisions of the applicable State law in accordance with this paragraph, the weekly amount of SUA for total unemployment shall be (i) the average amount determined by (A) multiplying each weekly amount, including dependents' allowances, payable for total unemployment, by the number of weeks for which each amount would be payable, (B) totaling the products so obtained, and (C) dividing this sum by the total number of weeks involved in the computation; or (ii) the amount that is reasonably representative of the weekly amounts of regular compensation computed under the provisions of the applicable State law.

(b) *Partial and part-total unemployment.* The weekly amount of SUA payable for a week of partial or part-total unemployment shall be determined under the provisions of the applicable State law which apply to regular compensation.

(c) For the purpose of computing an individual's weekly amount of SUA under a State law that calculates the weekly benefit amount on the basis of distribution of employment or wages among calendar quarters, any wages during the 52-week base year which fall within two incomplete calendar quarters shall either be treated as falling within two quarters, or be added together and treated as wages in one quarter, whichever is most advantageous to the individual.

§ 619.6 Special Unemployment Assistance: maximum amount.

(a) The maximum amount of SUA which an individual shall be entitled to receive with respect to any initial claim shall be the maximum amount of regular compensation that would be payable to the individual as computed under the provisions of the applicable State law on the basis of the individual's employment and wages creditable for this purpose under the Act and this regulation, but not exceeding twenty-six times the weekly benefit amount payable to the individual for a week of total unemployment as determined under § 619.5: *Provided*, That, for the purpose of computing an individual's maximum amount of SUA the individual's base year, notwithstanding the State law, shall be the fifty-two week period preceding the first week with respect to which the individual (1) files a timely initial claim for SUA; (2) is totally, part-totally, or partially unemployed; and (3) meets the qualifying employment and wage requirements as set forth in § 619.4(b), and for the purpose of this proviso employment and wages which are not covered by the applicable State law, and employment and wages which are covered by any unemployment compensation law, shall be treated in the same manner and with the same effect and exception as is provided in § 619.4(b).

(b) (1) A Special Unemployment Assistance Account shall be established for each individual determined to be eligible for SUA, in the sum of the maximum amount potentially payable to the individual as computed in accordance with paragraph (a) of this section.

(2) If it is subsequently determined as the result of a redetermination or appeal that the individual is entitled to a different amount of SUA than was originally determined, an appropriate change shall be made in the individual's Special Unemployment Assistance Account.

§ 619.7 Claims for Special Unemployment Assistance.

(a) An initial claim for SUA shall be filed by an individual with respect to the individual's applicable State and according to the applicable State law on a form prescribed by the Secretary, which shall be furnished to the individual by the State agency.

(b) Claims for waiting period credit and payments of SUA for weeks of unemployment shall be filed with respect to the individual's applicable State at the times and in the manner as claims for

regular compensation are filed under the applicable State law, and on forms prescribed by the Secretary which shall be furnished to the individual by the State agency.

(c) The procedures for reporting and filing claims for SUA shall be consistent with the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" (*Employment Security Manual*, Part V, sections 5000 et seq.).

§ 619.8 Determination of entitlement; notice to individual.

(a) (1) The State agency shall, promptly upon the filing of an initial claim for SUA, determine whether the individual is eligible and whether a disqualification applies, and, if the individual is found to be eligible, the weekly and maximum amounts of SUA payable to the individual.

(2) Notwithstanding the provisions of the applicable State law, an individual's eligibility for SUA may be determined, where a record of employment and wages is not available, on the basis of an affidavit submitted to the State agency by the individual.

(b) The State agency shall give notice in writing to the individual of any determination of an initial claim and determinations of all subsequent claims with respect to weeks of unemployment (and any claim with respect to a waiting week, if applicable), and each notice of determination shall include such information regarding the determination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations with respect to claims for regular compensation.

(c) The procedures for making determinations and furnishing written notices of determinations to individuals claiming SUA shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

§ 619.9 Reconsideration and appeal of determination.

(a) *Reconsideration.* The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to regular compensation under the applicable State law shall apply to determinations pertaining to SUA. Written notice of redetermination, with notice of right to appeal, shall be furnished to the individual claiming SUA, and shall be consistent with the Secretary's "Standard for Claim Determinations—Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

(b) *Appeal.* (1) The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to regular compensation shall apply to determinations and redeterminations of eligibility for or entitlement to SUA.

(2) The provisions on right of appeal and opportunity for a fair hearing with respect to claims for SUA shall be consistent with sections 303(a)(1) and 303(a)(3) of the Social Security Act (42 U.S.C. 503(a)(1) and 503(a)(3)).

§ 619.10 Provisions of State law applicable to claims.

(a) Except where the result would be inconsistent with the provisions of the Act, or this regulation and procedures thereunder prescribed by the Secretary, the terms and conditions of the applicable State law which apply to claims for, and the payment of, regular compensation shall apply to claims for, and the payment of, SUA. The provisions of the applicable State law which shall apply to claims for, and the payment of, SUA include, but are not limited to:

(1) Claim filing and reporting;

(2) Information to individuals, as appropriate;

(3) Notices to individuals and employers, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to SUA and waiting period credit;

(4) Determinations and redeterminations;

(5) Ability to work, availability for work, and search for work; and

(6) Disqualifications.

(b) The Interstate Benefit Payment Plan shall apply, where appropriate, to individuals filing claims for SUA.

(c) The provisions of the applicable State law which apply hereunder to claims for, and the payment of, SUA shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of regular compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this regulation.

§ 619.11 The applicable State for an individual.

(a) The applicable State for an individual shall be that State in which the individual last worked for at least five workdays prior to filing a timely initial claim for SUA, and with respect to which the individual is determined to be eligible for SUA.

(b) SUA is payable to an individual only by an applicable State as determined pursuant to paragraph (a) of this section.

§ 619.12 Restrictions on entitlement.

(a) An individual otherwise entitled to waiting period credit or a payment of SUA with respect to a week of unemployment shall not be entitled to such credit or payment if, with respect to that week of unemployment, the individual has received or is entitled to receive a payment with respect to unemployment under any of the following laws:

(1) Any State law or the Agricultural Unemployment Compensation Law of Hawaii;

(2) Any Federal unemployment compensation law, including 5 U.S.C. chapter 85 and the Railroad Unemployment Insurance Act, but not including the Act;

(3) The Emergency Unemployment Compensation Act of 1974;

(4) The Public Works and Economic Development Act Amendments of 1974;

(5) The Disaster Relief Act of 1974;

(6) The Trade Expansion Act of 1962 or the Trade Act of 1974;

(7) Any other Federal law which is a successor to any of the laws referred to in (3) through (6) or is similar to such laws in providing for the payment of assistance or an allowance with respect to unemployment.

(b) An individual otherwise entitled to waiting period credit or a payment of SUA with respect to a week of unemployment shall not be entitled to such credit or payment if, with respect to that week of unemployment, the individual is receiving compensation under the unemployment compensation law of Canada.

(c) Employment and wages creditable pursuant to § 619.4(b) in determining an individual's eligibility for SUA shall not include employment or wages earned or paid for employment which is contrary to or prohibited by any Federal law.

(d) If the week of unemployment for which an individual claims SUA is a week to which a disqualification for compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to such compensation, the individual shall not be entitled to a payment of SUA for that week: *Provided*, That employment or wages required by a State law to end a disqualification shall not be applied subject to any restriction that the employment or wages must be covered under an unemployment compensation law.

(e) An individual who is entitled with respect to a week of unemployment to both SUA and a training allowance under § 203 of the Manpower Development and Training Act of 1962 shall be treated the same as the individual would be treated if entitled to both regular compensation and such an allowance.

(f) An individual entitled to the payment with respect to a week of unemployment of a basic weekly allowance under section 111(a) of the Comprehensive Employment and Training Act of 1973 shall not, by reason of entitlement to a payment under that Act, be disqualified for a payment of SUA to which the individual otherwise is entitled.

§ 619.13 Overpayments; penalties.

(a) If the State agency of the applicable State or a court of competent jurisdiction finds, after a determination and opportunity for a fair hearing thereon, that an individual has received a payment of SUA to which the individual was not entitled under the Act and this regulation, irrespective of whether or not the payment was due to the individual's fault or misrepresentation, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under the applicable State law or Federal law to recover for the account of the

United States the total sum of the payment to which the individual was not entitled.

(b) In addition to recovery in the manner prescribed in paragraph (a) of this section, the State agency of the applicable State, or the State agency of any other applicable State, shall recover any payment to which an individual was not entitled by offset against any further payment to which the individual lawfully may be otherwise entitled under the Act and this regulation.

(c) In any case where an individual's eligibility for SUA is determined on the basis of an affidavit submitted pursuant to section 205(b) of the Act, the individual who submits such affidavit, and knowingly provides false information therein, shall be ineligible for any payment of SUA under the Act and this regulation, and the individual shall, in addition, be subject to prosecution under section 1001 of title 18, United States Code.

(d) SUA payable to an individual under the Act and this regulation shall not be available for the recovery by offset of any debt due to any State or the United States or an overpayment under any other law referred to in this regulation. Overpayments of SUA shall be recoverable only as provided in this section, or by civil suit against the individual concerned, and shall not be recoverable by offsetting any sum due to the individual under any State law or under any other Federal law providing for payments to individuals for the relief of unemployment.

(e) Overpayments recovered pursuant to this section, section 205(b) of the Act, or in any other manner, shall be credited or returned, as the case may be, to the appropriate account of the United States.

(f) Any provision of the applicable State law providing for waiver of recovery of overpayments of compensation shall not be applicable to SUA. However, provisions of the applicable State law relating to disqualification for fraudulently claiming or receiving a payment of compensation shall apply to claims for and payments of SUA.

(g) Recovery of any overpayment of SUA shall not be enforced by a State agency until the determination establishing the overpayment has become final or the decision after opportunity for a fair hearing has become final.

(h) Procedures for the determination of overpayments of SUA, and opportunity for a hearing thereon, shall accord with the procedures under the applicable State law for determinations and hearings with respect to overpayments of compensation, and shall be consistent with sections 303(a)(1) and 303(a)(3) of the Social Security Act.

(i) Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayments of SUA shall be, as a minimum, commensurate with the procedures adopted by the State with respect to regular compensation which are consistent with the Secretary's "Standard for Fraud" and

there is an "on" indicator in the area, and shall terminate with the last day of the third calendar week after the first week for which there is an "off" indicator in the area.

§ 619.14 Disclosure of information.

Information obtained by a State agency in administering the Act shall be kept confidential, and may be disclosed only in the same manner and to the same extent as information with respect to regular compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information obtained in the administration of the Act shall not apply, however, to the U.S. Department of Labor or in the case of information and reports requested pursuant to § 619.20.

§ 619.15 Special Unemployment Assistance Period.

(a) A Special Unemployment Assistance Period shall begin in an area of a State on the first day of the third calendar week after the week for which Overpayment Detection" (Employment Security Manual, Part V, section 7510 et seq.).

(b) A Special Unemployment Assistance Period which triggers "on" in any area shall have a duration of not less than thirteen weeks, but in no event shall SUA be paid for any week beginning before or ending after the dates specified in § 619.3.

§ 619.16 Determination of national and area unemployment rates.

The Secretary shall determine the national and area unemployment rates for the purposes of establishing the beginning and ending dates of a Special Unemployment Assistance Period in any area. In making a determination the Secretary shall use:

(a) For a national unemployment rate, the rate (seasonally adjusted) of national unemployment for all States, as determined by the Secretary.

(b) For an area unemployment rate, the rate of unemployment (not seasonally adjusted) in the area, as determined by the Secretary.

§ 619.17 Determination of "on" and "off" indicators.

(a) There shall be an "on" indicator in an area for a week, if for the most recent three consecutive calendar months ending before that week, for which data are available, the Secretary determines that:

(1) The rate of national unemployment (seasonally adjusted) averages 6.0 per centum or more; or

(2) The rate of unemployment in the area (not seasonally adjusted) averaged 6.5 per centum or more.

(b) There shall be an "off" indicator for a week if, for the most recent three consecutive calendar months ending before that week for which data are available, the Secretary determines that both paragraphs (a)(1) and (a)(2) of this section are not satisfied.

§ 619.18 Announcement of the beginning and ending of a Special Unemployment Assistance Period.

(a) In the case of an indicator based on the rate of national unemployment—

(1) Whenever the Secretary determines that there is an "on" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination, and shall include in such notice the week for which there was an "on" indicator, the week when a Special Unemployment Assistance Period will commence, and information regarding the nationwide scope of the Special Unemployment Assistance Program.

(2) Whenever the Secretary determines that there is an "off" indicator, the Secretary shall cause to be published in the FEDERAL REGISTER notice of the determination and shall include in such notice the week for which there was an "off" indicator, the week when the Special Unemployment Assistance Period will end, and the areas which shall remain in a Special Unemployment Assistance Period by reason of area continuing "on" indicators.

(3) The Secretary shall also notify appropriate news media and the heads of all State agencies of the determination of an "on" or "off" indicator and of its effect.

(b) In the case of area indicators, when there is not in effect an "on" indicator based on the rate of national unemployment, the Secretary shall cause to be published in the FEDERAL REGISTER any determination made by the Secretary that there is an "on" or "off" indicator in an area, the area to which the determination is applicable, and the beginning or ending date, as the case may be, of the Special Unemployment Assistance Period in the area, where the State in which the area is located has entered into an Agreement which is in effect.

(c) Whenever the head of a State agency is notified of the Secretary's determination that an "on" or "off" indicator will begin or end a Special Unemployment Assistance Period in an area in the State, the head of the State agency shall promptly announce the Secretary's determination and the beginning or ending date of the Special Unemployment Assistance Period through appropriate news media in the State. In the case of a Special Unemployment Assistance Period that is about to begin, the announcement shall also describe clearly the unemployed individuals who may be eligible for SUA during the period; and in the case of a Special Unemployment Assistance Period that is about to end, the announcement shall also describe clearly the individuals whose entitlement to SUA will be terminated. Whenever there has been a determination that a Special Unemployment Assistance Period will terminate in a State, the State agency shall provide written notice to each individual who is currently filing claims for SUA of the forthcoming

end of the Special Unemployment Assistance Period and its effect on the individual's right to assistance.

§ 619.19 Grants to States.

Each State which has entered into an Agreement shall be paid by the United States, from time to time, prior to audit or settlement by the General Accounting Office, and either in advance or by way of reimbursement as the Secretary decides in each instance, such amounts as are deemed necessary by the Secretary to make payments of SUA in accordance with the Act and this regulation and the procedures thereunder prescribed by the Secretary, and such amounts as are determined by the Secretary to be equal to the necessary costs for the proper and efficient administration of the Act by the State.

§ 619.20 Information, reports and studies.

State agencies shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act.

Effective date. Part 619 shall become effective February 6, 1975.

Signed at Washington, D.C., this 30th day of January, 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3410 Filed 2-5-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-75-261]

PART 2205—FEDERAL DISASTER ASSISTANCE

Interim Rules; Individual and Family Grant Application

On May 22, 1974, the President signed into law the Disaster Relief Act of 1974 (42 U.S.C. 5121 note.). This new law applies to any major disaster declared after April 1, 1974. However, section 408, Individual and Family Grant Programs, of the Act takes effect as of April 20, 1973. Section 408 authorizes "grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster in those cases where such individuals or families are unable to meet such expenses or needs through assistance under other provisions of this Act, or from other means * * *."

On August 5, 1974, the Federal Disaster Assistance Administration published Interim Regulations, 24 CFR 2205 (39 FR 28212), to implement the Disaster Relief Act of 1974. Section 2205.48 of these regulations sets forth the availability and procedures for requesting Federal assistance under section 408. In order for section 408 assistance to be available following a major disaster, a Governor must submit a request for assistance to the appropriate Regional Director pursuant to § 2205.48(d) of those regulations.

The Administrator of the Federal Disaster Assistance Administration has determined that the provision of assistance to disaster victims requires a timely determination on the part of a Governor of an affected State as to the application for section 408, Individual and Family Grant Programs. Therefore, the Administrator is publishing this notice to prescribe a time limit for a Governor to request Federal assistance under Section 408 for all major disasters declared prior to the date of this notice. The setting of a time limit for such Governor's request will enable the disaster victims and the Federal Government to know whether the section 408 Individual and Family Grant Programs will be available in an affected State.

Because of the character of disaster assistance, this notice must be operative as soon as possible in order to reflect the legislative mandate. Therefore, notice and public comment procedure are impractical and contrary to the public interest. For the aforesaid reasons and the fact that this notice confers a benefit on the public, good cause exists for making this notice effective upon publication.

Pursuant to the authority contained in section 7(d) of the Department of Housing and Urban Development Act (79 Stat. 670, 42 U.S.C. section 3535(d)) and the Disaster Relief Act of 1974 (42 U.S.C. 5121 note.), the Administrator of the Federal Disaster Assistance Administration publishes the following notice:

Whereas, section 408(e) of the Disaster Relief Act of 1974 (42 U.S.C. 5121 note.) states that section 408 takes effect as of April 20, 1973;

Whereas, Interim Regulations and Delegations of Authority to implement the Disaster Relief Act of 1974 (including section 408) were published August 5, 1974 (39 FR 28212);

Whereas, all Governors of affected States have been advised as to the availability and procedures for requesting Federal assistance under this section;

Now therefore, as Administrator of the Federal Disaster Assistance Administration, I hereby determine that for all major disasters declared subsequent to April 20, 1973, but prior to February 5, 1975, the effective date of this notice, applications by a Governor for assistance pursuant to section 408 of the Disaster Relief Act of 1974 must be made to the appropriate Regional Director of the Federal Disaster Assistance Administration not later than March 21, 1975.

Effective date: This notice shall be effective on February 5, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-3387; Filed 2-5-75;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2601—BYLAWS OF THE PENSION BENEFIT GUARANTY CORPORATION

Section 4002(f) of the Employee Retirement Income Security Act of 1974, Pub. L. No. 93-406, 88 Stat. 829, requires that the Bylaws of the Pension Benefit Guaranty Corporation be published in the FEDERAL REGISTER not less often than once each year. Accordingly the Bylaws of the Corporation are set forth below.

As the Bylaws involve agency organization and procedure, a previous general notice of proposed rule making is not required.

Effective date: These Bylaws became effective on September 5, 1974 pursuant to the action of the Board of Directors.

Chapter XXVI of Title 29, Code of Federal Regulations, is amended by adding a new Part 2601, reading as follows:

Sec.
2601.1 Name.
2601.2 Offices.
2601.3 Board of Directors.
2601.4 Chairman.
2601.5 Quorum.
2601.6 Meetings.
2601.7 Place of meetings; use of conference call comunications equipment.
2601.8 Amendments.

AUTHORITY: Pub. L. 93-406, 88 Stat. 829.

§ 2601.1 Name.

The name of the Corporation is the Pension Benefit Guaranty Corporation.

§ 2601.2 Offices.

The principal office of the Corporation shall be in the Metropolitan area of the City of Washington, District of Columbia. The Corporation may have additional offices at such other places as the Board of Directors may deem necessary or desirable to the conduct of its business.

§ 2601.3 Board of Directors.

(a) The Board of Directors shall establish the policies of the Corporation and shall perform the other functions assigned to the Board of Directors in Title IV of the Employee Retirement Income Security Act of 1974. The Board of Directors of the Corporation shall be composed of the Secretary of Labor, the Secretary of the Treasury, and the Secretary of Commerce. Members of the Board shall serve without compensation, but shall be reimbursed by the Corporation for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the Board. A person at the time of a meeting of the Board of Directors who is serving as Secretary of Labor, Secretary of the Treasury or Secretary of Commerce in an acting capacity shall serve as a member of the Board of Directors with the same authority and effect as the designated Secretary.

(b) The following powers are expressly reserved to the Board of Directors and shall not be delegated:

(1) Approval of all proposed and final substantive regulations prior to publication in the FEDERAL REGISTER;

(2) Approval of all reports or recommendations to the Congress that are required by statute;

(3) Establishment from time to time of the Corporation's budget and debt ceiling up to the statutory limit;

(4) Determination from time to time of limits on advances to the revolving funds administered by the Corporation pursuant to section 4005(a) of the Act;

(5) Final decision on any policy matter that would materially affect the rights of a substantial number of employers or covered participants and beneficiaries.

§ 2601.4 Chairman.

The Secretary of Labor shall be the Chairman of the Board of Directors and he shall be the administrator of the Corporation with responsibility for its management, including overall supervision of the Corporation's personnel, organization, and budget practices, and shall exercise such incidental powers as may be necessary to carry out his administrative responsibilities. The Chairman may delegate his administrative responsibilities.

§ 2601.5 Quorum.

A majority of the Directors shall constitute a quorum for the transaction of business. Any act of a majority of the Directors present at any meeting at which there is a quorum shall be the act of the Board, except as may otherwise be provided in these bylaws.

§ 2601.6 Meetings.

Regular meetings of the Board of Directors shall be held at such times as the Chairman shall select. Special meetings of the Board of Directors shall be called by the Chairman on the request of any other Director. Reasonable notice of any meetings shall be given to each Director. The General Counsel of the Corporation shall serve as Secretary to the Board of Directors and keep its minutes. As soon as practicable after each meeting, a draft of the minutes of such meeting shall be distributed to each member of the Board for correction or approval.

§ 2601.7 Place of meetings; use of conference call communications equipment.

Meetings of the Board of Directors shall be held at the principal office of the Corporation unless otherwise determined by the Board of Directors or the Chairman. Any Director may participate in a meeting of the Board of Directors through the use of conference call telephone or similar communications equipment, by means of which all persons participating in the meeting can simultaneously speak to and hear each other. Any Director so participating in a meeting shall be deemed present for all purposes. Actions taken by the Board of Directors at meetings conducted through the use of such equipment, including the votes of each member, shall be recorded in the usual manner in the minutes of the meetings of the Board of Directors. A resolution of the Board of Directors signed by each of its three members shall have the same force and effect as if agreed at a duly called meeting and shall be recorded in the minutes of the Board of Directors.

§ 2601.8 Amendments.

These bylaws may be amended or new bylaws adopted at any meeting of the Board of Directors by a unanimous vote of the entire Board. A copy of any proposed amendments shall normally be delivered to each member at least seven days prior to such meeting.

Signed at Washington, D.C., this 31st day of January 1975.

PETER J. BRENNAN,
Chairman of the Board of Directors, Pension Benefit Guaranty Corporation.

[FR Doc.75-3405 Filed 2-5-75;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 3-75-1-R]

PART 127—SECURITY ZONES

Establishment

This amendment to the Coast Guard's Security Zone Regulations, establishes the waters of Buttermilk Channel, New York, as a security zone. This security zone is established because of the presence of the Italian Fishing Vessel "Tontini Pesca Quarto", which, having been duly seized, is in the custody of the United States of America.

This amendment is issued without publication of a notice of proposed rule making and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a foreign affairs function of the United States.

In consideration of the foregoing, Part 127 of Title 33 of the Code of Federal Regulations is amended by adding § 127.-316, to read as follows:

§ 127.316 Buttermilk Channel, New York.

That area of the waters of Buttermilk Channel, New York Harbor, within a 200 yard (radius) circle drawn from the center of the "Y" shaped pier on the eastern shore of Governors Island, N.Y.

(46 Stat. 220, as amended, 6(b), 80 Stat. 937 (50 U.S.C. Art. 191, 49 U.S.C. Art. 1655 (b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR 1949–1953 Comp. 356, 778, 873, 3 CFR 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(B))

Effective date. This amendment becomes effective on February 2, 1975.

Dated: February 2, 1975.

FRANK OLIVER,
Captain, U.S. Coast Guard, Captain of the Port of New York.

[FR Doc.75-3470 Filed 2-5-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 325-6]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Nevada SO_2 Control Strategy

The purpose of this rulemaking is to approve the visible emissions article of the Nevada Air Quality Regulations, to disapprove the State of Nevada implementation plan for attainment and maintenance of the primary standards for sulfur oxides in the Nevada Intrastate Air Quality Control Region, to promulgate substitute regulations for the control of SO_2 at the Kennecott Copper Corporation Smelter, McGill, Nevada, and to promulgate an extension of time to meet the primary standards. The preamble which follows contains the background for this action, a summary of public comments, the Administrator's findings, and a description of the promulgated regulations.

BACKGROUND

On May 31, 1972 (37 FR 10842) pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions the State of Nevada implementation plan for attainment and maintenance of the National Ambient Air Quality Standards. Specifically, the Administrator disapproved Nevada's plan for the attainment and maintenance of the secondary standard for sulfur oxides in the Nevada Intrastate Region. Article 8.1.3 of the State of Nevada "Air Quality Regulations" (emission limitation for sulfur from existing copper smelters), which was a part of the sulfur oxides control strategy, was disapproved since it did not provide the degree of control needed to attain and maintain the secondary standard for sulfur oxides in the Nevada Intrastate Region. On July 27, 1972 (37 FR 15086) the Administrator extended for 18 months the statutory timetable for submittal of the plan for attainment and maintenance of the secondary standard for sulfur oxides in the Nevada Intrastate Region. This extension permitted the establishment of a monitoring network near the smelter to collect data on short term ambient levels of sulfur oxides. The data collected provided a basis for determining control requirements.

The Nevada Mines Division, Kennecott Copper Corporation, owns and operates a copper smelter at McGill, Nevada, within the Nevada Intrastate Region. This smelter is the only major source of sulfur oxides in the Region and the only smelter within the Region. The control strategy for sulfur oxides within the Region is written specifically to provide for control of emissions from this smelter.

On June 14, 1974, Mike O'Callaghan, Governor of Nevada, submitted to the Administrator amendments to the Nevada Air Quality Regulations for control

of sulfur oxide emissions. The amendments, in part, require discharge of controllable fugitive sulfur oxide emissions through "stacks serving the smelter". They also allow the use of Supplementary Control Systems (SCS) to meet all ambient air quality standards after application of constant emission reduction technology, defined for the Kennecott Smelter as an allowable sulfur emission equal to 40 percent of the feed sulfur. EPA provided extensive comment to the Nevada Department of Human Resources and the Nevada Environmental Commission during preparation and adoption of this regulation. In the comments, EPA made it clear that SCS could only be used as a temporary measure until such time as further constant emission controls become available for application to a source. The Nevada regulation permits SCS to be used on a permanent basis and has no provision for the application of additional positive controls as they become available. It was further stated that the regulations did not contain enforceable emission limits. Specific SCS requirements and implementation procedures were also missing.

The Administrator acknowledged receipt in the October 22, 1974, FEDERAL REGISTER (39 FR 37506) of the amendments to the Nevada Air Quality Regulations, and solicited public comment on the submitted regulations. In the same FEDERAL REGISTER, EPA stated that the preliminary review indicated that the SCS amendments could not be approved for the reasons outlined in the comments made to the State of Nevada. On October 29, 1974, the Administrator proposed regulations to replace the Nevada regulations for the control of sulfur oxide emissions at the Kennecott smelter. Public hearings were held on the proposed regulations in Ely, Nevada, on December 3, 1974.

PUBLIC COMMENT

The EPA hearings in Ely, Nevada elicited substantial public comment regarding the regulations proposed by EPA. The following is a summary of the testimony and exhibits taken during the public hearing and also of the 123 written responses to the public notice and the October 29, 1974, FEDERAL REGISTER request for comments. In substance, the 123 submittals and 63 testimonies provided EPA with the following information:

Legal considerations. The attorney representing Kennecott questioned the legal basis for EPA adopting emission limits for a specific source in a rulemaking hearing. He stated his opinion that an adjudicatory hearing is required.

Economics. Both the economic burden upon Kennecott and the burden upon the community without the Kennecott operation ranked foremost in the frequency of written and oral comments. Approximately 90 percent of the comments contain statements regarding the economic burden that would result if the proposed regulations were promulgated. The citizens and business community's fear for their livelihood was indicated strongly in their statements, through their large turnout at the hearing, from the large number of letters received, and from their earnestness and zeal.

Representatives of the State of Nevada indicated that because of the continuing delay in arriving at final regulations applicable to Kennecott, EPA has caused new businesses to shun the Ely-McGill area. Kennecott, the largest employer, directly or indirectly provides the livelihood of approximately 90 percent of the county's residents (40 percent of the county work force is employed by Kennecott).

Kennecott stated that the proposed EPA requirements would impose an unknown economic liability over an unending time period. Kennecott estimates a cost of 73 million dollars for a new smelter and acid plant providing 86 percent sulfur capture. Retrofitting costs were not estimated. The acid plant alone will cost Kennecott 24 million dollars. The low grade copper ore, dwindling ore supply, and the age of the present facility are the reasons given for the extreme reluctance of Kennecott to invest further monies into unproductive expenditures. Most of the Nevada residents providing comments believe Kennecott has and is doing everything that is economically and technologically possible. Kennecott contends that the EPA adoption of regulations that require research and additional constant control equipment installation at unspecified future dates is uneconomical and that all construction plans (acid plant and attendant facilities) would have to be dropped and the smelter would therefore close. Since Kennecott feels it cannot afford to spend more than the 24 million dollars already agreed to, Kennecott suggested, notwithstanding other objections, the adoption of a regulation which requires the additional installation of newly developed constant control measures only where they can be demonstrated to be as cost-effective as using SCS.

Several statements were made that the citizens' debt of 13.5 million dollars for the Mt. Wheeler Power Project will be the responsibility of the federal government if the plant closes.

EPA Urged to Support State Plan. Approximately 40 percent of all written and oral testimony supported the regulation and compliance plan approved and adopted by the State of Nevada Environmental Commission. It is fervently believed by the commentors that the State plan is adequate to insure sufficiently clean air and the attainment and maintenance of the national primary and secondary sulfur dioxide ambient air quality standards. Points raised include the matter of constant versus intermittent or supplementary control techniques and the EPA interpretation of congressional intent. Testimony by commentors contended that the proposed disapproval of the State's regulations is based solely on a policy determination of the EPA and as such has no congressional authorization. Many believe that the Clean Air Act required EPA to approve all plans which provide for attainment and maintenance of the national standards through legally enforceable means regardless of the method employed toward such end. They believe States are allowed and have the right to exercise their option on the means of maintaining the national standards. Not only are EPA's actions questioned constitutionally, but they are also questioned on economic grounds. The use of SCS techniques (intermittent production curtailment) has been estimated by Kennecott to be needed only 1 percent of the time, the equivalent of four or five days per year. Thus, expenditures of additional millions of dollars are wasteful and certainly are not warranted when compliance is already assured through the State plan. Kennecott further stated that the economic consequences of an undefined and open-ended research and constant control installation program on prospective business ventures have been shown to be deleterious to the future of White Pine County.

Technical Considerations. Most of the technical comments were presented by Kennecott representatives or by the State of Nevada. Data was submitted by Kennecott from its air quality monitoring sites indicating a 92 percent reduction in sulfur dioxide concentrations at ground level due to the use of the recently installed 750 foot stack, as opposed to the 3.4 percent reduction estimated in EPA projections. Both Kennecott and the State of Nevada indicated that since future concentrations will be monitored after pollutants are emitted from the new 750 foot stack, control requirements should be based on air quality levels measured with the new stack in operation. The stack was put into operation about October 1, 1974 and the October 1974 data submitted to EPA shows compliance with the sulfur dioxide standards during that period.

Further, Kennecott stated that the degree of control required should account for variations in sulfur levels of the ore which is processed. An emission limitation based on a 30-day instead of a 6-hour averaging time is needed to cover these variations. Kennecott objected to the fact that acid plant downtime, estimated at 8 percent was not addressed in the proposed regulations, and that violations of the national standards could occur, even with production approaching zero, when adverse meteorology coincides with acid plant downtime. Both Kennecott and the State believe that SCS is capable of averting violations, even in such extreme cases, and that additional controls are not required.

FINDINGS

The Administrator is approving, in this rulemaking, the Nevada regulation for monitoring visible emissions at existing copper smelters. This regulation was submitted to the Administrator on June 14, 1974, and noticed for public comment in the October 22, 1974, FEDERAL REGISTER. Evaluation of this regulation indicates that all requirements of 40 CFR 51.10(c) have been met.

The Administrator is disapproving the previously approved State regulations for sulfur oxide control at the Kennecott smelter since recent air quality data has shown that the amount of control required in the State regulations is insufficient to meet National Ambient Air Quality Standards.

A detailed analysis of recent (1973–1974) data collected in the vicinity of McGill, Nevada by the EPA monitoring network indicates that greater than an 80-percent reduction is required to meet all SO_2 air quality standards. The analysis also indicates that even the primary annual standard, which is the least restrictive requires a 72-percent emission reduction. It is therefore necessary to disapprove the Nevada regulation, which requires only a 60-percent emission limitation, since it is inadequate to achieve any of the national standards.

The Administrator has reviewed the Nevada SCS amendments and finds that these amendments are unapprovable. The Administrator has also reviewed the public comments on the regulations proposed by EPA to replace the Nevada SCS regulations and is promulgating those regulations with minor changes. This promulgation is based on a determination that the selective use of Supplementary Control Systems (systems which limit pollutant emissions during periods when meteorological conditions are conducive to ground level concentrations in excess of the National Ambient Air Quality Standards) to attain and maintain the ambient standards is consistent with the Clean Air Act when the only alternatives are permanent production curtailment, shutdown, or delays in the attainment of the national standards. However, constant emission limitation remains the preferred strategy for attaining and maintaining the standards. SCS is acceptable only as a temporary measure where its use is necessary to augment constant emission limitation techniques as determined on a case-by-case basis, and only in circumstances wherein the SCS can be expected to exhibit a high degree of reliability and can be made legally enforceable; that is, where the emission source can be readily and unequivocally identified.

In promulgating the temporary use of SCS it is the Administrator's judgment that its use is consistent with the purposes and provisions of the Clean Air Act and is in the best interest of the public. This position is supported by a decision by the U.S. Court of Appeals, Fifth Circuit, in *Natural Resources Defense Council, Inc.* v. *EPA, No. 72–2402*. The Court held that, under the Clean Air Act, dispersion techniques may be allowed if emission limitations sufficient to meet standards are unachievable or infeasible, and if regulations are adopted which will attain the maximum degree of emission limitations achievable through available retrofit controls.

EPA will approve such measures as intermittent production curtailment and use of dispersion techniques, including tall stacks, as an addition to available constant control measures, until such time as the treatment of weak gas streams can be accomplished through reasonable retrofit control techniques. Evaluation of the availability of constant control techniques which may be developed in the future will be made using the same criteria as were used in developing these regulations. Namely, SCS will continue to be allowed where permanent production curtailment, shutdown or delays in attainment of national standards are the only other alternatives.

The Administrator finds that the alternative emissions limit set by paragraph (e) of § 52.1475 is consistent with Kennecott's current plans. Paragraph (e) requires installation of reasonable and available retrofit constant control measures. At Kennecott's McGill smelter these measures consist of installation of a single absorption acid plant to treat all converter off-gases. Kennecott Copper Corporation has contracted for the installation of such a facility and therefore has indicated that installation of this control equipment is economically feasible. It should be noted that Kennecott is also planning to reduce production to 750 tons/day from their current maximum rate of 1300 tons/day. The EPA regulations do not require such a permanent production curtailment.

The question of whether EPA must hold an adjudicatory "trial type" hearing prior to promulgation of specific emission limitations for the Kennecott McGill smelter was raised by the attorney representing Kennecott. It is the Administrator's opinion that this question has been answered by several court cases. Namely, this question was answered in the case of *Anaconda* v. *Ruckelshaus*, 482 F. 2d 1301, 1306–1307 (10th Cir. 1973) and most recently reaffirmed by the United States Court of Appeals for the First Circuit in the case of *South Terminal Corporation et al* v. *EPA, No. 73–1366* September 27, 1974. The decision of the court in *Anaconda* v. *Ruckelshaus* was that neither the Clean Air Act nor the Administrative Procedure Act required EPA to hold an adjudicatory hearing (as contended) before promulgating an implementation plan for Montana, even though the plan contained sulfur oxide emission standards applicable only to the Anaconda Copper Company facility.

The development of regulations for SO_2 control included two hearings, one by the State and one by EPA, as well as numerous meetings and other contacts among representatives of the Company, the State agency, and EPA. All factors relevant to determining air quality and emission control have been discussed extensively with the Company and the Company has, on a periodic basis, been given an opportunity to review the factual and technical basis for all significant EPA determinations impacting on these two issues. While distinct areas of disagreement remain between Kennecott and EPA, these tend to center around legal interpretations and policies rather than facts. In this context, legal considerations aside, an adjudicatory hearing is inappropriate since the cross-examination which is the key feature of such hearings is designed to provide for the fullest development of factual issues as opposed to policy or legal disputes.

Based on public hearing records and other information available to the Administrator, several changes in emission limits and compliance testing periods have been incorporated in this promulgation. These changes were considered in response to questions concerning the acid plant efficiencies used in calculating emission rates, and the use of a short term averaging period that did not appear to consider wide variations in the operating conditions of either the smelter or the acid plant.

Recent EPA tests on acid plants used in conjunction with copper smelters indicate that emission concentrations averaged over a six-hour period may be 10 to 20 percent above vendor guarantees. This is due to fluctuations in volumetric flow rate and in SO_2 concentration in the gas stream to the acid plant. Averaging times beyond six hours do not significantly affect the average emission concentration. Further, it has been determined that a 10-percent deterioration in catalyst efficiency can occur between catalyst cleanings. Therefore, EPA has set a maximum emission limit of 2600 ppm for a single absorption acid plant.

The mass emission limits were changed to reflect sulfur balance data supplied by Kennecott at the public hearing and the EPA acid plant test data mentioned previously.

Appendix D, pertaining to testing procedures, has been modified for clarification. The 20-percent calibration point has been eliminated, since it is the Administrator's judgment that three points are sufficient to verify the calibration curve. Also, by using the three point calibration, we are making Appendix D compatible with procedures for non-extractive monitors.

The test period for compliance testing has been changed to conform more closely to accepted compliance testing practices. In the promulgated regulations, three 6-hour tests must be conducted and a 1-hour average calculated, instead of determining a 1-hour average from a single 6-hour test as proposed.

Kennecott requested the regulations include provisions for plant upsets. The Administrator recognizes that emissions may increase during start up/shut down, upset or malfunction. Regulations addressing this problem for all industrial operations for which EPA has set emission limits are due for promulgation in the near future. In all events, regulations governing emission reductions during start up/shut down, upset or malfunction conditions will be promulgated well in advance of the January 1, 1977, effective date for the emission limitations set forth in paragraph (e) of this promulgation.

Regulations

The promulgated regulations are composed of three sections and two appendices. The first section (§ 52.1475(c))

requires the control of low-level fugitive emissions, identifies specific points of control, and sets a compliance schedule for achieving control of fugitive emissions. The second section (§ 52.1475(d)) sets an emission limit to be achieved by a constant emission control sufficient to meet all national standards by July 31, 1977. The third section, (§ 52.1475(e)) is offered as an alternative to § 52.1475 (d) and sets emission limits based on available constant emission control technology, outlines the conditions that must be satisfied prior to use of SCS, and establishes a compliance schedule for implementing both the constant control and SCS. Continuous monitoring of the emission limits set in either of the two latter sections is required. Appendix D specifies procedures for determination of the SO_2 concentration while Appendix E contains procedures for determination of volumetric rates.

Implementation procedures for these regulations will require Kennecott to comply with the requirements to control fugitive emissions (§52.1475(c)) and to comply either with the emission limits set to meet all standards (§ 52.1475(d)) or with the temporary alternative to comply with the emission limit requirements based on available constant control and additional approved controls (§ 52.1475(e)). This alternative is proposed because it is the Administrator's judgment that the available constant control technology for the McGill smelter is insufficient to achieve all national standards at this time. Therefore, Kennecott may apply for permission to comply with the temporary alternative to use supplementary controls to achieve the standards. The temporary alternative requires compliance with the emission limit based on available constant control and requires employment of such additional control measures as may be necessary to ensure the attainment and maintenance of national standards. These additional controls include process changes, SCS, tall stacks, production reduction or any other technique approved by the Administrator. By allowing the use of SCS, the Administrator is acknowledging that SCS can incorporate design and enforcement features that will provide a satisfactory temporary means to attain and maintain national SO_2 standards. The Administrator has stipulated specific requirements to ensure reliability. These requirements include the assumption of liability for violation of air quality standards within a designated area, and the operation of the SCS in accordance with an approved manual based on demonstration studies. Certain recordkeeping procedures are also specified.

In the regulations, two emission limits are established as achievable with available constant control. These emission limits include an SO_2 concentration limit on acid plant emissions and a mass emission limit for the entire smelter. The emission limit for the acid plant (2600 ppm), and the requirement that all converter gases must be processed by the acid plant, are specified to ensure full application of available constant control technology and to minimize emissions from the converters. A total plant emission limitation is established based on the existing smelter configuration.

The Kennecott Copper Corporation has embarked on a control program at the McGill smelter designed to attain the national primary standard by July 1976 through the use of both constant emission controls and supplementary controls. Since the specific requirements for a supplementary control system, as outlined in the proposed regulations, were not available to the smelter at the time its program was initiated, the attainment date for the primary standard, if the smelter elects to follow the provisions of § 52.1475(e), is established as January 1, 1977. It is assumed that if the smelter chooses the option of § 52.1475 (e), the supplementary control system will be needed to meet both primary and secondary standards and will be so designed. Therefore, the attainment date for the secondary standard via the supplementary control option is also established as January 1, 1977.

On the other hand, should Kennecott elect to meet the standards through constant emission controls, and abide by the provisions of § 52.1475(d), EPA recognizes that additional planning and equipment would be required and that equipment ordering procedures alone could preclude completion of such controls by January, 1977. Therefore, the date for attainment of both primary and secondary standards solely through constant emission controls in accordance with the provisions of § 52.1475(d) is extended to July, 1977.

A summary of the air quality data collected by EPA in the vicinity of McGill, Nevada and the calculations of the emission limits are detailed in "Technical Data in Support of Regulations for Control of Sulfur Dioxide Emissions (Nevada Intrastate Region)". This document is available at:

Environmental Protection Agency,
Region IX,
100 California Street,
San Francisco, CA 94111.
EPA Freedom of Information Center,
401 "M" Street SW.,
Washington, DC 20460.
Nevada Bureau of Environmental Health,
Nye Building, 201 South Fall Street,
Carson City, NV 89701.

The regulations promulgated herein are effective March 10, 1975.

(42 USC 1857c-5)

Dated: January 23, 1975.

JOHN QUARLES,
Acting Administrator.

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

Subpart DD—Nevada

1. In § 52.1470, paragraph (c) is revised to read as follows:

§ 52.1470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on June 12, July 14, and November 17, 1972, January 19, 1973, and June 14, 1974 (revisions to "Article 4—Visible Emissions from Stationary Sources").

2. Section 52.1475 is revised to read as follows:

§ 52.1475 Control strategy and regulations: Sulfur oxides.

(a) The requirements of § 51.13 of this chapter are not met since the plan does not adequately provide for attainment and maintenance of the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

(b) Article 8.1.3 of Nevada's "Air Quality Regulations" (emission limitation for sulfur from existing copper smelters), which is part of the sulfur oxides control strategy, is disapproved since it does not provide the degree of control needed to attain and maintain the National Ambient Air Quality Standards for sulfur oxides in the Nevada Intrastate Region.

(c) *Regulation for control of fugitive sulfur oxides emissions (Nevada Intrastate Region).* (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region shall utilize best engineering techniques for reducing escape of pollutants to the atmosphere and to capture sulfur oxides emissions and vent them through a stack or stacks. Such techniques shall include, but not be limited to:

(i) Installing and operating hoods on all active matte tapholes, matte launders, slag skim bays, slag handling operations, and holding ladles on each reverberatory furnace;

(ii) Installing tight fitting hoods on each active converter and operating such hoods except during pouring and charging operations;

(iii) Maintaining all ducts, flues, and stacks in a leak-free condition;

(iv) Maintaining all reverberatory furnaces and converters under normal operating conditions in such a fashion that out-leakage of gases will be prevented to the maximum extent possible;

(v) Wherever feasible, ducting emissions through the tallest stack or stacks serving the facility; and

(vi) Wherever feasible, passing the effluents from all hooding through the tallest stack or stacks serving the facility.

(2) (i) If the owner or operator of the smelter subject to this paragraph is not in compliance with the provisions of subparagraph (c)(1) of the section the following compliance schedule shall apply:

(*a*) 30 days after the effective date of this regulation. Let contracts or issue purchase orders for hoods and flues for control of fugitive sulfur oxides emissions or provide evidence that such contracts have been let.

(b) July 1, 1975. Initiate on-site construction and/or installation of emission control equipment.

(c) July 1, 1976. Complete on-site construction and/or installation of emission control equipment.

(d) January 1, 1977. Achieve final compliance with requirements of subparagraph (c)(1) of this section.

(ii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iii) If the source subject to this paragraph is presently in compliance with the requirements of subparagraph (c)(1) of this section, the owner or operator of such source may certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. If such certification is acceptable to the Administrator, the applicable requirements of this subparagraph shall not apply to the certifying source. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(3) The owner or operator of the smelter subject to this paragraph may submit to the Administrator, no later than thirty (30) days after the effective date of this paragraph, a proposed alternative compliance schedule. No such compliance schedule may provide for final compliance after January 1, 1977. If approved by the Administrator, such schedule shall satisfy the compliance schedule requirements of this subparagraph for the affected source.

(d) *Regulation for control of sulfur dioxide emissions (Nevada Intrastate Region).* (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region shall comply with all the requirements of this paragraph, except as provided in paragraph (e) of this section.

(2)(i) After July 31, 1977, the owner or operator of the smelter subject to this paragraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of 10,150 pounds per hour (4,603 kg/hr.) maximum 6-hour average as determined by the method specified in subparagraph (d)(4) of this section.

(ii) The limitation specified in subparagraph (d)(2)(i) of this section shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment, but not including uncaptured fugitive emissions and those emissions due solely to the use of fuel for space heating or steam generation.

(3)(i) The owner or operator of the smelter to which this paragraph is applicable shall, no later than 30 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with subparagraph (d)(2) of this section as expeditiously as practicable but not later than July 31, 1977.

(ii) The compliance schedule submitted to the Administrator pursuant to subparagraph (d)(3)(i) of this section shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the following:

(a) Submittal of final control plan to the Administrator for meeting the requirements of subparagraph (d)(2) of this section.

(b) Letting of necessary contracts or process changes, or issuance of orders for the purchase of component parts, to accomplish emission control or process modification;

(c) Initiation of on-site construction or installation of emission control equipment or process modification;

(d) Completion of on-site construction or installation of emission control equipment or process modification;

(e) Full compliance with the requirements of subparagraph (d)(2) of this section.

(iii) The owner or operator of the smelter subject to the requirements of this subparagraph shall certify to the Administrator within five days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(iv) Notice must be given to the Administrator at least 10 days prior to conducting a performance test to afford him the opportunity to have an observer present.

(v) If the source subject to this paragraph is currently in compliance with the requirement of subparagraph (d)(2) of this section, the owner or operator of such source may certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. If such certification is acceptable to the Administrator, the applicable requirements of this subparagraph (d)(3) of this section shall not apply to the certifying source. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(4)(i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain, and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack in each 15-minute period.

(ii) Within nine months after the effective date of this paragraph, and at other such times in the future as the Administrator may specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this Part.

(iii) Within nine months after the effective date of this paragraph, and at other such times in the future as the Administrator may specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this Part.

(iv) The Administrator shall be notified at least ten (10) days in advance of the start of the field test period required in Appendices D and E to this Part to afford the Administrator the opportunity to have an observer present.

(v) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 $ft.^2$) or at a point no closer to the wall than 0.914 m (3 ft.) if the cross sectional area is 4.647 m^2 (50 $ft.^2$) or more. The monitor sample point shall be in an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide emission rates shall be calculated in accordance with subparagraph (d)(5) of this section, and recorded daily.

(viii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this paragraph. Measurement results shall be expressed as pounds of sulfur dioxide emitted per six hour period. A 6-hour average value calculated pursuant to subparagraph (d)(5)(i) of this section shall be reported as of each hour for the preceding 6-hour period. Results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days after the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(ix) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable nine months after the effective date of this regulation.

(5)(i) Compliance with the requirements of subparagraph (d)(2) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (d)(4) of this section.

For all stacks equipped with the measurement system(s) required by subparagraph (d)(4) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour, for the preceding six hours, in the following manner:

(a) Divide each 6-hour period into 24 15-minute segments.

(b) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentration and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow readings equally spaced over the 15-minute period. In the later case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(c) Calculate the arithmetic average (lbs SO_2/hr) from all 24 emission rate measurements in each 6-hour period for each stack.

(d) Total the average sulfur dioxide emission rates for all affected stacks.

(ii) Notwithstanding the requirements of subparagraph (5)(i) of this paragraph, compliance with the requirements of subparagraph (d)(2) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by subparagraph (d)(4) of this section, a 6-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator may specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three 6-hour periods for each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each two hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 69 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(g) For each two hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The emission rate in lbs/hr-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(h) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement system(s) required by subparagraph (d)(4) of this section.

(e) *Alternate regulation for control of sulfur dioxide emissions (Nevada Intrastate Region).* (1) The owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Air Quality Control Region may apply to the Administrator for approval to meet the requirements of this paragraph. Upon such approval, granted pursuant to subparagraph (e)(3) of this section, the requirements of paragraph (d) shall not be applicable during the period of such approval, and all requirements of this paragraph shall apply.

(2) All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Act, Part 51 or § 52.01 of this chapter.

(i) The term "supplementary control system" means any system which limits the amount of pollutant emissions during periods when meteorological conditions conducive to ground-level concentrations in excess of national standards exist or are anticipated.

(ii) The term "ambient air quality violation" means any single ambient concentration of sulfur dioxide that exceeds any National Ambient Air Quality Standard for sulfur dioxide at any point in a designated liability area, as specified in subparagraph (e)(8) of this section.

(iii) The term "isolated source" means a source that will assume legal responsibility for all violations of the applicable national standards in its designated liability area, as specified in subparagraph (e)(8) of this section.

(iv) The term "designated liability area" means the geographic area within which emissions from a source may significantly affect the ambient air quality.

(3)(i) The application for permission to comply with this paragraph shall be submitted to the Administrator no later than sixty (60) days following the effective date of this paragraph and shall include the following:

(a) A short description of the type and location of the smelter; the process, equipment, raw materials and fuels used; the stacks employed; and emissions to the atmosphere from various points on the smelter premises.

(b) A general description and the location of other sources of air pollution and of the uses of land, and the topography in the vicinity of the smelter.

(c) A summary of all ambient air quality data in the vicinity of the smelter collected by or under contract to smelter.

(d) A description of the methods of constant emission reduction that are or will be applied and the degree of emission reduction achieved or expected due to their application.

(e) A description of the investigations that the owner or operator has made, and the results thereof, as to the availability of constant emission reduction methods that would meet the requirements of paragraph (d)(2) of this section and a discussion of the reasons why any potentially available methods cannot reasonably be used.

(f) A specific description of the research, investigations, or demonstrations that the owner or operator will conduct or support for the purpose of developing constant emission reduction technology applicable to the smelter. Such description shall include the resources to be committed, qualifications of the participants, a description of the facilities to be utilized and milestone dates.

(g) A detailed description of all other measures the owner or operator will apply, in addition to those described in (d), to provide for attainment and maintenance of the air quality standards. These measures include but need not be limited to supplementary control systems, tall stacks and other dispersion techniques.

Each measure to be applied shall be described in sufficient detail to allow the Administrator to determine its effectiveness in reducing ambient concentrations.

(h) A written commitment by the owner or operator of the source subject to this paragraph agreeing to assume liability for all violations of National Ambient Air Quality Standards within the designated liability area.

(i) Such other pertinent information as the Administrator may require.

(ii) Upon receipt of the information specified in subparagraph (e)(3)(i) of this section, and after making a determination of its adequacy, the Administrator promptly shall, after thirty (30) days notice, conduct a public hearing on the application submitted by the owner or operator. The Administrator shall make available to the public the information contained in the application. Within thirty (30) days after the hearing, the Administrator shall notify the owner or operator of the smelter and other interested parties of his decision as to whether to grant or deny the application. If he denies the application, he

will set forth his reasons. If he approves the application the owner or operator shall comply with all provisions of paragraph (e) of this section and need not comply with provisions of paragraph (d) of this section except as provided in subparagraph (e)(16) of this section.

(iii) Approval of the application to abide by the provisions of paragraph (e) will be granted if it can be satisfactorily demonstrated to the Administrator that control measures in addition to the available constant emission controls are required and if the specific measures submitted pursuant to subparagraph (e)(3)(i)(*g*) of this section will provide for the attainment and maintenance of the National Ambient Air Quality Standards.

(4)(i) The owner or operator of the smelter subject to this paragraph shall not discharge or cause the discharge of sulfur dioxide into the atmosphere in excess of:

(*a*) 2,600 parts per million-maximum 6-hour average, from any single absorption sulfuric acid producing facility designed for the removal of sulfur dioxide, as determined by the method specified in subparagraph (e)(6)(i) or (iii) of this section, and

(*b*) 29,000 pounds per hour (13,154 kg/hr) maximum 6-hour average, as determined by the method specified in subparagraph (e)(6)(ii) or (iv) of this section. Such limitation shall apply to the sum total of sulfur dioxide emissions from the smelter processing units and sulfur oxides control and removal equipment but not including uncaptured fugitive emissions and those emissions due solely to use of fuel for space heating or steam generation.

(ii) All emissions from the converters, with the exception of the uncaptured fugitive emissions, shall be processed through a facility for the removal of sulfur dioxide which meets the requirements of subparagraph (e)(4)(i)(*a*) of this section.

(5)(i) The owner or operator of the smelter to which this paragraph is applicable shall install, calibrate, maintain and operate a measurement system(s) for continuously monitoring sulfur dioxide emissions and stack gas volumetric flow rates in each stack which emits 5 percent or more of the total potential (without emission controls) hourly sulfur oxides emissions from the source. For the purpose of this paragraph, "continuous monitoring" means the taking and recording of at least one measurement of sulfur dioxide concentration and stack gas flow rate reading from the effluent of each affected stack in each 15-minute period.

(ii) No later than the date specified in subparagraph (e)(14)(i)(*b*)(*5*) of this section and at such other times in the future as the Administrator may reasonably specify, the sulfur dioxide concentration measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix D to this Part.

(iii) No later than the date specified in subparagraph (e)(14)(i)(b)(*5*) of this section and at such other times in the future as the Administrator may reasonably specify, the stack gas volumetric flow rate measurement system(s) installed and used pursuant to this paragraph shall be demonstrated to meet the measurement system performance specifications prescribed in Appendix E to this Part.

(iv) The Administrator shall be notified at least 10 days in advance of the start of the field test period required in Appendices D and E to this Part to afford the Administrator the opportunity to have an observer present.

(v) The sampling point for monitoring emissions shall be in the duct at the centroid of the cross section if the cross sectional area is less than 4.647 m^2 (50 ft^2) or at a point no closer to the wall than 0.914 m (3 ft) if the cross sectional area is 4.647 m^2 (50 ft^2) or more. The monitor sample point shall be an area of small spatial concentration gradient and shall be representative of the concentration in the duct.

(vi) The measurement system(s) installed and used pursuant to this section shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed. Records of these procedures shall be made which clearly show instrument readings before and after zero adjustment and calibration.

(vii) Six-hour average sulfur dioxide concentration and emission rates shall be calculated in accordance with subparagraph (6) of this paragraph, and recorded daily.

(viii) The owner or operator of the smelter subject to this paragraph shall maintain a record of all measurements required by this subparagraph. Measurement results shall be expressed in the units prescribed by the emission limitations in subparagraph (e)(4) of this section. Six-hour average values calculated pursuant to subparagraph (e)(6)(i) and (ii) of this section shall be reported as of each hour for the preceding six hours. The results shall be summarized monthly and shall be submitted to the Administrator within fifteen (15) days of the end of each month. A record of such measurements shall be retained for at least two years following the date of such measurements.

(6)(i) Compliance with the requirements of subparagraph (e)(4)(i)(*a*) of this section shall be determined using the continuous measurements system(s) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (e)(5) of this section. For the stack(s) equipped with the measurement system(s) required by subparagraph (e)(5) of this section and serving the sulfur dioxide removal device a 6-hour average sulfur dioxide concentration shall be calculated as of the end of each clock hour for the preceding six hours, in the following manner:

(*a*) Divide each 6-hour period into twenty-four 15-minute segments.

(*b*) Determine on a compatible basis a sulfur dioxide concentration measurement for each 15-minute period. These measurements may be obtained either by continuous integration of all measurements (from the respective affected facility) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similary spaced within each 15-minute period.

(*c*) Calculate the arithmetic average of all 24 concentration measurements in each 6-hour period.

(ii) Compliance with the requirements of subparagraph (e)(4)(i)(*b*) of this section shall be determined using the continuous measurement system(s) installed, calibrated, maintained and operated in accordance with the requirements of subparagraph (e)(5) of this section. For all stacks equipped with the measurement system(s) required by subparagraph (e)(5) of this section, a 6-hour average sulfur dioxide emission rate shall be calculated as of the end of each clock hour for the preceding six hours, in the following manner:

(*a*) Divide each 6-hour period into twenty-four 15-minute segments.

(*b*) Determine on a compatible basis a sulfur dioxide concentration and stack gas flow rate measurement for each 15-minute period for each affected stack. These measurements may be obtained either by continuous integration of sulfur dioxide concentrations and stack gas flow rate measurements (from the respective affected facilities) recorded during the 15-minute period or from the arithmetic average of any number of sulfur dioxide concentration and stack gas flow rate readings equally spaced over the 15-minute period. In the latter case, the same number of concentration readings shall be taken in each 15-minute period and the readings shall be similarly spaced within each 15-minute period.

(*c*) Calculate the arithmetic average (lbs SO_2/hr) of all 24 emission rate measurements in each 6-hour period for each stack.

(*d*) Total the average sulfur dioxide emission rates for all affected stacks.

(iii) Notwithstanding the requirements of subparagraph (e)(6)(i) of this section, compliance with the requirements of subparagraph (e)(4)(i)(*a*) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For each stack serving any process designed for the removal of sulfur dioxide a 6-hour average sulfur dioxide concentration shall be determined as follows:

(*a*) The test of each stack emission concentration shall be conducted while the processing units vented through such

stack are operating at or above the maximum rate at which such will be operated and under such other conditions as the Administrator may specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentration shall be conducted during three 6-hour periods of each stack. Each 6-hour period will consist of three consecutive 2-hour periods. Measurements of emissions from all stacks on the smelter premises need not be conducted simultaneously. All tests must be completed within a 72-hour period.

(d) In using Method 8, traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each two hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(e) The velocity of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content can be considered to be zero.

(f) The gas sample shall be extracted at a rate proportional to gas velocity at the sampling point.

(g) The sulfur dioxide concentration in parts per million-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(iv) Notwithstanding the requirements of subparagraph (e)(6)(ii) of this section, compliance with the requirements of subparagraph (e)(4)(i)(b) of this section shall also be determined by using the methods described below at such times as may be specified by the Administrator. For all stacks equipped with the measurement system(s) required by subparagraph (e)(5) of this section, a 6-hour average sulfur dioxide emission rate (lbs SO_2/hr) shall be determined as follows:

(a) The test of each stack emission rate shall be conducted while the processing units vented through such stack are operating at or above the maximum rate at which they will be operated and under such other conditions as the Administrator shall specify.

(b) Concentrations of sulfur dioxide in emissions shall be determined by using Method 8 as described in Part 60 of this chapter. The analytical, and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide as well as isokinetic sampling may be omitted from the over-all test procedure.

(c) Three independent sets of measurements of sulfur dioxide concentrations and stack gas volumetric flow rates shall be conducted during three consecutive 2-hour periods for each stack. Measurements need not necessarily be conducted simultaneously of emissions from all stacks on the smelter premises.

(d) In using Method 8, Traversing shall be conducted according to Method 1 as described in Part 60 of this chapter. The minimum sampling volume for each 2-hour test shall be 40 ft^3 corrected to standard conditions, dry basis.

(e) The volumetric flow rate of the total effluent from each stack evaluated shall be determined by using Method 2 as described in Part 60 of this chapter and by traversing according to Method 1. Gas analysis shall be performed by using the integrated sample technique of Method 3 as described in Part 60 of this chapter. Moisture content shall be determined by use of Method 4 as described in Part 60 of this chapter except that stack gases arising only from a sulfuric acid production unit may be considered to have zero moisture content.

(f) The gas sample shall be extracted at a rate proportional to the gas velocity at the sampling point.

(g) For each 2-hour test period, the sulfur dioxide emission rate for each stack shall be determined by multiplying the stack gas volumetric flow rate (ft^3/hr at standard conditions, dry basis) by the sulfur dioxide concentration (lb/ft^3 at standard conditions, dry basis). The emission rate in lbs/hr-maximum 6-hour average for each stack is determined by calculating the arithmetic average of the results of the three 2-hour tests.

(h) The sum total of sulfur dioxide emissions from the smelter premises in lbs/hr is determined by adding together the emission rates (lbs/hr) from all stacks equipped with the measurement system(s) required by subparagraph (5) of this paragraph.

(7) The owner or operator of the smelter subject to this paragraph, in addition to meeting the emission limitation requirements of subparagraph (e)(4) of this section, shall employ supplementary control systems and/or such additional control measures as may be necessary to assure the attainment and maintenance of the National Ambient Air Quality Standards for sulfur dioxide.

(i) Such measures will be limited to those specified in the application submitted pursuant to subparagraph (e)(3)(i)(g) of this section.

(ii) Sulfur oxides emissions shall be curtailed whenever the potential for violating any National Ambient Air Quality Standard for sulfur dioxide is indicated at any point in a designated liability area by either of the following:

(a) Air quality measurement.

(b) Air quality prediction.

(8)(i) For the purposes of this paragraph the designated liability area shall be a circle with a radius of fifteen (15) statute miles (24 km) with the center point of such circle coinciding with the tallest stack serving the affected facility. The owner or operator of the smelter subject to this paragraph may submit a detailed report which justifies redefining the designated liability area specified by the Administrator. Such a justification shall be submitted with the application submitted pursuant to subparagraph (e)(3)(i) of this section and shall describe and delineate the requested designated liability area and discuss in detail the method used and the factors taken into account in the development of such area. Upon receipt and evaluation of such report, and after the public hearing described in subparagraph (e)(3)(ii) of this section, the Administrator shall issue his final determination.

(ii) If new information becomes available which demonstrates that the designated liability area should be redefined, the Administrator shall consider such and if appropriate, after notice and comment, redefine the designated liability area.

(9)(i) The owner or operator of the smelter subject to the paragraph shall submit with the application submitted pursuant to subparagraph (e)(3)(i) of this section, a detailed plan for the establishment of a supplementary control system and/or such other measures as may be proposed. Such plan shall describe all air quality and emission monitoring and meteorological equipment to be used, including instruments installed pursuant to subparagraph (5) of this paragraph for continuously monitoring and recording sulfur dioxide emissions and stack gas flow rate, the methods that will be used to determine emission rates to be achieved in association with various meteorological and air quality situations, and the general plan of investigations to be followed in developing the system and the operational manual.

(ii) Such plan shall include detailed specifications of any modifications to existing equipment including new stacks, stack extensions, stack heating systems or any process changes to be applied.

(iii) The monitoring described in the detailed plan submitted in accordance with this subparagraph and the appropriate recordkeeping requirements of subparagraph (e)(12) of this section shall commence and become applicable as of the date specified in subparagraph (e)(14)(i)(b)(5) of this section.

(10) The owner or operator of the smelter subject to this paragraph shall submit to the Administrator a comprehensive report of a study which demonstrates the capability of the supplementary control system, in conjunction with any other control measures, to reduce air pollution levels. The report shall describe a study conducted during a period of at least 120 days during which the supplementary control system was being developed and operated and shall be submitted no later than the date specified in subparagraph (e)(14)(i)(b)(6) of this section. The report shall:

(i) Describe the emission monitoring system and the air quality monitoring network.

(ii) Describe the meteorological sensing network and the meteorological prediction program.

(iii) Identify the frequency, characteristics, times of occurrence and durations of meteorological conditions associated with high ground-level concentrations.

(iv) Describe the methodology (e.g., dispersion modeling and measured air quality data) by which the source determines the degree of control needed under each meteorological situation.

(v) Describe the method chosen to vary the emission rate, the basis for the choice, and the time required to effect a sufficient reduction in the emission rate to avoid violations of National Ambient Air Quality Standards.

(vi) Contain an estimate of the frequency that emission rate reduction is required to prevent National Ambient Air Quality Standards from being exceeded and the basis for the estimate.

(vii) Include data and results of objective reliability tests. "Reliability," as the term is applied here, refers to the ability of the supplementary control system to protect against violations of the National Ambient Air Quality Standards.

(viii) Demonstrate that the supplementary control system and other measures expected to be employed after the date specified in subparagraph (e)(14)(i)(*b*)(*6*) of this section will result in attainment and maintenance of National Ambient Air Quality Standards.

(11) The owner or operator of the smelter subject to this paragraph shall submit to the Administrator an operational manual for the supplementary control system. Such manual shall be submitted no later than the date specified in subparagraph (e)(14)(i)(*b*)(*6*) of this section and is subject to the approval of the Administrator as satisfying the specific requirements of this subparagraph. Such approval shall not relieve the owner or operator of the smelter subject to this paragraph from its assumed liability for violations of any National Ambient Air Quality Standards for sulfur oxides in the designated liability area. Prior to making his final decision, the Administrator shall, after reasonable notice, provide an opportunity of not less than forty-five (45) days for public inspection and comment upon the manual. Such manual shall:

(i) Specify the number, type, and location of ambient air quality monitors, in-stack monitors and meteorological instruments to be used.

(ii) Describe techniques, methods, and criteria to be used to anticipate the onset of meteorological situations associated with ground-level concentrations in excess of National Ambient Air Quality Standards and to systematically evaluate and, as needed, improve the reliability of the supplementary control system.

(iii) Describe the criteria and procedures that will be used to determine the degree of emission control needed for each class of meteorological and air quality situations.

(iv) Specify maximum emission rates which may prevail during all probable meteorological and air quality situations, which rates shall be such that National Ambient Air Quality Standards will not be exceeded in the designated liability area. Such emission rates shall be determined by in-stack monitors. Data from such monitors shall be the basis for determining whether the emission rate provisions of the approved operational manual are adhered to.

(v) Describe specific actions that will be taken to curtail emissions when various meteorological conditions described in paragraph (c)(11)(ii) of this section exist or are predicted and/or when specified air quality levels occur.

(vi) Identify the company personnel responsible for initiating and supervising the actions that will be taken to curtail emissions. Such personnel must be responsible, knowledgeable and able to apprise the Administrator of the status of the supplementary control system at any time the source is operating.

(vii) Be modified only if approval by the Administrator is first obtained.

(12) The owner or operator of the smelter subject to this paragraph shall:

(i) Maintain, in a usable manner, records of all measurements and reports prepared as part of the supplementary control system described in the approved operational manual. Such records shall be retained for at least two years.

(ii) Submit, on a monthly basis, the hour by hour measurements made of air quality, emissions and meteorological parameters, and all other measurements made on a periodic basis, as part of the approved supplementary control system.

(iii) Submit a monthly summary indicating all places, dates, and times when National Ambient Air Quality Standards for sulfur oxides were exceeded and the concentrations of sulfur dioxide at such times.

(iv) Notify the Administrator of any violation of National Ambient Air Quality Standards within 24 hours of the occurrence of such violation.

(v) Submit a monthly summary report describing and analyzing how the supplementary control system was operated as related to the approved operations manual and how the system will be improved, if necessary, to prevent violations of the National Ambient Air Quality Standards for sulfur oxides or to prevent any other conditions which are not in accordance with the approved operational manual.

(13)(i) The owner or operator of the smelter subject to this paragraph shall participate in a research program to develop and apply constant emission reduction technology adequate to attain and maintain the national standards. Such program shall be carried out in accordance with the plan submitted pursuant to subparagraph (e)(3)(i)(*f*) of this section.

(ii) The owner or operator of the smelter subject to this paragraph shall submit annual reports on the progress of the research and development program required by subparagraph (e)(13)(i) of this section. Each report shall also include, but not be limited to, a description of the projects underway, information on the qualifications of the personnel involved, information on the funds and personnel that have been committed, and an estimated date for the installation of the constant emission reduction technology necessary to attain and maintain the National Ambient Air Quality Standards.

(14)(i) The owner or operator of the smelter subject to this paragraph shall comply with the compliance schedules specified below.

(*a*) Compliance schedule for meeting the emission reduction requirements of subparagraph (e)(4) of this section:

(*1*) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—submit a final plan and schedule to the Administrator for meeting the requirements of subparagraph (4) of this paragraph.

(*2*) No later than thirty (30) days after the date of approval to meet the requirements of this paragraph—let contracts or issue purchase order for emission control systems or process modifications or provide evidence that such contracts have been let.

(*3*) July 1, 1975. Initiate on-site construction or installation of emission control equipment or process change.

(*4*) July 1, 1976. Complete on-site construction or installation of constant emission control equipment or process change.

(*5*) January 1, 1977. Achieve final compliance with the requirements of subparagraph (4) of this paragraph.

(*b*) Compliance schedule for implementing a supplementary control system or other measures which meet the requirements of subparagraphs (e)(7), (9), (10), and (11) of this section.

(*1*) No later than sixty (60) days after approval to meet the requirements of this paragraph—submit to the Administrator a detailed schedule for establishment and implementation of the supplementary control system and other measures in accordance with subparagraph (e)(9) of this section.

(*2*) No later than ninety (90) days after approval to meet the requirements of this paragraph—let contracts or issue purchase orders, or provide evidence that such contracts have been let, for ambient air quality monitors, meteorological instruments, and other component parts necessary to establish a supplementary control system.

(*3*) No later than ninety (90) days after approval to meet the requirements of this paragraph—let contracts or issue purchase orders, or provide evidence that such contracts have been let, for any stack extensions or modifications of equipment approved pursuant to subparagraph (e)(3) of this section.

(*4*) November 1, 1975. Complete installation of air quality and emission monitors and meteorological equipment.

(*5*) January 1, 1976. Complete installation of any stack extensions or modifications of equipment approved pursuant to subparagraph (3) of this paragraph.

(*6*) May 1, 1976. Submit to the Administrator the comprehensive report on the supplementary control system required by subparagraph (e)(10) of this

section, and submit to the Administrator for his approval the operational manual required by subparagraph (e)(11) of this section.

(7) January 1, 1977. The National Ambient Air Quality Standards for sulfur dioxide shall not be violated in the designated liability area.

(ii) Any owner or operator subject to the requirements of this subparagraph shall certify to the Administrator within five (5) days after the deadline for each increment of progress whether or not the required increment of progress has been met.

(iii) Notice must be given to the Administrator at least ten (10) days prior to conducting a performance test to afford him the opportunity to have an observer present.

(iv) If the source subject to this paragraph is presently in compliance with any of the increments of progress set forth in this subparagraph, the owner or operator of such source shall certify such compliance to the Administrator within thirty (30) days of the effective date of this paragraph. The Administrator may request whatever supporting information he considers necessary to determine the validity of the certification.

(v) The owner or operator of the smelter subject to this paragraph may submit to the Administrator proposed alternative compliance schedules. Each such proposed compliance schedule shall be submitted with the application submitted pursuant to subparagraph (e)(3)(i) of this section. No such compliance schedule may provide for final compliance after January 1, 1977. If approved by the Administrator, such schedule shall replace the compliance schedule set forth in this subparagraph.

(vi) Any such compliance schedule submitted to the Administrator shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to, the increments specified in the appropriate compliance schedule set forth in subparagraphs (e)(14)(i) (*a*) and (*b*) of this section.

(15)(i) The Administrator shall annually review the supplementary control system and shall deny continued use of the supplementary control system if he determines that:

(*a*) The review indicates that constant emission control technology has become available or that other factors which may bear on the conditions for use of a supplementary control system have changed to the extent that continued use of the supplementary control system would no longer be deemed approvable within the intent of subparagraph (e)(3) of this section; or

(*b*) The source owner or operator has not demonstrated good faith efforts to follow the stated program for developing constant emission reduction procedures; or

(*c*) The source owner or operator has not developed and employed a control program that is effective in preventing violations of National Ambient Air Quality Standards.

(ii) Prior to denying the continued use of a supplementary control system pursuant to subparagraph (e)(15)(i) of this section, the Administrator shall notify the owner or operator of the smelter subject to this paragraph of his intent to deny such continued use, together with:

(*a*) The information and findings on which such intended denial is based.

(*b*) Notice of opportunity for such owner or operator to present, within thirty (30) days, additional information or arguments to the Administrator prior to his final determination.

(iii) The Administrator shall notify the owner or operator of the smelter subject to this paragraph of his final determination within thirty (30) days after the presentation of additional information or arguments, or thirty (30) days after the final date specified for such presentation if no presentation is made. If the continued use of the supplementary control system is denied, the final determination shall set forth the specific grounds for such denial.

(16) Upon denial of the continued use of a supplementary control system pursuant to subparagraph (e)(15) of this section all the requirements of paragraph (d) of this section shall be immediately applicable to the owner or operator of the Kennecott Copper Company smelter located in White Pine County, Nevada, in the Nevada Intrastate Region and compliance therewith shall be achieved in accordance with such schedule as the Administrator shall order.

(17) The owner or operator of the smelter subject to this paragraph shall be in violation of a requirement of an applicable implementation plan and subject to the penalties specified in Section 113 of the Clean Air Act if:

(i) an increment of the compliance schedules set forth in subparagraph (14) is not met by the date specified; or

(ii) the total sulfur dioxide concentration determined according to subparagraph (e)(6)(i) or (iii) of this section exceeds the emission limitation set forth in subparagraph (e)(4)(i)(a) of this section; or

(iii) the total sulfur dioxide emission rate determined according to subparagraph (e)(6)(ii) or (iv) of this section exceeds the emission limitation set forth in subparagraph (e)(4)(i)(b) of this section; or

(iv) any National Ambient Air Quality Standards for sulfur oxides are violated in the designated liability area; or

(v) operations of the supplementary control system are not conducted in accordance with the approved operational manual; or

(vi) such owner or operator fails to submit any of the information required by this paragraph.

§ 52.1480 [Amended]

3. In § 52.1480, footnote (b) beneath the table setting forth dates of attainment of national standards is amended to read as follows:

"b: July 1977, except that in the event the source subject to § 52.1475(d) is granted permission to comply with § 52.1475(e) the attainment date for the national primary and secondary standards shall be January 1, 1977."

4. In § 52.1480, the letter "*a*" indicating the date for attainment of the National Primary Ambient Air Quality Standards for sulfur dioxide in the Nevada Intrastate Air Quality Control Region is amended to read "b".

5. Section 52.1481 is revised to read as follows:

§ 52.1481 Extensions.

The Administrator hereby extends to July 31, 1977, the attainment date for the primary standards of sulfur oxides in the Nevada Intrastate Air Quality Control Region. In the event that the source subject to § 52.1475(d) is granted permission to comply with § 52.1475(e) the attainment date for the primary standards for sulfur oxides in the Nevada Intrastate Air Quality Control Region shall be extended only to January 1, 1977.

APPENDICES B AND C [RESERVED]

6. Appendices B and C to Part 52 are reserved. Appendices D and E are added to Part 52 as follows:

APPENDIX D—DETERMINATION OF SULFUR DIOXIDE EMISSIONS FROM STATIONARY SOURCES BY CONTINUOUS MONITORS

1. *Definitions.*

1.1 *Concentration Measurement System.* The total equipment required for the continuous determination of SO_2 gas concentration in a given source effluent.

1.2 *Span.* The value of sulfur dioxide concentration at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at the expected maximum sulfur dioxide concentration except as specified under section 5.2, Field Test for Accuracy.

1.3 *Accuracy (Relative).* The degree of correctness with which the measurement system yields the value of gas concentration of a sample relative to the value given by a defined reference method. This accuracy is expressed in terms of error which is the difference between the paired concentration measurements expressed as a percentage of the mean reference value.

1.4 *Calibration Error.* The difference between the pollutant concentration indicated by the measurement system and the known concentration of the test gas mixture.

1.5 *Zero Drift.* The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time for the measurement is zero.

1.6 *Calibration Drift.* The change in measurement system output over a stated period of time of normal continuous operation when the pollutant concentration at the time of the measurement is the same known upscale value.

1.7 *Response Time.* The time interval from a step change in pollutant concentration at the input to the measurement system to the time at which 95 percent of the corresponding final value is reached as displayed on the measurement system data presentation device.

1.8 *Operational Period.* A minimum period of time over which a measurement system is

expected to operate within certain performance specifications without unscheduled maintenance, repair or adjustment.

1.9 *Reference Method.* The reference method for determination of SO_2 emissions shall be Method 8 as delineated in Part 60 of this chapter. The analytical and computational portions of Method 8 as they relate to determination of sulfuric acid mist and sulfur trioxide, as well as isokinetic sampling, may be omitted from the overall test procedure.

2. *Principle and Applicability.*

2.1 *Principle.* Gases are continuously sampled in the stack emissions and analyzed for sulfur dioxide by a continuously operating emission measurement system. Performance specifications for the continuous measurement systems are given. Test procedures are given to determine the capability of the measurement systems to conform to the performance specifications. Sampling may include either the extractive or nonextractive (in-situ) approach.

2.2 *Applicability.* The performance specifications are given for continuous sulfur dioxide measurement systems applied to nonferrous smelters.

3. *Apparatus.*

3.1 *Calibration Gas Mixture.* Mixture of a known concentration of sulfur dioxide in oxygen-free nitrogen. Nominal volumetric concentrations of 50 percent and 90 percent of span are recommended. The mixture of 90 percent of span is to be used to set and to check the span and is referred to as the span gas. The gas mixtures shall be analyzed by the Reference Method at least two weeks prior to use or demonstrated to be accurate and stable by an alternate method subject to approval of the Administrator.

3.2 *Zero Gas.* A gas containing less than 1 ppm sulfur dioxide.

3.3 Equipment for measurement of sulfur dioxide concentration using the Reference Method.

3.4 *Chart Record.* Analog chart recorder, input voltage range compatible with analyzer system output.

3.5 Continuous measurement system for sulfur dioxide.

4. *Measurement System Performance Specifications.*

The following performance specifications shall be met in order that a measurement system shall be considered acceptable under this method.

TABLE I—*Performance specifications*

Parameter: *	Specification
1. Accuracy *	≤20 percent of reference mean value.
2. Calibration Error *	≤5 percent of each (50%, and 90%) calibration gas mixture.
3. Zero Drift (2-hours) *	≤2 percent of emission standard.
4. Zero Drift (24-hours) *	≤4 percent of emission standard.
5. Calibration Draft (2-hours) *	≤2 percent of emission standard.
6. Calibration Drift (24-hours) *	≤5 percent of emission standard.
7. Response Time	15 minutes maximum.
8. Operational Period	168 hours minimum.

* Expressed as sum of absolute mean value plus 95 percent confidence interval of a series of tests.

5. *Performance Specification Test Procedures.*

The following test procedures shall be used to determine compliance with the requirements of paragraph 4:

5.1 Calibration test.

5.1.1 Analyze each calibration gas mixture (50 percent, 90 percent) for sulfur dioxide by the Reference method and record the results on the example sheet shown in Figure D–1. This step may be omitted for nonextractive monitors where dynamic calibration gas mixtures are not used (see 5.1.2).

5.1.2 Set up and calibrate the complete measurement system according to the manufacturer's written instructions. This may be accomplished either in the laboratory or in the field. Make a series of five nonconsecutive readings with span gas mixtures alternately at each concentration (example, 50 percent, 90 percent, 50 percent, 90 percent, 50 percent). For nonextractive measurement systems, this test may be performed using procedures specified by the manufacturer and two or more calibration gases whose concentrations are certified by the manufacturer and differ by a factor of two or more. Convert the measurement system output readings to ppm and record the results on the example sheet shown in Figure D–2.

5.2 *Field Test for Accuracy (Relative), Zero Drift and Calibration Drift.* Install and operate the measurement system in accordance with the manufacturer's written instructions and drawings as follows:

5.2.1 *Conditioning Period.* Offset the zero setting at least 10 percent of span so that negative zero drift may be quantified. Operate the system for an initial 168-hour conditioning period. During this period the system should measure the SO_2 content of the effluent in a normal operational manner.

5.2.2 *Operational Test Period.* Operate the system for an additional 168-hour period. The system shall be monitoring the source effluent at all times when not being zeroed, calibrated or backpurged.

5.2.2.1 *Field Test for Accuracy (Relative).* The analyzer output for the following test shall be maintained between 20 percent and 90 percent of span. It is recommended that a calibrated gas mixture be used to verify the span setting utilized. During this 168-hour test period, make a minimum of nine (9) SO_2 concentration measurements using the Reference Method with a sampling period of one hour. If a measurement system operates across the stack or a portion of it, the Reference Method test shall make a four-point traverse over the measurement system operating path. Isokinetic sampling and analysis for SO_2 and H_2SO_4 mist are not required. For measurement systems employing extractive sampling, place the measurement system and the Reference Method probe tips adjacent to each other in the duct. One test will consist of two simultaneous samples with not less than two analyses on each sample. Record the test data and measurement system concentrations on the example sheet shown in Figure D–3.

5.2.2.2 *Field Test for Zero Drift and Calibration Drift.* Determine the values given by zero and span gas SO_2 concentrations at 2-hour intervals until 15 sets of data are obtained. Alternatively, for nonextractive measurement systems, determine the values given by an electrically or mechanically produced zero condition, and by inserting a certified calibration gas concentration equivalent to not less than 20 percent of span, into the measurement system. Record these readings on the example sheet shown in Figure D–4. These 2-hour periods need not be consecutive but may not overlap. If the analyzer span is set at the expected maximum concentration for the tests performed under 5.2.2, then the zero and span determinations to be made under this paragraph may be made concurrent with the tests under 5.2.2.1. Zero and calibration corrections and adjustments are allowed only at 24-hour intervals (except as required under 5.2.2) or at such shorter intervals as the manufacturer's written instructions specify. Automatic corrections made by the measurement system without operator intervention or initiation are allowable at any time. During the entire 168-hour test period, record the values given by zero and span gas SO_2 concentrations before and after adjustment at 24-hour intervals in the example sheet shown in Figure D–5.

5.3 Field Test for Response Time.

5.3.1 This test shall be accomplished using the entire measurement system as installed including sample transport lines if used. Flow rates, line diameters, pumping rates, pressures (do not allow the pressurized calibration gas to change the normal operating pressure in the sample line), etc., shall be at the nominal values for normal operation as specified in the manufacturer's written instructions. In the case of cyclic analyzers, the response time test shall include one cycle.

5.3.2 Introduce a zero concentration of SO_2 into the measurement system sampling interface or as close to the sampling interface as possible. When the system output reading has stabilized, switch quickly to a known concentration of SO_2 at 70 to 90 percent of span. Record the time from concentration switching to final stable response. After the system response has stabilized at the upper level, switch quickly to a zero concentration of SO_2. Record the time from concentration switching to final stable response. Alternatively, for nonextractive monitors, a calibration gas concentration equivalent to 20 percent of span or more may be switched into and out of the sample path and response times recorded. Perform this test sequence three (3) times. For each test record the results on the example sheet shown in Figure D–6.

6. *Calculations, Data Analysis and Reporting.*

6.1 Procedure for determination of mean values and confidence intervals.

6.1.1 The mean value of a data set is calculated according to equation D–1.

$$\bar{x} = \frac{\sum_{i=1}^{n} x_i}{n} \qquad \text{Equation D–1}$$

where:

x_i = individual values.

Σ = sum of the individual values.

$\bar{x}$ = mean value.

n = number of data points.

6.1.2 The 95 percent confidence interval (two-sided) is calculated according to equation D–2.

$$C.I._{95} = \frac{t_{.975}}{n\sqrt{n-1}} \sqrt{n(\Sigma x_i^2) - (\Sigma x_i)^2} \qquad \text{Equation D–2}$$

where:

Σx_i = sum of all data points.

$t_{.975}$ = $t_{1-\alpha/2}$, and

$C.I._{95}$ = 95 percent confidence interval estimated of the average mean value.

Typical values for $t_{.975}$

n	t .975	n	t .975	n	t .975
2	12.706	7	2.447	12	2.201
3	4.303	8	2.365	13	2.179
4	3.182	9	2.306	14	2.160
5	2.776	10	2.262	15	2.145
6	2.571	11	2.228	16	2.131

The values in this table are already corrected for n-1 degrees of freedom. Use *n equal to the number of samples* as data points.

6.2 Data Analysis and Reporting.

6.2.1 *Accuracy (Relative)*. For each of the nine reference method testing periods, determine the average sulfur dioxide concentration reported by the continuous measurement system. These average concentrations shall be determined from the measurement system data recorded under 5.2.2.1 by integrating the pollutant concentrations over each of the time intervals concurrent with each reference method test, then dividing by the cumulative time of each applicable reference method testing period. Before proceeding to the next step, determine the basis (wet or dry) of the measurement system data and reference method test data concentrations.

If the bases are not consistent, apply a moisture correction to either the referenced method concentrations or the measurement system concentrations, as appropriate. Determine the correction factor by moisture tests concurrent with the reference method testing periods. Report the moisture test method and the correction procedure employed. For each of the nine test runs, subtract the Reference Method test concentrations from the continuous monitoring system average concentrations. Using these data, compute the mean difference and the 95 percent confidence interval using equations D-1 and D-2. Accuracy is reported as the sum of the absolute value of the mean difference and the 95 percent confidence interval expressed as a percentage of the mean reference method value. Use the example sheet shown in Figure D-3.

6.2.2 *Calibration Error*. Using the data from Section 5.1 of this Appendix, subtract the measured SO_2 value determined under 5.1.1 (Figure D-1) from the value shown by the measurement system for each of the 5 readings at each concentration measured under 5.1.2 (Figure D-2). Calculate the mean of these difference values and the 95 percent confidence intervals according to equations D-1 and D-2. The calibration error is reported as the sum of absolute value of the mean difference and the 95 percent confidence interval as a percentage of each respective calibration gas concentration. Use example sheet shown in Figure D-2.

6.2.3 *Zero Drift (2-hour)*. Using the zero concentration values measured each two hours during the field test, calculate the differences between *consecutive* two-hour readings expressed in ppm. Calculate the mean difference and the confidence interval using Equations D-1 and D-2. Report the zero drift as the sum of the absolute mean value and the confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D-4.

6.2.4 *Zero Drift (24-hour)*. Using the zero concentration values measured every 24 hours during the field test, calculate the differences between the zero point after zero adjustment and the zero value 24 hours later just prior to zero adjustment. Calculate the mean value of these points and the confidence interval using Equations D-1 and D-2. Report the zero drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use example sheet shown in Figure D-5.

6.2.5 *Calibration Drift (2-hour)*. Using the calibration values obtained at two-hour intervals during the field test, calculate the differences between *consecutive* two-hour readings expressed as ppm. These values should be corrected for the corresponding zero drift during that two-hour period. Calculate the mean and confidence interval of these corrected difference values using Equations D-1 and D-2. Do not use the differences between non-consecutive readings. Report the calibration drift as the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure D-4.

6.2.6 *Calibration Drift (24-hour)*. Using the calibration values measured every 24 hours during the field test, calculate the differences between the calibration concentration reading after zero and calibration adjustment and the calibration concentration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations D-1 and D-2. Report the sum of the absolute mean and confidence interval as a percentage of the emission standard. Use the example sheet shown in Figure D-5.

6.2.7 *Response Time*. Using the charts from section 5.3 of this Appendix, calculate the time interval from concentration switching to 95 percent to the final stable value for all upscale and downscale tests. Report the mean of the three upscale test times and the mean of the three downscale test times. For nonextractive instruments using a calibration gas cell to determine response time, the observed times shall be extrapolated to 90 percent of full scale response time. For example, if the observed time for a 20 percent of span gas cell is one minute, this would be equivalent to a 4½-minute response time when extrapolated to 90 percent of span. The two average times should not differ by more than 15 percent of the slower time. Report the slower time as the system response time. Use the example sheet shown in Figure D-6.

6.2.8 *Operational Period*. During the 168-hour performance and operational test period, the measurement system shall not require any corrective maintenance, repair, replacement, or adjustment other than that clearly specified as required in the operation and maintenance manuals as routine and expected during a one-week period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than specified above, during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded. Output readings shall be recorded before and after all adjustments.

6.2.9 *Performance Specification Testing Frequency*. In the event that significant repair work is performed in the system, the company shall demonstrate to the Administrator that the system still meets the performance specifications listed in Table I of this appendix. The Administrator may require a performance test at any time he determines that such test is necessary to verify the performance of the measurement system.

7. *References.*

7.1 *Monitoring Instrumentation for the Measurement of Sulfur Dioxide in Stationary Source Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., February 1973.

7.2 *Instrumentation for the Determination of Nitrogen Oxides Content of Stationary Source Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., APTD 0847, Vol. I, October 1971; APTD 0942, Vol. II, January 1972.

7.3 *Experimental Statistics*, Department of Commerce, Handbook 91, 1963, p. 3-31, paragraphs 3-3.1.4.

7.4 *Performance Specifications for Stationary-Source Monitoring Systems for Gases and Visible Emissions*, Environmental Protection Agency, Research Triangle Park, N.C., EPA-650/2-74-013, January 1974.

Date_____ Reference Method Used_____

Mid Range Calibration Gas Mixture

Sample 1 _____ ppm
Sample 2 _____ ppm
Sample 3 _____ ppm
Average _____ ppm

High Range (span) Calibration Gas Mixture

Sample 1 _____ ppm
Sample 2 _____ ppm
Sample 3 _____ ppm
Average _____ ppm

FIGURE D-1.—Analysis of Calibration Gas Mixtures

FIGURE D-2.—*Calibration error determination*

Calibration gas mixture data (from fig. D-1): Mid (50 percent) average —— p/m, high (90 percent) average —— p/m

Run No.	Calibration gas concentration [1]	Measurement system reading, p/m	Differences, p/m [2]
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

	Percent of full scale reading	
	50% mid	90% high
Mean difference		
Confidence interval	±	±
Calibration error = $\frac{\text{Mean difference [3]} + \text{C.I.}}{\text{Average calibration gas concentration}} \times 100$	%	%

[1] Mid or high.
[2] Calibration gas concentration—measurement system reading.
[3] Absolute value.

FIGURE D-3.—*Accuracy*

Date and time	Test No.	Reference method samples	Analyzer 1-hour average [1] (p/m)	Difference [2] (p/m)
	1			
	2			
	3			
	4			
	5			
	6			
	7			
	8			
	9			

Mean difference = ... p/m.
95 percent confidence interval = + ... p/m.
Mean Reference method value = ... p/m.

$$\text{Accuracy} = \frac{\text{Mean difference (absolute value)} + \text{95 percent confidence interval}}{\text{Mean reference method value}} \times 100 \text{ —— percent}$$

[1] Explain method used to determine average.
[2] Difference = the 1-h average minus the reference method average.

FIGURE D-4.—*Zero and calibration drift (2 h)*

Date	Time		Date set No.	Zero reading	Zero drift (ΔZero)	Span reading	(Δspan)	Calibration drift (Δspan-Δzero)
	Begin	End						
			1					
			2					
			3					
			4					
			5					
			6					
			7					
			8					
			9					
			10					
			11					
			12					
			13					
			14					
			15					

Zero drift=[mean zero drift [1] ——— + CI (zero) ———÷emission standard]×100=———

Calibration drift=[mean span drift [1] ——— CI + CI (span) ———÷emission standard]×100=———

[1] Absolute value.

FIGURE D-5.—*Zero and calibration drift (24 hr)*

Date and time	Zero reading	Zero drift (Δzero)	Span reading (after zero adjustment)	Calibration drift (Δspan)

Zero drift=[mean zero drift [1]———+ CI (zero)———÷emission standard]×100=———.
Calibration drift=[mean span drift [1]———+ CI (span)———÷emission standard]×100=———.

[1] Absolute value.

Date of Test _____
Span Gas Concentration _____ ppm.
Analyzer Span Setting _____ ppm.
Upscale:
1 _____ seconds.
2 _____ seconds.
3 _____ seconds.
Average upscale response _____ seconds.
Downscale:
1 _____ seconds.
2 _____ seconds.
3 _____ seconds.
Average downscale response _____ seconds.
System response time=slower time _____ seconds.

$$\text{Percent deviation from slowest time} = \frac{\text{average upscale} - \text{average downscale}}{\text{slower time}} \times 100\%$$

FIGURE D-6.—Response Time

APPENDIX E—PERFORMANCE SPECIFICATIONS AND SPECIFICATION TEST PROCEDURES FOR MONITORING SYSTEMS FOR EFFLUENT STREAM GAS VOLUMETRIC FLOW RATE

1. *Principle and applicability.*

1.1 *Principle.* Effluent stream gas volumetric flow rates are sampled and analyzed by a continuous measurement system. To verify the measurement system performance, values obtained from the measurement system are compared against simultaneous values obtained using the reference method. These comparison tests will be performed to determine the relative accuracy, and drift of the measurement system over the range of operating conditions expected to occur during normal operation of the source. If the measurement system is such that the specified tests in section 5.1 for drift do not apply, those test procedures shall be disregarded.

1.2 *Applicability.* This method is applicable to subparts which require continuous gas volumetric flow rate measurement. Specifications are given in terms of performance. Test procedures are given for determining compliance with performance specifications.

2. *Apparatus.*

2.1 Continuous measurement system for determining stack gas volumetric flow rate.

2.2 Equipment for measurement of stack gas volumetric flow rate as specified in the reference method.

3. *Definitions.*

3.1 *Measurement system.* The total equipment required for the determination of the gas volumetric flow rate in a duct or stack. The system consists of three major subsystems:

3.1.1 *Sampling Interface.* That portion of the measurement system that performs one or more of the following operations: Delineation, acquisition, transportation, and conditioning of a signal from the stack gas and protection of the analyzer from any hostile aspects of the source environment.

3.1.2 *Analyzer.* That portion of the measurement system which senses the stack gas flow rate or velocity pressure and generates a signal output that is a function of the flow rate or velocity of the gases.

3.1.3 *Data presentation.* That portion of the measurement system that provides a display of the output signal in terms of volumetric flow rate units, or other units which are convertible to volumetric flow rate units.

3.2 *Span.* The value of gas volumetric flow rate at which the measurement system is set to produce the maximum data display output. For the purposes of this method, the span shall be set at 1.5 times the maximum volumetric flow rate expected under varying operating conditions of the source.

3.3 *Zero drift.* The change in measurement system output over a stated period of time of normal continuous operation when gas volumetric flow rate at the time of the measurements is zero.

3.4 *Calibration drift.* The change in measurement system output over a stated time period of normal continuous operation when the gas volumetric flow rate at the time of the measurement is 67 percent of the span value.

3.5 *Operation period.* A minimum period of time over which a measurement system is expected to operate within certain performance specifications without unscheduled maintenance, repair, or adjustment.

3.6 *Orientation sensitivity.* The angular tolerance to which the sensor can be misaligned from its correct orientation to measure the flow rate vector before a specified error occurs in the indicated flow rate compared to the reference flow rate.

3.7 *Reference method.* Method 2 as delineated in 40 CFR Part 60.

4. *Measurement system performance specifications.* A measurement system must meet the performance specifications in Table E–1 to be considered acceptable under this method.

TABLE E–1

Parameter:	Specifications
Accuracy (relative)	≤10 percent of mean reference value (paragraph 6.3.1).
Zero drift (24 hours)	≤3 percent of span (paragraph 6.3.2).
Calibration drift (24 hours)	≤3 percent of span (paragraph 6.3.3).
Operational period	168 hours minimum.

5. *Test procedures.*

5.1 Field test for accuracy, zero drift, calibration drift, and operation period.

5.1.1 *System conditioning.* Set up and operate the measurement system in accordance with the manufacturer's written instructions and drawings. Offset the zero point of the chart recorder so that negative values up to 5 percent of the span value may be registered. Operate the system for an initial 168-hour conditioning period. During this initial period, the system should measure the gas stream volumetric flow rate in a normal operational manner. After completion of this conditioning period, the formal 168-hour performance and operational test period shall begin.

5.1.2 *Field test for accuracy and operational period.* During the 168-hour test period, the system should be continuously measuring gas volumetric flow rate at all times. During this period make a series of 14 volumetric flow rate determinations simultaneously using the reference method and the measurement system. The 14 determinations can be made at any time interval at least one hour apart during the 168-hour period except that at least one determination on five different days must be made with one determination on the last day of such period. The determinations shall be conducted over the range of volumetric flow rates expected to occur during normal operation of the source. The measurement system volumetric flow rate reading corresponding to the period of time during which each reference method run was made may be obtained by continuous integration of the measurement system signal over the test interval. Integration may be by use of mechanical integration of electrical units on the chart recorder or use of a planimeter on the strip chart recorder. The location and orientation of the reference method measurement device and the measurement system should be as close as practical without interference, but no closer than 1.3 cm (0.5 inch) to each other and shall be such that dilution air or other interferences cannot be interjected into the stack or duct between the pitot tube and the measurement system. Be careful not to locate the reference method pitot tube directly up or down stream of the measurement system sensor.

5.1.3 *Field test for calibration drift and zero drift.* At 24-hour intervals, but more frequently if recommended by the manufacturer, subject the measurement system to the manufacturer's specified zero and calibration procedures, if appropriate. Record the measurement system output readings before and after adjustment. Automatic corrections made by the system without operator intervention are allowable at anytime.

5.1.4 *Field test for orientation sensitivity.* If a velocity measurement system is either a single point measurement device or a pressure sensor or any other device such as pitot tube which uses the flow direction of the test gas, then the following test shall be followed and a performance specification of ±10 degrees device orientation sensitivity for ±4 percent flow rate determination accuracy must be met in order for the measurement system to be considered acceptable under this method. This is in addition to the performance specifications given in paragraph 4 of this appendix. During a period of relatively steady state gas flow, perform the following orientation test using the measurement system. The system should be continuously measuring gas velocity at all times. Rotate the measurement 10° on each side of the direction of flow in increments of 5°. Perform this test three times each at: (1) Maximum operating velocity (±15 percent); (2) 67 percent ±7.5 percent of the maximum operating velocity; and (3) 33 percent ±7.5 percent of the maximum operating velocity if (2) and (3) are normal operating practices.

6. *Calculations data analysis and reporting.*

6.1 *Procedure for determination of stack gas volumetric flow rate.* Calculate the reference stack gas velocity and corresponding stack gas volumetric flow rate with the calibrated type S pitot tube measurements by the reference method. Calculate the measurement systm stack gas volumetric flow rate as specified by the manufacturer's written instructions. Record the volumetric flow rates for each in the appropriate tables.

6.2 *Procedure for determination of mean values and 95 percent confidence intervals.*

6.2.1 *Mean value.* The mean value of a data set is calculated according to equation E–1.

EQUATION E–1

$$\bar{x}=\frac{1}{n}\sum_{i=1}^{n}x_i$$

where:

x_i = individual values.
Σ = sum of the individual values.
$\bar{x}$ = mean value.
n = data points.

6.2.2. *95 percent confidence level.* The 95 percent confidence level (two sided) is calculated according to Equation E–2.

EQUATION E–2

$$C.I._{.95}=\frac{t_{.975}}{n\sqrt{n-1}}\sqrt{n(\Sigma x_i 2)-(\Sigma x_i)^2}$$

where:

Σx_i = sum of all data points.
(Σx_i) = sum of squares of all data points.
$C.I._{.95}$ = 95 percent confidence interval estimate of the average mean value.

Values for $t_{.975}$

n	$t_{.975}$	n	$t_{.975}$	n	$t_{.975}$
2	12.706	7	2.447	12	2.201
3	4.303	8	2.365	13	2.179
4	3.182	9	2.306	14	2.160
5	2.776	10	2.262	15	2.145
6	2.571	11	2.228	16	2.131

The values in this table are already corrected for n-1 degrees of freedom. Use n equal to the number of samples as data points.

6.3 *Data analysis and reporting.*

6.3.1 *Accuracy (relative).* First, calculate the mean reference value (equation E–1) of the 14 average volumetric flow rates calculated by the reference method. Second, from the 14 pairs of average volumetric flow rates calculated by the reference method and measurement system volumetric flow rate readings, calculate the mean value (equation E–1) of the differences of the 14 paired readings. Calculate the 95 percent confidence interval (equation E–2) using the differences of fourteen paired readings. To calculate the values in the second part of this section substitute d_i for x_i and $\bar{d}$ for $\bar{x}$ in equations E–1 and E–2 where d_i equals the difference of each paired reading and $\bar{d}$ equals the mean value of the fourteen paired differences. Third, report the sum of the absolute mean value of the differences of the fourteen paired readings and the 95 percent confidence interval of the differences of value calculated in the first part of the section. Divide this total by the mean reference value and report the result as a percentage. This percentage is the relative accuracy.

6.3.2 *Zero drift (24 hour).* From the zero values measured each 24 hours during the field test, calculate the differences between successive readings expressed in volumetric flow rate units. Calculate the mean value of these differences and the confidence interval of these differences using equations E–1 and E–2. Report the sum of the absolute value of the mean difference and the confidence interval as a percentage of the measurement system span. This percentage is the zero drift.

6.3.3 *Calibration drift (24 hour).* From the calibration values measured every 24 hours during the field test calculate the differences between: (1) The calibration reading after zero and calibration adjustment, and (2) the calibration reading 24 hours later after zero adjustment but before calibration adjustment. Calculate the mean value of these differences and the confidence interval using equations E–1 and E–2. Report the sum of the absolute value of the mean difference and confidence interval as a percentage of the measurement system span. This percentage is the calibration drift.

6.3.4 *Operation period.* Other than that clearly specified as required in the operation and maintenance manual, the measurement system shall not require any corrective maintenance, repair, replacement or adjustment during the 168-hour performance and operational test period. If the measurement system operates within the specified performance parameters and does not require corrective maintenance, repair, replacement or adjustment other than as specified above during the 168-hour test period, the operational period will be successfully concluded. Failure of the measurement to meet this requirement shall call for a repetition of the 168-hour test period. Portions of the test, except for the 168-hour field test period, which were satisfactorily completed need not be repeated. Failure to meet any performance specifications shall call for a repetition of the one-week performance test period and that portion of the testing which is related to the failed specification. All maintenance and adjustments required shall be recorded.

Output readings shall be recorded before and after all adjustments.

6.3.5 *Orientation sensitivity.* In the event the conditions of paragraph 5.1.4 of this appendix are required, the following calculations shall be performed. Calculate the ratio of each measurement system reading divided by the reference pitot tube readings. Graph the ratio vs. angle of deflection on each side of center. Report the points at which the ratio differs by more than ±4 percent from unity (1.00).

§ 52.1479 [Amended]

7. In § 52.1479, paragraph (b) is revoked.

(b) [Revoked.]

[FR Doc.75-2961 Filed 2-5-75;8:45 am]

[FRL 318-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Maryland; Revocation of Regulation for Control of Photochemically Reactive Organic Solvents

On December 6, 1973 (38 FR 33702, 33716), and December 12, 1973 (38 FR 34240), the Administrator of the Environmental Protection Agency promulgated transportation control plans for the Maryland portion of the National Capital Interstate Air Quality Control Region and the Metropolitan Baltimore Intrastate Air Quality Control Region. These plans, which to the maximum extent reflected the preferences of the State of Maryland, included measures such as improved mass transit, emission inspection programs, and additional stationary source controls. One of the measures included in the Metropolitan Baltimore AQCR transportation plan, 40 CFR 51.1112 (Control of Organic Solvents), totally reflected the preferences of the State of Maryland.

On April 24, 1974, the State of Maryland proposed further amendments to their state implementation plan. These amendments included, but were not limited to, regulations for control of organic solvents (10.03.38.04J(1)i, 10.03.38.06G; 10.03.39.04J(1)i, 10.03.39.-06G.

On April 26, 1974, the State provided certification that, after having given adequate notice to the public, hearings on these amendments had taken place on August 10, 1973, and November 30, 1973, in Baltimore, Maryland, on August 9, 1973, in Greenbelt, and on November 30, 1973, in Bethesda.

On August 29, 1974 (39 FR 31533), the Administrator announced receipt of these amendments and announced a 30 day period for public comment. A correction notice that appeared in the October 1, 1974, FEDERAL REGISTER extended the comment period for an additional 30 days (39 FR 35386).

On October 4, 1974, the State of Maryland was informed that regulations 10.03.38.06G(2) and 10.03.39.06G(2), which prevent existing sources in the Metropolitan Baltimore and Maryland portion of the National Capital AQCR currently emitting photochemically reactive solvents at the rate of greater than 550 pounds per day from increasing their emissions, would be unacceptable for the Administrator's approval. The specific objections were as follows:

1. Justification for the 550 pounds per day cutoff between regulated and unregulated sources was lacking.

2. The definition of "average daily emissions," and the base period on which the average was determined was too vague.

3. The time period over which the emissions would be measured to determine whether they are in violation or not was unclear.

On November 29, 1974, the State of Maryland requested that regulations 10.03.38.06G(2) and 10.03.39.06G(2) be withdrawn from consideration as a proposed amendment to the state implementation plan. The State agreed that the wording and intent of this regulation may be interpreted as vague and unclear. The State has also indicated that new amendments will be proposed shortly to replace the amendments being withdrawn.

The Administrator agrees with these findings and hereby rescinds 40 CFR 52.1112, the regulation which corresponds to State regulation 10.03.38.06G, as its wording and intent is similarly vague and unclear.

(42 U.S.C. 1857 c-5)

Dated: January 31, 1975.

JOHN QUARLES,
Acting Administrator.

Subpart V—Maryland

1. Section 52.1070 is amended by revising paragraph (c) as follows:

§ 52.1070 **Identification of plans.**

* * * * *

(c) Supplemental information was submitted on:

(1) February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the Maryland Bureau of Air Quality Control, and

(2) July 27, 1972, by the Maryland Department of Natural Resources, and

(3) April 10, May 5, June 15, June 22, June 28, July 9, July 31, 1973; and April 24 and November 29, 1974.

§ 52.1112 [Revoked]

2. Section 52.1112 is revoked.

[FR Doc.75-3448 Filed 2-5-75;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 331-1]

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

On August 8, 1974, the Environmental Protection Agency published a notice of proposed rulemaking (39 FR 28536) announcing its intention to amend Subpart U (Sulfuric Acid Production Subcategory) and Subpart V (Titanium Dioxide Production Subcategory) of 40 CFR Part 415 which was promulgated on March 12, 1974 (39 FR 9612). The amendments were proposed in order to define more precisely the applicability of the respective subparts.

In the case of the Sulfuric Acid Production Subcategory, the purpose of the proposed amendment to § 415.210 was to clarify the Agency's intent that the provisions of Subpart U apply to discharges of pollutants from point sources manufacturing sulfuric acid by the sulfur burning process and that they do not apply to discharges resulting from the manufacture of sulfuric acid by the sulfide burning process or to plants recovering sulfuric acid from wastes of other manufacturing processes.

In the case of the Titanium Dioxide Production Subcategory, the purpose of the proposed amendment to § 415.220 was to confine the applicability of Subpart V to discharges resulting from the manufacture of titanium dioxide by means of the chloride or sulfate processes and to exclude discharges resulting from the production of titanium dioxide by a process in which beneficiation of raw ilmenite ore and chlorination are inseparably combined.

Interested persons were afforded 30 days in which to submit comments, suggestions, or objections to the proposed amendments. No written objections have been received. Accordingly, the proposed amendments are adopted without change. Pursuant to Section 301, 304(b) and 501 (a) of the Federal Water Pollution Control Act, 86 Stat. 816, Pub. L. 92-500 (33 U.S.C. 1215, 1311, 1314(b), 1361(a)), 40 CFR, Chapter I, Subchapter N is hereby amended as set forth below. The revisions shall become effective March 10, 1975.

Dated: January 31, 1975.

JOHN QUARLES,
Acting Administrator.

Section 415.210 is amended to read as follows:

§ 415.210 **Applicability; description of the sulfuric acid production subcategory.**

The provisions of this subpart are applicable to discharges resulting from the production of sulfuric acid by the sulfur burning contact process in both single and double adsorption plants. The provisions of this subpart are not applicable to discharges from plants burning sulfides, or recovering sulfuric acid from waste streams of other processes such as oil refining or metallurgical operation.

Section 415.220 is amended to read as follows:

§ 415.220 **Applicability; description of the titanium dioxide production subcategory.**

The provisions of this subpart are applicable to discharges resulting from the production of titanium dioxide by the sulfate process and by the chloride process. The provisions of this subpart are not applicable to the wastes resulting

from discharges from produtcion by processes in which beneficiation of raw ilmenite ore and chlorination are inseparably combined in the same process step.

[FR Doc.75-3450 Filed 2-5-75;8:45 am]

[FRL 326-6]

SUBCHAPTER C AIR PROGRAMS

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Technical Amendments, Corrections

On June 20, 1973 (38 FR 16062), the Environmental Protection Agency published in the FEDERAL REGISTER a series of amendments to the motor vehicle air pollution control regulations. On June 28, 1973 (38 FR 17133), the regulations were reprinted in their entirety. The June 28 publication inadvertently negated the amendments published on June 20. In addition, similar errors of omission have been discovered in the regulations applicable to light duty diesel-powered vehicles and light duty trucks, as well as in other sections of the regulations.

These technical amendments are issued to become effective immediately February 6, 1975, as without exception they reflect existing operating procedures in effect since the beginning of the 1975 model year certification program.

Part 85 of Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning with the 1975 model year is amended as follows, effective February 6, 1975.

The provisions of this Part 85 are issued under sections 202, 206, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1, 1857f-5, and 1857g(a)).

Dated: January 31, 1975.

JOHN QUARLES,
Acting Administrator.

1. In § 85.075-2, paragraph (a) is revised. As revised, the section reads as follows:

§ 85.075-2 Application for certification.

(a) An application for a certificate of conformity shall be made for each set of standards applicable to new motor vehicles. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

* * * * *

2. In § 85.075-5, paragraph (a) is amended as follows:

§ 85.075-5 Test vehicles.

(a)(1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all of the following respects:

* * * * *

(viii) Catalytic converter characteristics.

(ix) Thermal reactor characteristics.

* * * * *

3. In § 85.075-28, paragraph (a) is amended as follows:

§ 85.075-28 Compliance with emission standards.

(a) The applicable exhaust and fuel evaporative emission standards in § 85.075-1 apply to the emissions of vehicles for their useful life.

* * * * *

4. In § 85.075-30, paragraph (a)(3) is added and paragraph (b)(2) is revised as follows:

§ 85.075-30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(b) * * *

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with one set of applicable standards.

* * * * *

5. In § 85.075-35, paragraph (a)(4)(v) is revised as follows:

§ 85.075-35 Labeling.

(a) * * *

(4) * * *

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles" or "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles, with the exception of the carbon monoxide standard for California," whichever is applicable.

* * * * *

6. In § 85.175-2, paragraph (a) is revised as follows:

§ 85.175-2 Application for certification.

(a) An application for a certificate of conformity shall be made for each set of standards applicable to new motor vehicles. Such application shall be made to the Administrator by the manufacturer and shall be updated and corrected by amendment.

* * * * *

7. In § 85.175-28, paragraph (a) is revised as follows:

§ 85.175-28 Compliance with emission standards.

(a) The applicable exhaust and fuel evaporative emission standards in § 85.175-1 apply to the emissions of vehicles for their useful life.

* * * * *

8. In § 85.175-30, paragraph (a)(3) is added and paragraph (b)(2) is revised as follows:

§ 85.175-30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(b) * * *

(2) The Administrator will proceed as in paragraph (a) of this section with respect to the vehicles belonging to an engine family all of which comply with one set of applicable standards.

* * * * *

9. In § 85.175-35, paragraph (a)(4)(v) is revised as follows:

§ 85.175-35 Labeling.

(a) * * *

(4) * * *

(v) The statement: "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles" or "This Vehicle Conforms to U.S.E.P.A. Regulations Applicable to 1975 Model Year New Motor Vehicles, with the exception of the carbon monoxide standard for California," whichever is applicable.

* * * * *

10. In § 85.275-5, paragraph (a) is amended as follows:

§ 85.275-5 Test vehicles.

(a)(1) The vehicles covered by the application for certification will be divided into groupings of vehicles whose engines are expected to have similar emission characteristics throughout their useful life. Each group of engines with similar emission characteristics shall be defined as a separate engine family.

(2) To be classed in the same engine family, engines must be identical in all the following respects:

* * * * *

(viii) Catalytic convertor characteristics.

(ix) Thermal reactor characteristics.

* * * * *

11. In § 85.077-30, paragraphs (a)(3), (4) and (5) are numbered incorrectly. In addition, paragraph (a)(3) was inadvertenly deleted. As corrected, paragraph (a) reads as follows:

§ 85.077-30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, or delivers for introduction into commerce at high altitude locations any motor vehicle subject to the regulations under the Act which is not covered by a certificate of conformity issued under this subpart, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for use at a high altitude location.

(5) For the purpose of paragraph (a)(4) "high altitude location" means the intended location of registration, licensing, or titling of such motor vehicle by the ultimate purchaser, such location identified by name and altitude.

(6) For the purpose of paragraph (a)(4) determination of "high altitude location" shall rest with the U.S. Geological Survey, as published in that Agency's 1:250,000 scale series of topographic maps for the United States.

* * * * *

12. In § 85.077–38, paragraphs (a) (3) and (4) are numbered incorrectly. In addition, paragraph (a)(3) was inadvertently deleted. As corrected, paragraph (a) reads as follows:

§ 85.077–38 Maintenance instructions.

(a) * * *

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.077–6(a) and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(4) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(5) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at low altitude.

* * * * *

13. In § 85.177–30, paragraphs (a) (3), (4) and (5) are numbered incorrectly. In addition, paragraph (a)(3) was inadvertently omitted. As corrected, paragraph (a) reads as follows:

§ 85.177–30 Certification.

(a) * * *

(3) One such certificate will be issued for each engine family and will certify compliance with no more than one set of applicable standards.

(4) A violation of section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells, offers for sale, or delivers for introduction into commerce at high altitude locations any motor vehicle subject to the regulations under the Act which is not covered by a certificate of conformity issued under this subpart, unless such manufacturer has substantial reason to believe that such motor vehicle will not be sold to an ultimate purchaser for use at a high altitude location.

(5) For the purpose of paragraph (a)(4) "high altitude location" means the intended location of registration, licensing, or titling of such motor vehicle by the ultimate purchaser, such location identified by name and altitude.

(6) For the purpose of paragraph (a)(4) determination of "high altitude location" shall rest with the U.S. Geological Survey, as published in that Agency's 1:250,000 scale series of topographic maps for the United States.

* * * * *

14. In § 85.277–38, paragraphs (a)(3), (a)(4) and (b) are numbered incorrectly. In addition, paragraph (a)(3) was inadvertently deleted. As corrected, § 85.277–38 reads as follows:

§ 85.277–38 Maintenance instructions.

(a) * * *

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.275–6(a) and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

(4) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at low altitude, what adjustments or modifications, if any, are necessary to allow the vehicle to meet emissions standards at high altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emissions standards when operated at high altitude.

(5) Such instructions shall indicate, for vehicles to be sold to ultimate purchasers at high altitude, what adjustments or modifications if any, are necessary to allow the vehicle to meet emissions standards at low altitude. The maintenance instructions shall, if applicable, include a statement that the vehicle's emission control system was not designed for conversion to allow the vehicle to meet emission standards when operated at low altitude.

(b) The maintenance instructions required by this section shall contain a general description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

* * * * *

[FR Doc.75-3440 Filed 2-5-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–30—FEDERAL CATALOG SYSTEM

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), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective February 6, 1975.

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

JANUARY 30, 1975.

Part 114–30 is added as follows:

Subpart 114–30.1—General

§ 114–30.103–2 Agency responsibilities.

(a) Each bureau and office of the Department shall:

(1) Cooperate in the conversion and utilization of the Federal Catalog System to the extent practicable and feasible without formal participation, and depend upon the General Services Administration to provide required information.

Subpart 114–30.5—Maintenance of the Federal Catalog System

§ 114–30.503 Maintenance actions required.

(a) Each bureau and office shall be responsible for submitting to the General Services Administration any GSA Form 1303 needed to request the performance of all cataloging functions and the preparation and transmission of data to DLSC when required.

(Sec. 205(c), 63 Stat. 390; (5 U.S.C. 301).

[FR Doc.75-3431 Filed 2-5-75;8:45 am]

PART 114–39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 114–39.6—Official Use of Government Motor Vehicles and Related Motor Pool Services

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)), Chapter 114, Title 41 of the Code of Federal Regulations, is amended by the addition of Subpart 114–39.6 as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective February 6, 1975.

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

JANUARY 30, 1975.

Subpart 114–39.6 is added to read as follows:

Sec.
114–39.601 General requirements.
114–39.602 Authorized use.
114–39.602–1 Government vehicles.

§ 114–39.601 General requirements.

(a) Leasing of motor vehicles. The head of each bureau and office is designated as responsible for certifying that leased vehicles larger than Type I (compact) passenger vehicles are essential to the mission of that particular bureau of office.

(1) New requirements for leased vehicles on a nationwide basis shall be submitted to the Director of Management Services (PM) for transmittal to the General Services Administration.

§ 114–39.602 Authorized use.

§ 114–39.602–1 Government vehicles.

(a) Subpart 114–38.50, Official Use of Motor Vehicles, prescribes Departmental policies and procedures governing the use of Government vehicles.

(b) The heads of bureaus and offices are responsible for compliance with FPMR 101–39.602–1(b).

(Sec. 205(c), 63 Stat. 390; (5 U.S.C. 301))

[FR Doc.75–3432 Filed 2–5–75;8:45 am]

MOTOR EQUIPMENT MANAGEMENT

Miscellaneous Amendments to Chapter

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), Chapter 114, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment relates only to matters of internal Department practice. It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment shall become effective February 6, 1975.

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

JANUARY 30, 1975.

PART 114–38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114–38.1—Reporting Motor Vehicle Data

Section 114–38.102–1 is revised to read as follows:

§ 114–38.102–1 Reporting period and submission.

Standard Form 82 shall be prepared as of June 30 of each year and submitted in triplicate to reach the Director of Management Services (PM) by September 1 of each year.

Subpart 114–38.4—Official Legend and Agency Identification

Section 114–38.401 paragraph (a) is revised to read as follows:

§ 114–38.402 Agency identification.

(a) Department of the Interior and Bureau or Office identification shall be displayed on motor vehicles, trailers, and motorcycles in conformance with 41 CFR 101–38.4 and 101–38.4903. Bureau emblems, or unusual legends, may not be displayed on Bureau-owned and interagency motor pool vehicles without the advance approval of the Administrator of General Services. Requests for such approval shall be referred to the Director of Management Services (PM), and should include a sample of the emblem or legend proposed to be displayed.

PART 114–39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 114–39.4—Establishment, Modification and Discontinuance of Motor Pools

Section 114–39.404–3 is revised to read as follows:

§ 114–39.404 Discontinuance or curtailment of service.

§ 114–39.404–3 Problems involving service or cost.

In any instance where problems involving motor pool service or cost arise, the affected bureau or office should bring the matter to the attention of the Chief of the motor pool prviding the vehicles for resolution. In the event a satisfactory solution does not result, full particulars should be forwarded to the Director of Management Services (PM) for consideration and possible referral to the Administrator, General Services Administration.

§ 114–39.404–4 Agency requests to withdraw participation.

Should circumstances arise at a given interagency motor pool location which tend to justify discontinuance or curtailment of participation in such motor pool by an Interior activity, the participating Bureau or Office should forward complete details concerning these circumstances to the Director of Management Services (PM) for consideration and possible referral to the Administrator, General Services Administration.

PART 114–40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 114–40.3—Freight Rates, Routes, and Services

Section 114–40.307 is revised to read as follows:

§ 114–40.307 Tonnage reports.

In fulfilling the reporting requirements of 41 CFR 101–40.307, it is recognized that outbound shipments of 100 short tons or more will occur infrequently. Accordingly, a monthly report will be required only for the months in which such a shipment is made. This report, when required, shall be submitted in the form of Appendix I, in duplicate, to reach the Office of Management Services (PM) by not later than the 15th of the month following the month reported. Negative reports are not required.

PART 114–42—PROPERTY REHABILITATION SERVICES AND FACILITIES

Subpart 114–42.3—Reclamation of Precious Metals and Critical Materials

Section 114–42.302–2 is revised to read as follows:

§ 114–42.302–2 Reporting to GSA.

The annual report prescribed in 41 CFR 101–42.302–2 should be prepared in the format illustrated in section 101–42.4902 of this title, consolidated for the bureau, and submitted to the Director of Management Services (PM) by July 25 of each year.

§ 114–42.302–4 [Deleted]

Section 114–42.302–4 is deleted in its entirety.

PART 114–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Subpart 114–45.3—Sale of Personal Property

Section 114–45.316 is revised to read as follows:

§ 114–45.316 Report on identical bids.

§ 114–45.316–2 Reporting requirements and procedures.

(a) The reporting requirements specified in 41 CFR 101–45.316–2 are applicable to all sales of Government-owned personal property made on a competitive basis, including program sales made pursuant to special statutes authorizing the Secretary of the Interior to sell specific items of personal property.

(b) Reports on identical bids required by 41 CFR 101–45.316–2 shall be submitted by the head of Bureaus and Offices directly to the Attorney General. A copy of the transmittal letter and a copy of the abstract of bids shall be furnished to the Director of Management Services (PM).

Section 114–45.317 paragraph (b) is revised to read as follows:

§ 114–45.317 Noncollusive bids and proposals.

* * * * *

(b) The authority to make the determinations referred to in 41 CFR 101–45.317(b) is vested in the heads of Bureaus and Offices and may not be redelegated.

* * * * *

Section 114–45.317–50 is revised to read as follows:

§ 114–45.317–50 Compliance review.

The head of each Bureau and Office engaged in programs which involve the conduct of sales of Government property shall install an appropriate monitoring system at the headquarters office level to ensure compliance with these reporting requirements and procedures.

Subpart 114–45.8—Mistakes in Bids

Subpart 114–45.8 is revised to read as follows:

§ 114–45.803 Other mistakes disclosed before award.

(a) The Director, Office of Management Services, is authorized to make the determinations contemplated by 41 CFR 101–45.803. This authority may not be redelegated.

(b) Each proposed determination shall be approved by the Solicitor, an Associate Solicitor, or comparable legal officer of the Department before it becomes effective.

(c) Where a bidder furnishes evidence in support of an alleged mistake in bid, the case shall be referred to the Director of Management Services (PM) for determination. The referral shall include the documents and data specified in 41 CFR 101–45.803(d)(3).

(d) The Office of Management Services shall maintain case file records of all administrative determinations made in accordance with 41 CFR 101–45.803. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

§ 114–45.804 Mistakes disclosed after award.

(a) The Director, Office of Management Services, is authorized to make the determinations contemplated by 41 CFR 101–45.804. This authority may not be redelegated.

(b) Each proposed determination shall be approved by the Solicitor, an Associate Solicitor, or comparable legal officer of the Department before it becomes effective.

(c) Where a bidder furnishes evidence in support of an alleged mistake in bid, the case shall be referred to the Director of Management Services (PM) for determination. The referral shall include the documents and data specified in 41 CFR 101–45.804(f)(2).

(d) The Office of Management Services shall maintain case file records of all administrative determinations made in accordance with 41 CFR 101–45.804. A copy of the determination shall be attached to each copy of any contract rescission or reformation resulting therefrom.

PART 114–46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 114–46.2—Authorization

Subpart 114–46.2 is revised to read as follows:

§ 114–46.202 Restrictions and limitations.

(a) Basic responsibility for compliance with 41 CFR 101–46 rests with Bureaus and Offices. Consistent with Departmental financial management practices, Bureaus and Offices should establish procedures to provide adequate management control and documentation of exchange/sale transactions.

Subpart 114–46.4—Disposal

Section 114–46.407 is amended so the first sentence will read as follows:

§ 114–46.407 Reports.

The report required by this subpart shall be submitted to the Director of Management Services (PM), Office of the Assistant Secretary-Management, by not later than August 15 of each year. * * *

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 114–47.2—Utilization of Excess Real Property

Section 114–47.203–7 is amended so the first paragraph will read as follows:

§ 114–47.203–7 Transfers.

(a) One copy of GSA Form 1334, Request for Transfer of Excess Real Property and Related Personal Property, shall be furnished the Director of Management Services (PM), Office of the Assistant Secretary-Management, when:

* * * * *

Subpart 114–47.3—Surplus Real Property Disposal

Section 114–47.301–5 paragraph (b) is revised to read as follows:

§ 114–47.301–5 Records and reports.

* * * * *

(b) *Submission and due date.* GSA Form 1100 shall be submitted in original only, to the Director of Management Services (PM) by not later than the 25th of July of each year. Negative reports are required and may be submitted in the form of a memorandum in lieu of GSA Form 1100.

Section 114–47.304–8 paragraph (b) is revised to read as follows:

§ 114–47.304–8 Report of identical bids.

* * * * *

(b) Whenever identical bids or offers are received through closed competitive negotiations or through sealed or spot bid procedures for the sale of real property under the conditions set forth in paragraphs (1), (2), and (3) of this paragraph, a copy of the invitation and a copy of the completed abstract of bids with identical bids circled in red shall be submitted to the Director of Management Services (PM), for transmittal to the Attorney General. These documents shall be forwarded to reach the Office of Management Services within 15 days following the disposition of all bids received in response to the invitation involved whether by awarding of contract(s) or other action.

* * * * *

Section 114–47.304–51 paragraph (c)(2)(v) is revised to read as follows:

§ 114–47.304–51 Noncollusive bids and proposals.

* * * * *

(v) White letterhead tissue copy to be marked "Director of Management Services (PM)."

Subpart 114–47.8—Identification of Undeeded Federal Real Property

Section 114–47.802–54 paragraph (d) is revised to read as follows:

§ 114–47.802–54 Annual report to the Department.

* * * * *

(d) Be prepared, in duplicate, and transmitted to reach the Director of Management Services (PM) by August 21 of each year.

PART 114–52—ESTABLISHMENT OF QUARTERS RENTAL RATES

Subpart 114–52.2—Surveys and Appraisals

Section 114–52.203 paragraph (b) is revised to read as follows:

§ 114–52.203 Establishment of basic rental rates.

* * * * *

(b) *FHA appraisers.* Rental rate appraisals made by Federal Housing Administration appraisers permit the use of generally accepted real estate concepts. Should any Bureau or Office desire to use this method to establish rates, it should submit its proposal to the Director of Management Services (PM) for consideration and referral to the Washington, D.C., headquarters office of the Federal Housing Administration.

* * * * *

PART 114–60—PERSONAL PROPERTY MANAGEMENT

Subpart 114–60.1—General

Section 114–60.104 is revised to read as follows:

§ 114–60.104 General ledger control accounts.

Each Bureau and Office shall establish and maintain general ledger control accounts to properly account for all personal property acquired or to be acquired in accordance with the provisions of this part 114–60. All basic property accounting systems and procedures shall be cleared with the Office of the Assistant Secretary-Management (Reference shall be made to the Budget and Accounting Procedures Act of 1950 (64 Stat. 832)).

(Sec. 205(c), 63 Stat. 390; (5 U.S.C. 301))

[FR Doc.75-3430 Filed 2-5-75;8:45 am]

Title 43—Public Lands: Interior

SUBTITLE A—OFFICE OF THE SECRETARY OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND APPEALS PROCEDURES

Subpart C—Special Rules Applicable To Contract Appeals

SPECIAL PROCEDURAL RULES

On November 20, 1974, there was published in the FEDERAL REGISTER (39 FR 40781–40782), pursuant to authority contained in 5 U.S.C. 301, a notice and text of proposed amendments of Department Hearings and Appeals Procedures in 43 CFR Part 4, Subpart C—Special Rules Applicable to Contract Appeals, by revising §§ 4.113, 4.115, and 4.116, pertaining,

respectively, to accelerated procedure; depositions; and interrogatories to parties, inspection of documents, and admission of facts. The notice stated that the revised rules provide for an optional accelerated procedure in the case of disputes involving $25,000 or less, and improved, clarifying language with respect to procedures for depositions, interrogatories to parties, inspection of documents, and admission of facts. As was pointed out in the notice, the Commission on Government Procurement, in a report issued in December 1972, recommended uniform procedures for contract appeals boards, particularly in the areas of the proposed regulations. Promulgation of the revised rules will bring the procedures of the Interior Board of Contract Appeals into uniformity with those of the Armed Services Board of Contract Appeals in these important areas and in line with the Procurement Commission's report.

Interested persons were given 30 days within which to participate in the rulemaking through submission of written comments, suggestions or objections. No comments, suggestions or objections were received.

In view of the foregoing, the proposed revised regulations are adopted, without change, as set forth below.

Effective date: These revised regulations shall be effective February 6, 1975.

Date: January 30, 1975.

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

1. § 4.113 is revised to read as follows to provide for an optional accelerated procedure in disputes involving $25,000 or less:

§ 4.113 Optional accelerated procedure.

(a) In appeals involving $25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board, acting through the Chairman, sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decisions by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Board member with the concurrence of the Chairman; except that in cases involving $5,000 or less where there has been a hearing, the single Board member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. In the latter instance, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under § 4.125 commences.

2. §§ 4.115 and 4.116 are revised to read as follows to provide improved, clarifying language:

§ 4.115 Discovery—Depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or, failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may in its discretion receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

§ 4.116 Interrogatories to parties; inspection of documents; admission of facts.

Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to serve upon the opposing party a request for the admission of specified facts. Such applications shall be reviewed and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to the proper pursuit of that objective in the particular case.

(5 U.S.C. 301)

[FR Doc.75-3433 Filed 2-5-75;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[Domestic Tariff Circular No. 3]

PART 531—FILING OF FREIGHT AND PASSENGER RATES, FARES AND CHARGES IN THE DOMESTIC OFFSHORE TRADE, PUBLICATION AND POSTING

Transportation of U.S. Government Personnel and Property; Revocation of Special Permission

Section 6 of the Intercoastal Shipping Act, 1933, previously permitted domestic offshore carriers subject to Federal Maritime Commission jurisdiction to provide services to the United States, state, and municipal governments or for charitable purposes free or at reduced rates. The shipping acts did not permit carriers in the domestic offshore trades to carry property or passengers lawfully at any rate different from that specified in its effective tariff on file with the Commission. Because the reduced governmental rates were permitted by section 6 of the Intercoastal Shipping Act, 1933, were subject to the approval of the government agency involved, were not held out to the general public, and were not then subject to full economic regulation by this Commission, and because the Commission was of the opinion that no useful regulatory purpose would be served by requiring the carriers to comply with all of the tariff circular rules, which were promulgated to protect the public interest, the Federal Maritime Commission, on August 25, 1967, adopted regulations (Rule 25, Domestic Tariff Circular No. 3, as amended; 46 CFR 531.25) to govern the submission to the Commission, on one-day's notice, of quotations or tenders of rates, fares, or charges for the

transportation, storage, or handling of property or the transportation of persons for the United States Government, or any agency or department thereof, free or at reduced rates, pursuant to the provisions of section 6 of the Intercoastal Shipping Act, 1933, as amended (46 U.S.C. 846).

On October 26, 1974, section 6 of the Intercoastal Shipping Act, 1933, was repealed. The purpose and effect of the new legislation, designated Pub. L. 93-487, is to provide for the full economic regulation by the Federal Maritime Commission of the carriage, storage, and handling of governmental and charitable cargo in the domestic offshore trades of the United States so as to insure that the rates on such cargo meet the same statutory standards of reasonableness and fairness currently applicable to commercial cargo rates.

Since the publications, the filing of which were governed by Rule 25, are no longer permitted, and since the special permission authority for one-day's notice authorized by Rule 25 has no further force nor effect, the rule serves no useful purpose and should be revoked.

§ 531.25 [Revoked]

Therefore, pursuant to section 4 of the Administrative Procedure Act, (5 U.S.C. 553) and section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) Title 46 CFR is hereby amended by revoking § 531.25 *Transportation of U.S. Government Personnel and Property; Special Permission* (Rule 25 of Domestic Tariff Circular No. 3), effective on February 6, 1975. Carriers which have effective quotations or tenders on file with the Commission shall, on or before April 7, 1975, cancel or reissue such quotations or tenders in tariff form.

Notice and public procedure are not required for this revocation since Rule 25 applied only to those quotations or tenders permitted by section 6 of the Intercoastal Shipping Act, 1933. That section having been repealed, Rule 25 no longer has any applicability.

By the Commission, January 23, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3447 Filed 2-5-75;8:45 am]

Title 49—Transportation

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

[Docket No. 74-25; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires for Passenger Cars and Vehicles Other Than Passenger Cars; Definition of Test Rim

This notice amends the definition of "test rim" in 49 CFR 571.109 (Motor Vehicle Safety Standard No. 109) and modifies related provisions of that section and § 571.110 (Motor Vehicle Safety Standard No. 110). A conforming amendment is made to similar provisions in § 571.119 (Motor Vehicle Safety Standard No. 119). The notice of proposed rulemaking on which this amendment is based was published on July 10, 1974 (39 FR 25329).

The definition of "test rim" has previous to this amendment referenced the 1967 and earlier editions of publications of various foreign and domestic tire and rim associations as the source for determining rim specifications and appropriate tire/rim matching information for testing tires to the requirements of Motor Vehicle Safety Standard No. 109, and for equipping passenger cars pursuant to Motor Vehicle Safety Standard No. 110. The Rubber Manufacturers' Association petitioned that this reference be changed because the publications have become outdated in terms of the rim information they provide. This amendment, which adopts the proposed rule of July 10, 1974, in essentially the form proposed, deletes the references to the 1967 and earlier publications and substitutes for them the publications of the various associations current at the time of tire manufacture.

Under the amendment, a "test rim" will be any rim listed for use with a tire size designation in any of the current publications of the various foreign and domestic tire and rim associations. The listing will apply to all tires that fit the description (by tire size designation, use category, etc.) unless the publication itself or a separately published manufacturer's document states otherwise. A manufacturer wishing to except any tire manufactured by him from any listing would be expected to request the association to publish the exception in its publication. If it does not, the manufacturer must himself publish the exception in his own listing, which he must distribute to his dealers, this agency, and to any member of the public on request. The language of the proposal is clarified, and a conforming amendment made to Standard No. 119 to show that an exception must be published in each association publication listing the tire and rim combination. The amendment further specifies that a "listing" of a rim must contain dimensional specifications, including diagrams, for the rim. This is necessary to provide for uniformity of rim dimensions and reflects the present practice of association publications of publishing such dimensional specifications. However, dimensional specifications or a diagram of a rim need not be included in manufacturers' separate listings if the specifications and diagram for the rim appear in each association publication where it is listed.

By referencing the current publications, the amendment ends the need for Appendix "A" of Standard No. 110, which lists tire/rim combinations approved for use subsequent to the 1967 and earlier associations publications. The associations and various manufacturers should ascertain that all tire/rim combinations presently listed in that Appendix are incorporated into at least one of their respective publications before the effective date of this amendment. Moreover, the addition of new tire/rim combinations subsequent to the effective date becomes the sole responsibility of the industry. Appendix "A" of Standard No. 109, listing tire size designations, is not affected by this amendment.

An effect of the amended definition of test rim is to clarify this agency's position that each tire must be able to pass each performance requirement (except that for physical dimensions) of Standard No. 109 with any rim with which it is listed, regardless of rim width, unless that tire is specifically excepted from each listing where it appears. The requirements for physical dimensions must be met only on a test rim of the width specified for the tire size designation in Standard No. 109. A tire failing the requirements on any test rim would be considered as having failed the requirements on all test rims. This continues existing NHTSA enforcement policy.

One of the two comments received regarding the proposal objected to this aspect of the amendment, arguing that some manufacturers have traditionally certified conformity on the basis of test results using only the test rims of the specified test rim width and that no safety problems had been encountered. The NHTSA believes, however, that the interest of safety demands that manufacturers ensure that tires certified as conforming to Standard No. 109 will conform to the standard's requirements on any rim which the manufacturer lists for use with the tire and with which the tire may consequently be used in service. This position has been reflected in the guidelines for the additions of new tire/rim combinations to the Appendix of Standard No. 110, which have required that the manufacturer demonstrate conformity to Standard No. 109 on each newly requested rim. If a manufacturer doubts the ability of his tires to conform to the standard on certain recommended rims, he has the option of excepting his tires from being used with those rims. No other objections to the proposed rule were received.

In light of the above, the following amendments are made to 49 CFR 571.109, 571.110, and 571.119:

§ 571.109 [Amended]

A. Section 571.109 is amended as follows:

1. The definition of "test rim" in S3. is revised to read:

"Test rim" means, with reference to a tire to be tested, any rim that is listed as appropriate for use with that tire in accordance with S4.4. For purposes of this section and § 571.110, each rim listing shall include dimensional specifications and a diagram of the rim.

* * * * *

2. A new paragraph S4.4, *Tire and rim matching information*, is added to read:

S4.4 *Tire and rim matching information.*

S4.4.1 Each manufacturer of tires shall ensure that a listing of the rims that may be used with each tire that he produces is provided to the public. A listing compiled in accordance with paragraph (a) of this section need not include dimensional specifications or diagram of a rim if the rim's dimensional specifications and diagram are contained in each listing published in accordance with paragraph (b). The listing shall be in one of the following forms:

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires, to any person upon request, and in duplicate to: Tire Division, National Highway Traffic Safety Administration, 400 Seventh Street SW. Washington D.C. 20590; or

(b) Contained in publications current at the date of manufacture of the tire or any later date of at least one of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Technical Organisation.
Japanese Industrial Standards.
Deutsche Industrie Norm.
The Society of Motor Manufacturers & Traders, Ltd.
British Standards Institution.
Scandinavian Tire and Rim Organisation.

S4.4.2 Information contained in any publication specified in S4.4.1(b) which lists general categories of tires and rims by size designation, type of construction and/or intended use, shall be considered to be manufacturer's information pursuant to S4.4.1 for the listed tires and rims, unless the publication itself or specific information provided according to S4.4.1(a) indicates otherwise.

3. Paragraph S5.1(a) is revised to read:

(a) Mount the tire on a test rim having the test rim width specified in Appendix A of this section for that tire size designation and inflate it to the applicable pressure specified in Table III.

§ 571.110 [Amended]

B. Section 571.110 is amended as follows:

1. Paragraph S4.4.1(a) is revised to read:

(a) Be constructed to the dimensions of a rim that is listed pursuant to the definition of "test rim" in paragraph S3. of § 571.109 (Standard No. 109) for use with the tire size designation with which the vehicle is equipped.

2. Appendix A is deleted.

§ 571.119 [Amended]

C. Section 571.119 is amended as follows:

1. Paragraph S5.1 is amended to read:

S5. *Tire and rim matching information.*

S5.1 Each manufacturer of tires shall ensure that a listing of the rims that may be used with each tire that he produces is provided to the public. For purposes of this section each rim listing shall include dimensional specifications and a diagram of the rim. However a listing compiled in accordance with paragraph (a) of this section need not include dimensional specifications or a diagram of a rim if the rim's dimensional specifications and diagram are contained in each listing published in accordance with paragraph (b). The listing shall be in one of the following forms:

(a) Listed by manufacturer name or brand name in a document furnished to dealers of the manufacturer's tires to any person upon request and in duplicate to: Tire Division, National Highway Safety Administration, 400 Sevnth Street SW., Washington, D.C. 20590; or

(b) Contained in publications, current at the date of manufacture of the tire or any later date, of at least one of the following organizations:

The Tire and Rim Association.
The European Tyre and Rim Technical Organisation.
Japanese Industrial Standards.
Deutsche Industrie Norm.
The Society of Motor Manufacturers and Traders, Ltd.
British Standards Institution.
Scandinavian Tire and Rim Organisation.

* * * * *

Effective date. August 5, 1975, for Standard No. 109; March 1, 1975, for Standard No. 119. The amendment to Standard No. 119 is of a clarifying nature, and should be made effective with the existing effective date of that standard. The amendment does not require substantial leadtime for conformity, and it is found for good cause shown that an effective date less than 180 days from publication is in the public interest.

(Secs. 103, 119, 201, 202, Pub. L. 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1407, 1421, 1422; delegation of authority at 49 CFR 1.51.)

Issued on January 31, 1975.

JAMES B. GREGORY,
Administrator.

[FR Doc.75-3409 Filed 2-5-75;8:45 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

PART 33—SPORT FISHING

Sequoyah National Wildlife Refuge, Oklahoma; Correction

In FR Doc.75-1811, appearing on pages 3297 and 3298 of the issue for Tuesday, January 21, 1975, special conditions 1 and 2 should read as follows:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, except for an area of approximately 2,200 acres south of Vian Creek, as posted, to be closed during the periods January 1 through March 31, 1975, inclusive, and October 1 through December 31, 1975, inclusive.

(2) Some refuge roads leading to waters open to fishing may be closed during the periods January 1 through March 31, 1975, inclusive, and October 1 through December 31, 1975, inclusive.

The following special regulation is issued and is effective February 6, 1975.

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

The Sequoyah National Wildlife Refuge, Oklahoma, is open to public access, use, and recreational activity from January 1 through December 31, 1975, inclusive, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations and all official signs posted in the area. The refuge area, comprising approximately 20,800 acres, is delineated on maps available at refuge headquarters, 412 N. Maple, Sallisaw, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and is subject to the following special conditions:

(1) An area of approximately 2,200 acres, south of Vian Creek and east of the refuge tour road, shall be closed, as posted, to all public access during the periods January 1 through March 31, 1975, inclusive, and October 1 through December 31, 1975, inclusive. This land is set aside to provide an area of minimum disturbance for waterfowl and other wildlife during the winter months.

(2) Sightseeing, nature observation, photography and hiking are permitted.

(3) Picknicking is permitted only at the Vian Creek Recreation Area. Picnic fires may be built at the recreation area only in the fire grills provided or in camp stoves or charcoal grills.

(4) Overnight camping is not permitted except for youth conservation groups supervised by adults. Permits must be obtained in advance from the refuge manager.

(5) Firearms are prohibited except during authorized hunting seasons when only shotguns are permitted. Firearms being transported in a motor vehicle must be unloaded and dismantled or cased. Possession of any firearm on the refuge at night is prohibited. Long bows and arrows are permitted only as authorized in current refuge hunting and State fishing regulations.

(6) Boating is permitted in accordance with Federal and State regulations.

(7) Waterskiing is prohibited in all refuge waters.

(8) Pets must be kept in a vehicle or on a leash. Dogs may be used for hunting in accordance with refuge hunting regulations.

(9) Pecan picking is limited to one quart per person per day.

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

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

JANUARY 28, 1975.

[FR Doc.75-3342 Filed 2-5-75;8:45 am]

PART 33—SPORT FISHING

Sherburne National Wildlife Refuge, Minn.

The following special regulation is issued and is effective on February 6, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MINNESOTA

SHERBURNE NATIONAL WILDLIFE REFUGE

Sport fishing on the Sherburne National Wildlife Refuge is permitted only on the areas designated by signs as open to public fishing. These open areas, comprising approximately 1,000 acres, are delineated on maps available at the refuge headquarters, Route 2, Zimmerman, Minnesota 55398, and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing extends from May 1, 1975 to March 1, 1976, inclusive.

(2) During periods when no ice exists, fishing activity is confined to the St. Francis River.

(3) Access to all fishing areas is permitted only at designated access sites.

(4) Boats, without motors, may be used on the St. Francis River only from designated access sites.

(5) The use of snowmobiles, all terrain vehicles, trail bikes, motorcycles, minibikes, and other such conveyances are prohibited on the refuge at all times.

JOHN E. WILBRECHT,
Refuge Manager, Sherburne National Wildlife Refuge, Zimmerman, Minnesota.

JANUARY 24, 1975.

[FR Doc.75-3428 Filed 2-5-75;8:45 am]

Title 7—Agriculture

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

[Navel Orange Reg. 338]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 7–13, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.638 Navel Orange Regulation 338.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues very good.

Prices f.o.b. averaged $3.69 per carton on a reported sales volume of 1,278 carlots last week, compared with an average f.o.b. price of $3.44 per carton and sales of 1,121 carlots a week earlier.

Track and rolling supplies at 536 cars were up 108 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 4, 1975.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 7, 1975, through February 13, 1975, are hereby fixed as follows:

(i) District 1: 1,392,000 cartons;

(ii) District 2: 208,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: February 6, 1975.

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

[FR Doc.75-3627 Filed 2-5-75;11:46 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA INSTRUCTION 444.16]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart M—Sections 502 and 504 Rural Housing Loans on Leasehold Interests in Nonfarm Tracts; Deletion of Subpart

Subpart M of Part 1822, "Sections 502 and 504 Rural Housing Loans on Leasehold Interests in Nonfarm Tracts," (36 FR 3954) is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. Authorization for Sections 502 and 504 rural housing loans on leasehold interests in nonfarm tracts has been incorporated in the revision of Subpart A of Part 1822 (39 FR 44992 dated 12–30–74).

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This deletion shall become effective on February 6, 1975.

Dated: January 17, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3440 Filed 2-5-75;8:45 am]

[AL-116 (451)]

PART 1890n—SERVICING OF INTEREST CREDIT FOR SECTION 502 RH BORROWERS

Deletion of Part

Part 1890n, "Servicing of Interest Credit for Section 502RH Borrowers," (37 FR 21425), is deleted from Chapter XVIII, Title 7 of the Code of Federal Regulations. The provisions of this Part have been incorporated in Subpart A of Part 1822 of this Chapter.

(42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date: This deletion shall become effective on February 6, 1975.

Dated: January 31, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3441 Filed 2-5-75;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 522—ORGANIZATION OF THE BANKS

The Federal Home Loan Bank System was created by the Federal Home Loan Bank Act, Pub. L. 304, 72d Congress, approved July 22, 1932. Until recently, section 7(a) of the Act provided, with exceptions not relevant in this connection, that the management of each Federal Home Loan Bank shall be vested in a board of directors, eight of whom shall be elected by the members of the Bank and four of whom shall be appointed by this Board. Section 522.20 of the Board's Regulations for the Federal Home Loan Bank System (12 CFR 522.20) implements section 7(a).

Pub. L. 93-541, approved December 26, 1974, amended section 7(a) to increase the number of directorships which are filled by appointment by the Board from a minimum of four to a minimum of six. The enactment of Pub. L. 93-541 thus requires a conforming amendment to § 522.20.

In addition, § 522.26 of the Board's regulations for the Federal Home Loan Bank System (12 CFR 522.26) has now become obsolete. Section 522.26 provides that directors of the Federal Home Loan Banks who were serving prior to the amendment of section 7 of the Federal Home Loan Bank Act in 1961 by Pub. L. 87-211 would continue to serve until the expiration date of their terms.

Accordingly, the Board considers it desirable to amend Part 522 by amending § 522.20 and by deleting § 522.26, as set forth below, effective February 7, 1975.

§ 522.20 Appointive Directors.

(a) The Board will appoint six directors for each Bank. Each director must be a citizen of the United States and a bona fide resident of the district in which the Bank is located.

* * * * *

§ 522.26 [Deleted]

Since the above amendments are, respectively, required by statute and delete an obsolete provision, affording public notice and procedure on these amendments would be unnecessary and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments would in the opinion of the Board be unnecessary for the same reasons, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

(Section 17, 47 Stat. 736, as amended; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

Dated: January 30, 1975.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-3438 Filed 2-5-75;8:45 am]

CHAPTER VIII—FEDERAL FINANCING BANK

PART 811—BOOK-ENTRY PROCEDURE FOR FEDERAL FINANCING BANK SECURITIES

Adoption of Regulations

The regulations governing the book-entry procedure for Federal Financing Bank securities, set forth below, are issued under authority of the Federal Financing Bank Act of 1973, sections 9-11, 87 Stat. 939, 940; 12 U.S.C. 2288, 2289, 2290.

As these regulations relate to the fiscal policy of the United States, notice and public procedures thereon are unnecessary.

The regulations were adopted on January 31, 1975.

Dated: January 31, 1975.

JOHN K. CARLOCK,
Vice President and Treasurer,
Federal Financing Bank.

Sec.
811.0 Definition of terms.
811.1 Authority of Reserve Banks.
811.2 Scope and effect of book-entry procedure.
811.3 Transfer or pledge.
811.4 Withdrawal of Federal Financing Bank securities.
811.5 Delivery of Federal Financing Bank securities.
811.6 Registered bonds and notes.
811.7 Servicing book-entry Federal Financing Bank securities; payment of interest; payment at maturity or upon call.

§ 811.0 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Reserve Bank" means the Federal Reserve Bank of New York (and any other Federal Reserve Bank which agrees to issue Federal Financing Bank securities in book-entry form) as fiscal agent of the United States acting on behalf of the Federal Financing Bank and, when indicated, acting in its individual capacity.

(b) "Federal Financing Bank security" means a Federal Financing Bank bond, note, certificate of indebtedness, or bill issued under the Federal Financing Bank Act of 1973, in the form of a definitive Federal Financing Bank security or a book-entry Federal Financing Bank security.

(c) "Definitive Federal Financing Bank security" means a Federal Financing Bank bond, note, certificate of indebtedness, or bill issued under the Federal Financing Bank Act of 1973, in engraved or printed form.

(d) "Book-entry Federal Financing Bank security" means a Federal Financing Bank bond, note, certificate of indebtedness, or bill issued under the Federal Financing Bank Act of 1973, in the form of an entry made as prescribed in this part on the records of a Reserve Bank.

(e) "Pledge" includes a pledge of, or any other security interest in, Federal Financing Bank securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" is the date fixed in the official notice of call published in the FEDERAL REGISTER on which the Federal Financing Bank will make payment of the security before maturity in accordance with its terms.

(g) "Member bank" means any national bank, State bank or bank or trust company which is a member of a Reserve Bank.

§ 811.1 Authority of Reserve Banks.

Each Reserve Bank is hereby authorized, in accordance with the provisions of this part, to (a) issue book-entry Federal Financing Bank securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date; (b) effect conversions between book-entry Federal Financing Bank securities and definitive Federal Financing Bank securities; (c) otherwise service and maintain book-entry Federal Financing Bank securities; and (d) issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred and the date of the transaction.

§ 811.2 Scope and effect of book-entry procedure.

(a) A Reserve Bank, as fiscal agent of the United States acting on behalf of the Federal Financing Bank, may apply the book-entry procedure provided for in this part to any Federal Financing Bank securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve Bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve Bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or,

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationship that would otherwise exist between a Reserve Bank in its individual capacity and its depositors covering any deposits under this paragraph. Whenever the book-entry procedure is applied to such Federal Financing Bank securities, the Reserve Bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve Bank in its individual capacity to perform its obligations as depositary with respect to such Federal Financing Bank securities.

(b) A Reserve Bank, as fiscal agent of the United States acting on behalf of the Federal Financing Bank, shall apply the book-entry procedure to Federal Financing Bank securities deposited as collateral pledged to the United States under current revisions of Department of the Treasury Circulars Nos. 92 and 176 (31 CFR, Parts 203 and 202), and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other Federal Financing Bank securities deposited with a Reserve Bank, as fiscal agent of the United States.

(c) Any person having an interest in Federal Financing Bank securities which are deposited with a Reserve Bank (in either its individual capacity or as fiscal agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry Federal Financing Bank securities pursuant to the provisions of this part, and in the manner and under the procedures prescribed by the Reserve Bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 811.3 Transfer or pledge.

(a) A transfer or a pledge of book-entry Federal Financing Bank securities to a Reserve Bank (in its individual capacity or as fiscal agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve Bank under this part, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve Bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve Bank shall (1) have the effect of a delivery in bearer form of definitive Federal Financing Bank securities; (2) have the effect of a taking of delivery by the transferee or pledgee; (3) constitute the transferee or pledgee a holder; and (4) if a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry Federal Financing Bank securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter effected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable Federal Financing Bank securities, or any interest therein, which is maintained by a Reserve Bank (in its individual capacity or as fiscal agent of the United States) in a book-entry account under this part, including securities in book-entry form under § 811.2(a)(3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the Federal Financing Bank securities, or any interest therein, if the securities were maintained by the Reserve Bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry Federal Financing Bank securities maintained by a Reserve Bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve Bank maintaining book-entry Federal Financing Bank securities either in its individual capacity or as fiscal agent of the United States is not a bailee for purposes of notification of pledges of those securities under this subsection, or a third person in possession for purposes of acknowledgement of transfers thereof under this subsection. Where transferable Federal Financing Bank securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or a similar party, which regularly accepts in the course of its business Federal Financing Bank securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interest in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve Bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgement of the holding of the securities for the purchaser may be obtained. A Reserve Bank will not accept notice or advice of a transfer or pledge effected or perfected under this subsection, and any such notice or advice shall have no effect. A Reserve Bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this subsection.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry Federal Financing Bank securities or any interest therein.

(d) A Reserve Bank shall, upon receipt of appropriate instructions, convert book-entry Federal Financing Bank securities into definitive Federal Financing Bank securities and deliver them in accordance with such instructions; no such conversion shall affect existing interests in such Federal Financing Bank securities.

(e) A transfer of book-entry Federal Financing Bank securities within a Reserve Bank shall be made in accordance with procedures established by the Bank not inconsistent with this part. The transfer of book-entry Federal Financing Bank securities by a Reserve Bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 811.4 Withdrawal of Federal Financing Bank securities.

(a) A depositor of book-entry Federal Financing Bank securities may withdraw them from a Reserve Bank by requesting delivery of like definitive Federal Financing Bank securities to itself or on its order to a transferee.

(b) Federal Financing Bank securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form, except that Federal Financing Bank bills will be issued in bearer form only.

§ 811.5 Delivery of Federal Financing Bank securities.

A Reserve Bank which has received Federal Financing Bank securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve Bank shall be fully discharged of its obligations under this part by the delivery of Federal Financing Bank securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depository (other than a Reserve Bank) may obtain Federal Financing Bank securities

in definitive form only by causing the depositor of the Reserve Bank to order the withdrawal thereof from the Reserve Bank.

§ 811.6 Registered bonds and notes.

Registered Federal Financing Bank securities deposited with a Reserve Bank for any purpose specified in § 811.2 shall be assigned for conversion to book-entry Federal Financing Bank securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of 31 CFR, Part 306, so far as applicable, shall be to "Federal Reserve Bank of _____, as fiscal agent of the United States acting on behalf of the Federal Financing Bank for conversion to book-entry Federal Financing Bank securities."

§ 811.7 Servicing book-entry Federal Financing Bank securities; payment of interest; payment at maturity or upon call.

Interest becoming due on book-entry Federal Financing Bank securities shall be charged against the special agent account maintained by the Department of the Treasury for the Federal Financing Bank on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged against the above said account on the date of maturity or call, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

[FR Doc.75-3386 Filed 2-5-75;8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

REGULATIONS RELATING TO EXCEPTION FOR CERTAIN INSURANCE CONTRACT PLANS FROM MINIMUM FUNDING STANDARDS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 10, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 10, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 412(i) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 919, 68A Stat. 917; 26 U.S.C. 412(i) and 7805).

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

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) to reflect the addition of section 412 to the Internal Revenue Code of 1954, as added by section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 914), relating to minimum funding standards. This document also contains proposed regulations to implement section 412(i) of the Code and section 301(b) of such Act (88 Stat. 869), relating to the requirements which an insurance contract plan must satisfy to be treated as described in section 412(i) of such Code and section 301(b) of such Act.

Under section 412(h)(2) of the Code, as added by section 1013(a) of the Employee Retirement Income Security Act of 1974, any insurance contract plan described in section 412(i) of the Code for a plan year is not subject to the minimum funding requirements of section 412 of the Code for that plan year. Section 412(i) of the Code sets forth certain requirements which an individual insurance contract plan must meet in order to qualify for this exception from the minimum funding requirements.

Under section 412(i) of the Code, a plan funded exclusively by the purchase of group insurance contracts is treated as a plan described in section 412(i) if it is determined under regulations prescribed by the Secretary of the Treasury or his delegate to have the same characteristics as an individual insurance contract plan. In general, these rules apply to plans in existence on January 1, 1974, for plan years beginning after December 31, 1975, and to other plans for plan years beginning after September 2, 1974.

The proposed regulations provide requirements which an individual contract plan or a group insurance contract plan must satisfy in order to be considered described in section 412(i) of the Code. Both types of plans must be funded exclusively by the purchase of annuity or life insurance contracts from an insurance company. Other requirements which must be satisfied by individual and group plans relate to the manner of premium payments, benefit levels under the contracts, a guarantee of benefits, and the prohibition of security interests or loans with respect to the contracts. The proposed regulations also provide that a group insurance contract plan must have certain minimum benefits guaranteed by the insurance company for individual participants in the plan.

PROPOSED AMENDMENTS TO THE REGULATIONS

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the addition of section 412 to the Internal Revenue Code of 1954 by section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 914), and to prescribe rules under section 412(i) of the Code and section 301(b) of such Act (88 Stat. 869), the following new sections are added immediately after § 1.405-3:

§ 1.412(a) Statutory provisions; minimum funding standards; general rule.

Sec. 412. *Minimum funding standards*—(a) *General rule.* Except as provided in subsection (h), this section applies to a plan if, for any plan year beginning on or after the effective date of this section for such plan—

(1) Such plan included a trust which qualified (or was determined by the Secretary or his delegate to have qualified) under section 401(a), or

(2) Such plan satisfied (or was determined by the Secretary or his delegate to have satisfied) the requirements of section 403(a) or 405(a).

A plan to which this section applies shall have satisfied the minimum funding standard for such plan for a plan year if as of the end of such plan year, the plan does not have an accumulated funding deficiency. For purposes of this section and section 4971, the term "accumulated funding deficiency" means for any plan the excess of the total charges to the funding standard account for all plan years (beginning with the first plan year to which this section applies) over the total credits to such account for such years or, if less, the excess of the total charges to the alternative minimum funding standard account for such plan years over the total credits to such account for such years.

[Section 412(a) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(b) Statutory provisions; minimum funding standards; funding standard account.

Sec. 1.412. Minimum funding standards. * * *

(b) *Funding standard account*—(1) *Account required.* Each plan to which this section applies shall establish and maintain a funding standard account. Such account shall be credited and charged solely as provided in this section.

(2) *Charges to account.* For a plan year, the funding standard account shall be charged with the sum of—

(A) The normal cost of the plan for the plan year,

(B) The amounts necessary to amortize in equal annual installments (until fully amortized)—

(i) In the case of a plan in existence on January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this section applies, over a period of 40 plan years,

(ii) In the case of a plan which comes into existence after January 1, 1974, the unfunded past service liability under the plan on the first day of the first plan year to which this section applies, over a period of 30 plan years (40 plan years in the case of a multiemployer plan),

(iii) Separately, with respect to each plan year, the net increase (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 30 plan years (40 plan years in the case of a multiemployer plan),

(iv) Separately, with respect to each plan year, the net experience loss (if any) under the plan, over a period of 15 plan years (20 plan years in the case of a multiemployer plan), and

(v) Separately, with respect to each plan year, the net loss (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 30 plan years,

(C) The amount necessary to amortize each waived funding deficiency (within the meaning of subsection (d)(3)) for each prior plan year in equal annual installments (until fully amortized) over a period of 15 plan years, and

(D) The amount necessary to amortize in equal annual installments (until fully amortized) over a period of 5 plan years any amount credited to the funding standard account under paragraph (3)(D).

(3) *Credits to account.* For a plan year, the funding standard account shall be credited with the sum of—

(A) The amount considered contributed by the employer to or under the plan for the plan year,

(B) The amount necessary to amortize in equal annual installments (until fully amortized)—

(i) Separately, with respect to each plan year, the net decrease (if any) in unfunded past service liability under the plan arising from plan amendments adopted in such year, over a period of 30 plan years (40 plan years in the case of a multiemployer plan),

(ii) Separately, with respect to each plan year, the net experience gain (if any) under the plan, over a period of 15 plan years (20 plan years in the case of a multiemployer plan), and

(iii) Separately, with respect to each plan year, the net gain (if any) resulting from changes in actuarial assumptions used under the plan, over a period of 30 plan years,

(C) The amount of the waived funding deficiency within the meaning of subsection (d)(3) for the plan year, and

(D) In the case of a plan year for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard, the excess (if any) of any debit balance in the funding standard account (determined without regard to this subparagraph) over any debit balance in the alternative minimum funding standard account.

(4) *Combining and offsetting amounts to be amortized.* Under regulations prescribed by the Secretary or his delegate, amounts required to be amortized under paragraph (2) or paragraph (3), as the case may be—

(A) May be combined into one amount under such paragraph to be amortized over a period determined on the basis of the remaining amortization period for all items entering into such combined amount, and

(B) May be offset against amounts required to be amortized under the other such paragraph, with the resulting amount to be amortized over a period determined on the basis of the remaining amortization periods for all items entering into whichever of the two amounts being offset is the greater.

(5) *Interest.* The funding standard account (and items therein) shall be charged or credited (as determined under regulations prescribed by the Secretary or his delegate) with interest at the appropriate rate consistent with the rate or rates of interest used under the plan to determine costs.

[Sec. 412(b) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(c) Statutory provisions; minimum funding standards; special rules.

Sec. 1.412. *Minimum funding standards.* * * *

(c) *Special rules*—(1) *Determinations to be made under funding method.* For purposes of this section, normal costs, accrued liability, past service liabilities, and experience gains and losses shall be determined under the funding method used to determine costs under the plan.

(2) *Valuation of assets*—(A) *In general.* For purposes of this section, the value of the plan's assets shall be determined on the basis of any reasonable actuarial method of evaluation which takes into account fair market value and which is permitted under regulations prescribed by the Secretary or his delegate.

(B) *Election with respect to bonds.* The value of a bond or other evidence of indebtedness which is not in default as to principal or interest may, at the election of the plan administrator, be determined on an amortized basis running from initial cost at purchase to par value at maturity or earliest call date. Any election under this subparagraph shall be made at such time and in such manner as the Secretary or his delegate shall by regulations provide, shall apply to all such evidences of indebtedness, and may be revoked only with the consent of the Secretary or his delegate.

(3) *Actuarial assumptions must be reasonable.* For purposes of this section, all costs, liabilities, rates of interest, and other factors under the plan shall be determined on the basis of actuarial assumptions and methods which, in the aggregate, are reasonable (taking into account the experience of the plan and reasonable expectations) and which, in combination, offer the actuary's best estimate of anticipated experience under the plan.

(4) *Treatment of certain changes as experience gain or loss.* For purposes of this section, if—

(A) A change in benefits under the Social Security Act or in other retirement benefits created under Federal or State law, or

(B) A change in the definition of the term "wages" under section 3121, or a change in the amount of such wages taken into account under regulations prescribed for purposes of section 401(a)(5), results in an increase or decrease in accrued liability under a plan, such increase or decrease shall be treated as an experience loss or gain.

(5) *Change in funding method or in plan year requires approval.* If the funding method for a plan is changed, the new funding method shall become the funding method used to determine costs and liabilities under the plan only if the change is approved by the Secretary or his delegate. If the plan year for a plan is changed, the new plan year shall become the plan year for the plan only if the cnange is approved by the Secretary or his delegate.

(6) *Full funding.* If, as of the close of a plan year, a plan would (without regard to this paragraph) have an accumulated funding deficiency (determined without regard to the alternative minimum funding standard account permitted under subsection (g)) in excess of the full funding limitation—

(A) The funding standard account shall be credited with the amount of such excess, and

(B) All amounts described in paragraphs (2)(B), (C), and (D) and (3)(B) of subsection (b) which are required to be amortized shall be considered fully amortized for purposes of such paragraphs.

(7) *Full funding limitation.* For purposes of paragraph (6), the term "full funding limitation" means the excess (if any) of—

(A) The accrued liability (including normal cost) under the plan (determined under the entry age normal funding method if such accrued liability cannot be directly calculated under the funding method used for the plan), over

(B) The lesser of the fair market value of the plan's assets or the value of such assets determined under paragraph (2).

(8) *Certain retroactive plan amendments.* For purposes of this section, any amendment applying to a plan year which—

(A) Is adopted after the close of such plan year but no later than 2 and one-half months after the close of the plan year (or, in the case of a multiemployer plan, no later than 2 years after the close of such plan year),

(B) Does not reduce the accrued benefit of any participant determined as of the beginning of the first plan year to which the amendment applies, and

(C) Does not reduce the accrued benefit of any participant determined as of the time of adoption except to the extent required by the circumstances, shall, at the election of the plan administrator, be deemed to have been made on the first day of such plan year. No amendment described in this paragraph which reduces the accrued benefits of any participant shall take effect unless the plan administrator files a notice with the Secretary of Labor notifying him of such amendment and the Secretary of Labor has approved such amendment, or within 90 days after the date on which such notice was filed, failed to disapprove such amendment. No amendment described in this subsection shall be approved by the Secretary of Labor unless he determines that such amendment is necessary because of a substantial business hardship (as determined under subsection (d)(2)) and that a waiver under subsection (d)(1) is unavailable or inadequate.

(9) *3-year valuation.* For purposes of this section, a determination of experience gains and losses and a valuation of the plan's liability shall be made not less frequently than once every 3 years, except that such determination shall be made more frequently to the extent required in particular cases under regulations prescribed by the Secretary or his delegate.

(10) *Time when certain contributions deemed made.* For purposes of this section, any contributions for a plan year made by an employer after the last day of such plan year, but not later than two and one-half months after such day, shall be deemed to have been made on such last day. For purposes of this paragraph, such two and one-half month period may be extended for not more than six months under regulations prescribed by the Secretary or his delegate.

[Section 412(c) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(d) Statutory provisions; minimum funding standards; variance from minimum funding standard.

Sec. 1.412. *Minimum funding standards.* * * *

(d) *Variance from minimum funding standard*—(1) *Waiver in case of substantial business hardship.* If an employer or in the case of a multiemployer plan, 10 percent or more of the number of employers contributing to or under the plan, are unable to satisfy the minimum funding standard for

a plan year without substantial business hardship and if application of the standard would be adverse to the interests of plan participants in the aggregate, the Secretary or his delegate may waive the requirements of subsection (a) for such year with respect to all or any portion of the minimum funding standard other than the portion thereof determined under subsection (b)(2)(C). The Secretary or his delegate shall not waive the minimum funding standard with respect to a plan for more than 5 of any 15 consecutive plan years.

(2) *Determination of substantial business hardship.* For purposes of this section, the factors taken into account in determining substantial business hardship shall include (but shall not be limited to) whether or not—

(A) The employer is operating at an economic loss,

(B) There is substantial unemployment or underemployment in the trade or business and in the industry concerned,

(C) The sales and profits of the industry concerned are depressed or declining, and

(D) It is reasonable to expect that the plan will be continued only if the waiver is granted.

(3) *Waived funding deficiency.* For purposes of this section, the term "waived funding deficiency" means the portion of the minimum funding standard (determined without regard to subsection (b)(3)(C)) for a plan year waived by the Secretary or his delegate and not satisfied by employer contributions.

[Sec. 412(d) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(e) Statutory provisions; minimum funding standards; extension of amortization periods.

Sec. 1.412. *Minimum funding standards.* * * *

(e) *Extension of amortization periods.* The period of years required to amortize any unfunded liability (described in any clause of subsection (b)(2)(B)) of any plan may be extended by the Secretary of Labor for a period of time (not in excess of 10 years) if he determines that such extension would carry out the purposes of the Employee Retirement Income Security Act of 1974 and would provide adequate protection for participants under the plan and their beneficiaries and if he determines that the failure to permit such extension would—

(1) Result in—

(A) A substantial risk to the voluntary continuation of the plan, or

(B) A substantial curtailment of pension benefit levels or employee compensation, and

(2) Be adverse to the interests of plan participants in the aggregate.

[Sec. 412(e) added by section 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(f) Statutory provisions; minimum funding standards; benefits may not be increased during waiver or extension period.

Sec. 1.412. *Minimum funding standards.* * * *

(f) *Benefits may not be increased during waiver or extension period*—(1) *In general.* No amendment of the plan which increases the liabilities of the plan by reason of any increase in benefits, any change in the accrual of benefits, or any change in the rate at which benefits become nonforfeitable under the plan shall be adopted if a waiver under subsection (d)(1) or an extension of time under subsection (e) is in effect with respect to the plan, or if a plan amendment described in subsection (c)(8) has been made at any time in the preceding 12 months (24 months for multiemployer plans). If a plan is amended in violation of the preceding sentence, any such waiver or extension of time shall not apply to any plan year ending on or after the date on which such amendment is adopted.

(2) *Exception.* Paragraph (1) shall not apply to any plan amendment which—

(A) The Secretary of Labor determines to be reasonable and which provides for only de minimis increases in the liabilities of the plan,

(B) Only repeals an amendment described in subsection (c)(8), or

(C) Is required as a condition of qualification under this part.

[Sec. 412(f) added by section 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(g) Statutory provisions; minimum funding standards; alternative minimum funding standard.

Sec. 1.412. *Minimum funding standards.* * * *

(g) *Alternative minimum funding standard*—(1) *In general.* A plan which uses a funding method that requires contributions in all years not less than those required under the entry age normal funding method may maintain an alternative minimum funding standard account for any plan year. Such account shall be credited and charged solely as provided in this subsection.

(2) *Charges and credits to account.* For a plan year the alternative minimum funding standard account shall be—

(A) Charged with the sum of—

(i) The lesser of normal cost under the funding method used under the plan or normal cost determined under the unit credit method,

(ii) The excess, if any, of the present value of accrued benefits under the plan over the fair market value of the assets, and

(iii) An amount equal to the excess (if any) of credits to the alternative minimum standard account for all prior plan years over charges to such account for all such years, and

(B) Credited with the amount considered contributed by the employer to or under the plan for the plan year.

(3) *Special rules.* The alternative minimum funding standard account (and items therein) shall be charged or credited with interest in the manner provided under subsection (b)(5) with respect to the funding standard account.

[Section 412(g) added by section 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(h) Statutory provisions; minimum funding standards; exceptions.

Sec. 1.412. *Minimum funding standards.* * * *

(h) *Exceptions.* This section shall not apply to—

(1) Any profit-sharing or stock bonus plan,

(2) Any insurance contract plan described in subsection (i),

(3) Any governmental plan (within the meaning of section 414(d)),

(4) Any church plan (within the meaning of section 414(e)) with respect to which the election provided by section 410(d) has not been made,

(5) Any plan which has not, at any time after the date of the enactment of the Employee Retirement Income Security Act of 1974, provided for employer contributions, or

(6) Any plan established and maintained by a society, order, or association described in section 501(c)(8) or (9), if no part of the contributions to or under such plan are made by employers of participants in such plan.

No plan described in paragraph (3), (4), or (6) shall be treated as a qualified plan for purposes of section 401(a) unless such plan meets the requirements of section 401(a)(7) as in effect on the day before the date of the enactment of the Employee Retirement Income Security Act of 1974.

[Section 412(h) added by section 1013(a), Employee Retirement Income Security Act of 1974 (88 Stat. 914)]

§ 1.412(i) Statutory provisions; minimum funding standards; certain insurance contract plans.

Sec. 1.412. *Minimum funding standards.* * * *

(i) *Certain insurance contract plans.* A plan is described in this subsection if—

(1) The plan is funded exclusively by the purchase of individual insurance contracts,

(2) Such contracts provide for level annual premium payments to be paid extending not later than the retirement age for each individual participating in the plan, and commencing with the date the individual became a participant in the plan (or, in the case of an increase in benefits, commencing at the time such increase becomes effective),

(3) Benefits provided by the plan are equal to the benefits provided under each contract at normal retirement age under the plan and are guaranteed by an insurance carrier (licensed under the laws of a State to do business with the plan) to the extent premiums have been paid,

(4) Premiums payable for the plan year, and all prior plan years, under such contracts have been paid before lapse or there is reinstatement of the policy,

(5) No rights under such contracts have been subject to a security interest at any time during the plan year, and

(6) No policy loans are outstanding at any time during the plan year.

A plan funded exclusively by the purchase of group insurance contracts which is determined under regulations prescribed by the Secretary or his delegate to have the same characteristics as contracts described in the preceding sentence shall be treated as a plan described in this subsection.

[Section 412(i) added by sec. 1013(a), Employee Retirement Income Security Act 1974 (88 Stat. 914)]

§ 1.412(i)–1 Certain insurance contract plans.

(a) *In general.* Under section 412(h)(2) of the Internal Revenue Code of 1954, as added by section 1013(a) of the Employee Retirement Income Security Act of 1974 (88 Stat. 914) (hereinafter referred to as "the Act"), an insurance contract plan described in section 412(i) for a plan year is not subject to the minimum funding requirements of section 412 for that plan year. Consequently, if an individual or group insurance contract plan satisfies all of the requirements of paragraph (b)(2) or (c)(2) of this section, whichever are applicable, for the plan year, the plan is not subject to the requirements of section 412 for that plan year. The effective date for section 412 of the Code is determined under section 1017 of the Act. In general, in the case of a plan which was not in existence on January 1, 1974, this section applies for plan years beginning after September 2, 1974, and in the case of a plan in

existence on January 1, 1974, to plan years beginning after December 31, 1975.

(b) *Individual insurance contract plans.* (1) An individual insurance contract plan is described in section 412(i) during a plan year if the plan satisfies the requirements of paragraph (b)(2) of this section for the plan year.

(2) The requirements of this paragraph are:

(i) The plan must be funded exclusively by the purchase from a life insurance company (licensed under the law of a State or the District of Columbia to do business with the plan) of individual annuity or individual insurance contracts, or a combination thereof. The purchase may be made either directly by the employer or through the use of a custodial account or trust.

(ii) The individual annuity or individual insurance contracts issued under the plan must provide for level annual, or more frequent, payments to be paid for the period commencing with the date each individual participating in the plan became a participant and ending not later than the normal retirement age for that individual or, if earlier, the date the individual ceases his participation in the plan. In the case of an increase in benefits the contracts must provide for level annual payments with respect to such increase to be paid for the period commencing at the time the increase becomes effective. If payment commences on the first payment date under the contract occurring after the date an individual becomes a participant or after the effective date of an increase in benefits, the requirements of this subdivision will be satisfied even though payment does not commence on the date on which the individual's participation commenced or on the effective date of the benefit increase, whichever is applicable. If an individual accrues benefits after his normal retirement age, the requirements of this subdivision are satisfied if payment is made at the time such benefits accrue. If the provisions required by this subdivision are set forth in a separate agreement with the issuer of the individual contracts, they need not be included in the individual contracts.

(iii) The benefits provided by the plan for each individual participant must be equal to the benefits provided under his individual contracts at his normal retirement age under the plan provisions.

(iv) The benefits provided by the plan for each individual participant must be guaranteed by the life insurance company, described in paragraph (b)(2)(i) of this section, issuing the individual contracts to the extent premiums have been paid.

(v) Except as provided in the following sentence, all premiums payable for the plan year, and for all prior plan years, under the insurance or annuity contracts must have been paid before lapse. If the lapse has occurred during the plan year, the requirements of this subdivision will be considered to have been met if reinstatement of the insurance policy, under which the individual insurance contracts are issued, occurs during such year.

(vi) No rights under the individual contracts may have been subject to a security interest at any time during the plan year. This subdivision shall not apply to contracts which have been distributed to participants if the security interest is created after the date of distribution.

(vii) No policy loans, including loans to individual participants, on any of the individual contracts may be outstanding at any time during the plan year. This subdivision shall not apply to contracts which have been distributed to participants if the loan is made after the date of distribution.

(c) *Group insurance contract plans.* (1) A group insurance contract plan is described in section 412(i) during a plan year if the plan satisfies the requirements of subparagraph (2) for the plan year.

(2) The requirements of this subparagraph are:

(i) The plan must be funded exclusively by the purchase from a life insurance company, described in paragraph (b)(2)(i) of this section, of group annuity or group insurance contracts, or a combination thereof. The purchase may be made either directly by the employer or through the use of a custodial account or trust.

(ii) In the case of a plan funded by a group insurance contract or a group annuity contract the requirements of paragraph (b)(2)(ii) of this section must be satisfied by the group contract issued under the plan. Thus, for example, each individual participant's benefits under the group contract must be provided for by level annual, or more frequent, payments equivalent to the payments required to satisfy such paragraph. The requirements of this subdivision will not be satisfied if benefits for any individual are not provided for by level payments made on his behalf under the group contract.

(iii) The group annuity or group insurance contract must satisfy the requirements of clauses (iii), (iv), (v), (vi), and (vii) of paragraph (b)(2). Thus, for example, each participant's benefits provided by the plan must be equal to his benefits provided under the group contract at his normal retirement age.

(iv)(A) If the plan is funded by a group annuity contract, the value of the benefits guaranteed by the insurance company issuing the contract under the plan with respect to each participant under the contract must not be less than the value of such benefits which the cash surrender value would provide for that participant under any individual annuity contract plan satisfying the requirements of paragraph (b) and delivered in the State where the principal office of the plan is located.

(B) If the plan is funded by a group insurance contract, the value of the benefits guaranteed by the insurance company issuing the contract under the plan with respect to each participant under the contract must not be less than the value of such benefits which the cash surrender value would provide for that participant under any individual insurance contract plan satisfying the requirements of paragraph (b) and delivered in the State where the principal office is located.

(v) Under the group annuity or group insurance contract, premiums or other consideration received by the insurance company (and, if a custodial account or trust is used, the custodian or trustee thereof) must be allocated to purchase individual benefits for participants under the plan. A plan which maintains unallocated funds in an auxiliary trust fund or which provides that an insurance company will maintain unallocated funds in a separate account, such as a group deposit administration contract, does not satisfy the requirements of this subdivision.

[FR Doc.75-3343 Filed 2-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1867]

[FmHA Instruction 452.1]

REAMORTIZING AND RENEWING OPERATING LOANS

Proposed Revision

Notice is hereby given that the Farmers Home Administration has under consideration the revision of Part 1867, Title 7 of the Code of Federal Regulations (36 FR 17843; 37 FR 23628). The major proposed changes are as follows:

1. A delinquent Operating loan note may be reamortized within seven years from the date of its execution.

2. A delinquent Operating loan note may be renewed after the end of the seventh year from the date of its execution.

3. An Operating loan note may be reamortized or renewed when extra payments or refunds have been made totaling at least 10 percent of the balance owed on the note.

4. Reamortized or renewed notes will be retained in the borrower's case file.

5. The interest rate will be the current rate in effect at the time of reamortization or renewal.

Interested persons are invited to submit written comments, suggestions, data or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before March 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m.–4:45 p.m.) As proposed, Part 1867 is revised to read as follows:

Part 1867—Reamortizing and Renewing Operating Loans

Sec.

1867.1 Introduction.
1867.2 Definitions.
1867.3 Eligibility requirements.
1867.4 Reamortization and renewal prohibitions.
1867.5 Rates and terms.
1867.6 Security.
1867.7 County Committee considerations.
1867.8 Processing the renewal promissory note.
1867.9 Approval authority.
1867.10 Disposition of promissory notes.

AUTHORITY: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

§ 1867.1 Introduction.

All borrowers are expected to repay their Operating loans in accordance with the planned repayment schedules. However, circumstances may occur which will not permit them to pay as scheduled or to refinance their loans with credit from other sources. This regulation prescribes the policy and procedure for reamortizing or renewing Operating loans made under the Consolidated Farm and Rural Development Act.

§ 1867.2 Definitions.

(a) *"Reamortize."* Reschedule the payments of an original note within seven years from the date of its execution.

(b) *"Renew."* Reschedule the payments of an original note after the end of the seventh year from the date of its execution.

§ 1867.3 Eligibility requirements.

(a) *Delinquent Operating loans.* A delinquent Operating loan note may be reamortized or renewed, as appropriate, when:

(1) The borrower is unable to refinance his Operating loan indebtedness;

(2) The borrower is making satisfactory progress under prevailing conditions in establishing his enterprise(s);

(3) The inability of the borrower to pay his Operating loan note(s) on schedule was due to circumstances beyond his control, such as depressed prices; adverse weather conditions which materially reduced income; accident or serious illness; substantial loss of livestock or crops due to disease, pestilence, or catastrophe; major tenure adjustments, etc.;

(4) The borrower's plan for the next operating year (or typical year if the next year will not be typical) shows that he can realistically meet the terms of the proposed payment schedule on the reamortized or renewed note(s) under the conditions which will likely prevail; and

(5) The reasons for the delinquency and the justification for the reamortization or renewal are fully documented in the running case record.

(b) *Other Operating loans.* An Operating loan note, regardless of whether it is delinquent, may be reamortized or renewed, as appropriate, when:

(1) The borrower has made extra payments or refunds, both totaling 10 percent or more of the principal balance of the note being reamortized or renewed;

(2) The refund or extra payment will result in a significantly reduced income for the remaining period of the loan;

(3) The borrower is unable to refinance his Operating loan indebtedness;

(4) The borrower is making satisfactory progress under prevailing conditions in establishing his enterprise(s);

(5) The borrower's plan for the next operating year (or typical year if the next year will not be typical) shows that he can realistically meet the terms of the proposed payment schedule on the reamortized or renewed note under the conditions which will likely prevail;

(6) The approving official determines that the borrower cannot reasonably be expected to meet the repayment schedule in the original note(s); and

(7) The justification for the reamortization or renewal is fully documented in the running case record.

§ 1867.4 Reamortization and renewal prohibitions.

An Operating loan note will not be reamortized or renewed when:

(1) The account is being serviced or may be serviced in the near future by the State Office, or has been referred to the Office of the General Counsel or the U.S. Attorney; or

(2) The rescheduling is solely for the purpose of improving the Farmers Home Administration's (FmHA) record with respect to delinquencies.

§ 1867.5 Rates and terms.

(a) The interest rate will be the current rate in effect at the time Form FmHA 452–1, "Renewal Promissory Note," is signed by the borrower. The unpaid accrued interest will be scheduled in the first installment. In some cases this will affect the scheduling of the unpaid principal.

(b) The repayment terms may include installments which are either unequal or equal, depending on the circumstances, and may also include a balloon installment when such arrangement is appropriate to the borrower's financial situation.

(c) The repayment period on a reamortized note will not extend beyond 7 years from the date of the original promissory note.

(d) The repayment period on a renewed note will not commence until after the end of the seventh year or extend beyond 12 years from the date of the original promissory note.

(e) The repayment period on a reamortized or renewed note will not exceed the useful life of the security.

§ 1867.6 Security.

A new security instrument will not be obtained as a prerequisite to reamortization or renewal, unless required for other reasons.

§ 1867.7 County committee considerations.

Before the reamortization or renewal of an Operating loan note is processed, the County Supervisor will take into consideration recommendations of the County Committee as a result of:

(a) The graduation review;

(b) The annual review of delinquent and other problem cases; and

(c) Consideration and certification of eligibility for any FmHA loan.

§ 1867.8 Processing the renewal promissory note.

A separate Form FmHA 452–1 will be prepared for each Operating loan note being reamortized or renewed. All parties who executed the note being reamortized or renewed will be required to execute Form FmHA 452–1, unless otherwise authorized by the State Director.

(a) If the County Office is in possession of the original note being reamortized or renewed, Form FmHA 452–1 will be processed in accordance with the provisions of the guidelines for completing this form available in any FmHA office and this regulation.

(b) If the County Office is not in possesion of the original note being reamortized or renewed, the County Supervisor will request the Finance Office to have the note assigned to the insurance fund and returned to the County Office before processing Form FmHA 452–1.

§ 1867.9 Approval Authority.

Loan approval officials are hereby authorized to approve the reamortization or renewal of Operating loans subject to the policies within this regulation, and provided the principal amount owed on the Operating loan note being reamortized or renewed plus the outstanding total principal balance owed by the borrower on other Operating and Emergency loans does not exceed the loan approval official's authority shown in Subpart B of Part 1810 of this Chapter.

§ 1867.10 Disposition of promissory notes.

The original and County Office copy of all notes that are reamortized or renewed will be stamped "RENEWED, NOT PAID" or "REAMORTIZED, NOT PAID," as appropriate, by the County Office and retained in the borrower's case file. When a renewed or reamortized note has been paid in full or otherwise satisfied, it will be handled in accordance with the provisions of Subpart A of Part 1861 or Part 1864 of this Chapter.

Dated: January 30, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3389 Filed 2-5-75;8:45 am]

[7 CFR Part 1871]

[FmHA Instruction 455.1]

CHATTEL SECURITY

Liquidation of Chattel Security and Related Actions

Notice is hereby given that the Farmers Home Administration has under consideration a proposed amendment to Subpart B of Part 1871, Title 7, Code of Federal Regulations (36 FR 1118). The proposed change in § 1871.40(c)(3) will provide that the interest rate on Operating and Emerge..cy loans to be paid by an ineligible transferee will be the current interest rate in effect at the time the transfer is approved or the rate in the note(s) being assumed, whichever is greater.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, United States Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before March 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m. to 4:45 p.m.)

As proposed, § 1871.40(c)(3) will read as follows:

§ 1871.40 Transfer of chattel security and EO property and assumption of debts not provided for in § 1871.39 and release of liability.

* * * * *

(c) *Transfer to ineligibles* * * *

* * * * *

(3) FmHA debts assumed will be scheduled for repayment in amortized

installments not to exceed five years, using Form FmHA 460–5. Interest to the transferee for Operating and EM loans will be the current interest rate in effect at the time of approval of the transfer *or* the rate specified in the note(s) evidencing the loan(s) being assumed, whichever is the greater. The interest rate for EO loans will be 6 percent. The transferred property (including EO property) will be made subject to any existing lien in favor of FmHA or by execution of new lien instruments.

(7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 of P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850)

Dated: January 29, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3439 Filed 2-5-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Exclusion from Social Security Coverage of Certain Farm Rental Income Received by a Landowner or Tenant

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 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 provisions of section 10 of Pub. L. 93-368, enacted August 7, 1974, which provide for the exclusion from social security coverage of farm rental income received by a landowner or tenant who turns over the management of his farm to an agent and does not himself materially participate in the farm operation.

Under present law, farm rental income is covered under social security if the rental arrangement provides that the landowner or tenant materially participate in the production of the agricultural or horticultural commodities on his land and if there is material participation by the landowner or tenant. In determining whether the landowner's or tenant's actions contribute in a material way to the production of the commodities raised on his farm, his own actions plus actions of his agent are considered. Actions by an agent are attributed to the farm landowner or tenant, so that if the agent participates in the management and operation of the farm, the farmowner or tenant is also deemed to be participating even though he does not personally participate.

A problem has arisen in the case of landowners who enter into an agreement with a professional farm management company or other person who has the responsibility to choose a tenant and to manage and supervise the farm operation. In such a situation, the landowner does not participate in the operation of the farm and views his income as investment income rather than income from farm self-employment.

Accordingly, the amendment provides that in such a situation the landowner would not be considered to participate in the operation of the farm. Therefore, his farm income would not count for social security purposes if he entered into an agreement with another person to manage or supervise the farm operation, including the selection of tenants, when there is in fact no participation on his part.

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 March 10, 1975. The amendments 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 regulations are to be issued under the authority of sections 205(a), 211(a)(1), and 11^2 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 64 Stat. 502, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405 (a), 411(a)(1), and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance.)

Dated: January 20, 1975.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 31, 1975.

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

Subpart K—Employment—Wages—Self-Employment—Self-Employment Income

Subpart K of Regulation No. 4 of the Social Security Administration, as amended (20 CFR Part 404), is further amended by revising paragraph (c)(5) and examples (5) and (6) in paragraph (c)(6) of § 404.1053 to read as follows:

§ 404.1053 Rentals from real estate; material participation.

* * * * *

(c) *Special rule for "includible farm rental income"* * * *

* * * * *

(5) *Employees or agents.* Any arrangement entered into by an employee or agent of an owner or tenant and another person is considered an arrangement entered into by the owner or tenant for purposes of satisfying the requirement set forth in paragraph (c)(2) of this section that the income must be derived under an arrangement between the owner or tenant and another person. For purposes of determining whether the arrangement satisfies the requirement set forth in paragraph (c)(3) of this section that the parties contemplate that the owner or tenant is to materially participate in the production or management of production of a commodity: (i) for taxable years ending after 1955 and beginning before January 1, 1974, services performed by such an employee or agent are considered services performed by the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity; (ii) for taxable years beginning after December 31, 1973, the activities (including services) of such an employee or agent shall not be considered as the activities (including services) of the owner or tenant in determining the extent to which the owner or tenant has participated in the production or management of production of a commodity.

(6) *Examples* * * *

* * * * *

Example 5. J owned a farm several miles from the town in which he lived. He rented the farm to K under an arrangement which contemplated J's material participation in the management of production of wheat. J furnished one-half the seed and fertilizer and all the farm equipment and livestock. He employed H to perform all the services in advising, consulting, and inspecting which were contemplated by the arrangement, effective with taxable years beginning after December 31, 1973. J is not materially participating in the management of production of wheat by K. The work done by J's employee, H, is not attributable to J in determining the extent of J's participation. J's rental income from the arrangement is not to be included in computing his net earnings from self-employment.

Example 6. Assume the same facts as in the previous example except that J appointed the X Bank as his agent to enter into the rental arrangement with K and to perform the services which were contemplated by the arrangement, effective with taxable years beginning after December 31, 1973. J is not materially participating in the management of production of wheat by K because the work done by X Bank is not attributable to J in determining the extent of J's participation. J's rental income from the arrangement would not be included in computing his net earnings from self-employment.

* * * * *

[FR Doc.75-3425 Filed 2-5-75;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 205]

GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Proposed Cost Allocation

Notice is hereby given that the regulation set forth in tentative form below is proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed revision is necessary as we found the existing regulation, 45 CFR 205.150 (published in the FEDERAL REGISTER on September 26, 1973 (38 FR 26804)) deficient in two areas: (1) The existing regulation provides that no Federal financial participation will be allowed in the costs of administration, services (excluding those purchased) and training if a State fails to submit a revised cost allocation plan within 3 months after a request by the SRS Regional Commissioner, and the regulation does not clearly provide for reinstatement of the disallowed expenditures upon receipt of an approved cost allocation plan. (2) It inadvertently provides that FFP will be based on the old plan even where the State submits a new plan within the prescribed three months.

The proposal provides for deferring payment of any overstated portions of expenditures due to use of an outdated cost allocation plan until a new plan is filed with and approved by the SRS Regional Commissioner, rather than a total withdrawal of Federal financial participation in all allocated expenditures as required under the existing regulation. In addition, it places responsibility on the State to revise its cost allocation plan whenever it is outdated due to organizational changes within the State agency, changes in Federal law or regulations, or other similar changes, rather than only when the SRS Regional Commissioner requests a revised cost allocation plan.

Prior to the adoption of the proposed regulation, consideration will be given to any comments, suggestions or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before March 10, 1975. Comments received will be available for public inspection in room 5324 of the Department's offices at 330 C Street, SW, Washington, D.C., on Monday through Friday of each week from 8:30 am to 5 pm (area code 202-245-0950).

(Section 1102, 49 Stat. 647 (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance Program Nos. 13.707, Child Welfare Services; 13.714, Medical Assistance Program; 13.724, Public Assistance—State and Local Training; 13.748, Work Incentive Program—Child Care; 13.754, Public Assistance Social Services; 13.761, Public Assistance—Maintenance Assistance (State Aid)).

Dated: December 16, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: January 31, 1975.

CASPAR W. WIENBERGER,
Secretary.

Section 205.150 of Part 205, Chapter II, Title 45, of the Code of Federal Regulations is revised to read as set forth below:

§ 205.150 Cost allocation.

(a) *State plan requirements.* (1) (i) A State plan under Titles I, IV-A, IV-B, VI, X, XIV, XVI or XIX of the Social Security Act must provide that the Single State Agency will have an approved cost allocation plan on file with the SRS Regional Commissioner which identifies and describes the methods and procedures the State has established for properly charging the costs of administration, services, and training activities under the plan in accordance with the Federal requirements set out in 45 CFR Part 74, Appendix C, and in Department and Social and Rehabilitation Service regulations and instructions.

(ii) The cost allocation plan shall include descriptions of the functions and activities by organizational units; *estimated costs for an annual period by organizational units* (unless *specifically waived by the Regional Commissioner*); and the basis used for allocating the various pools of costs to programs and activities (with justification for each).

The cost allocation plan must contain such other information as is necessary to document the validity of the cost allocation methods and precedures and must include methods and procedures for:

(A) Allocating all such administrative costs of the State Department in which the State agency is located between Federal and non-Federal programs;

(B) Identifying, of the costs applicable to more than one of the Federal programs, those applicable to each of the separate programs, in accordance with program classifications specified by the Secretary; and

(C) Segregating costs in paragraph (a) (1) (ii) (B) of this section by service and income maintenance functions, where applicable, and by such other classifications as are found necessary by the Secretary.

(iii) The estimated costs are included solely to permit evaluation of the methods of allocation, and therefore approval of the cost allocation plan shall not constitute approval of these estimated costs for use in calculating claims for Federal financial participation.

(2) A State shall revise its cost allocation plan when the allocation method shown in the existing plan is outdated due to organizational changes within the State agency, changes in Federal law or regulations, or other similar changes.

(b) *Federal financial participation.* (1) As a condition for receipt of Federal financial participation in administration, services and training for any quarterly period, a State's claim for such expenditures must be in accord with a cost allocation plan on file with and approved by the Regional Commissioner for that period.

(2) If a State fails to revise its cost allocation plan as required by paragraph (a) (2) of this section within the quarter that such changes are effective, the Regional Commissioner will defer payment of any overstated portions of expenditures which he determines to result from the State using an outdated cost allocation method until the State has submitted a revised cost allocation plan which is approved by him and the State has revised its claim accordingly.

(3) If a State does not have any cost allocation plan on file with the Regional Commissioner, payment will be made only for those costs of administration, services, and training which are entirely chargeable to a function or activity within a given title having one rate of Federal financial participation. Payment for the remaining cost of administration, services and training which requires an allocation method, will be deferred until such time as a cost allocation plan has been submitted and is approved by the Regional Commissioner.

[FR Doc.75-3422 Filed 2-5-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 75-035]

FOX RIVER, WISC.

Proposed Drawbridge Operation Regulations

At the request of the City of Oshkosh, Wisconsin, the Coast Guard is considering revising the regulations for the 4 highway drawbridges across the Fox River and Portage Canal located within the City of Oshkosh, to provide periods during which the draws would not be required to open for the passage of vessels. The periods are 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m. In addition, the draws would open from 12 midnight to 8 a.m. only if at least 4 hours notice is given. The draws of these bridges are presently required to open on signal. This change is being considered because of increased vehicular traffic during the day and few vessel passages during the midnight to 8 a.m. period.

Interested persons may participate in the this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199. Each person submitting comments should include his name and address, identify the bridge, and give reason for any recommended

change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before March 7, 1975, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new paragraph (d) to § 117.643 to read as follows:

§ 117.643 Fox River and Portage Canal, Wis.

* * * * *

(d) Highway bridges at Oshkosh, Wisconsin

(1) The owners of or agencies controlling the bridges shall provide the necessary drawtenders and properly maintain operating machinery to ensure the safe opening of the draws.

(2) Signals.

(i) The signal for opening the bridges shall be one long blast followed by one short blast of a whistle, horn or other sound producing device.

(ii) The acknowledging signal from the drawtender when the draw shall open is one long blast followed by one short blast.

(iii) When the draw cannot be opened, the drawtender shall sound four short, rapid blasts.

(3) The draws shall be opened promptly on signal between the hours of 8 a.m. and 12 midnight except that on Monday through Friday from 11:45 a.m. to 12:15 p.m., 12:45 p.m. to 1:15 p.m., and 3 p.m. to 5 p.m. the draw need not open for the passage of vessels other than public vessels of the United States.

(4) Between the hours of 12 midnight and 8 a.m., the draws of the bridges shall open for the passage of the vessels if at least four hours notice is given to the Winnebago County Highway Department.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: January 30, 1975.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.75-3471 Filed 2-5-75;8:45 am]

Federal Aviation Administration

[14 CFR Part 45]

[Docket No. 14130; Notice No. 74-36A]

NATIONALITY AND REGISTRATION MARKS ON FIXED-WING AIRCRAFT

Extension of Comment Period

This notice extends the period for comments on notice 74-36 (published November 21, 1974; 39 FR 40862), proposing to regulate the size and location of registration marks on fixed-wing aircraft. The present comment period terminates on February 19, 1975.

This extension of the comment period is provided in response to a petition submitted by the Experimental Aircraft Association (EAA). The EAA states that additional time is needed because the Notice of Proposed Rule Making is of great interest to its members and because it plans to publish the full text of the notice in the January issue of its publication, "Sport Aviation." The EAA expects that its publication of the notice will result in numerous pertinent comments from its readers, inasmuch as the proposals therein will have a direct affect on their operations. The Experimental Aircraft Association requests that the period for comment be extended 30 days to March 19, 1975.

The FAA agrees that the members of the EAA have a particular interest in this notice because they build, own, and operate many types of aircraft which will be subject to the proposed rule. Moreover, the EAA submitted the original petition which led to the development of this notice, and we expect the EAA to contribute many useful and pertinent comments. Accordingly, we conclude that the public interest will be served by granting the extension. Further, we do not believe that granting the exemption will have any adverse effect on safety nor appreciably delay the completion of this regulatory action.

I find that the petitioners have shown a substantive interest in the proposed amendment, that good cause exists for an extension of the comment period until March 19, 1975, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the closing date for public comment on notice 74-36 is extended to March 19, 1975.

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

R. P. SKULLY,
Director, Flight Standards Service.

[FR Doc.75-3344 Filed 2-5-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-52]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Escanaba, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Great Lakes Region, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A review of controlled airspace at Escanaba, Michigan, indicates the airspace should be changed to conform with present operation.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354), the following control zone is amended to read:

ESCANABA, MICHIGAN

Within a 5-mile radius of Delta County Airport (Latitude 45°43'25" N., Longitude 87°05'56" W.); within 3 miles each side of the Escanaba VORTAC 007°, 101°, and 266° radials, extending from the 5-mile radius zone to 8 miles north, east and west of the VORTAC.

In § 71.181 (39 FR 440), the following transition area is amended to read:

ESCANABA, MICHIGAN

That airspace extending from 700 feet above the surface within a 6 mile radius of the Delta County Airport (Latitude 45°43'-25" N., Longitude 87°05'56" W.); that airspace extending from 1200 feet above the surface within a 19-mile radius of Escanaba VORTAC, excluding that portion which overlies the Marquette, Michigan transition area and that portion south of the 45°45' parallel.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on January 13, 1975.

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

[FR Doc.75-3352 Filed 2-5-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-2]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations so as to designate a control zone at Waukesha, Wisconsin.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Federal Aviation Administration, 2300 East Devon Avenue, Attention: Chief, Air Traffic Division, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Great Lakes Region, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A non-federal tower has been established on the Waukesha County Airport. The tower has official weather reporting capability. All requirements for a control zone have been met and one has been requested by the airport manager.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354), the following control zone is added:

WAUKESHA, WISCONSIN

Within a 5 mile radius of the Waukesha County Airport (Latitude 43°02'25" N., Longitude 88°14'00" W.); within 2½ miles each side of the 272° bearing from the airport extending from the 5 mile radius area to 5.5 miles west. This control zone shall be effective during the specific dates and times established in advance by a notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on January 13, 1975.

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

[FR Doc.75-3351 Filed 2-5-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-GL-55]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Ironwood, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The instrument approach procedures for the Gogebic County Airport have been revised. This requires a change in the controlled airspace required to protect the procedures. Accordingly it is necessary to alter the Ironwood, Michigan, control zone and transition area to adequately protect aircraft executing the revised procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (39 FR 354), the following control zone is amended to read:

IRONWOOD, MICHIGAN

Within a 6½-mile radius of Gogebic County Airport (Latitude 46°31'32" N., Longitude 90°07'54" W.); within 3 miles each side of the Ironwood VORTAC 258° radial, extending from the 6½-mile radius zone to 8 miles west of the VORTAC.

In § 71.181 (39 FR 440), the following transition area is amended to read:

IRONWOOD, MICHIGAN

That airspace extending upward from 700 feet above the surface within a 13-mile radius of the Gogebic County Airport (Latitude 46°31'32" N., Longitude 90°07'54" W.); within 3 miles each side of the 272° radial, extending from the 13-mile radius to 15 miles west of the Ironwood VORTAC and that airspace extending upward from 1200 feet above the surface within a 24-mile radius of the Ironwood VORTAC excluding the portion in the State of Wisconsin.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on January 14, 1975.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.75-3353 Filed 2-5-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-41]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at East Liverpool, Ohio.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before March 10, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

A new instrument approach procedure has been developed for the Columbiana County Airport, East Liverpool, Ohio. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at East Liverpool, Ohio.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (39 FR 440), the following transition area is added:

EAST LIVERPOOL, OHIO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Columbiana County Airport (Latitude 40°40'24" N., Longitude 80°38'30" W.); within 3 miles each side of the 070° bearing from the airport, extending from the 5-mile radius area to 8.5 miles east of the airport, excluding that portion which overlies the Beaver Falls, PA transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on January 20, 1975.

H. W. POGGEMEYER,
Acting Director,
Great Lakes Region.

[FR Doc.75-3354 Filed 2-5-75;8:45 am]

notices

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

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. circular—Public Debt Series No. 4–75]

TREASURY BONDS OF 1995–2000

Redesignation

JANUARY 31, 1975.

The Secretary of the Treasury announced on January 30, 1975, that the interest rate on the bonds described in Department Circular—Public Debt Series—No. 4–75, dated January 23, 1975, will be 7⅞ percent per annum. Accordingly, the bonds are hereby redesignated 7⅞ percent Treasury Bonds of 1995–2000. Interest on the bonds will be payable at the rate of 7⅞ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75–3385 Filed 2–5–75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 011369]

WESTERN SLOPE GAS CO.

Pipeline Application

JANUARY 29, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right of way for installation of the Rocky Mountain Exchange Meter Station Site across the following lands:

SIXTH PRINCIPAL MERIDAN, COLORADO

T. 8 S., R. 103 W.,
Sec. 29, NE¼SW¼ in Mesa County, Colorado.

The facility is necessary for the metering and regulation of natural gas moving through an already existing and approved pipeline system.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed meter station right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, on or before March 10, 1975.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75–3341 Filed 2–5–75;8:45 am]

[Wyoming 49372]

WYOMING

Notice of Application

JANUARY 29, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Stauffer Chemical Company of Wyoming has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 99 W.,
Sec. 34, S½S½.

The pipeline will convey natural gas from the Kemmerer Well, Unit No. 4, in the SW¼, sec. 33 to an existing pipeline in the SW¼, sec. 35, all in T. 21 N., R. 99 W., 6th Principal Meridian, Wyoming.

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

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–3427 Filed 2–5–75;8:45 am]

[Wyoming 49376]

WYOMING

Notice of Application

JANUARY 29, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 113 W.,
Sec. 2, lots 13 and 14.

The pipeline will convey natural gas from the Green River Bend #51–1 well in the NW¼SW¼, sec. 1 to an existing pipeline in Lot 14, sec. 2, all in T. 26 N., R. 113 W., 6th P.M., Wyoming.

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

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75–3426 Filed 2–5–75;8:45 am]

Geological Survey

PLATFORMS, STRUCTURES AND ASSOCIATION EQUIPMENT

Revision of OCS Order No. 8, Gulf of Mexico Area

Correction

In FR Doc. 75–1792, appearing at page 3220 in the issue of Tuesday, January 21, 1975, in the third column of page 3322, under paragraph "(8) Electrical Equipment," the paragraphs that appear immediately after paragraph (a), beginning with paragraph "1. Description of operations." through the first full paragraph of the first column of page 3323, beginning with "Prior to burning * * *", should be transposed to appear immediately after paragraph "B. Simultaneous facility operations." in the first column of page 3323.

Office of Hearings and Appeals

[Docket No. M 75–66]

L. & M. COAL CO., INC. ET AL.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), L. & M. Coal Company, Inc. *et al.*

have filed a petition to modify the application of 30 CFR 75.1201 to the following mines located in Lee County, Virginia:

L. & M. Coal Co., Inc.	No. 2 Mine
Glenwood Coal Co.	No. 1 Mine
H. & R. Coal Co., Inc.	No. 1 Mine
Bee Coals, Ltd.	No. 1 Mine
C. & C. Coal Co.	No. 1 Mine
Lawrence F. Williams Coal Co., Inc.	No. 1 Mine

30 CFR 75.1201 provides:

Such [mine] map shall be made or certified by a registered engineer or a registered surveyor of the State in which the mine is located.

In support of their petition to secure a waiver of Section 75.1201, Petitioners state:

(1) Due to a shortage of certified engineers in the Lee County, Virginia area, Petitioners have utilized the services of a person who has experience, but not a degree, in engineering. The materials prepared by this individual were certified and accepted by the Mining Enforcement and Safety Administration during the period from July, 1971, to September, 1974. On September 25, 1974, Petitioners were issued notices of violation for failure to have mine maps which were made or certified by a registered engineer or a registered surveyor.

(2) Petitioners' employee has experience in all phases of mine engineering including: planning, projection, mapping, surveying, and plotting. In addition, this individual is certified by the State of Virginia as a mine foreman for both deep and surface mines.

(3) Petitioner's alternate method of employing a person who is not an engineer to supplement and revise mine maps will at all times guarantee no less than the same measure of protection afforded by the application of the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before March 10, 1975. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

JANUARY 27, 1975.

[FR Doc.75-3429 Filed 2-5-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A133]

PENNSYLVANIA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Clarion County, Pennsylvania, as a result of a natural disaster consisting of a hailstorm, wind, and rain on September 9, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Milton J. Shapp that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 21, 1975, for physical losses and October 21, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 30th day of January, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-3388 Filed 2-5-75;8:45 am]

[Designation Number A132]

INDIANA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Indiana:

Greene	Marshall
Hamilton	Parke
Lawrence	

The Secretary has found that this need exists as a result of a natural disaster shown on the attached sheet.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Otis R. Bowen that such designation be made.

Applications for Emergency loans must be received by this Department no later than March 21, 1975, for physical losses and October 21, 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 31st day of January, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

Indiana, 5 Counties, 1974

County	Excessive rainfall	Drought	Frost
Greene	Apr. 15 to June 22.	June 23 to Sept. 10.	Oct. 2.
Hamilton	Apr. 1 to June 22.	June 20 to Aug. 15.	Oct. 1 to 2.
Lawrence	May 10 to June 12 (flooding).	June 13 to July 28.	Sept. 15.
Marshall	May 1 to June 15.	June 1 to Sept. 15.	Sept. 23.
Parke	Jan. 1 to June 22 (flooding).	June 23 to July 28.	Oct. 3.

[FR Doc.75-3442 Filed 2-5-75;8:45 am]

Forest Service

CLEAR CREEK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Clear Creek Planning Unit, Gifford Pinchot National Forest, Washington. USDA-FS-R6-DES-(Adm)-75-08).

The environmental statement concerns a revised land use plan for the Clear Creek Planning Unit. The proposed action describes how the various resources of the Unit would be used and what the output for each resource is expected to be.

This draft environmental statement was transmitted to CEQ on January 29, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. & Independence Ave., SW., Washington, D.C. 20250.

Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Oregon 97204.

A limited number of single copies are available upon request to Forest Supervisor, Spencer T. Moore, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Spencer T. Moore, Forest Supervisor, Gifford Pinchot National Forest, 500 West 12th

Street, Vancouver, Washington 98660. Comments must be received by March 31, 1975 in order to be considered in the preparation of the final environmental statement.

JANUARY 29, 1975.

ROBERT R. TYRREL,
Director, Planning, Programing and Budgeting.

[FR Doc.75-3418 Filed 2-5-75;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON HOG CHOLERA ERADICATION

Notice of Determination

Notice is hereby given that the Secretary of Agriculture proposes to establish the Advisory Committee on Hog Cholera Eradication for a 2-year period. The Secretary has determined that establishment of the Committee is in the public interest in connection with the duties imposed on the Department by law.

The purpose of the Committee will be to advise the Secretary regarding program operations and measures to prevent, suppress, control or eradicate hog cholera. Membership will include representatives of the swine and related industries, State and local government agencies, professional and scientific groups, an officer or employee of the Department, and the general public.

This notice is given in compliance with Pub. L. 92-463. Views and comments of interested persons may be submitted to the Administrator, Animal and Plant Health Inspection Service, South Building, Room 312-E, Washington, D.C. 20250, until February 24, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 705, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

FEBRUARY 3, 1975.

[FR Doc.75-3443 Filed 2-5-75;8:45 am]

Soil Conservation Service

UPPER BRUSHY CREEK WATERSHED, ALABAMA

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 Upper Brushy Creek Watershed Project, Alabama, USDA-SCS-EIS-WS-(ADM)-75-1-(D)-AL.

The environmental impact statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by 7.2 miles of channel work and one grade stabilization structure. The channel work will involve enlargement by excavation to provide a more efficient and unrestricted stream flow in a flatland watershed that is about 60 percent agricultural cropland and pastureland. Of the 7.2 miles of work proposed on existing streams or channels, none involves streams with perennial flow. There is practically no defined channel on 5.8 miles of which one-half involves ponded water and the rest ephemeral or intermittent flow. The balance of 1.4 miles is manmade or previously modified channels which involves ponded water and ephemeral flow.

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

Soil Conservation Service, USDA, 138 South Gay Street, Auburn, Alabama 36830.

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

Comments concerning the proposed action or requests for additional information should be addressed to W. B. Lingle, State Conservationist, Soil Conservation Service, 138 South Gay Street, Auburn, Alabama 36830.

Comments must be received on or before April 1, 1975, in order to be considered in the preparation of the final environmental impact statement.

Dated: January 30, 1975.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources Soil Conservation Service.

[FR Doc.75-3419 Filed 2-5-75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (40 FR 2458) of a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee to be held Thursday, February 20, 1975, in Room 5230, Main Commerce Building, 14th and Constitution Avenue, NW Washington, D.C. 20230. The time of the meeting was inadvertently omitted. The meeting will begin at 9:30 a.m.

Date: January 29, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.75-3414 Filed 2-5-75; 8:45 am]

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting and Correction

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974, notice was given (40 FR 3485) of a meeting of the Electronic Instrumentation Technical Advisory Committee to be held Tuesday, February 25, 1975, at 9:30 a.m. in Room 5230, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230. The Notice of Determination, approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce on December 16, 1974 and December 12, 1974 respectively, to close a portion of such meeting to the public, was incorrectly published and should read as set forth below.

Dated: January 29, 1975.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

NOTICE OF DETERMINATION

In response to written requests of representatives of a substantial segment of the electronic industry, the Electronic Instrumentation Technical Advisory Committee was established by the Secretary of Commerce pursuant to section 5(s)(1) of the Export Administration Act of 1969, 50 U.S.C. App. Section 2404(c)(1) (Supp. III, 1973), as amended, Public Law No. 93-500, section 5(b) (October 29, 1974), to advise the Department of Commerce with respect to questions involving technical matters, worldwide availability, and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOR) controls.

The Committee, which currently has eleven members representing industry and eight members representing government agencies, will terminate no later than October 23, 1975, unless extended by the Secretary of Commerce. All members of the Committee have the appropriate security clearance.

The Committee's activities are conducted in accordance with the provisions of section 5(c)(1) of the Export Administration Act of 1969, as amended, the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), and Office of Management and Budget Circular A-63 (Revised), Advisory Committee Management, effective May 1, 1974. Section 10 of the Federal Advisory Committee Act provides, among other

things, that the meetings of advisory committees are to be open to the public, and to public participation, unless the head of the agency (or his delegate) to which the committee reports determines in writing that all, or some portion, of the agenda of the meeting of the committee is concerned with matters listed in section 552(b) of Title 5 of the United States Code.

Section 552(b)(1) of Title 5, United States Code, provides that information may be withheld from the public if it concerns matters specifically required by Executive Order to be kept secret in the interest of the national defense or foreign policy.

Notices of Determination authorizing the closing of meetings, or portions thereof, of the Electronic Instrumentation Technical Advisory Committee and its formal subcommittees, dealing with security classified matters, were approved on March 12, 1974 for the Committee's first meeting on April 9, 1974; on April 25, 1974, for the meeting of May 9, 1974; and on May 28, 1974, covering a series of meetings for the period May 28, 1974 through January 3, 1975.

In order to provide advice to the Department under the terms of its charter, the Committee and formal subcommittees thereof will continue to hold a series of meetings dealing with the matters set forth in the first paragraph of this Determination. These meetings will include discussions of the COCOM control list as it relates to the commodities and technical data under its purview, and with the foreign availability of these commodities and technical data. In addition, the Committee and its formal subcommittees will be preparing recommendations for the Department's consideration relating to the U.S. Government's negotiating position on COCOM-related matters. Much of the information relating to the COCOM control list, as well as proposed changes, is now or will be security classified for national security or foreign policy reasons, pursuant to Executive Order No. 11652, 3 C.F.R. 339 (1974). In order for the Committee and its formal subcommittees to provide required advice to the U.S. Government, it will be necessary to provide the Committee and its formal subcommittees with such classified material. Therefore, the portions of the series of meetings of the Committee and of subcommittees thereof that will involve discussions of matters specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such executive order, must be closed to the public. The remaining portions of the series of meetings will be open to the public.

Accordingly, I hereby determine, pursuant to section 10(d) of the Federal Advisory Committee Act that those portions of the series of meetings of the Committee and of any subcommittees thereof, dealing with the aforementioned classified materials shall be exempt, for the period January 4, 1975, to October 23, 1975, from the provisions of section 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the Committee and subcommittee discussions will be concerned with matters listed in section 552(b)(1) of Title 5, United States Code. The remaining portions of the meetings will be open to the public.

Dated: December 16, 1974.

GUY W. CHAMBERLIN, Jr.,
Assistant Secretary for Administration.

ALFRED MEISNER,
Acting General Counsel.

[FR Doc.75-3415 Filed 2-5-75;8:45 am]

National Oceanic and Atmospheric Administration

COHANZICK ZOO, BRIDGETON, N.J.

Withdrawal of Permit Application for Marine Mammals

On February 26, 1974, notice was published in the FEDERAL REGISTER (39 FR 7476), that an application had been filed with the National Marine Fisheries Service by the Cohanzick Zoo, Cumberland County, Bridgeton, New Jersey 08302, for a public display permit to take one (1) California sea lion (*Zalophus californianus*).

Notice is hereby given that the Cohanzick Zoo has requested to withdraw the application, and that the request to withdraw was acknowledged and accepted without prejudice by the National Marine Fisheries Service on January 27, 1975.

Dated: January 30, 1975.

ROBERT F. HUTTON,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-3402 Filed 2-5-75;8:45 am]

LLOYD SMALLEY

Issuance of Permit for Marine Mammals

On October 31, 1974, notice was published in the FEDERAL REGISTER (39 FR 38403) that an application had been filed with the National Marine Fisheries Service by Lloyd Smalley, 212 Belle Avenue, San Rafael, California 94901, to take an unspecified number of beached and stranded California sea lions (*Zalophus californianus*), harbor seals (*Phoca vitulina*), and northern elephant seals (*Mirounga angustirostris*) from the beaches of California for the purposes of rehabilitating the animals and returning them to their natural habitat. This application was for the purpose of scientific research.

Notice is hereby given that on January 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Lloyd Smalley, subject to certain conditions set forth therein. The Permit authorizes the taking of up to twenty-five (25) of the above requested marine mammals in any combination each year through calendar year 1979, provided no more than ten animals are maintained at any one time. The Permit is available for review by interested persons in the office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 31, 1975.

JOHN W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-3396 Filed 2-5-75;8:45 am]

PAUL J. PONGANIS

Issuance of Permit for Marine Mammals

On November 18, 1974 notice was published in the FEDERAL REGISTER (39 FR 40522), that an application had been filed with the National Marine Fisheries Service by Paul J. Ponganis, Division of Natural Sciences, Coastal Marine Laboratory, University of California, Santa Cruz, California 95064, for a scientific research permit to take twelve (12) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), removing up to four (4) muscle tissue samples from each dolphin.

Notice is hereby given that, on January 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above mentioned taking to Paul J. Ponganis, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 31, 1975.

JOHN W. GEHRINGER,
Acting Director, National
Marine Fisheries Service.

[FR Doc.75-3398 Filed 2-5-75;8:45 am]

ROEDING PARK ZOO

Issuance of a Permit for Marine Mammals

On July 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 25967) that an application had been filed with the National Marine Fisheries Service by Roeding Park Zoo, 890 W. Belmont Street, Fresno, California 93728, to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on January 27, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to the Roeding Park Zoo, subject to certain conditions set forth therein. The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and in the Office of the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island California 90731.

Dated: January 27, 1975.

JOHN W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-3399 Filed 2-5-75;8:45 am]

SEA-ARAMA MARINEWORLD

Issuance of Permit for Marine Mammals

On May 20, 1974, notice was published in the FEDERAL REGISTER (39 FR 17783),

that an application had been filed with the National Marine Fisheries Service by Sea-Arama Marineworld, Seawall Boulevard at 91st Street, P.O. Box 3086, Galveston, Texas 77550, for a permit to take seven (7) Atlantic bottlenosed dolphins (*Tursiops truncatus*) for the purpose of public display, and to subsequently maintain a permanent inventory of no more than fifteen (15) Atlantic bottlenosed dolphins (*Tursiops truncatus*), through the replacement of animals lost in the course of normal attrition.

Notice is hereby given that, on January 30, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit to Sea-Arama Marineworld, for four (4) Atlantic bottlenosed dolphins.

Sea-Arama was denied a permit to maintain a permanent inventory of marine mammals. The policy statement regarding permanent inventory was published in the FEDERAL REGISTER (39 FR 29607). The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: January 30, 1975.

JOHN W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-3400 Filed 2-5-75;8:45 am]

TURTLEBACK ZOO

Issuance of Permit To Take Marine Mammals

On November 11, 1974, notice was published in the FEDERAL REGISTER (39 FR 39752), that an application had been filed with the National Marine Fisheries Service by the Turtleback Zoo, 560 Northfield Avenue, West Orange, New Jersey 07052, for a permit to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on January 31, 1975, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above mentioned taking to the Turtleback Zoo, subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and in the Offices of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, and the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 31, 1975.

JOHN W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.75-3397 Filed 2-5-75;8:45 am]

WAIKIKI AQUARIUM, UNIVERSITY OF HAWAII

Notice of Receipt of Application

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Waikiki Aquarium, University of Hawaii, 2777 Kalakaua Avenue, Honolulu, Hawaii 96815, to take one female monk seal (*Monachus schauinslandi*) for the purpose of public display.

The Hawaiian monk seal will be taken from Laysan Islands. The animal would be taken by the applicant or appropriate members of the Armed Forces, such as the Coast Guard or Navy.

The animal will be maintained in a 70,000 gallon pool, within a fenced off area 58 feet long, 20 feet wide and 5½ feet deep. There is an island, 19 feet long and 8 feet wide for basking with coves underneath for hiding and privacy. A total of two monk seals and three harbor seals will be maintained in this fenced-in area.

The Curator/Acting Director, has worked with captive animals for 5½ years with experience in captive pinniped husbandry. The Aquarium's leading caretaker has 28 years of experience in the maintenance of pinnipeds in captivity.

The Waikiki Aquarium is an educational branch of the University of Hawaii, which hosts approximately 229,000 visitors annually.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the Hawaiian monk seals.

Documents submitted in connection with the above application are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202/634-7529);

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731 (telephone 213/548-2575).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application within 30 days of the publication of this notice to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in support of this application are summaries based upon information supplied by the applicant and, therefore, do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: January 30, 1975.

ROBERT F. HUTTON,
Associate Director for Resource Management, National Marine Fisheries Service.

[FR Doc.75-3401 Filed 2-5-75;8:45 am]

Office of the Secretary

[Department Organization Order 45-1]

ECONOMIC DEVELOPMENT ADMINISTRATION

Organization and Functions

SECTION 1. *Purpose.* .01 This order prescribes the organization and assignment of functions within the Economic Development Administration (EDA). Department Organization Order 10-4, "Assistant Secretary for Economic Development," prescribes the scope of authority of the Assistant Secretary for Economic Development and the functions of EDA.

.02 This revision provides for decentralization of approval authority of projects under sections 101 and 201 of the Public Works and Economic Development Act of 1965, as amended, (42 U.S.C. 3121) (the "Act"), to the Regional Directors.

SEC. 2. *Organization Structure.* The principal organization structure and line of authority of the Economic Development Administration shall be as depicted in the attached organization chart (Exhibit 1).[1] A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. *Office of the Assistant Secretary for Economic Development.* .01 *The Assistant Secretary* directs the programs and is responsible for the conduct of all activities of the Economic Development Administration subject to the policies and directives prescribed by the Secretary of Commerce.

.02 *The Deputy Assistant Secretary* shall act as principal adviser to the Assistant Secretary in the formulation, development and definition of policy issues; serve as Executive Secretary and provide or arrange for staff support, as required, for the National Public Advisory Committee on Regional Economic Development; represent the Administration on international organizations when so designated; provide overall direction and coordination of the Regional Offices, and establish uniform overview standards and procedures to be followed by the Regional Offices' Environmental Specialists in their review of projects under Sections 101 and 201 of the Act; supervise the

[1] Exhibit 1 filed as part of the original document.

activities of the Investigations and Inspections Staff and the Indian Program Staff; assist the Assistant Secretary in all matters affecting the Economic Development Administration; and perform the duties of the Assistant Secretary during the latter's absence.

.03 *The Investigations and Inspections Staff* shall investigate alleged violations of law or other impropriety on the part of applicants or recipients; conduct inspections relating to the conduct and performance of field personnel and review the suitability of applicants for financial assistance. The Staff shall also conduct special investigations requested by the Assistant Secretary, as well as inspections to assure the physical security of all EDA offices.

.04 *The Indian Program Staff* shall administer the Indian economic development program and advise the Deputy Assistant Secretary concerning its general effectiveness. It shall recommend approval or denial of projects proposed for Indian areas except all projects under sections 101 and 201 of the Act which do not require special action; and negotiate and monitor interagency agreements relating to Indian economic development. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

SEC. 4. *Deputy Assistant Secretary for Economic Development Planning.*

.01 The Deputy Assistant Secretary for Economic Development Planning is the principal adviser to the Assistant Secretary on matters of development planning, including the development of policies for improving Federal, State, and local government economic programming. Through the offices reporting to him, the Deputy Assistant Secretary shall:

a. Coordinate and direct EDA economic development planning activities relating to regions, districts (including economic development centers), redevelopment areas, and other areas of substantial needs;

b. Formulate and recommend to the Assistant Secretary standards and criteria for administration of economic development planning by Regional Offices;

c. Exercise responsibility for EDA's interagency and inter-governmental relations and its relations with those quasi-public and private agencies interested in economic development for districts and areas;

d. Recommend designation of economic development districts, economic development centers, redevelopment areas, and Title I areas which fulfill the statutory criteria;

e. Conduct an annual review of the areas and districts designated for assistance under the Act, and recommend such modifications or terminations of eligibility as may be appropriate;

f. Provide economic data, analyses and studies, and planning grants to development districts and areas; and

g. Recommend technical assistance proposals for areas and districts.

.02 The Deputy Assistant Secretary for Economic Development Planning shall direct and supervise the following organization elements:

a. *The Office of Planning and Program Support* which shall:

1. Have prime responsibility for coordinating the preparation, review and approval of EDA-developed planning documents;

2. Develop analyses and recommended strategies of economic development, including a system of priorities of EDA's financial assistance, for areas and districts;

3. Develop economic development planning systems that reflect EDA objectives and respond to local and regional problems and potentials;

4. Develop the methods and techniques needed to evaluate established planning systems including the ability of local representatives to understand and utilize the planning system as well as the compatibility of locally developed plans with annual agency objectives;

5. Participate in the development of budgetary requirements and coordinate with the Office of Administration and Program Analysis in the allocation of resources among Regional Offices as well as among EDA programs;

6. Provide information and special services on domestic and international regional development planning;

7. Provide guidance to Regional Offices on the application of economic development planning techniques and systems to the specific problems of the Region;

8. Advise and assist Regional Offices in implementing economic planning activities after the formal designation of economic development districts and areas;

9. Guide Regional Offices in assisting development organizations to prepare Overall Economic Development Programs (OEDPs);

10. In coordination with Regional Offices, provide guidance to economic development district and area organizations on the techniques and methods of economic analysis;

11. Formulate planning and development policies and procedures for guiding the preparation and submission of district and area OEDPs, including the establishment of policies and standards for their review by Regional Offices;

12. Initiate suspension of the receipt and processing of all applications for assistance from areas and districts which fail to submit acceptable OEDP progress reports;

13. Evaluate services, efficient existing capacity, and competitive producers for use in making determinations on excess capacity, pursuant to section 702 of the Act; and

14. Identify industries which have demonstrated growth trends for the purpose of relating those industries to agency plans.

b. *The Office of Economic Research* which shall:

1. Direct and conduct a program of internal and external economic research designed to meet both planning and operating needs and concerned with economic development problems and opportunities for geographical subdivisions (e.g., regions, development districts, redevelopment areas, etc.);

2. Arrange for and monitor EDA-sponsored research conducted by other elements of the Department, other Government agencies, or private organizations;

3. Encourage and stimulate research and data collection on economic development, both in and out of Government;

4. Review, evaluate, integrate and disseminate (a) the results of research sponsored by EDA, and (b) current methodological and other research findings wherever generated that are relevant to EDA's objectives and programs;

5. Maintain a central reference collection of economic development materials; and

6. Study and evaluate the effects of Government policies on sub-national economic development.

c. *The Office of Development Organizations* which shall:

1. Design and direct a program to establish multi-county development districts in consultation and with the assistance and cooperation of EDA Regional Offices, and with the concurrence of the States affected;

2. Initiate policy guidelines and criteria concerning the development district and area organizations for use by other elements of EDA, and by appropriate State and local agencies;

3. Evaluate and approve proposed area and district economic development organizations;

4. Assist Regional Office efforts to organize economic development districts, including the recruitment of staff;

5. Develop and recommend model administrative budgets, reporting procedures, and job specifications for use by area and district economic development organizations;

6. Establish policies and standards for the review of progress reports by Regional Offices in cooperations with the Office of Planning and Program Support;

7. Design a system of records to indicate progress as compared to planned objectives on all grants made under section 301(b) of the Act and assist Regional Offices in implementing system;

8. Provide guidelines to Regional Offices in order to administer planning grants made under the Act to State, district, and area agencies;

9. Evaluate and recommend candidates for appointments to professional staff positions in economic development districts in cooperation with the Regional Offices;

10. Review Regional Office recommendations for the designation and/or termination of economic development district and economic development centers;

11. Promptly advise interested Federal, State, and local agencies of all changes

affecting the eligibility status of existing or proposed economic development districts;

12. Prepare and distribute maps and related materials showing organizational and designation status of economic development districts;

13. Determine whether an area meets the statistical criteria to qualify as a redevelopment area or a Title I area;

14. Recommend changes in the qualification status of redevelopment areas and Title I areas;

15. Recommend designation or change in the designation status of redevelopment or Title I areas;

16. Conduct an annual review of area eligibility and recommend termination of areas no longer eligible for designation; and

17. Recommend minor adjustments to boundaries of redevelopment areas.

SEC. 5. *Deputy Assistant Secretary for Economic Development Operations.*

.01 The Deputy Assistant Secretary for Economic Development Operations, through the offices reporting to him, shall:

a. Provide coordinated direction of all EDA activities related to financial assistance for or to physical projects which will improve local economies and supervise the execution of this aspect of EDA's program;

b. Recommend standards, policies and criteria for the technical evaluation and processing of project applications for financial assistance, including public works grants and loans, business loans, and technical assistance;

c. Direct, conduct, coordinate, monitor and, where appropriate, originate technical assistance projects (including management assistance and feasibility studies) subject to coordination with the Deputy Assistant Secretary for Economic Development Planning on proposed technical assistance projects related to area, district or center planning;

d. Review and recommend approval or denial of project applications except all projects under sections 101 and 201 of the Act, which do not require special action. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

e. Evaluate activities of the Regional Offices in applying policies, standards, and procedures for processing project applications to assure efficient, effective, and economical accomplishment of approved projects;

f. Execute agreements with other Federal departments and agencies for the conduct of specialized technical assistance; and

g. Study and evaluate the manpower development and training needs of redevelopment areas and of economic development districts, and recommend appropriate joint action with the Departments of Labor and Health, Education, and Welfare.

.02 The Deputy Assistant Secretary for Economic Development Operations shall direct and supervise the following organization elements:

a. *The Office of Public Works* which shall:

1. Direct and oversee all phases of the Public Works program;

2. Recommend policies, standards and procedures for accepting, processing, reviewing, and approving requests for public works grants and loans, consistent with the procedures contained in the Act;

3. Maintain surveillance, evaluate progress, and submit reports on the application by Regional Offices of standards, policies, and procedures to assure efficient, effective, and economical accomplishment of the approved projects;

4. Arrange for services from other Federal agencies for the administration of approved public works grants and loans;

5. Maintain operating liaison with Federal agencies having grant-in-aid programs which may supplement EDA programs, and with those Federal agencies delegated responsibility for administering or servicing EDA projects;

6. Make program and policy reviews and initiate action for the reservation of funds for all public works grants and loans, overruns, amendments and revisions, and concur in all major amendments and major revisions to approved projects which require no additional funding; and

7. For projects which require special action at the Washington level, review the project file and recommend approval or disapproval to the Assistant Secretary.

b. *The Office of Business Development* which shall:

1. Recommend policies, standards, and procedures for processing and approving applications for financial assistance for industrial or commercial usage, consistent with the criteria contained in the Act;

2. Review applications for commercial or industrial loans and working capital guarantees, and recommend approval or denial;

3. Maintain surveillance over the implementation by Regional Offices and policies, standards and procedures related to processing loan of applications for business development to assure efficient, effective, and economical accomplishment of the business development programs;

4. Develop and implement EDA approved agreements with the Small Business Administration and other Federal agencies to secure support of the business development programs;

5. Monitor operations of industrial and commercial projects approved by EDA, including outstanding loans for projects approved under provisions of the Area Redevelopment Act, and prepare reports of accomplishments;

6. Arrange for or provide needed specialized assistance to recipients of EDA industrial and commercial loans and guarantees and Area Redevelopment Act loans;

7. Develop policies, plans, and procedures to improve or terminate projects in default of loan conditions;

8. Provide assistance in the liquidation of the affairs and functions conducted under the Area Redevelopment Act;

9. Establish contact and promote large scale involvement of the private sector in EDA's economic development activities; and

10. Maintain operating liaison with other agencies concerned with the activities of this Office.

c. *The Office of Technical Assistance* which shall:

1. Propose policies, standards, and procedures pertaining to the acceptance, review, and approval of requests for technical assistance, consistent with the criteria of the Act;

2. Plan and develop technical assistance projects in cooperation with other offices, where appropriate;

3. Direct or monitor the performance and implementation of approved technical assistance projects;

4. Recommend policies, standards, and procedures for evaluating and utilizing the results of technical assistance projects;

5. Execute agreements with other Federal departments and agencies for the conduct of specialized technical assistance;

6. Recommend policies and practices to facilitate effective relationships with other Government agencies which have complementary programs for technical assistance;

7. Maintain surveillance over the application of policies, standards, and procedures by the Regional Offices in processing project applications;

8. Review and recommend project applications for approval or denial; and

9. Coordinate the efforts of EDA in the manpower training program.

SEC. 6. *Office of Administration and Program Analysis.* The Office of Administration and Program Analysis shall be responsible for providing the full range of administrative management services and for program analysis and evaluation functions with respect to EDA's substantive programs. These functions shall be carried out through the principal organizational elements of the Office, as prescribed below, except that personnel management services, accounting for administrative funds, and inhouse equal opportunity staff services shall be obtained from the appropriate Departmental offices.

.01 *The Program Analysis Division* shall develop and implement measures of resources utilization for programming and budgeting purposes; develop and conduct a systematic program evaluation effort for EDA; prepare the annual Program Memorandum and analytical studies required by the Office of Management and Budget; and develop cost benefits studies to aid the Assistant Secretary in making choices and decisions between alternative programs for economic development projects, activities, and programs in achieving the objectives of the Act and EDA.

.02 *The Management Analysis Division* shall conduct organization and management studies and surveys; plan and conduct a program for achieving maximum economy, effectiveness, and efficiency, and for obtaining optimum personnel utilization; develop and conduct a program for the efficient management of all official records, including an issuance system for administrative and program orders, and the design and control of official forms; and develop and administer a report control system for all administrative and operational reports.

0.3 *The Budget Division* shall develop and manage an integrated financial management and budgeting system for EDA. It shall develop and prepare the annual budget for EDA; be responsible for the total financial program of EDA, and for the fiscal aspects of EDA programs entrusted to other Federal agencies; and operate a fiscal control system for both program and administrative expenses consistent with the requirements of the Anti-Deficiency Act, which shall include but not be restricted to, allotment of funds, operating budgets, employment limitations, and analyses of reports and proposed actions relating thereto.

.04 *The Accounting Division* shall develop and maintain accounting systems and prepare financial reports for internal and external use, according to the needs of management, the requirements of laws or regulations, and established policies; analyze financial and operating data to assure that financial and management policies are being followed; and serve as the liaison with the Office of the Secretary and other Federal agencies in all accounting matters.

.05 *The Information Systems and Services Division* shall plan, develop, acquire, and coordinate the use of automatic data processing systems and equipment for EDA; provide data processing services, including the conduct of feasibility studies and the development of systems and programs for the applications of automatic data processing techniques; develop and maintain a comprehensive information and data base system to meet specified requirements for administrative, planning, operational, program management, and program evaluation purposes; and provide periodic and special summary reports on current optional trends and performance comparisons to planned goals.

.06 *The Office Services Division* shall provide or arrange for office services for EDA's headquarters and, as required, for the Regional Offices, including the procurement of administrative supplies, vehicle hire, furniture, equipment, and the distribution of printed and bound materials; evaluate, report on, and make recommendations on the utilization of space, supplies, equipment, communications, and related services within EDA; and serve as liaison with the Office of the Secretary on office services matters.

.07 *The Executive Secretariat* shall receive all correspondence addressed to the Office of the Assistant Secretary, and assign it to the appropriate office for action; record controlled and non-controlled correspondence, maintain prompt followup of replies to insure that deadlines are met; and provide a selective reference service to files as requested by EDA officials.

SEC. 7. *Office of the Chief Counsel. The Office of the Chief Counsel* shall:

a. Render all necessary legal services, subject to the provisions of Department Organization Order 10-6;

b. Have primary responsibility for the preparation, coordination, and clearance of all legislation, regulations, and external orders subject to the provisions of applicable Department orders; and

c. Establish uniform overview standards and procedures to be followed by the Regional Offices' legal staffs in their review of projects under sections 101 and 201 of the Act.

SEC. 8. *Office of Public Affairs. The Office of Public Affairs* shall:

a. Advise on all public information matters;

b. Conduct a public information program under the policy guidance of the Assistant Secretary; and

c. Provide assistance in the editing, printing or reproduction, and distribution of technical materials and publications.

SEC. 9. *Office of Congressional Relations. The Office of Congressional Relations* shall:

a. Advise on all Congressional matters pertinent to the activities under the direction of the Assistant Secretary; and

b. Serve as the primary point of coordination for continuing liaison with the Congress in collaboration with the Deputy Under Secretary for Legislative Affairs.

SEC. 10. *Office of Civil Rights. The Office of Civil Rights* shall:

a. Advise the Assistant Secretary in the development and implementation of policy and guidance affecting equality of opportunity connected with economic development programs;

b. Maintain liaison with Federal, State and local governmental organizations and with non-governmental organizations to coordinate and assist in planning operations aimed at achieving nondiscrimination and equality of opportunity;

c. Provide leadership, staff services and advice in matters affecting nondiscrimination to economic development program units, to organizations obligated as participants in an economic development program to achieve nondiscrimination, and to ultimate beneficiaries of economic development program activities;

d. Conduct, sponsor, or coordinate meetings, conferences, and training courses for equal employment specialist, program managers, and executives to achieve nondiscrimination in economic development programs;

e. Establish effective systems throughout EDA to obtain and monitor reports concerning the program of equality of opportunity and assure conformance thereto;

f. Establish report requirements to insure equality of opportunity by participants in economic development programs, conduct on-site inspections, and receive, investigate, and adjust complaints;

g. Receive, investigate, review, adjust complaints, and evaluate EDA experience relating to the Equal Employment Opportunity program and make recommendations to the Assistant Secretary for improvement of employment practices within EDA; and

h. Establish uniform overview standards and procedures to be followed by the Regional Offices' Civil Rights staffs in their reviews of projects under sections 101 and 201 of the Act.

SEC. 11. *Economic Development Regional Offices.*

.01 The Economic Development Regional Offices, headed by Regional Directors, are as follows:

Name	Located at	Serves
Atlantic.....	Philadelphia, Pa.	Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.
Southeastern..	Atlanta, Ga.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Midwestern....	Chicago, Ill..	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Rocky Mountain.	Denver, Colo.	Colorado, Kansas, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.
Southwestern.	Austin, Tex.	Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Western.....	Seattle, Wash.	Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington.

.02 Each Regional Director, for the EDA programs in his region, shall:

a. Assist designated areas and districts in organizing, staffing, and funding for economic planning through the development of OEDPs;

b. Assist local communities in the development of applications for financial assistance to meet the needs of areas and districts serviced by the Regional Office;

c. Approve all projects except projects requiring special action under sections 101 and 201 of the Act. (Projects requiring special action are those which are called to Washington for purposes of monitoring, involve controversial aspects, or—for example—require an environmental impact statement which must be approved by the Special Assistant for Environmental Affairs.)

d. Process applications for economic development assistance, monitor and service approved projects, including appropriate public works construction projects and, when appropriate, liquidate projects.

.03 The geographic areas of the EDA Regional Offices are depicted in Exhibit 2.[1]

This order, effective December 24, 1974, supersedes the material appearing at 39 FR 3702 of January 29, 1974.

WILLIAM W. BLUNT, Jr.,
Assistant Secretary for Economic Development.

Approved:

GUY W. CHAMBERLIN,
Acting Assistant Secretary for Administration.

[FR Doc.75-3312 Filed 2-5-75;8:45 am]

[Department Organization Order 25-5B; Amdt. 3]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

Department Organization Order 25-5B dated April 25, 1974 is hereby further amended as follows:

1. SECTION 4. *Special Staff Offices.* a. Paragraph .01 is revised to read as follows:

.01 The *Office of the General Counsel* shall provide legal services for all components of NOAA and shall be responsible for the preparation or review of all legislative proposals emanating from any component of NOAA, for the expression of NOAA's views as to the merits of proposed or pending legislation, and for statements concerning pending legislation to be made before committees of Congress. These activities shall be carried out subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6.

b. Paragraph .02 is revised to read as follows:

.02 The *Office of Congressional Liaison* shall coordinate contacts with the Congress, except for matters relating to appropriations. These activities shall be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Relations.

2. SEC. 5. *Associate Administrator for Marine Resources.* The opening paragraph is revised to read as follows:

The Associate Administrator for Marine Resources shall maintain cognizance over and establish policy for NOAA's marine resources, marine environment management and protection, mapping, charting, and geodetic programs, as well as those programs closely related thereto. He shall not maintain cognizance over or establish policy for NOAA's real time marine environmental predictions (including observations related thereto) which are assigned to the Associate Administrator for Environmental Monitoring and Prediction, or the coastal zone management and marine sanctuaries programs which are assigned to the Assistant Administrator for Coastal Zone Management. As the primary program policy officer for marine resources, marine environment management and protection, mapping, charting, and geodetic programs, he shall:

3. a. Renumber sections 7 and 8 as sections 8 and 9, respectively.

b. Delete the present *Section 9. Office of Coastal Zone Management*, in its entirety.

4. Add a new section 7 to read as follows:

SEC. 7. *Assistant Administrator for Coastal Zone Management.* The Assistant Administrator for Coastal Zone Management shall maintain cognizance over and establish policy for NOAA's coastal zone management and marine sanctuaries programs and other closely related programs. This shall not include NOAA's marine resources, marine environment management and protection, mapping, charting, or geodetic programs. As the primary program policy officer for coastal zone management and marine sanctuaries programs, he shall:

Serve as the focal point for the coordination with state, Federal and other governmental institutions concerned with the implementation of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464).

Develop policies and guidelines on a continuing basis to assist State and local governments in the effective management, and where possible, restoration and enhancement, of the land and water resources of the coastal zone of the nation within the context of the coastal zone management program.

Administer and monitor annual grants to states in support of the development and administration of coastal zone management programs.

Administer and monitor annual grants to states in support of the acquisition, development and operation of estuarine sanctuaries.

Develop policies and guidelines and administer the marine sanctuaries program authorized under Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431-1434).

Develop NOAA policy, promulgate regulations, and implement procedures necessary for Federal review and approval of state coastal zone management programs and the execution of Federal consistency provisions which then come into force.

5. SEC. 8. *Assistant Administrator for Administration.*

a. Amend paragraph .01 by deleting the term "reports management," from the third and fourth lines.

b. Paragraph .02 is revised to read as follows:

.02 *The Office of Management and Computer Systems* shall conduct studies and provide analytical assistance to develop or improve the organization and staffing structure and other management systems within NOAA; provide management staff services in the application of advance management principles and techniques; carry out the NOAA committee and reports management functions; develop and maintain a central system for collecting, analyzing, presenting and disseminating information on program status and performance; develop systems for measuring productivity and performance; exercise overall management, planning and coordination of NOAA's automatic data processing and telecommunications needs and facilities including serving as the focal point within NOAA for intra- and interagency matters, and the review and evaluation of proposals for automatic data processing and telecommunications requirements and systems; coordinate the Federal planning program for environmental telecommunications systems; and engage in research into advance system concepts and apply or provide guidance in the application of these concepts. It shall provide systems analysis and programming support to NOAA's executive and administrative management functions and to other NOAA functions as requested, and shall operate and provide system and special software support for automatic data processing facilities for all NOAA components except where separate facilities are approved."

6. SEC. 17. *Environmental Research Laboratories.* Subparagraph .01d. is revised to read as follows:

d. The *Program Manager for Weather Modification* shall have technical cognizance over laboratory and field work in experimental weather modification; and, in particular, shall have line management authority over the hurricane and cumulus research and the flight and instrumentation support activities.

7. The organization chart Exhibit 1, attached to this amendment, supersedes the organization chart dated November 14, 1974. A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

This order, effective January 16, 1975, further amends the material appearing at 39 FR 17786 of May 20, 1974; 39 FR 26766 of July 23, 1974; and 39 FR 43565 of December 16, 1974.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

Approved:

GUY W. CHAMBERLAIN,
Acting Assistant Secretary for Administration.

[FR Doc.75-3361 Filed 2-5-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4H2995]

SYRACUSE UNIVERSITY RESEARCH CORP.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

[1] Exhibit 2, map of geographic areas, filed as part of the original document.

(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H2995) has been filed by Life and Materials Sciences Division, Syracuse University Research Corp., Merrill Lane, University Heights, Syracuse, NY 13210, on behalf of Betz Laboratories, Inc., Somerton Rd., Trevose, PA 19047, proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for safe use of *N*-(2-nitrobutyl) morpholine as a slimicide in the manufacture of paper and paperboard that contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: January 29, 1975.

HOWARD R. ROBERTS,
Acting Dirctor, Bureau of Foods.

[FR Doc.75-3394 Filed 2-5-75;8:45 am]

National Institutes of Health

TUMOR REGISTRY WORKSHOP

Notice of Meeting

Notice is hereby given of the meeting of the Tumor Registry Workshop, National Cancer Institute, March 14, 1975, Building 31, A Wing, Conference Room 3.

This meeting will be open to the public from 9 a.m. to 5 p.m. on March 14, 1975, to discuss tumor registries. Attendance by the public will be limited to space available.

For additional information, please contact: John Cutler, M.D., Blair Building, Room 720, Division of Cancer Control and Rehabilitation; National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301) 427-8055.

Dated: January 29, 1975.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.75-3420 Filed 2-5-75;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Title I Committee of the National Advisory Council on Extension and Continuing Education will be held on February 17-18, 1975, in the Executive Suite of the Statler Hilton Hotel, 16th and K Streets NW, Washington, D.C. Meetings on both days will begin at 9 a.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Title I Committee will be open to the public, but because of the limited space available at the hotel, anyone wishing to attend the meeting should inform the Council's staff office (382-7991) no later than February 12, 1975. The purpose of the meeting will be to discuss portions of the Council's report on the Evaluation of Title I which is scheduled to be sent to Congress on March 31, 1975. All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street NW, Washington, D.C.

RICHARD F. MCCARTHY,
Associate Director.

JANUARY 30, 1975.

[FR Doc.75-3434 Filed 2-5-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Title I Committee of the National Advisory Council on Extension and Continuing Education will be held on February 27-28, 1975, in Room 334 of the Washington Hotel, 15th Street and Pennsylvania Ave. NW, Washington, D.C. Meetings on both days will begin at 9 a.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meeting of the Title I Committee will be open to the public, but because of the limited space available at the hotel, anyone wishing to attend the meeting should inform the Council's staff office (382-7991) no later than February 24, 1975. The purpose of the meeting will be to discuss portions of the Council's report on the Evaluation of Title I which is scheduled to be sent to Congress on March 31, 1975. All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street NW, Washington, D.C.

RICHARD F. MCCARTHY,
Associate Director.

JANUARY 31, 1975.

[FR Doc.75-3435 Filed 2-5-75;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

Notice is hereby given that a delegation of authority was made by the Secretary to the Assistant Secretary for Health on January 24, 1975, to perform all of the authorities vested in the Secretary of Health, Education, and Welfare by the Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (Pub. L. 93-353), except for the prescribing of regulations.

These authorities may be redelegated.

Dated: January 21, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-3421 Filed 2-5-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-249; FDAA-45-DR]

MISSISSIPPI

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on January 30, 1975, the President declared a major disaster as follows:

> I have determined that the impact of tornadoes on the State of Mississippi, occurring on January 10, 1975, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Mississippi.

This declaration of a major disaster supersedes the President's January 18, 1975, declaration of an emergency for the State of Mississippi, FDAA-3006-EM.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas P. Credle, HUD Region IV, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Mississippi to have been adversely affected by this declared major disaster:

The Counties of:

Lincoln Pike

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: January 30, 1975.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-3293 Filed 2-5-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

DISTRICT OF COLUMBIA'S PROPOSED ACTION PLAN

The District of Columbia Department of Highways and Traffic has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by 23 CFR Part 795 (39 FR 41819, December 2, 1974). The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the District to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. District of Columbia Department of Highways and Traffic, Office of Planning and Programming, Room 519, 415 12th Street, NW., Washington, D.C. 2004.
2. District of Columbia Division Office—FHWA, Pennsylvania Building, Room 1248, 425 13th Street, NW., Washington, D.C. 20004.
3. FHWA Regional Office—Region 3, George H. Fallon Federal Building, 31 Hopkins Plaza, Baltimore, Maryland 21201.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building, Room 3246, 400 Seventh Street, SW., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before March 3, 1975.

Issued on: January 29, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-3436 Filed 2-5-75;8:45 am]

Federal Railroad Administration

[Docket No. RAR-3]

RAILROAD ACCIDENT/INCIDENT REPORTING

Public Meeting

The Federal Railroad Administration (FRA) promulgated reporting and record keeping requirements, entitled "Railroad Accident/Incidents: Reports Classification, and Investigations", in the December 11, 1974 FEDERAL REGISTER (39 FR 23222). These rules constituted a revision to Part 225 of Title 49 of the Code of Federal Regulations, and became effective as of January 1, 1975. The revision has changed the reporting and record keeping requirements imposed upon railroads.

In an effort to familiarize railroad personnel with the new requirements under Part 225, the FRA is conducting a number of briefings in a series of public meetings. Earlier meetings were held in Washington, D.C. and Chicago, Illinois. Further meetings will be held on Monday, February 10, 1975 at the Federal Office Building, 601 East 12th Street, Kansas City, Missouri, at 9:30 a.m. in Room 140; and on Thursday, February 13, 1975 at the Federal Aviation Administration Building (adjacent to the Atlanta Airport), 3400 Whipple Street, East Point, Georgia, at 9:30 a.m. in Room 702.

At each of these meetings FRA Office of Safety personnel will explain the new reporting requirements and the use of new reporting forms.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.75-3392 Filed 2-5-75;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX75-2; Notice 1]

EXECUTIVE INDUSTRIES, INC.

Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

Executive Industries, Inc. of Anaheim, California, has applied for temporary exemption for a new passenger car from Standards Nos. 215, *Exterior Protection*, and 216, *Roof Crush Resistance*, on grounds of substantial economic hardship.

Executive is a manufacturer of motor homes, producing 1183 such vehicles in its fiscal 1974 (October 1, 1974–September 30, 1974). Anticipating the energy crisis and a decline in demand for recreational vehicles, Executive began in July 1973 to develop a two-passenger sports car. Although the company planned to conform to all applicable Federal motor vehicle safety standards, an outside review of its compliance status in October 1974 disclosed two areas of concern: The corner impact requirements of Standard No. 215 (49 CFR 571.215) and the roof crush resistance test of Standard No. 216 (49 CFR 571.216).

With respect to Standard No. 215, Executive's vehicle will meet all requirements other than corner impact protection. To immediately redesign and retool the body structure and panels of its prototypes would add an estimated $850 to the target retail price of $6,900, and delay its initial production by 6 months. It asks a 3-year exemption during which it would design a bumper system meeting the additional corner impact requirements effective September 1, 1975, and a "no damage" bumper standard issued under the Motor Vehicle Information and Cost Savings Act.

Concerning Standard No. 216, the company asks whether its vehicle is a "convertible" and hence excepted from the roof crush resistance requirements by the terms of the standard. It bases its requests upon the fact that the roof of its small vehicle contains a removable panel 31½ inches by 21½ inches in size, which forms the major portion of the top. Although NHTSA has not defined the term "convertible," the configuration of Executive's vehicle is more like that of a vehicle with a "sun roof" (i.e., a fixed top with a sliding panel) than it is of a vehicle which has no top, or a removable top. With the panel removed, Executive's car is still basically an enclosed vehicle with substantial body structure above the windshield and side windows, unlike a vehicle such as the Porsche Targa which features a removable top. Therefore, NHTSA has decided that Executive's vehicle is not a "convertible" within the normal or intended meaning of that term, and must comply with Standard No. 216 unless exempted under Part 555. Although its designs indicate that the production vehicle will meet Standard No. 216, Executive prefers the security of an exemption until it can produce a prototype and test it. If the tests indicate a failure it believes that the redesign of the vehicle would add $1,300 to manufacturing costs alone. The vehicle utilizes a rollbar and has a center of gravity behind the occupants which, in the event of a rollover, would, in its manufacturer's opinion, provide protection equivalent to that provided by windshield pillars strong enough to meet Standard No. 216.

In support of its petition, the company states that "the commitment of another quarter million dollars to product development before preliminary market testing is completed is not economically viable." With the costs of EPA certification and "validation of FMVSS compliance," start up costs for initial vehicle production are estimated at $500,000. The company's net income for fiscal 1974 was $1,103,976, representing almost a 50

per cent drop from 1973's $2,088,831. Denial of the application would force the company "to abandon this vehicle project, at a monetary loss of more than $215,000 and with a concomitant loss of employment opportunities for its work force." The company believes that an exemption would serve the public interest by allowing it to develop a lightweight bumper system, contributing to better fuel mileage and energy savings over the life of the vehicle, as well as marketing a handcrafted low-volume vehicle of a type usually manufactured abroad. This, if successful, might lessen dollar outflow and would create job opportunities in the United States.

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 Executive Industries, Inc. 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. Notice of final action on the petition will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: March 10, 1975.

Proposed effective date: Date of issuance of the exemption.

(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 February 3, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-3408 Filed 2-5-75;8:45 am]

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

MEETING

The Citizens' Advisory Committee on Environmental Quality will meet on February 14, 1975, at 10 a.m. in Room 500, 1700 Pennsylvania Avenue NW., Washington, D.C.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include legislation, Committee publications, land use, energy, solid waste, and other current environmental issues.

A limited number of seats—approximately 10—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Thursday, February 13, 1975, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006, telephone (202) 233-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.75-3547 Filed 2-5-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25990; Agreements C.A.B. 24827-24832; Order 75-1-140]

AMERICAN AIRLINES, INC. ET AL.

Order Regarding Capacity Agreement To Implement Fuel Allocation Program

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of January 1975.

By joint application, American Airlines, Inc. (American), Trans World Airlines, Inc. (TWA), and United Air Lines, Inc. (United) request approval pursuant to section 412 of the Federal Aviation Act of 1958, as amended, (the Act) of six agreements limiting capacity in 23 markets [1] for the period February 1, 1975 through June 14, 1975. The agreements were negotiated pursuant to authority granted by Order 74-11-35, November 7, 1974, authorizing inter-carrier discussions concerning, inter alia, extension of the fuel-related capacity limitation agreements approved in Order 74-7-105, July 24, 1974.

In support of their application, the joint applicants state, inter alia, that the form and substance of the agreements are similar to earlier agreements approved in this docket; with a few exceptions, capacity levels will be unchanged from last year's off-peak level;[2] the load factors projected in each agreement market fully meet the criteria established by the Board for fuel restraint agreements;[3] current jet fuel allocations are at the same 100 percent of 1972 levels as when the Board initially approved fuel restraint agreements in Order 73-10-110, but foreign as well as domestic carriers now have the right to draw on the domestic jet fuel pool; the coal strike combined with a predicted unusually severe winter will adversely affect the supply of middle distillate fuels; the international fuel situation shows no sign of improvement; the Board has already approved capacity agreements in numerous international markets for the winter of 1975; the agreements benefit both the agreement carriers and the traveling public by enabling the carriers to raise load factors in the agreement markets to levels approximating those attained on the remainder of their systems, thereby allowing the carriers to continue to offer more services on nonagreement routes than would otherwise be possible; the agreements will save over 110,000,000 gallons of fuel during their 4½ month term; the applicants will not use released capacity to increase competition with other carriers; and all three carriers will again ground aircraft this winter because of lack of fuel.[4]

Answers in opposition to these agreements have been filed by Frontier Airlines, Inc., the City of Chicago, the Las Vegas Parties, the Cincinnati Parties, Northwest Airlines, Inc., the National Air Carrier Association (NACA), the Department of Transportation, Braniff Airways,

[1] The markets and agreements to which they relate are as follows:

Agreement C.A.B. 24827, American, TWA, and United, New York/Newark-Los Angeles, New York/Newark-San Francisco, Washington/Baltimore-Los Angeles, and Chicago-San Francisco.

Agreement C.A.B. 24828, American, TWA and United, Philadelphia-Los Angeles, Detroit-Los Angeles, Hartford-Los Angeles, Boston-Los Angeles, and Cleveland-Los Angeles.

Agreement C.A.B. 24829, American and TWA, New York-Cincinnati, New York-Dayton, and Chicago-Phoenix.

Agreement C.A.B. 24830, American and United, Chicago-San Diego, and Washington-San Diego.

Agreement C.A.B. 24831, TWA and United, Boston-San Francisco, Philadelphia-San Francisco, Washington/Baltimore-San Francisco, New York-Denver, Washington-Denver, New York-Las Vegas, Chicago-Las Vegas, and Philadelphia-Chicago.

Agreement C.A.B. 24832, American, TWA and United, New York-Chicago.

[2] The following changes have been made from the September 15-December 14, 1974 level: New York-San Francisco, eleven percent reduction in seats; Chicago-San Francisco, six percent reduction in seats; Detroit-Los Angeles, substitution of one narrow-body for one wide-body; Cleveland-Los Angeles, elimination of one narrow-body; Chicago-Las Vegas, substitution of two wide-bodies for two narrow-bodies; New York-Denver, two additional narrow-bodies weekly; Chicago-Phoenix, February 1-April 14, substitution of two wide-bodies for two narrow-bodies, April 15-June 14, substitution of two narrow-bodies for two wide-bodies.

[3] The projected industry load factor for all markets combined is 55 percent and the highest projected load factor is 66 percent in the Chicago-Las Vegas market. The carriers assume no traffic growth in any market except for Chicago-Las Vegas in which 10 percent growth was assumed.

[4] As of February 1, 1975, American expects to have grounded four B-747's; TWA will have grounded three L-1011's, one B-747, and one B-707; and United will have grounded 15 DC-8's.

Inc., Delta Air Lines, Inc., the Department of Justice, the Airline Pilots Association (ALPA),[5] Continental Air Lines, Inc., and the State of Maryland.[6] These answers are summarized in Appendix A, as are the consolidated replies of American and TWA.

In general, the answers in opposition to these agreements are based on five major contentions: (1) Approval of the agreements would be contrary to the Initial Decision in the Capacity Reduction Agreements Case[7] and would constitute prejudgment of that case; (2) the agreements are not needed as no fuel shortage currently exists and the applicants appear to have ample fuel to operate without the benefit of capacity agreements over the peak holiday period;[8] (3) the agreements will not result in any saving of aviation fuel as any fuel not used in the agreement markets will be used in other markets to the detriment of competing nonagreement carriers; (4) the schedule reductions resulting from approval of these agreements will adversely affect the traveling public; and (5) the applicants have failed to provide justification based specifically on summer operations and specific information describing the actual amount of fuel that will be saved within the agreement markets as required by previous Board orders.

Upon consideration of the pleadings and all the relevant facts, we have concluded that Agreements C.A.B. 24827 through 24832, if made subject to certain conditions, are neither adverse to the public interest nor in violation of the Federal Aviation Act and, accordingly, should be approved pending final Board decision in the Capacity Case, or until they expire by their terms on June 14, 1975, whichever first occurs.[9]

In several previous orders the Board approved capacity agreements because it was the Board's conclusion that the agreements would result in a better allocation of fuel resources in circumstances in which the carriers could not obtain the quantities of fuel they needed to meet the public's needs for air transportation services. This same concern was expressed by the Board in Order 74-11-35, in which the Board authorized the discussions that led to the agreements here under consideration. More specifically, the Board authorized the discussions because, at that time (early November), it appeared that the fuel shortage was still with us and that this shortage could be further exacerbated by a lengthy coal workers' strike, heavy use of middle distillate fuels for home heating, and so forth.

There is no doubt that the fuel shortage which faced the nation when the capacity agreements were last approved has changed considerably.[10] But one fact is clear. A very serious fuel problem continues to exist. Previously the unavailability of fuel called for extraordinary measures for allocation of scarce supplies. Presently the critical national need is for reduction in the use of available fuel supplies in order to reduce this nation's dependence on imported oil, and eliminate the drain on our national wealth and exposure of our economy to serious disruption that are the consequences of such dependence.

The critical necessity for fuel conservation has been central to the programs of both the President and Congress. Thus, in his State of the Union Message the President pointed to the urgent need to reduce oil imports by one million barrels per day by the end of 1975, and by two million barrels per day by the end of 1977, with an end to the vulnerability of our economy to foreign suppliers by 1985.[11]

Congress fully shares the goal of reduction in energy consumption. The Senate Majority Leader recently remarked, "to cope effectively with exorbitant and arbitrary prices for petroleum * * * a reduction of consumption equal to at least two million barrels per day, and preferably more, must be achieved." He added, "Unless we put an end to the superfluous and extravagant, supplies, no matter how great, will never be sufficient." Remarks of Senator Mansfield, 121 Cong. Rec. S 16, January 15, 1975 (Daily Ed.).

Indeed, many members of both Houses of Congress of both political parties have made statements urging the conservation of scarce energy resources. Another Senator, in outlining a comprehensive program for fuel conservation, stated his view that, "The very health of our economy, and our position as a World economic power, may depend on our will to adopt tough fuel conservation measures." (Senator Charles H. Percy, 120 Cong. Rec. S. 20920, December 10, 1974 (Daily Ed.)).

The Recommendations of the President's Labor-Management Committee were to the same effect. The Committee emphasized that, "Conservation in every way is essential, and the present level of imports of oil should be promptly reduced significantly." Its proposed program included, "* * * the establishment of formalized energy conservation programs throughout industry and all levels of Government to economize on energy use * * *." Recommendations of the President's Labor-Management Committee Concerning Economic Initiatives and National Energy Policy, December 30, 1974, 11 Weekly Compilation of Presidential Documents at 35 (1975).

The Board also has a responsibility to carefully consider measures proposed by the carriers to eliminate superfluous or extravagant utilization of fuel supplies. We recognized that responsibility when capacity agreements were granted interim approval by the Board in the transcontinental markets in Order 73-7-147. That Order set for hearing the joint application of American, TWA and United for approval of an agreement comparable to Agreement C.A.B. 24827, here before us. One of the prime considerations which the Board found warranted that interim approval was its conclusion that the agreement would save substantial quantities of fuel.

As noted, the applicants allege that substantial fuel savings will be accomplished by maintenance of reduced capacity under the agreements. Moreover, it is axiomatic that to the extent overall reduced capacity may be attributed to the agreements, fuel savings will result.[12] The opposing parties urge that minimal fuel savings have in fact resulted, since savings in agreement markets have been expended in nonagreement markets, and unilateral restraint would be equally effective in maintaining the present reduced capacity in the agreement markets.

Whether substantial fuel savings will in fact result from capacity agreements in appropriate markets, and whether any such fuel savings and other benefits

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[5] ALPA has also filed an amendment to its answer with a motion for leave to amend. For good cause shown, the motion will be granted.

[6] The State of Maryland's answer was filed four days late and was accompanied by a motion for leave to file an otherwise unauthorized document. We will consider that motion as a motion for leave to file late under Rule 17 and will grant the motion, excusable neglect having been demonstrated.

[7] Initial Decision of Administrative Law Judge E. Robert Seaver in the Capacity Reduction Agreements Case, Docket 22908, served November 18, 1974, concludes that capacity agreements are adverse to the public interest and not justified on either economic or fuel-saving grounds. By Order 75-1-32, January 8, 1975, the Board took review and stayed the effectiveness of Judge Seaver's Initial Decision. Hereinafter, the proceeding in Docket 22908 will be referred to as the Capacity Case.

[8] The predecessor agreements of those currently in issue, which were approved by Order 74-7-105, July 24, 1974, expired December 14, 1974. The instant agreements would not become applicable until February 1, 1975.

[9] In our view the applicants have sufficiently met the evidentiary requirements imposed in Orders 74-7-105 and 74-11-35 to warrant our considering the Joint Application on its merits. See application for a discussion authorization filed in this docket on September 24, 1974; TWA's Consolidated Reply herein; Attachment VIII to the Joint Application; Reply of American at Appendix A; Reply of TWA at Appendix B.

[10] Fuel limitations nevertheless remain. Thus, Federal Energy Administration Regulations continue to provide for the allocation of aviation fuels. Carriers are currently limited to no more than their 1972 fuel usage unless they can show compelling situations requiring adjustments to the base period use. Mandatory Petroleum Allocation Regulations, 10 C.F.R. Part 211, Subpart H; 39 Fed. Reg. 37969.

[11] 11 Weekly Compilation of Presidential Documents 49(1975). Other Presidential Statements are to the same effect. See, 10 Weekly Compilation of Presidential Documents 1239, 1272, 1321 and 1556 (1974).

[12] The most recent data available (from Forms 41, Schedule P5(b)) indicate that, during the past year when capacity agreements covering the 23 markets were in effect, the three agreement carriers decreased their fuel use substantially more than did the nonagreement carriers (using 1972 as a base: See, *e.g.* Mandatory Petroleum Allocation Regulations, 39 Fed. Reg. 37969 (1974)). Moreover, data filed with the Board show a decrease in fuel consumption, *e.g.* for the month of October 1974 alone, compared to October 1973, in the 23-agreement markets, consumption was down 16.9 million gallons, with a total cost savings of some $4.0 million (based on October 1974 fuel costs).

outweigh other detrimental effects, are questions which will be determined in the pending Capacity Case proceeding, Docket 22908. That case involves agreements substantially similar to those here before us.[13] However, the question which we now must resolve is whether, pending that determination, the Board should create a risk that the benefits, particularly in the form of fuel conservation, which appear to have been derived from the agreements, might be lost by premature disapproval of the agreements prior to our final determinations as to the public interest of such agreements in the Capacity Case. Considering the short duration of the agreements, the very serious present necessity for fuel conservation, and the Board's responsibility to give very careful consideration to proposed fuel conservation measures, we conclude that that risk is one which the Board should not take. We will, therefore, grant interim approval of these agreements through June 14, 1975, or until the final Board order in the Capacity Case.

There are additional reasons which lend support to our conclusion that continued interim approval of these agreements should be granted. In Order 73–7–147 we tentatively concluded that capacity reduction agreements also have beneficial effects on the financial health of the parties to such agreements. In this respect we take note of the recent slump in the traffic picture of the airlines, and the various projections of a continuation, at least for the immediate future, of the current recession. Coupled with the gloomy traffic picture are steeply rising carrier costs.[14] Thus the prospects are not bright with respect to the carriers' finances, a matter of serious concern in view of TWA's already mounting losses and the fact that American's present period of profitability has not been a lengthy one.[15]

Further, while we would be reluctant to continue to approve capacity limitation agreements based on tentative views if final resolution of the matter were not in sight, the Capacity Case is fast drawing to a close. (Briefs to the Board are due on February 7, and we contemplate that oral argument will be held as soon thereafter as is practicable.) With the exception of a few short periods, agreements covering New York/Newark-Los Angeles/San Francisco, Chicago-San Francisco and Baltimore/Washington-Los Angeles have been in effect for more than three years. Agreements covering capacity in the other 19 markets have been in effect for most of the past 14 months. Even were the apparent public interest benefits of the agreements (as discussed above) less compelling, we could not conclude that operation of the agreement pendente lite in the Capacity Case would be adverse to the public interest since it does not appear that the agreements will have any overriding detrimental effects for the relatively brief period February-June, and since such agreements to all intents and purposes continue the status quo.[16]

As we have touched on above, the place that capacity agreements should have in the regulation of the nation's air transportation system will be resolved in the Capacity Case. The question of the validity of the Board's tentative views about capacity agreements will be answered there. As we have also discussed, however, in the meantime, and necessarily without the understanding of the record in the Capacity Case that will be gained from a study of the parties' briefs and arguments, the Board remains of the tentative view that capacity agreements such as those before us benefit the public interest. The applicants should be on notice, however, that if the Board's study of the record and Initial Decision in the Capacity Case leads us to conclude that it would be in the public interest to do so, we will order that the agreements be brought to an end forthwith.

As we have repeatedly said, we will also order an end to the agreements if it appears that the agreement carriers are misusing the resources that the agreements free: See, e.g., Order 73–4–98, at 5. This, in turn, brings us to the claims of the various competitors of the agreement carriers that the agreements have, in fact, had a detrimental impact on these competitors.

Continental's contentions have already been disposed of in Order 74–7–105, and Delta's complaint against American is currently pending in Docket 26995.[17] Braniff alleges that, on June 15, 1974, American increased its Chicago-Dallas frequencies from 6 to 10 nonstop round-trip flights. American admits that it increased its Chicago-Dallas frequencies on June 15 from 6½ to 10½ nonstop round trips; however, American contends that it was forced to do so in order to maintain its capacity share and keep Braniff from driving it out of the market.[18] Upon consideration of available information, we have concluded that American was attempting to maintain its competitive position in the face of Braniff's increased frequencies, and that the capacity agreements had no causative effect on American's actions. As we have stated in the past, we do not believe it equitable to place agreement carriers at a competitive disadvantage in nonagreement competitive markets by precluding them from responding to a competitor's increase in such markets.[19]

We have also concluded that the service proposed in the agreements will reasonably satisfy the needs of the traveling public. A number of civic parties argue that capacity agreements have unduly limited service to those cities. The City of Chicago asserts that approval of the agreements may result in a further deterioration of business travel; however,

[13] Various parties to the present proceeding also urge us to take into consideration the findings and conclusions of the Initial Decision in the Capacity Case. As noted earlier, the Administrative Law Judge there concluded that capacity limitation agreements are, except in extraordinary circumstances, contrary to the public interest. However, as also noted above, petitions seeking review have been filed which take issue with practically all aspects of the Initial Decision and the Board has agreed to review the case. Accordingly, reliance by the Board on any of the Initial Decision's findings and conclusions would, at this juncture, be unfair and inappropriate.

[14] Fuel costs, for example, have virtually doubled since the year ended June 30, 1973, when the average price per gallon for the domestic trunks and local service carriers was only 11.745 cents. The latest available data (November 1974) shows the average price per gallon is 23.129 cents. Moreover, if the President's proposed petroleum taxes are implemented, further increases in fuel costs are likely to result.

[15]

(12 months ended September 30)

	Net income (thousands)		Rate of return (percent)	
	1974	1973	1974	1973
American	$14,400	($34,400)	4.2	0.3
TWA	(1,900)	52,000	4.4	8.1
United	97,400	45,000	9.2	6.0

[16] In view of the fact that the Capacity Case will soon be completed and that the instant agreements will be in operation for such a short term, we have not undertaken to attempt to determine precisely their fuel savings, financial and environmental effects: Compare Order 73–7–147. However, we tentatively conclude that the agreement will considerably reduce capacity in the agreement markets compared to what would be offered but for the agreements. Since we continue to adhere to our tentative view that such reductions will not be counterbalanced by unreasonable capacity increases elsewhere, we also tentatively conclude that the savings and reductions, in terms of fuel use, costs, and noise and air pollution, will be substantial. In respect to alleged alternative measures for reducing capacity we adhere to the views expressed in Order 73–7–147.

[17] By letter dated December 17, 1974, the Bureau of Enforcement notified Delta of its determination that it would not be in the public interest to institute an enforcement proceeding on the basis of Delta's complaint. Delta has sought Board review of that determination. Under the circumstances, it would be inappropriate for us to consider the merits of that complaint here.

[18] On April 1, 1974, Braniff increased its nonstop round-trip frequencies in the Chicago-Dallas market from 8 to 10. OAG, March 15 and April 1, 1974.

[19] See Orders 72–4–63 at 7 and 73–4–98 at 5, n. 10.

based on this record we cannot agree. Load factors in the Chicago-New York and Chicago-Philadelphia markets, which the city mentions as important business markets, were 60 percent during the off-peak period of February through May 1974, and are projected at 60 percent under the instant agreements. The Las Vegas parties expressed concern about the Chicago-Las Vegas market, which had 70 percent load factors in the February-May 1974 off-peak period. However, the applicants intend to substitute two wide-bodies for two narrow-bodies and project a 66 percent load factor during the term of the instant agreement. We think that the actual load factor will be no higher in the Chicago markets than the applicants' project (and probably will be lower) and that those load factors are reasonable.[20]

The Cincinnati parties complain of high load factors in the New York/Newark-Cincinnati market and the absence of nonstop Newark-Cincinnati service. The industry load factors in the New York/Newark-Cincinnati market were 62 percent during the February-May 1974, off-peak season and are projected to be at the same level under the instant agreements. Again, we estimate that load factors will be no higher than as projected by the applicants, and we cannot conclude that such load factors are excessive. As to the lack of nonstop Newark-Cincinnati service, that market currently receives two one-stop round trips daily from TWA and the Cincinnati parties have provided no evidence to indicate that nonstop service is needed in the market, particularly in light of the availability of nonstop service from LaGuardia. The State of Maryland's complaint of insufficient service at Baltimore/Washington International Airport has been dealt with in a prior order[21] and is a question which will be resolved in the Capacity Case.

We have also considered the possible impact of the agreements on competition between the agreement carriers and on their employees. In respect to the competitive impact of the agreements, they will, of course, reduce or eliminate nonstop capacity competition in the markets involved. That is a debit to be chalked up against the agreements. On the other hand, we again find no reason to depart here from the Board's earlier expressed view that agreements like the ones before us do not have a detrimental effect on other forms of competition.[22] As to impact on employees, we have concluded that that impact will be limited, given the fact that the agreements in the main preserve the status quo and that the agreements will be in effect for 4½ months (or less), and that such effect, together with the agreements' effects on competition and on passenger convenience, will not outweigh the agreements' beneficial effects: see Order 73-7-147 at 14.

Jurisdiction over the agreements will be retained, pursuant to section 412 of the Act, for the purpose of amending, modifying, or revoking our approval at any future time.[23] We shall also require the applicants to submit a variety of reports: See, *e.g.*, Orders 73-7-147 and 74-7-105.[24] If these reports or other information coming to our attention indicate that the agreements may be working to the detriment of the public interest for any reason, the Board will exercise its discretionary powers of review under section 412(b) of the Act.[25]

Accordingly, *It is ordered*, That:

1. Effective February 1, 1975 through June 14, 1975, or until final Board order in the Capacity Reduction Agreements Case, whichever first occurs, Agreements C.A.B. 24827, 24828, 24829, 24830, 24831, and 24832, be and they hereby are approved subject to the following conditions:

a. Within 15 days after the end of each calendar month each applicant shall submit to the Board's Docket Section three copies of a report in the form required by Order 72-4-63, stating for each total market affected by the agreements (including satellite airports in each market) and for each flight flown therein (including extra sections), by flight number, departure time and aircraft type, the revenue passengers carried, number of seats flown, and load factor for each day of the week and for the month; and as an attachment to that report, each applicant shall report the number of times an aircraft being operated in any of the agreement markets departed with 95 percent or more of its seats filled;[26]

b. A copy of such reports shall be served upon each airport operator in the cities which are the subject of the report;

c. Within 15 days after the end of each month each carrier shall file a report with the Board's Docket Section stating, on a systemwide basis, average seat-miles operated per gallon of fuel used, by type of equipment;

d. Each carrier shall maintain records, subject to inspection by the Board, or by such other persons as the Board may authorize, of the fuel used each month by the carrier, throughout its system, on a city-pair and flight-by-flight basis (including charter operations);

e. Any schedule changes resulting pursuant to the agreements approved herein shall be reported to the Board within 15 days after the end of each month in accordance with the format in Appendix D to Order 74-7-105. Copies of such reports shall be provided to all carriers and interested civic parties requesting them; and

f. Schedule deletions resulting pursuant to the agreements herein approved which occur at any of the controlled high-density airports,[27] and which result in the vacating of slots allocated by the Airline Schedule Committees of the respective airports pursuant to authority granted in Order 72-11-72, shall not be refilled by the air carrier applicants, nor be reallocated to other carriers by the Airline Scheduling Committee, *Provided, however*, That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operated plus or minus three hours of the flights to be reinstated;[28]

2. The reports required by ordering paragraph 1 above, shall be filed for the period December 1, 1974 through June 14, 1975;

3. The Board shall retain jurisdiction over this proceeding in order to modify, amend or revoke our approval at any time, or take whatever other action may be deemed appropriate in the public interest, without a hearing;

4. The motions of the Air Line Pilots Association and the State of Maryland, be and they hereby are granted;

5. Copies of this order shall be served on the U.S. Postal Service and all certificated air carriers as well as the parties named in Appendix A; and

6. Except to the extent granted herein, all outstanding requests be and they hereby are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[29]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

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[20] See, in this regard, the discussion of appropriate projected load-factor levels in Orders 73-4-98 and 73-7-147. We would only add that the intensified national goal of favoring actions that save fuel reinforces our view that projected mid-60's load factors in agreement markets are entirely acceptable.

[21] See Order 73-7-147, at 10.

[22] See, Orders 73-7-147 at 11 and 74-7-105 at 7. See also, the recent discount-fare proposals of American, TWA and United, Dockets 27273-77, 27280, 27326, 27335, 27337-38.

[23] We have touched on this matter earlier. We would also note that such action will be taken if it appears that traffic in any of the agreement markets turns out to be materially greater than expected and the carriers fail to react by adding appropriate amounts of extra capacity. In this regard, while we have retained the requirement that capacity be added if load factors average more than 72 percent over any two-month period, we note that the carriers' forecast load factors are considerably below this level, and we expect them to use best efforts not to exceed their forecast load factors.

[24] In order that we may have a complete picture of the situation, we shall require these reports to be filed for the 2½ month hiatus period between the predecessor and the instant agreements (see footnote 8, above) as well as for the period covered by these agreements.

[25] Consistent with past orders, we will not impose the restrictive charter service condition proposed by NACA. NACA's proposed cure, it seems to us, is considerably worse than the claimed disease. Of course the subject is specifically in issue in the Capacity Case.

[26] For purposes of the 95 percent reports, the applicants shall take into account both revenue and positive space nonrevenue passengers. Such reports shall include flight numbers.

[27] Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport and LaGuardia Airport. See Order 72-11-72.

[28] See Order 73-12-32, December 7, 1973, at p. 7.

[29] Members Minetti and West dissented. Members Minetti and West reserve the right to set forth their views in a dissent to follow.

APPENDIX A

SUMMARY OF ANSWERS IN OPPOSITION

Frontier states that: the oil embargo has been lifted and fuel is available as needed; the benefits derived from the agreements are no longer of such critical importance as to warrant their continuation; pendente lite approval should not be granted because the Initial Decision in the Capacity Reduction Agreements Case [1] found the agreements contrary to the public interest; the agreements afford United and TWA an unfair competitive advantage in nonagreement markets.[2]

The City of Chicago opposes approval of the agreements in the six Chicago markets in issue, asserting that: approval may result in a further deterioration of business travel; the coal strike will result in little, if any, diversion of aviation fuel because coal users cannot readily switch to middle distillate fuels; the lack of opposition to international capacity agreements is an attempt to assist Pan Am which is unrelated to domestic markets; the Initial Decision in the Capacity Case concludes that the agreement is not saving and will not save any aviation fuel; and the discussions leading up to this agreement do not indicate any efforts to save fuel.

The Las Vegas Parties oppose the application on the grounds that it failed to "include a justification based specifically on the summer operations pursuant to the agreements, focusing, inter alia, on the data included in the reports being filed in this docket" as required by Order 74–7–105, p. 16, ordering paragraph (3); the Initial Decision in the Capacity Case found such agreements adverse to the public interest in the economic area and unnecessary as a fuel conservation device; extension of the agreements without hearing would raise a serious question of Board prejudgment of that proceeding; applicants appear to have ample fuel to operate without agreements over the peak holiday period since the new agreement will not start until February 1; the coal strike is now over; the new agreements threaten substantial damage to the traveling public and the tourism industry [3]; ordering paragraph 1(h) of Order 74–7–105 is ineffective as the condition can easily be met by dumping extra section capacity into the market at the tail end of the period; and the Board has been unresponsive to Las Vegas' pleas for relief from oppressive load factors (actual load factors in the Denver-Las Vegas market ran close to 90 percent during February and March, 1974); and the only way carriers will properly respond to the needs of major markets is through the stimulus of competition.

The Cincinnati Parties contend that: The agreements are not justified based on summer operations pursuant to the agreements, as required by Order 74–7–105; the carriers have not justified the agreement on fuel-conservation grounds; the carriers cannot be concerned about fuel supplies this winter since the new agreements will not commence until February 1, after the holiday peak is over; approval threatens substantial injury to the traveling public in a number of markets [4]; the applicants have presented no valid reason for any further interim approvals and the Board should cease its practice in granting long-term authorizations to these agreements through the mechanism of a series of short-term approvals.

Northwest asserts that: the instant agreement is for the spring, not for this winter as contemplated in the order approving discussions; the applicants' justifications are directed to winter fuel supplies and do not justify approval through June; the coal strike has been settled without reducing airline fuel allocations and an unusually severe winter cannot justify a spring agreement; the applicants admit that these agreements are not needed to conserve fuel this winter; the applicants have failed to justify approval on the basis of their summer operations as required by Order 74–7–105; the carriers have sufficient fuel to meet the public's needs, as no agreement is necessary during the winter; in light of a projected absence of traffic growth, the applicants will act rationally and not add excessive capacity in the agreement markets; and the Initial Decision in the Capacity Case found that fuel-related agreements are unnecessary through mid-1975. Northwest further alleges that the agreement carriers will obtain control of each other within the meaning of section 408(a)(5); that section 408 requires a hearing before these agreements can be approved; the time span of the proposed agreement would extend the fuel-related agreements to the end of the period that the carriers had sought approval of an economic agreement in Docket 22908; and approval of the agreements would be arbitrary.

The National Air Carrier Association avers that: they are a clear violation of the antitrust laws; the Initial Decision in the *Capacity Case* concluded that the agreements are detrimental to the public interest and harmful to both nonagreement and agreement carriers; failure to disapprove the agreements would constitute prejudgment of the issues in that case; the supply of aviation fuel is increasing; the coal strike is settled; the agreements will not save fuel as any fuel saved in the agreement markets would be immediately used in other markets; and, if the instant agreements are approved, that approval should be subject to a condition that the agreement carriers' available seat miles operated in charter service not exceed the ASMs operated in calendar year 1971 unless the carrier can demonstrate that the additional capacity has not been made available as a result of any capacity agreement or is needed to meet a demand for charter service which cannot be met by an supplemental or other nonagreement carrier.

The Department of Transportation asserts that the agreements are contrary to antitrust policy and may only be approved if they are required by a serious transportation need, necessary to secure important public benefits, or are in furtherance of a valid regulatory purpose, and if less anticompetitive alternatives are unavailable. In the absence of substantial evidence, which is here lacking, there is absolutely no justification for the Board authorizing new capacity agreements in light of the Initial Decision in the Capacity Case.

Braniff Airways opposes the agreements on the grounds that the Initial Decision in the Capacity Case rejects all of the purported justifications advanced by the applicants for approval of these agreements. Braniff states that: the applicants admit that freed resources will be used in non-agreement markets [5]; contrary to Order 74–11–35, the applicants have not been specific in describing the actual amount of fuel that will be saved by approval of these agreements; it is impossible to verify their fuel saving estimate; and the calculations bear no relationship whatsoever to fuel savings which may properly be attributed to the agreements.

Delta Air Lines states that: by arguing that the over-capacity situation in the 23 agreement markets will return, with an attendant reduction in service in other markets because of lack of spare fuel, the applicants admit that fuel saved from earlier agreements has been used in nonagreement markets; there is no further need for such agreements as the industry is able to make necessary schedule adjustments on a unilateral basis during the fuel shortage while maintaining fully adequate levels of service; the fuel savings alleged to flow from the agreements are unsubstantiated and depend upon the invalid assumption that pre-agreement schedules would be reinstated in the absence of agreements; the agreements have serious anticompetitive potential and do not meet the Board's standards for approving such agreements; any fuel "saved" will be used for competitive purposes elsewhere; approval of the agreements would prejudice the Board's final decision in the Capacity Case; applicants have failed to provide specific information in describing the actual amount of fuel that will be saved as required by Order 74–11–37; there is no way to verify the claimed savings since the applicants have not supplied any fuel-burned data by which their assertions can be tested; and the Board's conditions against transfer of freed fuel capacity to nonagreement markets have been proved ineffective in Delta's complaint in Docket 28995.

The Department of Justice asserts that: these agreements do not save fuel on a systemwide basis and do not facilitate a more equitable distribution of short supplies of fuel among various markets than is available through less anticompetitive means; the Board has failed to determine whether any less anticompetitive alternative remedy exists; the Initial Decision in the Capacity Case compels rejection to this application; and the applicants at no point argue that there will be any jet fuel savings on a systemwide basis.

The Air Line Pilots Association maintains that: Approval is not justified by reason of a serious transportation need and will not achieve substantial public interest benefits; approval will not result in fuel savings; while the fuel shortage exists in the sense that carriers are limited to 100% of 1972 levels, the affect is not at all drastic because traffic levels have diminished to or below 1972 levels; and, if the Board approves the proposed agreements, labor protective provisions should be imposed.

Continental Air Lines states that: The agreements do not meet the standards of

[1] Docket 22908. Hereinafter referred to as Capacity Case.

[2] During the term of the agreement, United inaugurated a DC–10 round trip between Denver and Las Vegas in competition with Frontier. While Frontier cannot prove that this equipment escalation was attributable to capacity released by virtue of the agreements in other markets, but for the artificially restrained competition between United, TWA, and American, United might have concentrated more on the 23 markets included in the proposed agreements.

[3] The carriers have consistently underestimated traffic in the Las Vegas-Chicago market, for example.

[4] For example, neither carrier offers nonstop service between Newark and Cincinnati despite clear evidence of public need for such service; and load factors have consistently run on the high side in this market and are quite excessive during peak times of the day.

[5] *E.g.*, on June 15, 1974, American increased its frequency of service in the Chicago-Dallas market from 6 to 10 nonstop round trips and admitted in the Capacity Case that it expected that this increase would produce losses by both American and braniff in that market.

sections 412(b) and 102(d) of the Act and are also in violation of the antitrust law; no conditions of economic stringency exist to support approval as the applicants are all experiencing operating profits; low load factors no longer exist in the markets in question; the fuel crisis is no longer a legitimate justification for the agreements; the use of freed capacity has an adverse impact on nonagreement carriers; the agreements shelter the applicants in their major markets thereby enabling them to unleash their greater marketing power in nonagreement markets; the decreasing capacity in the agreement markets has lowered the quality of service provided in those markets; and there is no serious risk of the return to excess capacity in the agreement markets.

The State of Maryland also opposes the application asserting that: the agreements do not save fuel; the carriers generally are now operating at reduced levels of fuel consumption and can continue to do so unilaterally; the record of recent discussions is barren of any discussion of fuel economy; the applicants are making adequate profits and will continue to do so in the absence of capacity agreements; and the reduction of service in the Baltimore-Los Angeles market has significantly impaired the generation of traffic in this market and has resulted in public inconvenience and a failure to provide ample flights.

SUMMARY OF REPLIES

Trans World Airlines states that: There is a need to conserve fuel and extension of this agreement will serve that purpose; a comparison of domestic ASM's operated during September, October and November, 1974, versus the same months in 1972 shows that the agreement carriers have exercised considerably more scheduling restraint than the nonagreement carriers; for the last four months of 1974, TWA's fuel consumption was 3.1 percent below that of the comparable 1972 period and the gap between 1974/1972 fuel consumption is increasing; approval of the agreements will not only permit the agreement carriers to equitably allocate fuel in order to maintain a balance between their highly competitive, less competitive and monopoly routes, but will also permit the agreement carriers to continue to save fuel in absolute terms; the agreements have not unduly inconvenienced the traveling public, as load factors in each agreement market have been reasonable even during the peak summer months of July and August, 1974; the objecting carriers have not been harmed as each of them has logged substantial profits during the term of the agreement; the contention that the agreement carriers have diverted fuel saved in agreement markets to other markets is invalid because the agreement carriers are not using all of the fuel to which they are entitled; the Initial Decision in the *Capacity* Case is directed at economic agreements rather than fuel agreements; and the only reason February 1 was established as the effective date of the agreements was to give opponents sufficient time to answer the application, the agreement carriers sufficient time to reply, and the Board sufficient time to consider the pleadings before issuing an order.

American Airlines states that nonbonded aviation fuel is still allocated at the same 100% of 1972 level as when the Mandatory Fuel Allocation Program was first established; the fuel outlook, both as to supply and price, is most unclear; the agreements have enabled their participants to save more fuel than other carriers[6]; there is evidence of excess capacity on the long-haul routes of nonagreement carriers; American plans schedule reductions in January that will result in fuel usage at approximately 92 percent of its 1972 consumption during the period of the agreement; the Initial Decision in the Capacity Case should not be relied upon here because it is subject to petitions for review and the present fuel restraint application involves a substantially different basic rationale than the agreements considered in that decision; summer 1974 data required by Order 74-7-105 was included in American's application filed in this docket on September 24, 1974, requesting authority to discuss an extension of the agreements; as the purpose of these agreements is to save fuel and achieve an equitable allocation of the scarce resource among markets, arguments regarding the profitability of the agreement carriers are largely irrelevant; the agreement carriers, operating profits fall far short of a reasonable rate of return; American was forced to add Chicago-Dallas frequencies in order to maintain its capacity share and keep Braniff from driving it out of the market[7]; Delta's complaint in Docket 26995 has been rejected by the Bureau of Enforcement; NACA's proposed condition is designed to protect NACA from legitimate competition and is unwarranted in that there have been significant increases in commercial charter traffic since 1971, through normal growth and the expansion of types of charters, as well as reductions in military charters resulting in the transfer of equipment to commercial operations; the Cincinnati parties' allegations of excessive load factors in the Cincinnati-New York market are without merit,[8] and the alleged need for Newark-Cincinnati nonstop service is unsubstantiated;[9] and labor protective provisions have previously been rejected by the Board.

[FR Doc.75-3468 Filed 2-5-75;8:45 am]

[Docket No. 26776, etc.; Order 75-1-136]

CANADIAN FOREIGN AIR CARRIERS

Order Regarding Charter Authority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 31st day of January, 1975.

By Order 74-11-154 the Board delegated authority to the Director, Bureau of Operating Rights, to issue foreign air carrier permits to 57 Canadian air carriers, listed in Appendix A of that Order, authorizing charter operations between the United States and Canada pursuant to the Nonscheduled Air Service Agreement executed May 8, 1974 by the Governments of Canada and the United States. The permits were to be issued upon evidence of compliance with certain requirements[1] of the Federal Aviation Act. For the interim, the Board granted waivers of certain regulations to the Canadian carriers so as to authorize them to perform charter services contemplated by the Agreement under their existing permits. The waivers were to be in effect for 60 days from the date of Order 74-11-154.

Twenty-two of the fifty-seven carriers listed in Appendix A[2] of Order 74-11-154 have provided evidence to the Board of compliance with the requirements of the Federal Aviation Act and have been issued their new permits. Several of the remaining carriers have fulfilled some of the requirements, but have experienced difficulty in completing documentation of other requirements. In view of the evidence that effort has and is continuing to be made to reach compliance and in order to prevent the possible disruption in the nonscheduled air services between the two countries, we believe it to be in the public interest to extend for a further period of 60 days the waivers provided for by ordering paragraphs 1, 2, 4, 5, and 6 of Order 74-5-37, finalized by Order 74-7-140 for those carriers that have not yet received their new permit as set forth in Appendix A of this order. Upon the expiration of the extended time period, the Board will proceed to cancel the existing permits of those carriers failing to comply with the requirements as set forth in Order 74-11-154.

Accordingly, it is ordered, That:

1. Ordering paragraph 8 of Order 74-11-154 is hereby amended to read:

8. Ordering paragraphs 1, 2, 4, 5, and 6 of Order 74-5-37, finalized by Order

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[6] The agreement carriers' fuel consumption during the first half of 1974 was 11.5 percent less than the comparable period in 1972. The nonagreement trunks reduced consumption by only 8.5 percent. The agreement carriers have reduced ASM's by 3.8 percent compared to the remaining trunks' increase of 2.1 percent.

[7] On June 15, 1974, American increased its Chicago-Dallas round-trip frequencies from 6½ to 10½ in response to Braniff's April 1, 1974 increase to 10 round-trip frequencies. As of August 1, 1974, both carriers were operating 11 round-trip frequencies. American's testimony was that while Braniff's added frequencies had probably driven the total market into a loss situation, and American's added flights would place it in a better financial posture than not matching Braniff's schedules.

[8] Cincinnati-New York load factors were 62 percent during the February-May 1974 period, 60 percent during July and August, 1974, and are projected at 62 percent under the proposed agreement. They are entirely reasonable for a market of 585 miles in length.

[9] TWA currently provides 2 daily one-stop round trips in the Cincinnati-Newark market. If traffic volumes were sufficient for nonstop service, it would clearly be in the carrier's interest to provide it.

[1] Specifically, the requirements are that the carrier: (1) has been granted by the Federal Aviation Administration the Operating Specifications required under Part 129 of the Federal Aviation Regulations, or other appropriate aircraft operating authority; (2) has designated in writing pursuant to section 1005(b) of the Federal Aviation Act an agent upon whom service of all notices and process and all orders, decisions, and requirements of the Board and the Secretary of Transportation may be made for and on behalf of such carrier; (3) has filed with the Board a signed counterpart of CAB Agreement 18900; and (4) has in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under the permit, and liability insurance with respect to passengers sufficient to cover the obligations assumed in CAB Agreement 18900 (the evidence of such insurance to be in the form specified in the proposed new permits).

[2] Appendix A filed as part of original document.

74–7–140, be revoked, effective (a) immediately with respect to those carriers that have been issued new permits on or before January 31, 1975, pursuant to ordering paragraph 2 of Order 74–11–154, and (b) March 31, 1975 with respect to those carriers (as listed in Appendix A to Order 75–1–136) that have not been issued new permits pursuant to ordering paragraph 2 of Order 74–11–154 on or before January 31, 1975.

2. This order shall be served upon the Departments of State and Transportation, the carriers listed in Appendix A, and the Ambassador of Canada.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-3469 Filed 2-5-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 326-5]

LOW-EMISSION VEHICLE CERTIFICATION BOARD

Determination Regarding Suitability of Purchase by Federal Government

On November 2, 1973, the Battronic Truck Corporation Division of the Boyertown Auto Body Works submitted an application for certification of six battery-powered vehicles under section 212 of the Clean Air Act.

On June 18, 1974, the Administrator of the Environmental Protection Agency determined under section 212(c) that the vehicles covered by this application qualify as low-emission vehicles. Notice to this effect was published in the FEDERAL REGISTER (39 FR 21068). No comments have been received in response to this notice.

On December 2, 1974 the Low Emission Vehicle Certification Board (LEVCB) met to determine whether these vehicles are suitable substitutes for any vehicles presently being purchased by the Federal government in accordance with the criteria specified in section 212(d) of the Clean Air Act. The LEVCB determined that the applicant vehicles are not suitable substitutes for any government purchased vehicles. The vehicles covered by the application were rejected as substitutes for existing vehicles covered by the General Services Administration procurement specifications, since they do not meet performance requirements of these specifications in terms of acceleration, high speed passing, maximum sustained velocity and maximum range.

The record of the Board's proceedings is available for inspection in the Public Docket at the Office of Public Affairs, Room 329 West Tower, Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460.

Date: January 29, 1975.

JOHN QUARLES,
Acting Chairman.

[FR Doc.75-3338 Filed 2-5-75;8:45 am]

[FRL 330-5]

NATIONAL DRINKING WATER ADVISORY COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the National Drinking Water Advisory Council established under Pub. L. 93–523, the "Safe Drinking Water Act", will be held at 9:30 a.m. on February 26 and 27, 1975 in Conference Room 3908, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

The purpose of the meeting will be:

(1) To brief the Council on provisions of the "Safe Drinking Water Act" and seek its advice on matters relating to the Act.
(2) To discuss the role of the Council and ways of assuring its effectiveness; and
(3) To consult with the Council on the proposed National Interim Primary Drinking Water Regulations.

The agenda will also include brief reports or informational items of current interest to the members.

The meeting will be open to the public. This is a tentative meeting date and any member of the public wishing to attend or submit a written statement should contact the Acting Executive Secretary, Mr. Lawrence C. Gray, Water Supply Division [WH–450], Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, by February 20, 1975, for confirmation of the meeting arrangements.

The telephone number is Area Code: 202–426–8847.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

JANUARY 31, 1975.

[FR Doc.75-3339 Filed 2-5-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

COAL INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Coal Industry Advisory Committee will meet on Tuesday, February 25, 1975, at 10 a.m., Conference Room B, Interdepartmental Auditorium, Labor Building, between 12th and 14th on Constitution Avenue, NW., Washington, D.C.

The Committee was established to assist the Administrator of the Federal Energy Administration in encouraging the expansion of a readily-usable energy source—coal—and maintaining a fair and reasonable consumer price for such supplies subject to the Federal Energy Administration Act of 1974.

The agenda for the meeting is as follows:

1. President's Energy Message—
a. Surface Mining Legislation.
b. Coal Leasing Policy.
c. Clean Air Act Amendment.
2. Present Constraints to Achieving Significant Increased Coal Production or Meeting Presidential Goals.
3. Research and Development—What is Needed in Extraction and Demethanization.
4. Coal Pricing and Profits.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961–7022, at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on February 3, 1975.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.75-3391 Filed 2-3-75;12:16 pm]

FEDERAL MARITIME COMMISSION

N.V. PRINSENDAM AND HOLLAND AMERICA CRUISES N.V.

Indemnification of Passengers for Nonperformance of Transportation; Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

N.V. Prinsendam and Holland America Cruises N.V., C/O Holland America Cruises, 2 Pennsylvania Plaza, New York, New York 10001.

Dated: January 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3445 Filed 2-5-75;8:45 am]

N.V. PRINSENDAM AND HOLLAND AMERICA CRUISES N.V.

Financial Responsibility for Liability Incurred for Death or Injury To Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Pub. L. 89–777 (80 Stat. 1356, 1357) and

Federal Maritime Commission General Order 20, as amended (46 CFR 540):

N.V. Prinsendam and Holland America Cruises N.V., c/o Holland America Cruises, 2 Pennsylvania Plaza, New York, New York 10001

Dated: January 31, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3446 Filed 2-5-75;8:45 am]

[FMC 145]

R.C.D. SHIPPING SERVICES

Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract form and of the petition, reflecting the changes proposed to be made in the language of said contract, at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petition, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C., 20573, on or before February 26, 1975. Any person desiring a hearing on the proposed modification of the contract form and/or the approved contract system shall provide a clear and concise statements 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 petition, (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Agreement filed by:

L. A. Parish, Agent, L. A. Parish Company, 61 Saint Joseph Street, P.O. Box 231, Mobile, Alabama 36601.

Agreement No. 9490 D.R. 1 revises the Merchant's Contract of R.C.D. Shipping Services to conform more closely to the form of contract contained in the Commission's General Order 19.

By order of the Federal Maritime Commission.

Dated: January 30, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-3444 Filed 2-5-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9211]

CINCINNATI GAS & ELECTRIC CO.

Changes in Rates and Charges

JANUARY 30, 1975.

Take notice that The Cincinnati Gas & Electric Company (Cincinnati) tendered for filing on January 13, 1975 a First Supplemental Agreement dated as of January 1, 1975, to the Interconnection Agreement dated September 15, 1969, between Cincinnati and the City of Hamilton, Ohio (Hamilton) designated Cincinnati's Rate Schedule FPC No. 32.

Section 1 of this First Supplemental Agreement provides for a new Revised Sheet No. 7, to supersede Original Sheet No. 7 of the service schedule identified in the 1969 Agreement as, Exhibit D–Short Term Power Service. This new Revised Sheet No. 7 provides for an increase in the Demand Charge from 30¢ per kilowatt per week to 45¢ per kilowatt per week.

Cincinnati has requested waiver of the Commission's regulations in order that the proposed filing will be effective as of January 1, 1975. Cincinnati asks for waiver of any other Commission Rules or Regulations with which Cincinnati has not already complied. Cincinnati states that a copy of the filing has been sent to Hamilton.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 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.75-3366 Filed 2-5-75;8:45 am]

[Docket No. RP71-106 (1973 Phase)]

CITIES SERVICE GAS CO.

Notice of Compliance Filing

JANUARY 29, 1975.

Take notice that on January 16, 1975, Cities Service Gas Company tendered for filing copies of its Report of Collections from jurisdictional customers. The company states that its tender is made in accordance with the Commission's September 5, 1974 order in the above docket, which approved and adopted the stipulation and agreement, dated April 24, 1974, in this docket.

The company also states that copies of the filing are being served on each customer receiving a refund, interested state commissions, and all parties in the above docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3367 Filed 2-5-75;8:45 am]

[Docket No. CI75-202, et al.]

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Applications, Abandonment of Service and Petitions To Amend; Correction

JANUARY 17, 1975.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates issued January 10, 1975, and published in the FEDERAL REGISTER on January 20, 1975, 40 FR 3255, page 3255, first column: change "CI75-389" to read "CI75-388."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3381 Filed 2-5-75;8:45 am]

[Docket No. CP75-216]

COLORADO INTERSTATE GAS CO. ET AL.

Notice of Application

JANUARY 29, 1975.

Take notice that on January 27, 1975, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, Cascade Natural Gas Corporation (Cascade), P.O. Box 24464, Seattle, Washington 98124, and Mountain Fuel Supply Company (Mountain Fuel), P.O. Box 11368, Salt Lake City, Utah 84139, filed a joint application pursuant to section 7 of the Natural Gas Act for authority to continue to implement a short-term sale of natural gas by CIG to Rocky Mountain Natural Gas Company, Inc. (Rocky Mountain), all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

By the instant application, CIG requests authority to sell up to 10,000 Mcf of gas per day for a period commencing February 2, 1975, and terminating April 15, 1975, to Rocky Mountain. According to the application the sale is expected to average about 6,000 Mcf of gas

per day or less and will be interruptible, subject to the operations of CIG's system. CIG states that it will charge Rocky Mountain 72.17 cents per Mcf for deliveries up to 6,000 Mcf per day and 97.57 cents for all volumes delivered in excess of 6,000 Mcf per day. The application states that Applicants are advised that Rocky Mountain will not require any additional authorizations to undertake the proposed transaction.

Applicants state that the short-term sale is proposed because Rocky Mountain, which endeavors to obtain its gas supply entirely within the state of Colorado, has been forced to enter into several short-term gas supply arrangements similar to the one proposed in the instant application as a result of declines in local gas production. Applicants further state that Rocky Mountain has informed CIG that without this supplemental supply of gas Rocky Mountain will be forced to curtail partially its firm deliveries in February and March 1975, including residential and small commercial customers.

In order to implement the subject sale, according to the application, CIG, whose system does not connect with Rocky Mountain's, has entered into a gas exchange agreement with Cascade and Mountain Fuel whereby Cascade will make deliveries to Rocky Mountain for CIG's account from an existing interconnection in the Divide Creek Field in Mesa County, Colorado, and reduce deliveries to Mountain Fuel at Bonanza, Utah, under Cascade's FPC Rate Schedule No. 1, by a volume equal to the volume delivered to Rocky Mountain, and whereby CIG will deliver to Mountain Fuel for Cascade's account volumes, equal to those which Cascade delivered to Rocky Mountain, at an existing interconnection between CIG's and Mountain Fuel's systems in Sweetwater County, Wyoming. The application further states that should the exchange account between CIG and Mountain Fuel not be in balance on April 15, 1975, the account will be balanced within a reasonable time. No new facilities are proposed by Applicants to effectuate said gas exchange.

The application relates that CIG has been selling gas to Rocky Mountain and that the subject exchange has been in operation pursuant to § 157.22 of the Commission's regulations under the Natural Gas Act (18 CFR 157.22) since December 4, 1974. Said emergency operations were originally scheduled to terminate, according to the application, on February 1, 1975. Applicants, therefore, request authorization to continue the sale and exchange as heretofore described for the reasons hereinbefore explained.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 10, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless other wise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3368 Filed 2-5-75;8:45 am]

[Docket No. RP73-115]

CONSOLIDATED GAS SUPPLY CORP.

Order Accepting for Filing and Suspending Proposed Revised Tariff Sheets and Establishing Procedures; Correction

JANUARY 17, 1975.

In the order accepting for filing and suspending proposed revised tariff sheets and establishing procedures, issued on January 15, 1975 and published in the FEDERAL REGISTER on January 22, 1975 (40 FR 3510, please change the heading at the top of page 3510, Change "Consolidated Natural Gas Company" to "Consolidated Gas Supply Corporation."

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3369 Filed 2-5-75;8:45 am]

[Docket No. RP72-134 (PGA75-7)]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

JANUARY 29, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on January 17, 1975, tendered for filing Second Substitute Eleventh Revised Sheet No. 3A and Second Substitute Eleventh Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1 to become effective February 1, 1975. The proposed changes reflect the rates accepted by Commission letter order dated December 24, 1974, as adjusted to include the rate changes proposed by its supplier.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to decrease the demand charges and to increase the commodity or delivery charges in its rate schedules by amounts equivalent to the increases in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, contained in the latter's filing in Docket No. RP75-3 on December 23, 1974. Eastern Shore requests waiver of the notice requirements of § 154.22 of the regulations under the Natural Gas Act and § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective as of February 1, 1975, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such Petitioners or Protests should be filed on or before February 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3370 Filed 2-5-75;8:45 am]

[Docket No. RP75-28]

EAST TENNESSEE NATURAL GAS CO.

Postponement of Hearing

JANUARY 30, 1975.

On January 24, 1975, Staff Counsel filed a motion to extend the hearing date fixed by order issued November 27, 1974 in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until February 18, 1975, at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3371 Filed 2-5-75;8:45 am]

[Dockets Nos. G-13202, RP67-9, RP71-14, et al.]

EL PASO NATURAL GAS CO.

Payment of Refunds

JANUARY 30, 1975.

Take notice that on November 15, 1974, El Paso Natural Gas Company ("El Paso") tendered for filing a Report of Refunds made on October 11, 1974, to its former Northwest Division System jurisdictional customers.[1] El Paso states that such refunds were made in compliance with the Commission's two (2) letter orders issued September 11, 1974, in the captioned dockets and in accordance with the Stipulations and Agreements dated as of January 1, 1967, and July 19, 1973, approved at Dockets Nos. RP67-9 and RP71-14, et al., respectively.

El Paso further states that the refunds made, aggregating $10,726,269.74, encompass (i) $9,416,968.36 principal refunds, plus interest thereon of $1,181,096.21, applicable to the Stipulation and Agreement dated July 19, 1973, at Docket Nos. RP71-14, et al., and (ii) $86,150.04 in refunds received from gas suppliers, plus additional interest of $42,055.13 thereon, flowed through to the affected customers in accordance with the Stipulation and Agreement dated as of January 1, 1967, at Docket No. RP67-9. The above interest amounts on the said principal refunds were computed through October 10, 1974, at the interest rates specified by the Commission in each of the docketed proceedings.

El Paso states that copies of the filing were served on all of El Paso's former Northwest Division System customers subject to the proceedings at Docket No. RP67-9, all interested parties to the proceedings at Dockets Nos. RP71-14, RP71-84, RP71-137, and RP72-155 and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said application should, on or before February 18, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3372 Filed 2-5-75;8:45 am]

[1] Effective as of January 31, 1974, El Paso's Northwest Division properties were divested to Northwest Pipeline Corporation pursuant to the Commission's order issued September 21, 1973, at Docket Nos. CP74-14 et al.

[Docket No. R-389-B; Opinion 699-F]

JUST AND REASONABLE NATIONAL RATES FOR SALES AND NEW DEDICATIONS OF NATURAL GAS TO INTERSTATE COMMERCE

Correction

JANUARY 22, 1975.

In the order modifying in part opinion No. 699-F, issued January 3, 1975 and published in the FEDERAL REGISTER on January 10, 1975, 40 FR 2267, Page 2267, 3rd column, paragraph 4, lines 6 and 7, reads of opinion No. 699, and should read of opinion No. 699-B.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3384 Filed 2-5-75;8:45 am]

[Docket No. E-7942]

NANTAHALA POWER AND LIGHT CO.

Filing of Revised Tariff Sheet

JANUARY 29, 1975.

Take notice that on January 17, 1975, Nantahala Power and Light Company (Nantahala) tendered for filing Substitute First Revised Sheet No. 4 which supersedes First Revised Sheet No. 4. Nantahala states that the sole purpose of the instant filing is to eliminate from the availability clause of Schedule PL the potentially restrictive language.

Nantahala requests that the tendered tariff sheet be made retroactively effective as of March 30, 1973; the same effective date applicable to the superseded First Revised Sheet No. 4.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3373 Filed 2-5-75;8:45 am]

[Docket No. RP74-35]

NATIONAL FUEL GAS SUPPLY CORP.

Filing of Refund Report

JANUARY 29, 1975.

Take notice that on January 27, 1975, National Fuel Gas Supply Corporation (National Fuel) tendered for filing a statement of the detail supporting the refunds which will be credited to jurisdictional customers' January, 1975 bills as a result of our order issued January 6, 1975 in the instant docket. National Fuel states that copies of this filing are being sent to purchasers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 17, 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 persons wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3374 Filed 2-5-75;8:45 am]

[Docket No. E-9226]

OKLAHOMA GAS AND ELECTRIC CO. (OKLAHOMA)

Notice of Application

JANUARY 30, 1975.

Take notice that on January 23, 1975, Oklahoma Gas and Electric Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks and to commercial paper dealers in amounts not exceeding in the aggregate $65,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days during the period ending December 31, 1975, but no Note will mature more than twelve months after date of issue or renewal. The interest rate of such Notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes issued to commercial paper dealers will be issued on various days during the period ending December 31, 1975, but no Note will mature more than nine months after date of issue nor will any Note be extended or renewed. The interest rate on such Notes will be dependent upon the term of the Notes and the money market conditions at the time of issuance.

According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed the sum of (1) the dollar amount of Applicant's receivables arising out of the sale of electric service and (2) the dollar amount of depreciation and amortization charges on plant and equipment for the preceding year.

The proceeds from the issuance of the Notes will be added to the general funds of the Applicant, which general funds will be used, among other things, to finance in part the Applicant's 1975 construction program. Applicant estimates that construction expenditures for the

year ending December 31, 1975 will total about $135,000,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 24, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties of 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.75-3375 Filed 2-5-75;8:45 am]

[Project No. 1121]

PACIFIC GAS AND ELECTRIC CO.

Application for Modification of Company Reservoirs

JANUARY 30, 1975.

Public notice is hereby given that application for Modification of Company Reservoirs was filed July 1, 1974, revised September 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President-Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Battle Creek Project No. 1121 located in the Counties of Shasta and Tehama, California.

Applicant seeks Commission approval of its proposal to modify the operation of eight company reservoirs including one reservoir at Project No. 1121. The modifications would permit applicant to increase the storage capacity of several of the reservoirs and provide a total increase in generation of 34,801,000 kwh annually. Applicant proposes to implement the modifications on a five-year temporary basis.

At Battle Creek Project No. 1121, the North Battle Creek Reservoir, applicant proposes to add 1 foot of flashboards to the existing 4 feet of flashboards during the period April through October. This modification would increase the reservoir area by about 4 acres and would increase the annual generation by 144,000 kwh.

Any person desiring to be heard or to make protest with reference to said application should on or before March 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary

[FR Doc.75-3376 Filed 2-5-75;8:45 am]

[Project No. 2310]

PACIFIC GAS AND ELECTRIC CO.

Application for Modification of Company Reservoirs

JANUARY 30, 1975.

Public notice is hereby given that application for Modification of Company Reservoirs was filed July 1, 1974, revised September 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Drum Spaulding Project No. 2310 located in the Counties of Nevada and Placer, California.

Applicant seeks Commission approval of its proposal to modify the operation of eight company reservoirs including one reservoir at Project No. 2310. The modifications would permit applicant to increase the storage capacity of several of the reservoirs and provide a total increase in generation of 34,801,000 kwh annually. Applicant proposes to implement the modifications on a five-year temporary basis.

At Drum Spaulding Project No. 2310, the Drum Forebay, applicant proposes to install 1 foot of flashboards year round. This modification would increase the reservoir area by about 22 acres if the reservoir water surface is at the top of the flashboards and would increase the annual generation by 749,000 kwh.

In addition, applicant is requesting the Commission to make the changes in the pending application for license for Drum Spaulding Project No. 2310 to show its proposal of modifying the unlicensed Halsey Forebay Reservoir. Applicant proposes to install 1 foot of flashboards year round. This modification would increase the annual generation by 188,300 kwh.

Any person desiring to be heard or to make protest with reference to said application should on or before March 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3377 Filed 2-5-75;8:45 am]

[Project No. 137]

PACIFIC GAS AND ELECTRIC CO.

Application for Modification of Company Reservoirs

JANUARY 30, 1975.

Public notice is hereby given that application for Modification of Company Reservoirs was filed July 1, 1974, revised September 25, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Pacific Gas and Electric Company (Correspondence to: Mr. J. F. Roberts, Jr., Vice President—Rates and Valuation, Pacific Gas and Electric Company, 77 Beale Street, San Francisco, California 94106) for Mokelumne River Project No. 137, located on the Mokelumne River in the Counties of Alpine, Amador and Calaveras, California.

Applicant seeks Commission approval of its proposal to modify the operation of eight company reservoirs including three reservoirs at Project No. 137. The modifications would permit applicant to increase the storage capacity of several of the reservoirs and provide a total increase in generation 34,801,000 kwh annually. Applicant proposes to implement the modifications on a five-year temporary basis.

At Project No. 137, three reservoirs will be affected: (1) At Lake Tabeaud, applicant proposes to increase the water surface elevation 2 feet by installation of flashboards during the period April to October. The additional 2 feet of flashboard is being installed in order to retain 2 feet of freeboard on the spillway during normal operation. This modification would increase the reservoir area by an estimated 3 acres if the reservoir water surface is at the top of the flashboards. The annual increase in generation would be 599,200 kwh, (2) At Upper Bear River Reservoir applicant proposes a net increase of 2.0 feet in the operating level of the reservoir during the period April through October. The proposal would involve the removal of the existing 2 foot timber crest and replacing it with 4 feet of flashboards. This modification would increase the reservoir area by an estimated 4 acres. The annual increase in generation would be 1,366,000 kwh, and (3) At Lower Bear River Reservoir, applicant proposes a net increase of 4.0 feet in the operating level of the reservoir during the period April through October. This proposal would involve the removal of the existing .67 feet of timber crest and replacing it with 4.67 feet of

flashboards. This modification would increase the reservoir area by about 20 acres and would increase the annual generation by 12,016,800 kwh.

Any person desiring to be heard or to make protest with reference to said application should on or before March 17, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commisison's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3378 Filed 2-5-75;8:45 am]

[Dockets Nos. RP71-119, RP74-31-26]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Petition for Extraordinary Relief

JANUARY 30, 1975.

Take notice that on January 24, 1975, Brockway Glass Company, Inc. ("Brockway") filed a petition for permanent extraordinary relief from the natural gas curtailments imposed by Panhandle Eastern Pipe Line Company ("Panhandle") on Brockway's glass container plant located at Lapel, Indiana. Brockway, a direct sale customer of Panhandle, states that due to unexpected additional curtailments being imposed this winter season by Panhandle, Brockway could effectively lose delivery of the required 644 Mcf per average day necessary to fuel the feeders, the annealing lehrs, and the mold heating oven at the Lapel plant. If the minimum 644 Mcf of process gas per average day is curtailed, Brockway will not have sufficent gas to maintain full production and will as a result suffer irreparable injury. Without relief, the Lapel plant will have to shut down, at least in part. This will create a significant loss of employment in the town of Lapel, in which Brockway is one of the largest employers. Irreparable injury will also occur to Brockway itself and to its customers.

Brockway states that, since it is installing propane facilities, full extraordinary relief is only necessary for the period March 1, 1975 through June 30, 1975, by which time it expects the propane facilities to be operational. Thereafter Brockway requests extraordinary relief only if, despite its efforts, it is unable to secure a propane supply which, along with the natural gas available from Panhandle, is equal to 644 Mcf per average day. Thus, in the event of such a shortfall, it would only be requesting extraordinary relief to the extent necessary to make up the difference between 644 Mcf per average day and the sum of the available propane and the available natural gas supply from Panhandle.

Any volumes delivered pursuant to such extraordinary relief in excess of entitlements under the effective Panhandle curtailment plan would be subject to payback out of subsequent daily entitlements in excess of 644 Mcf per average day.

In order to avoid irreparable injury pending hearings on its request for permanent relief, Brockway has also moved for immediate temporary relief identical with the permanent relief requested. In this connection, Brockway requested and Panhandle has agreed to a grant of emergency relief from curtailments during the months of January and February.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before February 11, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3379 Filed 2-5-75;8:45 am]

[Docket No. RP74-51]

SOUTHWEST GAS CORP.

Compliance Filing

JANUARY 30, 1975.

Take notice that on January 9, 1975 and January 10, 1975, Southwest Gas Corporation (Southwest) tendered for filing proposed changes in the following:

Sheets	*Effective*
FPC Gas Tariff, Original Volume No. 1:	
Substitute, Substitute Sixth Revised Sheet No. 3A	June 30, 1974
Substitute, Second Substitute Sixth Revised Sheet No. 3A	Oct. 1, 1974
Substitute, Third Substitute Sixth Revised Sheet No. 3A	Dec. 1, 1974
Seventh Revised Sheet No. 3A	Jan. 1, 1975

Southwest states that the filing is in compliance with the Commission order of December 31, 1974 which accepted a proposed settlement and required Southwest file new rates to be effective January 1, 1975.

Southwest states that it has mailed a copy of the filing to all interested parties.

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. 20526, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3380 Filed 2-5-75;8:45 am]

[Docket No. E-9200]

UPPER PENINSULA POWER CO.

Order Accepting and Suspending Proposed Rate Increase, Establishing Procedures and Providing for Filing of Substitute Fuel Clause

JANUARY 30, 1975.

On December 30, 1974, the Upper Peninsula Power Company (Upper Peninsula) tendered for filing proposed changes in the rate schedules [1] for service to the Alger-Delta Cooperative Electric Association, the Ontonagon County Rural Electrification Association, the Village of Baraga, the City of Gladstone, the Village of L'Anse, the City of Negaunee, and to the Wisconsin Michigan Power Company.

The proposed changes would increase revenues from these jurisdictional sales by approximately $287,079 based on the 12-month period ended July 31, 1974 and would increase revenues by approximately $455,095 based on estimated sales for the year ending January, 1976. Upper Peninsula asserts that the proposed increased rates are required to overcome the revenue deficiency from this type of service occasioned by the continued inflationary impact on its costs during the 13-year period the existing rates have been in effect. Upper Peninsula's filing also includes a revised fuel adjustment clause which it contends conforms with Section 35.14 of the Commission's Regulations as set forth in Order No. 517.[2] Upper Peninsula has requested an effective date for its filing of January 31, 1975.

Notice of Upper Peninsula's filing was issued January 6, 1975 with comments, protests, or petitions to intervene due on or before January 22, 1975. On January 17, 1975, comments and protest to Upper Peninsula's proposed rate increase were filed by the Alger Delta Cooperative Electric Association.

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[1] FPC Rate Schedule Nos. 14, 15, 6, 13, 7, 11, 2, and 3.

[2] Order No. 517, Docket No. R-479, issued November 13, 1974.

Our review of Upper Peninsula's filing indicates that the fuel clause proposed herein provides for losses on a system basis rather than on a wholesale basis. Hence the rates resulting from the implementation of the proposed fuel clause may be excessive. Moreover the proposed rate increase of Upper Peninsula has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Upon this review we shall therefore suspend the effectiveness of Upper Peninsula's December 30, 1974 filing for 30 days until March 2, 1975, when it shall become effective subject to refund.

With respect to Upper Peninsula's tendered fuel clause, we note that Upper Peninsula had the alternative of filing a fuel clause conforming to the then effective Section 35.14 of our Regulations or an Order No. 517 fuel clause, since its filing preceded January 1, 1975, the date upon which Order No. 517 took effect as part of the Commission's Regulations. Because Upper Peninsula's purported Order No. 517 fuel clause was filed prior to the date upon which Order No. 517 became binding, its tender of a fuel clause not in conformance with the requirements of Order No. 517 does not give grounds for an outright rejection. We shall therefore provide that within thirty days of the issuance of this order Upper Peninsula shall file a substitute fuel clause providing for losses on a wholesale basis. Upon such a submittal and a finding that the revised fuel clause conforms to Order No. 517, we shall lift the suspension of the effectiveness of Upper Peninsula's fuel clause, make it effective on March 2, 1975 without further refund as may be required. In the event Upper Peninsula does not file a substitute fuel clause consistent with this order providing for losses on a wholesale, rather than on a system basis, the fuel clause tendered on December 30, 1974 and herein suspended will be subject to the hearing in this docket as hereinafter ordered.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing Upper Peninsula's December 30, 1974, tendered proposed rate changes, suspend the effectiveness thereof for thirty days until March 2, 1975, and enter upon a hearing concerning the lawfulness of the proposed rates and charges contained therein as hereinafter ordered.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that Upper Peninsula be directed to submit a substitute fuel clause providing for losses on a wholesale basis rather than on a system basis within thirty (30) days of the issuance of this order as hereinafter ordered and conditioned.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the proposed rates tendered herein by Upper Peninsula in Docket No. E-9200.

(B) Pending hearing and a final decision thereon, Upper Peninsula's proposed rate increases filed on December 30, 1974, in Docket No. E-9200 are hereby accepted for filing and suspended for 30 days and the use thereof deferred until March 2, 1975.

(C) On or before April 29, 1975, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any intervenors shall be served on or before May 13, 1975. Any rebuttal evidence of Upper Peninsula shall be filed on or before May 27, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Upper Peninsula shall, within 30 days of the issuance of this order, file a substitute fuel clause providing for losses on a wholesale basis rather than a system basis to conform with Order No. 517. Upon such submittal and a finding that the substitute fuel clause conforms fully to Order No. 517, we shall lift the suspension of the effectiveness of the fuel clause, make it effective on March 2, 1975 without further refund obligation and order such interim refunds as may be required. Failure to file a revised fuel clause as provided above will require the fuel clause tendered on December 30, 1974 in Docket No. E-9200 to be a subject of the hearing as hereinbefore provided.

(F) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-3382 Filed 2-5-75;8:45 am]

[Docket No. CP75-219]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JANUARY 31, 1975.

Take notice that on January 27, 1975, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-219 an applicaiton pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce during a sixty-day period for New Jersey Zinc Company (Zinc), a resale customer of Union Gas Company (Union), which is a distributor customer of Applicant, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport natural gas for Zinc from the tailgate of Mobil's Cameron Meadows Gas Plant, Cameron Parish, Louisiana, to Union at an existing point of delivery between Applicant and Union at Palmerton, Carbon County, Pennsylvania, for ultimate delivery to Zinc's smelting facility in Palmerton. Applicant proposes that this service continue for a period of sixty days after the date of first delivery at a price of 22.0 cents per Mcf delivered at Palmerton. Applicant states that it has agreed, by contract dated January 24, 1975, with Zinc to transport on an interruptible basis volumes purchased by Zinc in the Northwest Cameron Field, Cameron Parish, Louisiana, from Apexco, Inc., et al. (Apexco). Applicant states that said volumes are anticipated to be approximately 10,000 Mcf per day. The January 24, 1975, agreement states that 10 percent of the volumes purchased by Zinc from Apexco and delivered to Applicant shall be retained by Applicant as compensation for compressor fuel and line loss. The January 24, 1975, agreement further states that the daily volumes to be transported by Applicant pursuant to the agreement when combined with the curtailed volumes Union receives from Applicant pursuant to Applicant's rate schedule CD-3 will not exceed Union's total CD-3 entitlement, that the agreement is conditioned upon Union's agreement to transport the volumes from the Palmerton point of receipt to Zinc's plant, and that imbalances that occur in Applicant's line as a result of the subject deliveries will be balanced periodically as operations permit against deliveries to Union for Zinc's account.

Applicant states that, as a result of its current supply difficulties, it has decreased deliveries to Union and, consequently, deliveries by Union to Zinc have decreased to the point where continued operation of the smelting facilities is jeopardized. Applicant further states that, although Union's contract with Zinc is firm for the delivery of 10,500 Mcf per day, as a result of Applicant's curtailment of Union's supply, deliveries from Union to Zinc have decreased to as low as 2,100 Mcf per day, resulting in layoffs of Zinc's employees and possibilities of future layoffs. Applicant concludes that Zinc will be forced to take further steps to shut down its facility without the gas Applicant proposes to transport in the instant application. Applicant describes Zinc's plant as a manufacturing facility of zinc metal, zinc oxides and powders, ammonia and other items of importance to the American economy.

Zinc has contracted for the supply of gas pursuant to an agreement dated January 21, 1975, with Apexco. Said agreement provides for an emergency sale for a period of 60 days beginning February 5, 1975, of an estimated 8,000 to 10,000 Mcf per day of residue gas from Mobil's plant at a price of $1.25 per Mcf. The January 21, 1975, agreement is conditioned upon Zinc's furnishing to Apexco by February 3, 1975, any and all Commission disclaimers of jurisdiction which Apexco may require. The agreement is further conditioned upon issuance of a final non-appealable order of the Commission granting authorization for Applicant to transport the gas. If said conditions are not met by February 3, 1975, according to the agreement, Apexco may terminate the agreement at any time thereafter by giving written notice to Zinc.

It appears reasonable and consistent with the public interest in this case to provide a shortened period for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before February 11, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-3487 Filed 2-4-75;10:34 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Federal Communications Commission; Receipt and Approval of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 23, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL COMMUNICATIONS COMMISSION

Request was made for approval of a revision of FCC Form 755, Application for Restricted Radiotelephone Operator Permit by an Alien.

Public Law 93-505, enacted November 30, 1974, removes the restrictions in the Communications Act concerning the licensing of aliens and alien-affiliated entities in the Safety and Special and the Experimental Radio Services. Prior to this action, the only aliens entitled to apply for a Restricted Radiotelephone Operator Permit (RP) were those who held FAA Pilot Certificates and used the permit in connection with their piloting duties.

The Commission adopted an Order on January 22, 1975, permitting aliens to hold radio station licenses in the ship and aircraft radio services effective February 5, 1975. In order to operate such a station, the person must be granted an RP by the Commission. This action extends to aliens the privilege which heretofore has not been accorded them by statute.

The FCC, therefore, has requested emergency clearance of this form so that the benefits can be made available to aliens as soon as possible.

The GAO provided clearance on this revised form on January 31, 1975, under B-180227 (R0148). This clearance expires September 30, 1977.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-3383 Filed 2-5-75;8:45 am]

REGULATORY REPORTS REVIEW

Federal Trade Commission; Receipt and Approval of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 15, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL TRADE COMMISSION

Request was made for approval of a single-time supplemental form to FTC's Form MG, Quarterly Financial Report. The form will be used to evaluate the impact, on the Quarterly Financial Report series, of the change in accounting method of inventory valuation from first-in, first-out (FIFO) to last-in, first-out (LIFO).

Economic and tax income data being reported to the Department of Commerce, the Treasury Department, and the Federal Trade Commission by U.S. corporations for the year 1974 are increasingly being distorted as a result of the adoption of a change in accounting method of inventory valuation from Fifo to Lifo. The effect of this change poses serious problems for the Federal Trade Commission's Quarterly Financial Report which is a valuable statistical report for measuring quarter to quarter changes in the financial structure of an industry. For this measurement to be meaningful, comparable data must be assured. In the event that a change in accounting method will materially distort one quarter's results, the FTC's Division of Financial Statistics must be prepared to tabulate, evaluate and adjust the data accordingly. The change from Fifo to Lifo, although occurring throughout the year, escalated in the fourth calendar quarter of 1974 and must be monitored.

The FTC, therefore, requested emergency clearance of this supplement so that respondents would be able to submit the supplement with their current MG report for the three month period of October, November, December 1974.

The GAO provided clearance on this supplemental form on January 31, 1975, under number B-180229 (S75015). This clearance expires March 31, 1975.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-3454 Filed 2-5-75;8:45 am]

REGULATORY REPORTS REVIEW

Interstate Commerce Commission; Receipt of Report Proposals

The following request for clearance of report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on January 31, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number; and the frequency with which the information is proposed to be collected.

Written comments on the proposed ICC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 24, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW, Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for review and clearance of a renewal of Form OP–F–44, "Application for Authority Under Section 5, Interstate Commerce Act, to Consolidate, Merge, Purchase or Lease Operating Rights and Properties, or any Part Thereof, of a Motor Carrier." All motor carriers seeking to merge properties or franchises, and whose annual gross operating revenue in the aggregate exceeds $300,000, shall file Form OP–F–44. Fewer than 15,000 carriers are subject to the requirement and about 400 applications are received each year. Average number of man-hours required per response is estimated to be 80.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–3453 Filed 2–5–75;8:45 am]

REGULATORY REPORTS REVIEW

Interstate Commerce Commission; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 29, 1975. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before February 24, 1975, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW, Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form M–2, required to be filed by some 2,500 Class II Common and Contract Motor Carriers of Property (those with annual gross revenue averaging from $500,000 to 3 million dollars) pursuant to Section 220(a) of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1207) adopted through rulemaking proceedings. Estimated average number of man-hours required per response is 88. Estimated total man-hours of respondent burden is 224,400.

INTERSTATE COMMERCE COMMISSION

Request for clearance of revised Annual Report Form M–1, required to be filed by some 830 Class I Common and Contract Motor Carrier of Property (those with annual gross revenue averaging 3 million dollars or more) and 70 motor carrier holding companies, pursuant to Section 220(a) of the Interstate Commerce Act. Data are used for economic regulatory purposes. Revisions made in this annual report form resulted from changes in the Uniform System of Accounts (49 CFR 1207) adopted through rulemaking proceedings. Estimated average number of man-hours required per response is 118. Estimated total man-hours of respondent burden is 106,200.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–3455 Filed 2–5–75;8:45 am]

INTERNATIONAL JOINT COMMISSION

LAKE ERIE ICE BOOMS

Public Hearing

The International Joint Commission will hold a public hearing at the place and date noted below for the purpose of reviewing 1974–75 winter operations, current and probable conditions for the remainder of the season on Lake Erie and the Upper Niagara River and to receive the views of any interested persons on the effects the operation of the ice boom has on the environment, navigation, power and other interests and also to consider the request to extend the authority to operate and maintain the ice boom.

10 a.m., Wednesday, March 5, 1975
Embassy Room
Statler Hilton Hotel
107 Delaware Avenue
Buffalo, New York 14202

The discussion of the 1974–75 operations relates to the advice the International Niagara Board of Control submits to the Commission as to the timing of the opening of the Boom in the Spring of 1975.

Under the terms of the Commission's Order of Approval of June 9, 1964, as supplemented by Orders of Approval of May 24, 1965, October 3, 1969, and by a minute of the Commission dated July 29, 1970, the authority granted to Ontario Hydro and the Power Authority of the State of New York to operate and maintain the boom expires on May 15, 1975.

The Power Entities have made a written request to the Commission for an indefinite extension for the authority to operate and maintain the ice boom in conformance with the terms and conditions of the present order of approval as supplemented. Therefore following the discussions relating to current conditions, the Commission will receive testimony from those interested on the desirability of approving the Power Entities' request.

At the meeting, submissions may be made orally or in writing and evidence submitted will be taken into account by the Commission when considering the Power Entities' request. Where written statements are provided it would be helpful to have sufficient copies deposited with the Secretaries for the use of the Commission, the news media and others interested. Copies of the Power Entities' request and the Orders of Approval governing the operation of the ice boom are available upon request to the Secretaries.

W. A. BULLARD,
Secretary, United States Section, International Joint Commission.

[FR Doc.75–3544 Filed 2–5–75;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Notice of Meeting

FEBRUARY 3, 1975.

Pursuant to the Provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C. on February 27 and 28, 1975.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street NW, Washington, D.C. The session of the proposed meeting on February 27, 1975 and the afternoon session on February 28, 1975, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of 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.

The morning session on February 28, 1975 will convene at 9 a.m. and will be open to the public. The agenda for the morning session will be as follows:

I. Minutes of Previous Meeting
II. Reports
  A. Summary of Recent Business.
  B. Application Report.
  C. Gifts and Matching Report.
  D. Chairman's Grants.
  E. Budget for FY 1976.

F. Report on Science, Technology and Human Values Program.
G. Analysis of NEH Awards to Institutions of Higher Education in FY 1974.
H. Analysis of Employment of Humanities Ph D's.
I. Arrangements for the Jefferson Lecture.
J. Report on American Issues Forum.

The remainder of the proposed meeting will be closed to the public.

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. 20605, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee, Management Office.

[FR Doc.75–3334 Filed 2–5–75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ANTHROPOLOGY

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Anthropology to be held at 9 a.m. on February 27, 28, and March 1, 1975, in room 338, 1800 G Street, NW, Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. Also, these proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552 (b) (4), (5) and (6). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For further information about this Panel, please contact Dr. Iwao Ishino, Program Director for Anthropology, Rm. 306, National Science Foundation, Washington, D.C. 20550, telephone 202/632–4208.

FRED K. MURAKAMI,
Committee Management Officer.

FEBRUARY 3, 1975.

[FR Doc.75–3363 Filed 2–5–75;8:45 am]

WORKSHOP ON INSTITUTIONAL PROBLEMS OF ELECTRIC FACILITY SITING

Meeting

The National Science Foundation is convening a Workshop on Institutional Problems of Electric Facility Siting on February 27–28, 1975, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia. Sessions on February 27 and 28 will commence at 9 a.m. The meeting will adjourn at 2 p.m. on February 28. The purpose of this Workshop is to provide a forum for discussion of institutional issues associated with the siting of electric facilities.

The agenda for the meeting is as follows:

FEBRUARY 27

Overview Paper on Electric Power Demand Projections
Relationships among Institutions and Groups Involved in Electric Facility Siting Process
Primary Issues and Desired Changes in the Siting-Decision Process
Alternative Regulatory Structures
Development of Detailed Agenda for Working Group Sessions

FEBRUARY 28

Working Group Session
Reports by Working Group Chairmen
Adjournment

The Workshop will be chaired by Mr. Edmond Rovner of the National Governor's Conference. The Workshop will be open to the public as observers only. Individuals who wish to attend should inform Dr. Hans L. Hamester, Energy Policy Analyst, Office of Energy R&D Policy, by phone 202/632–7804 or by mail (Room 537, 1800 G Street, NW., Washington, D.C. 20550) prior to the Workshop. Dr. Hamester should be contacted for further information concerning this Workshop or for a copy of summary proceedings of the Workshop.

PAUL P. CRAIG,
Deputy Director, Office of Energy R&D Policy.

[FR Doc.75–3364 Filed 2–5–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO.

Memorandum and Order

In the matter of Kansas Gas and Electric Company and Kansas City Power and Light Company (Wolf Creek Generating Station, Unit No. 1).

The Staff has moved, with the consent of the applicants and the petitioners for intervention, for an extension of time until February 14, 1975, within which to respond to the petitions for leave to intervene filed by the Kansas Electric Cooperatives, Inc. and the city of Osawatomie. All parties who wish to respond to the petitions for leave to intervene should be allowed an equal opportunity to do so.

In view of the nature of the issues presented by the petitions, oral argument should be of assistance to the board in ruling upon such petitions. Parties should be prepared to identify and to address themselves to all significant issues of fact and law which are considered to be raised by the two petitions.

It is therefore ordered:

1. The time within which any party may respond to the petitions for leave to intervene filed by the Kansas Electric Cooperatives, Inc. and the City of Osawatomie is extended to and including February 14, 1975;

2. Oral argument will be held on said petitions in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, at 9:30 a.m. on Friday, February 28, 1975.

Issued at Bethesda, Maryland, this 3rd day of February, 1975.

ATOMIC SAFETY AND LICENSING BOARD,
MARSHALL E. MILLER,
Chairman.

[FR Doc.75–3452 Filed 2–5–75;8:45 am]

[Docket No. P–527–A]

LOUISIANA POWER AND LIGHT CO.

Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

The Louisiana Power and Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with their plans to construct and operate two generating units utilizing two high temperature gas-cooled reactors. Each reactor will be designed for initial operation at approximately 3000 megawatts (thermal), with a net electrical output of approximately 1160 megawatts. The facility, designated as the St. Rosalie Generating Station, Units 1 and 2, will be located on the west bank of the Mississippi River at Alliance in Plaquemines Parish, Louisiana. 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 in April 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P–527–A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 17, 1975.

Dated at Bethesda, Maryland, this 10th day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.75-1301 Filed 1-15-75;8:45 am]

[Docket No. P-556-A]

OMAHA PUBLIC POWER DISTRICT

Partial Application for Construction Permit and Facility License: Time for Submission of Views on Antitrust Matters

Omaha Public Power District (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 15, 1974, in connection with their plans to construct and operate a pressurized water nuclear reactor to be located at a site near Blair, Nebraska, in Washington County. 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 July 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, Docket No. P-556-A has been assigned to the application and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing on or before March 17, 1975.

Dated at Bethesda, Maryland, this 9th day of January 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1-2, Directorate of Licensing.

[FR Doc.75-1302 Filed 1-15-75;8:45 am]

[Docket No. P-537-A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Tennessee Valley Authority (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated December 20, 1974, in connection with its plans to construct and operate two nuclear reactors at a site to be selected in the near future. 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 October 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Docket No. P-537-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. Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 24, 1975.

Dated at Bethesda, Maryland, this 13th day of January, 1975.

For the Nuclear Regulatory Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1823 Filed 1-22-75;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

Section 642.14 (new)
Temporary Instruction No. 632-18
Temporary Instruction No. 643-1
Current Temporary Instruction Check List (Rev. December 31, 1974)
Chapter 641—Duty of Registrants (Rev. February 1, 1975)
Temporary Instruction No. 622-7/680-3

BYRON V. PEPITONE,
Director.

FEBRUARY 3, 1975.

Section 642.14 *Reporting of alien registrants suspected of being illegally within the United States.* 1. Under the Military Selective Service Act, aliens who are illegally within the United States are nevertheless liable for registration and induction.

2. When any alien registrant is suspected of being illegally within the United States, the State Director will be notified by letter (See Attachment 642-7). The State Director will forward the information to the nearest field office of the Immigration and Naturalization Service.

SAMPLE LETTER FOR REPORTING AN ALIEN REGISTRANT SUSPECTED OF BEING ILLEGALLY WITHIN THE UNITED STATES

(See Section 642.14)

(Local Board Stamp)

Date of Mailing: ------

TO: The State Director

(Address)

DEAR SIR:

This registrant is suspected of being an alien illegally within the United States, and he is reported to you as such in accord with RPM Chapter 642.

Name: ----------
SSN: ---------- RSN: ----------
Address: ----------
Birthdate: ----------
Place of Birth: ----------
Present Citizenship: ----------
Other Pertinent Information: ----------

Sincerely,

Authorized Signature

[Temporary Instruction No. 632-18]

Issued: February 1, 1975.
Subject: Rescission of Temporary Instruction No. 632-17.

Temporary Instruction No. 632-17, Change In AFEES Procedures (Submission Of DD Form 44), is rescinded and should be withdrawn from the Registrants Processing Manual (RPM) and destroyed.

This Temporary Instruction will terminate upon implementation.

BYRON V. PEPITONE.

[Temporary Instruction No. 643-1]

Issued: February 1, 1975.
Subject: Rescission of Chapter 643, RPM.

Chapter 643, *Parole For Selective Service Law Violators*, is rescinded and should be withdrawn from the Registrants Processing Manual (RPM) and destroyed. The divider-label for Chapter 643 will be retained in the manual.

This Temporary Instruction will terminate upon implementation.

BYRON V. PEPITONE.

REGISTRANT PROCESSING MANUAL

CURRENT TEMPORARY INSTRUCTIONS CHECK LIST

1. The following list sets forth all current temporary instructions as of Dec. 31, 1974. Where 2 numbers are shown for a temporary instruction, it is issued in sufficient quantity so that a copy may be filed under each number.

Temporary instruction No.	Date issued or amended	Termination date
Apps. 1 to 7	Oct. 17, 1973	Upon amendment or rescission.
Apps. 1 to 8/608-3.	Dec. 18, 1973	Upon receipt of revised SSS form 725 or upon rescission thereof.
Apps. 1 to 10	Jan. 21, 1974	Upon amendment or rescission.
Apps. 1 to 12	Oct. 25, 1974	Do.
613-2	Dec. 19, 1972	Upon publication of revision to RPM changing references from SSS forms 2 and 110 to SSS form 7.
613-6	Apr. 29, 1974	May 31, 1975.
613-7/642-5 (corrected copy).	Sept. 21, 1974	Feb. 1, 1975.
619-3	Mar. 8, 1974	Upon publication of revision of ch. 619, RPM.
621-5/631-14	Mar. 20, 1974	Upon amendment or rescission.
622-4	Oct. 15, 1973	Do.
622-5/680-2	Nov. 30, 1973	Do.
622-6	Apr. 26, 1974	Do.
632-16	June 17, 1974	Upon receipt of revision to sec. 632.9 of the RPM.
632-17	do	If notice is received that inductions are to be resumed.

2. All temporary instructions not appearing in the above list have been terminated or rescinded.

CHAPTER 641 DUTY OF REGISTRANTS

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CHAPTER 641 DUTY OF REGISTRANTS

Section 641.1 *Introduction.* Part 1641 of Selective Service Regulations, as amended January 31, 1975, is quoted below for the information and guidance of and compliance by all registrants and personnel of the Selective Service System.

1641.1 *Reporting by registrants of their current status.*

(a) It shall be the duty of every registrant, so long as his file is actively maintained by his local board, to keep his local board currently informed in writing of the address where mail will reach him.

(b) It shall be the duty of every registrant until his liability for training and service [1] has terminated, to inform his local board in writing of his entrance into a professional course of study leading to a professional degree in a medical, dental or allied specialist category, together with his current address, and to inform his local board in writing of the receipt of any such professional degree, together with his current address.

(c) It shall be the duty of every registrant to submit to his local board information concerning his status within ten days after the date on which the local board mails him a request therefor, or within such longer period as may be fixed by the local board.

"1641.3 *Waiver of right or privilege.*

If the registrant fails to claim and exercise any right or privilege within the required time, he shall be deemed to have waived the right or privilege.

1641.4 *Duty to report for and submit to Armed Forces examination.*

(a) When the local board mails to a registrant an Order to Report for Armed Forces Examination (SSS Form 223), it shall be the duty of the registrant to report for such examination at the time and place fixed in such order unless, after the date the Order to Report for Armed Forces Examination (SSS Form 223) is mailed and prior to the time fixed therein for the registrant to report for his Armed Forces examination, the local board cancels such Order to Report for Armed Forces Examination (SSS Form 223) or postpones that time when such registrant shall so report and advises the registrant in writing of such cancellation or postponement.

(b) If the time when the registrant is ordered to report for Armed Forces examination is postponed, it shall be the duty of the registrant to report for Armed Forces examination upon the termination of such postponement and he shall report for Armed Forces examination at such time and place as may be fixed by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for Armed Forces examination when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for Armed Forces examination to his local board and to each local board whose area he enters or in whose area he remains.

(c) Upon reporting for Armed Forces examination, it shall be the duty of the registrant (1) to follow the instructions of a member, executive secretary, or local board clerk as to the manner in which he will be transported to the location where his Armed Forces examination will take place, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for Armed Forces examination, (3) to appear at the place where such examination will be accomplished, (4) to obey the orders of the representatives of the Armed Forces while at the place where his examination will be accomplished, (5) to submit to examination, and (6) to follow the instructions of a member, executive secretary, or clerk of the local board as to the manner in which he will be transported on his return trip from the place where his Armed Forces examination takes place.

1641.5 *Duty to report for and submit to Induction.*

(a) When the local board orders the registrant for induction it shall be the duty of the registrant to report for induction at the time and place ordered by the local board. If the time when the registrant is ordered to report for induction is postponed, it shall be the continuing duty of the registrant to report for induction at such time and place as may be ordered by the local board. Regardless of the time when or the circumstances under which a registrant fails to report for induction when it is his duty to do so, it shall thereafter be his continuing duty from day to day to report for induction to his local board.

(b) Upon reporting for induction, it shall be the duty of the registrant (1) to follow the instructions of a member or clerk of the local board as to the manner in which he shall be transported to the location where his induction will be accomplished, (2) to obey the instructions of the leader or assistant leaders appointed for the group being forwarded for induction, (3) to appear at the place where his induction will be accomplished, (4) to obey the orders of the representatives of the Armed Forces while at the place where his induction will be accomplished, (5) to submit to induction, and (6) if he is found not qualified for induction, to follow the instructions of the representatives of the Armed Forces as to the manner in which he will be transported on his return trip to the local board.

1641.6 *Effect of failure to have unaltered documents in personal possession.*

The failure of any person to have his Registration Certificate (SSS Form 2) or Status Card (SSS Form 7) in his personal possession shall be prima facie evidence of his not having registered.

[Temporary Instruction No. 622-7/680-3]

Issued: February 1, 1975.

Subject: Rescission of Temporary Instructions 622-4, 622-5/680-2, and 622-6.

The following Temporary Instructions are rescinded and should be withdrawn from the Registrants Processing Manual and destroyed:

1. 622-4, Registrants Under Confinement or Court Supervision.
2. 622-5/680-2, Classification Of Medical Specialists Into Class 2-AM.
3. 622-6, Classification of Registrants Separated From The Armed Forces.

This Temporary Instruction will terminate upon implementation.

BYRON V. PEPITONE.

[FR Doc.75-3437 Filed 2-5-75;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL

Meeting

The regular winter meeting of the Business Research Advisory Council will be held on February 26, 1975, at 9:30 a.m. in Conference Room B of the Interdepartmental Auditorium, 14th and Constitution Avenue, NW., Washington, D.C. Agenda for the meeting follows:

1. Chairman's Opening Remarks
2. Commissioner's Remarks
3. Status Report of BLS Task Force on Hours Worked vs. Hours Paid. (Follow up on the earlier BRAC committee for this subject)
4. Committee Reports
   a. Committee on Consumer and Wholesale Prices (Plans for WPI and inquiries on CPI revision)
   b. Committee on Economic Growth (Assumptions underlying recent projection work)
   c. Committee on Manpower and Employment (Real spendable earnings, status of local area estimates)

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

[1] Liability for training and service is a person's responsibility for service imposed by the Military Selective Service Act. This liability commences when he reaches the age of 18 years and 6 months after having been required to register. It terminates when he reaches the age of 26 unless extended to age 35.

Signed at Washington, D.C. this 30th day of January 1975.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.75-3407 Filed 2-5-75;8:45 am]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting

Notice is hereby given of a meeting of the National Advisory Committee on Occupational Safety and Health, established under section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The meeting which was previously scheduled for January 24 and 25, 1975, will be held February 20 and 21, 1975, in Room 102 ABCD, Main Labor Building, 14th and Constitution Avenue, NW, Washington, D.C. The meeting will begin at 9 a.m. and will be open to the public.

The agenda will include presentations and discussions on the role of the states in the standards development process, a review of the activities of both the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health, a discussion of voluntary compliance programs, a presentation on statistics, and a report by NIOSH on its recently completed summary of training facilities.

Any written data or views concerning the subject to be considered which are received by the Committee's Executive Secretary by February 15, 1975, together with 20 duplicate copies, will be presented to the Committee and included in the official record of the meeting. Those persons desiring to make presentations at the meeting must also notify the Executive Secretary by February 15, 1975, of their desire to appear, stating the amount of time requested and the capacity in which they will appear as well as a brief outline of the content of their presentation. Oral presentations will be scheduled at the discretion of the Committee Chairman depending on the extent to which time permits.

Communications to the Executive Secretary should be addressed as follows:

Ms. J. Goodell, Executive Secretary,
National Advisory Committee on Occupational Safety and Health,
U.S. Department of Labor,
1726 M Street NW., Room 200,
Washington, D.C. 20210,
Phone: 202/961-2248, 2487

Signed at Washington, D.C. this 31st day of January, 1975.

J. GOODELL,
Executive Secretary.

[FR Doc.75-3404 Filed 2-5-75;8:45 am]

Office of the Secretary

LABOR RESEARCH ADVISORY COMMITTEE

Establishment

A. *Establishment.* The Secretary of Labor, having determined after consultation with the Director, Office of Management and Budget, that the establishment of a committee to deal with matters related to the Department of Labor research program is in the public interest, hereby establishes the Department of Labor Research Advisory Committee pursuant to the Federal Advisory Committee Act (Pub. L. 92-463).

B. *Duties, functions, and administrative provisions*—1. *Objectives and scope.* The Committee's objective will be to help improve the quality of the research program of the Department. It will deal with both the general direction of the Departmental research effort and the specific programs of each agency within the Department. 2. *Committee tenure.* The Committee will operate on a continuing basis.

3. *Official to whom committee reports.* The Committee will report to the Assistant Secretary for Policy, Evaluation and Research.

4. *Support services.* The Assistant Secretary for Policy, Evaluation and Research, and the Manpower Administration will provide the necessary support for the Committee.

5. *Committee duties.* The Committee will evaluate Departmental research on a continuing basis and will meet with the Department's Research Policy Committee to discuss current and planned areas of research. In addition, the Committee will serve as source of expertise for each agency-evaluating the problems in the research program that are specific to each agency.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are $6,000 and involve approximately one-fourth man years of staff support.

7. *Meetings.* The Committee will meet twice a year.

8. *Termination date.* Two years—renewable.

Signed at Washington, D.C. this 23rd day of January 1975.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-3406 Filed 2-5-75;8:45 am]

COMMISSION ON CIVIL RIGHTS

ARKANSAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Arkansas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on February 22, 1975, in the Sheraton Motor Inn, Arkansas Room C, 6th & Perry Street, Little Rock, Arkansas 72201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is SWRO activities, Economic Recession Project, Era Project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-3458 Filed 2-5-75;8:45 am]

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee will convene at 12 noon on February 25, 1975, in the Fifth Floor Conference Room, U.S. Commission on Civil Rights, 1121 Vermont Avenue NW., Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss proposal for D.C. Housing Study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-3459 Filed 2-5-75;8:45 am]

MONTANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Montana State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on February 22, 1975, at 202 Second Street

N., YMCA-Reading Room-Center Lounge, Great Falls, Montana.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mountain States Regional Office of the Commission, Room 216, Champa Street, Denver, Colorado 80202.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-3460 Filed 2-5-75;8:45 am]

PENNSYLVANIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the United States Commission on Civil Rights, that a planning meeting of the Pennsylvania State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on February 28, 1975, in the Federal Building, 600 Arch Street, Room 6306, Philadelphia, Pa.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of the meeting is to discuss a possible Committee project for the coming year.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-3461 Filed 2-5-75;8:45 am]

RHODE ISLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. on March 4, 1975, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island 02906.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss follow-up to Committee's report "Minorities and Women in Government: Practice/vs Promise" and other new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-3462 Filed 2-5-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Texas State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for February 8-9, 1975, a notice of which was previously published on page 3033 in the FEDERAL REGISTER on Friday, January 17, 1975 (FR Doc. 75-1622), has been cancelled.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-3463 Filed 2-5-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on February 23, 1975, at the Sheraton-Crest Inn, Room 206, 111 East First Street, Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to review and make additional plans for the Mexican American Education follow-up study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-3464 Filed 2-5-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Texas State Advisory Committee (SAC) to this Commission will convene at 9 a.m. on March 1 and 2, 1975, Sheraton-Crest Inn, Room 206, 111 East First Street, Austin, Texas 78711.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, Room 231, New Moore Building, 106 Broadway, San Antonio, Texas 78205.

The purpose of this meeting is to review and make additional plans for the Mexican American Education follow-up study.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 3, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-3465 Filed 2-5-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 690]

ASSIGNMENT OF HEARINGS

FEBRUARY 3, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 6, 1975.

MC 139254, Brooks Transportation, Inc., continued hearing now assigned March 4, 1975, at Atlanta, Ga., is postponed to March 5, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

I & S No. M-28281, Commutation Fares, Hudson Transit Lines, Inc., now being assigned March 10, 1975 (1 week), at New York, N.Y., in a hearing room to be designated later.

I & S No. 9019, Prepayment of Freight Charges to Points in Mass. & R.I., now being assigned March 24, 1975 (1 week), at Boston, Mass., in a hearing room to be designated later.

No. 35914, H & R Scrap Iron and Metal Company v. Chicago and Northwestern Transportation Company, now being assigned April 1, 1975 (9 days), at Chicago, Illinois, in a hearing room to be designated later.

Finance Docket No. 27827, Southern Railway Change in Service of Trains Nos. 1 and 2 Between Atlanta, Georgia and Birmingham, Alabama to Three Days A Week, and Finance Docket No. 27828, Southern Railway Company—Discontinuance of Operation of Trains No. 5 and 6 Between Charlotte, N.C., and Atlanta, Ga., and Change Of Service Between Washington, D.C., and Charlotte, N.C., now assigned March 11 and 12, 1975 at Atlanta, Ga., will be held in Room 522, U.S. Post Office & Courthouse, 56 Forsythe St.; March 13, 1975, Room 209-210, Federal Building, 1129 Noble St., Anniston, Ala.; March 14, 1975 Ensley Court Room, Police Precinct, 1623 Avenue G, Birmingham, Ala.; March 17, 1975 Grand Jury Room, 2nd Floor, U.S. Courthouse East, Washington & Church St., Greenville, S.C. and March 18, 1975, Charlotte Public Library, 310 N. Tryon St., Charlotte, N.C.

MC 41406 Sub-44, Artim Transportation System, Inc., Application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3456 Filed 2-5-75;8:45 am]

[Notice No. 10]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 31, 1975.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 1103 (Sub-No. 16), filed December 12, 1974. Applicant: MAX H. KOFMAN, FREDA KOFMAN GAINES, BENJAMIN KOFMAN AND JOSEPH KOFMAN, doing business as KOFMAN'S, 130 Dunlop Street, Bellefonte, Pa. 16823. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brass products, brass bars and brass rods, and unfinished shapes*, from points in Illinois, to points in Indiana, Michigan, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Ohio; (2) *copper, brass, and bronze bars and rods, and unfinished shapes* from points in Illinois, to Pittsburgh, Pa.; (3) *brass scrap and rejected or refused brass products*, from New Britain and Hartford, Conn.; Wilmington, Del.; Perth Amboy, Picatinny Arsenal, Newark, Trenton, Rahway, Waverly, Jersey City, and Camden, N.J.; Rochester, Buffalo, Brooklyn, Staten Island, Lockport, North River, Hoosick Falls, Tottenville, Auburn, Binghamton, Syracuse, and New York, N.Y.; Cleveland, and Maple Heights, Elyria, and Springfield, Ohio; Baltimore, Md.; Boston and Ashland, Mass.; Newport and Providence, R.I.; and the District of Columbia, to points in Illinois; (4) *loose brass, brass products, copper, copper products, and brass and copper scrap*, from Reedsville and Morgantown, W. Va. to points in Illinois;

(5) *brass rods and brass shapes*, from points in Illinois to Reedsville and Morgantown, W. Va.; (6) *aluminum bars, blanks, stampings, unfinished shapes, extensions, castings, forgings, molding, rods, scrap, twinings, borings, burnings, aluminum and aluminum products, zinc, lead, empty containers, and empty pallets*, from Reedsville and Morgantown, W. Va. to Baltimore, Md., Wilmington, Del., and points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Indiana Michigan; (7) *aluminum billets, blooms, ingots, pigs, slabs borings, scrap, and twinings*, from Baltimore, Md., Wilmington, Del., and points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Indiana, and Michigan, to points in Illinois; and (8) *aluminum bars, blanks, stampings, unfinished shapes, extensions, castings, forgings, moldings, rods, scrap, twinings, borings, turnings, aluminum and aluminum products, zinc, lead, empty containers and empty pallets*, from points in Illinois, to Baltimore, Md., Wilmington, Del., and points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Ohio, Indiana, and Michigan.

NOTE.—Applicant states it already holds the above authority via a gateway at Bellefonte, Penna. The purpose of this application is to eliminate the gateway of Bellefonte, Penna. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 4963 (Sub-No. 47), filed January 14, 1975. Applicant: ALLEGHANY CORPORATION, doing business as, JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Western Electric Company, Incorporated at the junction of New York State Highway 422 and Maple Street in Elma Township (Erie County), N.Y., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y. or Washington, D.C.

No. MC 9692 (Sub-No. 4), filed January 10, 1975. Applicant: ROBERT D. ECKERT, 219 North President Avenue, Lancaster, Pa. 17603. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities, as are generally made by a manufacturer of rugs and linoleum, and equipment, materials and supplies incidental thereto* (except in bulk), *and rugs and carpets*, (1) from Lancaster, Pa., to Landover, Md., restricted to transportation to be performed under a continuing contract or contracts with the Jos. M. Zamoiski Co.; and (2) from Lancaster and Marietta, Pa., to points in Harford and Baltimore Counties, Md., restricted to transportation to be performed under a continuing contract or contracts with J. J. Haines & Company, Inc., at Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 13123 (Sub-No. 79), filed January 8, 1975. Applicant: WILSON FREIGHT COMPANY, a corporation, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, com-

modities in bulk, and those requiring special equipment), serving the plantsite of General Cable Corporation at or near Lawrenceburg, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Lexington, Ky.

No. MC 13845 (Sub-No. 4), filed January 3, 1975. Applicant: DONALD RUSSELL, doing business as FRANK RUSSELL & SON, 401 South Ida Street, West Frankfort, Ill. 62896. Applicant's representative: Donald Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from West Frankfort, Ill., to the plantsite of West Virginia Pulp and Paper Company at or near Wickliffe, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo. or Springfield, Ill.

No. MC 27817 (Sub-No. 113), filed January 7, 1975. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from the facilities of Heinz U.S.A. Division, H. J. Heinz Co. located at Bowling Green, Fremont, and Toledo, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Rhode Island, Vermont, and Virginia, points in New York on and east of a line beginning at Lake Ontario, thence along State Highway 57 to its junction with U.S. Highway 11 at Syracuse, thence along U.S. Highway 11 to the Pennsylvania State line, and points in Pennsylvania on and east of U.S. Highway 220.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 27817 (Sub-No. 114), filed January 6, 1975. Applicant: H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, Pa. 17201. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail, wholesale and chain grocery food business houses (except commodities in bulk and frozen foods), from points in Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia, to points in Cumberland County, Pa. on and east of Pennsylvania Highway 34.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 30237 (Sub-No. 29), filed January 10, 1975. Applicant: YEATTS TRANSFER COMPANY, a corporation, Box 66, Altavista, Va. 24517. Applicant's representative: Nancy Pyeatt, 1750 New York Avenue NW., Suite 210, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the facilities of Keller Manufacturing Company, Inc., at or near Corydon and New Salisbury, Ind.; Tell City Chair Company, at Tell City, Ind.; Jackson of Danville, Inc., at or near Danville, Ky.; and Cresent Manufacturing Company, at Gallatin, Tenn.; to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia; and (2) *damaged, rejected, and refused shipments of new furniture*, from points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia, to the facilities of Cresent Manufacturing Company, at Gallatin, Tenn.; Jackson of Danville, Inc., at or near Danville, Ky.; Tell City Chair Company, at Tell City, Ind.; and Keller Manufacturing Company, Inc., at or near Corydon and New Salisbury, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30844 (Sub-No. 525), filed January 13, 1975. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, Iowa 50702. Applicant's representative: Larry Strickler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* (except commodities in bulk and those requiring special equipment) used in the manufacture and distribution of road building machinery, contractor's equipment and supplies, self-propelled vehicles (except passenger vehicles or truck tractors), and *attachments and parts therefor*, between the facilities of Schield Bantam, Division Koehring, at or near Waverly, Iowa, and Parsons, Division Koehring, at or near Newton, Iowa, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 35320 (Sub-No. 145), filed January 2, 1975. Applicant: T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408. Applicant's representative: Kenneth G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *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), serving the plant site of General Cable Corporation on U.S. Highway 127 Bypass, in Anderson County, approximately 3 miles north of Lawrenceburg, Ky., as an off-route point in connection with applicant's regular route authority to serve Louisville, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 35334 (Sub-No. 77), filed January 8, 1975. Applicant: COOPER-JARRETT, INC., 23 South Essex Ave., Orange, N.J. 07051. Applicant's representative: Irving Klein, 280 Broadway, New York, N.Y. 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading): Serving Clarksville, Ind., an off-route point in connection with applicant's regular route operating authority, to and from Cincinnati, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 35807 (Sub-No. 54), filed November 22, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Ballet (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear materials*, (1) between points in Pike County, Ohio, on the one hand, and, on the other, points in Cleveland, Ohio, Commercial Zone, the Detroit, Mich., Commercial Zone, Montgomery County, Ohio, the New York, N.Y., Commercial Zone, and the Chicago, Ill., Commercial Zone, restricted to traffic having prior and subsequent movement by air; (2) between points in Pike County, Ohio, on the one hand, and, on the other, Baltimore, Md., Elizabeth, N.J., Norfolk, Va., and Portsmouth, Va., restricted to traffic having a prior or subsequent movement by water; (3) between points in Pike County, Ohio, on the one hand, and, on the other, points in Armstrong County, Pa., Allegheny County, Pa., Washington County, R.I., Campbell County, Va., Unicoi County, Tenn., Oak Ridge, Tenn., and Cattaraugus County, N.Y.; (4) between points in Washington County, R.I., on the one hand, and, on the other, points in the Boston, Mass., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (5) between Oak Ridge, Tenn., on the one hand, and, on the other, points in Pike County, Ohio, Washington County, R.I., Campbell County, Va., and Cattaraugus County, N.Y.; (6) between Oak Ridge, Tenn., on the one hand, and, on the other, points in Blount County, Tenn., and the Atlanta, Ga., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (7) between Oak Ridge, Tenn., on the one hand, and, on

the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., and Norfolk, Va., restricted to traffic having a prior or subsequent movement by water.

(8) Between points in Armstrong County, Pa., on the one hand, and, on the other, points in the Cleveland, Ohio, Commercial Zone, the Chicago, Ill., Commercial Zone, and the Detroit, Mich., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (9) between points in Armstrong County, Pa., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., and Norfolk, Va., restricted to traffic having a prior or subsequent movement by water; (10) between points in Campbell County, Va., on the one hand, and, on the other, points in Armstrong County, Pa., Allegheny County, Pa., Washington County, R.I., New Haven County, Conn., New London County, Conn., and Unicoi County, Tenn.; (11) between points in Allegheny County, Pa., on the one hand, and, on the other, points in the Pittsburgh, Pa., Commercial Zone, and the New York, N.Y., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (12) between points in Allegheny County, Pa., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., and Norfolk, Va., restricted to traffic having a prior or subsequent movement by water; (13) between points in Cattaraugus County, N.Y., on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone, restricted to traffic having a prior or subsequent movement by air.

(14) Between points in Cattaraugus County, N.Y., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., and Norfolk, Va., restricted to traffic having a prior or subsequent movement by water; (15) between points in Benton County, Wash., on the one hand, and, on the other, points in the Seattle, Wash., Commercial Zone and the Portland, Oreg., Commercial Zone, restricted to traffic having a prior or subsequent movement by air; (16) between points in Calavaras County, Calif., on the one hand, and, on the other, the San Francisco International Airport, Calif., restricted to traffic having a prior or subsequent movement by air; (17) between points in Barnwell County, S.C., on the one hand, and, on the other, points in the Columbia, S.C., Commercial Zone, the Atlanta, Ga. Commercial Zone, the New York, N.Y., Commercial Zone and the Dulles International Airport, Va., restricted to traffic having a prior or subsequent movement by air; (18) between Barnwell County, S.C., on the one hand, and, on the other, Wilmington, N.C., restricted to traffic having a prior or subsequent movement by water; and (19) between Wilmington, N.C., on the one hand, and, on the other, points in the New York, N. Y., Commercial Zone and the Dulles International Airport, Va., under a continuing contract or contracts with Transnuclear, Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 45736 (Sub-No. 47), filed January 7, 1975. Applicant: GUIGNARD FREIGHT LINES, INC., P.O. Box 26067, Highway 21 North, Charlotte, N.C. 28213. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper products and woodpulp*, from Calhoun, Tenn., to points in Ohio on, north and east of a line starting at the Indiana-Ohio State Boundary line to junction U.S. Highway 30, thence along U.S. Highway 30, to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, near Mansfield, Ohio, thence along U.S. Highway 30 to junction Ohio Highway 13, thence southward along Ohio Highway 13 to junction Ohio Highway 37, thence along Ohio Highway 37 to junction Ohio Highway 13, thence along Ohio Highway 13 to Athens, Ohio thence along U.S. Highway 33 to junction Ohio Highway 7, thence along Ohio Highway 7 to Pomeroy, Ohio; and (2) *materials, equipment, and supplies* used in the manufacture of paper, paper products, and woodpulp, from points in the area in Ohio described in (1) above, to Calhoun, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or Charlotte, N.C.

No. MC 61592 (Sub-No. 324) (Correction), filed September 23, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished as corrected this issue. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, pallets, skids, bases, boxes, crates, crating, veneer, baskets, treads, risers, sills, molding, cardboard cartons, nails, flooring, treated poles, treated piling, treated lumber, treated crossarms, and treated crossties* (except commodities in bulk), between points in Alabama, on the one hand, and, on the other, points in Wisconsin, Michigan, Pennsylvania, Ohio, Indiana, Illinois, and Kentucky.

NOTE.—The purpose of this republication is to correct the commodity description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 61592 (Sub-No. 337), filed December 26, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fencing;* and (2) *parts, materials, and accessories*, used in the installation of fencing (except commodities in bulk), from Kansas City, Mo., to points in Nebraska and Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 61592 (Sub-No. 338), filed January 14, 1975. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board and forest products* (except commodities in bulk), from Silsbee and Bon Weir, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 67646 (Sub-No. 73), filed January 2, 1975. Applicant: HALL'S MOTOR TRANSIT COMPANY, a Corporation, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. 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), between the junction of Interstate Highways 79 and 80, in Mercer County, Pa., on the one hand, and, on the other, points in Ohio and Pennsylvania within 80 miles of Greenville, Pa.

NOTE.—Applicant states that the purpose of this application is to provide an additional gateway at the junction of Interstate Highways 79 and 80. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 71593 (Sub-No. 3), filed January 10, 1975. Applicant: C. G. POTTER, doing business as MAUMEE EXPRESS, Box 1073, Secaucus, N.J. 07094. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, household goods as defined by the Commission requiring special equipment), which are at the time moving on bills of lading of freight forwarders as defined in Section 402(a)(5) of the Interstate Commerce Act, between points in the New York, N.Y., Commercial zone as defined by the Commission, and Newark, N.J., on the one hand, and, on the other, Cleveland, Toledo, Columbus, and Cincinnati, Ohio; Louisville, Ky., Detroit, Mich., and Indianapolis, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 73165 (Sub-No. 359), filed January 6, 1975. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst, P.O. Box 11086, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designated for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (A) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee; and (B) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Alabama, Arkansas, Georgia, Illinois, Iowa, Louisiana, Mississippi, Missouri, Tennessee, Texas, and Wisconsin, restricted to traffic in (1) and (2) above moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant does not specify a location.

No. MC 80430 (Sub-No. 153), filed January 6, 1975. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601. Applicant's representative: F. Neil Aschemeyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commision, commodities in bulk, and those requiring special equipment), from the plantsite of General Cable Corporation 3 miles north of Lawrenceburg, Ky., on U.S. Highway 127 bypass as an off-route point in connection with its authorized regular route operations between Cincinnati, Ohio, and Nashville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Louisville, Ky., Chicago, Ill., or Washington, D.C.

No. MC 82063 (Sub-No. 54), filed January 13, 1975. Applicant: KLIPSCH HAULING CO., a Corporation, 119 E. Loughborough, St. Louis, Mo. 63111. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrofluosilicic* acid, in bulk, in rubber-lined tank vehicles, from Montpelier, Iowa, to points in Illinois, Missouri, Indiana, Ohio, Wisconsin, Michigan, Minnesota Nebraska, Iowa, and South Dakota; (2) *Liquid feed and feed ingredients*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee; and (3) *spent hydrofluoric acid*, in bulk, in tank vehicles, from Gore, Okla., to points in Louisiana, Mississippi, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 83539 (Sub-No. 403), filed January 6, 1975. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: James M. Doherty, 500 West Sixteenth Street, P.O. Box 1945, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments, and accessories* for the commodities described in (1) above, (a) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Colorado, Florida, North Carolina, South Carolina, and Tennessee; and (b) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Arizona, Colorado, Kentucky, Louisiana, Minnesota, Mississippi, Nebraska, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah, and Wyoming; (c) from ports of entry in California, Oregon and Washington, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (d) from ports of entry on the International Boundary Line between the United States and Canada, to points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 89617 (Sub-No. 17), filed January 13, 1975. Applicant: LEWIS TRUCK LINES, INCORPORATED, Route 6, Box 65A, Conway, S.C. 29526. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia, S.C. 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap brass*, in the form of chips and shavings, from the plantsite of American Gear & Pinion Corp., near Conway, S.C., to the plantsite of Mueller Brass Co., at Port Huron, Mich.; and (2) *brass rods*, from the plantsite of Mueller Brass Co., at Port Huron, Mich., to the plantsite of American Gear & Pinion Corp., near Conway, S.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C.; Charlotte, N.C.; or Myrtle Beach, S.C.

No. MC 95540 (Sub-No. 920), filed December 16, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients, food products and foodstuffs*, from the plant sites and warehouse facilities utilized by Cadbury Schweppes U.S.A. Inc. located of Port of New York at or near New York City, N.Y.; Port Elizabeth at or near Elizabeth, N.J.; Linden, N.J., and Hazelton, Pa., to points in Alabama, Arkansas, Arizona, California, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 100449 (Sub-No. 56), filed January 8, 1975. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Cherokee, Iowa, to points in Wisconsin, restricted to the transportation of traffic originating at the above named origins, and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa; Omaha, Nebr.; or Washington, D.C.

No. MC 102616 (Sub-No. 908), filed January 10, 1975. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry facings, liquid mold release products, quenching compounds and hydraulic fluids*, in bulk, from Howell, Mich., to points in Illinois, Indiana, and Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 106074 (Sub-No. 19), filed January 10, 1975. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, Forest City, N.C. 28043. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Road, N.E., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and furniture parts*, from Andrews, N.C., to points in the United States (except Alaska, Hawaii and Tennessee).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 106497 (Sub-No. 108), filed January 10, 1975. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Hope, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 106497 (Sub-No. 109), filed January 13, 1975. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912 (Bus. Rte 1–44 east), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveyor systems, and conveyor system parts;* (2) *heating equipment and parts*, from points in Campbell County, Tenn., to points in the United States (except Alaska and Hawaii); and (3) *parts, equipment, machinery, materials and supplies*, used in the manufacturing, processing and fabrication of heating equipment and conveyor systems, from points in the United States (except Alaska and Hawaii), to points in Campbell County, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 106644 (Sub-No. 200), filed January 6, 1975. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highways trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (A) from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia; and (B) from ports of entry in Alabama, Mississippi, Louisiana, and Texas, to points in Alabama, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and (C) from ports of entry in North Carolina, South Carolina, Georgia, and Florida, to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, restricted in (1) and (2) above to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 107162 (Sub-No. 37), filed January 13, 1975. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route #1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, and salt products* with or without mineral additives, in bags, and in block form, from Manistee, Mich., to the ports of entry on the International Boundary line between the United States and Canada located in Minnesota and Michigan, having a subsequent movement to points in Ontario, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Green Bay, Wis.; Milwaukee, Wis. or Chicago, Ill.

No. MC 107403 (Sub-No. 927) (Correction), filed December 13, 1974, published in the FEDERAL REGISTER issue of January 16, 1975, and republished as corrected, this issue. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid pitch*, in bulk, in tank vehicles, from Lima, Ohio, to West Bend, Wis.; (2) *methyl chloride*, in bulk, in tank vehicles, from Institute, W. Va., to Chattanooga, Tenn., and Beaumont, Tex.; (3) *Lead oxides*, in bulk, in tank vehicles, from Hammond Lead Products, Inc. (West Pottsgrove Township, Montgomery County), Stowe, Pa., to Huguenot, N.Y.; Trenton, N.J.; Beltsville, Md.; Secaucus, N.J.; Sumter, S.C., Bennington, Vt.; Middletown, Del.; Port Jervis, N.Y., and Lynchburg, Va.; and (4) *dry adipic acid*, in bulk, in tank vehicles, from Hopewell, Va., to Chestertown, Md.

NOTE.—The purpose of this correction is to indicate the correct commodity description in part (4) above, as dry *adipic* acid, in lieu of dry *adinic* acid. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108185 (Sub-No. 50), filed January 10, 1975. Applicant: JACK COLE-DIXIE HIGHWAY COMPANY, a corporation, 2625 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), from the plantsite of the Ford Motor Company, at Romeo, Mich., to points in Alabama, Florida, Georgia, Louisiana, and Mississippi, restricted to the transportation of traffic originating at the origin point and destined to the named destination states.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Chicago, Ill.; or Washington, D.C.

No. MC 108676 (Sub-No. 75) (Correction), filed December 12, 1974, published in the FEDERAL REGISTER issue, January 9, 1975 and republished as corrected, this issue. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, N.E., Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe and valves, cast iron pressure pipe fittings, fire hydrants and fire hydrant sections*, and (2) *components, parts, attachments, accessories and supplies* used in connection with commodities described in (1) above, (a) from the plantsite and storage facilities of Mueller Co., located at or near Albertsville, Ala., to points in the United States (except Alaska and Hawaii) and (b) from the plantsite and storage facilities of Mueller Co., located at Chattanooga, Tenn., to points in the United States located east of New Mexico, Colorado, Wyoming, and Montana.

NOTE.—The purpose of this republication is to state the correct territorial description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 110325 (Sub-No. 62), filed January 8, 1975. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading), Between Albany, N.Y., and Springfield, Mass., in connection with carrier's authorized regular-route operations, serving no intermediate points, but serving Albany, N.Y. and Springfield, Mass., for purposes of joinder: From Albany, N.Y., over Interstate Highway 87, to junction Interstate Highway 90, thence over Interstate Highway 90 to junction U.S. Highway 5, thence over U.S. Highway 5, to Springfield, Mass., and return over the same route, restricted to be used only as an alternate route for operating convenience, for movement of traffic to or from points west of the States of New York and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 110325 (Sub-No. 63), filed January 8, 1975. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, Calif. 90009. Applicant's representative: Jerome Biniasz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Memphis, Tenn. and Denver, Colo.: From Memphis, Tenn. over Interstate Highway 55 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Missouri Highway 13, at or near Springfield, Mo., thence over Missouri Highway 13 to junction Missouri Highway 7, thence over Missouri Highway 7 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Interstate Highway 70, thence over Interstate Highway 70 to Denver, Colo., and return over the same route, serving no intermediate points, but serving Memphis, Tenn. and Denver, Colo. for joinder purposes only, as an alternate route for operating convenience only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Washington, D.C.

No. MC 110325 (Sub-No. 64), filed January 9, 1975. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Jerome Biniasz, P.O. Box 92220, Los Angeles, Calif. 90009. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment): Serving the Turner Industrial Park, near Tupelo, Miss., as an off-route point in connection with carrier's authorized regular-route operations, between Memphis, Tenn., and Tupelo, Miss.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 111320 (Sub-No. 63), filed January 6, 1975. Applicant: KEEN TRANSPORT, INC., 2001 Barlow Road, P.O. Box 668, Hudson, Ohio 44236. Applicant's representative: James E. Wilson, Suite 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (A) from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin; and (B) from ports of entry in Wisconsin, Illinois, Michigan, and Ohio, to points in the United States (except Alaska and Hawaii), restricted to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at the same time and place as similar applications filed simultaneously herewith on behalf of C & H Transportation Co., Inc.

No. MC 111729 (Sub-No. 496), filed January 7, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers and decorative greens*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, (a) between Emerson, N.J., on the one hand, and, on the other, points in New Jersey and New York, on traffic having an immediately prior or subsequent movement by air or motor vehicle, (b) between Emerson, N.J., and Newark, N.J., on traffic having an immediately prior or subsequent movement by air.

NOTE.—Applicant holds contract carrier authority in MC 112750 and other subs, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 111729 (Sub-No. 501), filed January 10, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Peter A. Greene, 1625 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, from Dothan and Ozark, Ala.; Dalton, Dawson, Fitzgerald, Manchester, Milledgeville, Moultrie, Toccoa, and Winder, Ga.; Myrtle Beach, S.C.; Cookeville, Tenn.; and Bluefield, W. Va., to Durham, N.C.; and (2) *radiopharmaceuticals, radioactive drugs, and medical isotopes, and related supplies and accessories*, (a) between Arlington Heights, Ill., on the one hand, and, on the other, points in Georgia, and Tennessee; and (b) between Arlington Heights, Ill., on the one hand, and, on the other, points in Alabama, Florida, North Carolina, and South Carolina.

NOTE.—Applicant holds contract carrier authority in MC 112750 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112750 (Sub-No. 317), filed January 7, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except currency and negotiable securities), between Atlanta, Augusta and Savannah, Ga., on the one hand, and, on the other, points in South Carolina.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 361), filed January 13, 1975. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, liquid*, in tank vehicles, from Lenexa, Kans., to Tulsa, Okla.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC 113024 (Sub-No. 135), filed December 20, 1974. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South DuPont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ground oyster shells*, in bags, from Berwick, La., to McCook, Nebr., and Wilmington, Del., under contract with Electric Hose & Rubber Company, at Wilmington, Del.

NOTE.—Applicant holds common carrier authority in MC 135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 574) (Correction), filed December 6, 1974 published in the FEDERAL REGISTER issue of January 9, 1975, and republished, as corrected, this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except in bulk), from the plantsite and storage facilities of Paramount Foods, Inc., at Louisville, Ky., to points in Arkansas, Kansas, Louisiana, Maryland, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, Texas, and West Virginia, restricted to traffic originating at the above named origin, and destined to the above named points.

NOTE.—The purpose of this republication is to indicate the correct docket No. assigned to this proceeding as MC No. 113637 (Sub-No. 574) in lieu of MC No. 13678 (Sub-No. 574). If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.; Indianapolis, Ind.; or Denver, Colo.

No. MC 113678 (Sub-No. 579), filed January 13, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Dallas, Tex., to points in Colorado.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 113678 (Sub-No. 580), filed January 13, 1975. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared edible flour*, from the plantsite of Modern Maid Food Products, Inc. located at or near Evansville, Ind., to points in Alabama, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Kansas, Kentucky, Missouri, Ohio, Oregon, Texas, Washington, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y. or Washington, D.C.

No. MC 113843 (Sub-No. 216), filed January 3, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams St., P.O. Box 238, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 113855 (Sub-No. 306), filed January 6, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors*, with or without attachments (except tractors used for pulling highway trailers), *lift trucks, excavators, motor graders, scrapers, engines, generators, generators and engines combined, road rollers, pipe layers, dump trucks* designed for off-highway use; and (2) *parts, attachments and accessories* for the commodities described in (1) above, (A) from ports of entry in Maine, Massachusetts, New York, New Jersey, Delaware, Maryland, and Virginia, to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming; and (B) from ports of entry in California, Oregon and Washington, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; and (C) from ports of entry on the International Boundary Line between the United States and Canada, to points in the United States (except Alaska and Hawaii), restricted in (1) and (2) above, to traffic moving in foreign commerce, having a prior movement by water and originating at facilities of Caterpillar Tractor Co. and its subsidiaries.

NOTE.—Duplicate authority may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113855 (Sub-No. 307), filed January 7, 1975. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, agricultural machinery, attachments and parts* for agricultural implements and agricultural machinery, from Fort Collins, Colo. and Gagetown, Mich., to points in the United States including Alaska but excluding Hawaii; and (2) *materials supplies, and equipment* used in the manufacturing and distribution of commodities in (1) above, from points in the United tSates (except Alaska and Hawaii), to Fort Collins, Colo. and Gagetown, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 114939 (Sub-No. 45), filed December 20, 1974. Applicant: BULK CARRIERS LIMITED, Box 10 Cawthra Rd., Cooksville, Ontario, Canada L5A 2W7. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Suite 103, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between ports of entry on the International Boundary line between the United States and Canada, on the St. Clair, Detroit, St. Marys, Niagara, and St. Lawrence Rivers, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115311 (Sub-No. 173), filed December 17, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, and in sections; (2) *building sections and building panels;* (3) *parts and accessories*, used in the installation thereof; (4) *pre-fabricated structural components and panels;* and (5) *materials and supplies*, used in the manufacture, production and distribution of the commodities named in (1) through (4) above, between the plantsites and storage facilities of Stran-Steel Corporation, at or near La Grange, Ga., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and Louisiana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115331 (Sub-No. 383), filed January 13, 1975. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, in package, vermiculite, in packages, lighter fluid*, (except in bulk), *fireplace logs*, sawdust and wax impregnated, and *accessories* used in outdoor cooking, (1) from Burnside, Ky.; Parsons, W. Va. and Dothan, Ala., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Virginia, Tennessee, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, and Iowa; (2) between the plantsites and storage facilities of Kingsford Charcoal Company located at or near Burnside, Ky., Parsons, W. Va., Belle, Mo. and Dothan, Ala.; (3) from Belle, Mo. and points within 10 miles thereof, to points in Colorado, North Dakota, and South Dakota; and (4) from East St. Louis, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Oklahoma, Missouri, Tennessee, Wisconsin, Alabama, Georgia, Louisiana, Mississippi, New Mexico and Texas; (b) *fireplace logs* sawdust and wax impregnated, from Belle, Mo., and points within 10 miles thereof to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Oklahoma, Tennessee, Wisconsin, Alabama, Georgia, Louisiana, Mississippi, New Mexico and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 116063 (Sub-No. 136), filed January 10, 1975. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 West 5th Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's repre-

sentative: W. H. Cole (same as address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils, and products thereof*, in bulk, in tank vehicles, from Oklahoma City, Okla., to points in California, Idaho, Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Fort Worth, Tex., or Oklahoma City, Okla. Okla.

No. MC 116254 (Sub-No. 147), filed January 7, 1975. Applicant: CHEM-HAULERS, INC., P.O. Drawer M, Sheffield, Ala. 35660. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recycled non-ferrous metal ingots, slabs and pigs, metal scraps, aluminum slag and dross*, between the plantsite and facilities of Apex International Alloys, Inc. at or near Checotah, Okla., on the one hand, and, on the other, points in Texas, Arkansas, Louisiana, Kansas, Missouri, Nebraska, Iowa, Illinois, Wisconsin, Kentucky, Tennessee, Mississippi, Alabama, Ohio, Indiana, Michigan and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.; Birmingham, Ala.; or St. Louis, Mo.

No. MC 117119 (Sub-No. 521), filed December 30, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in containers, and *blood analysis instruments, supplies, and parts*, in vehicles equipped with mechanical refrigeration, from Houston, Tex., to Chicago, Ill., Philadelphia, Pa., Los Angeles, Calif. and Tampa, Fla.

NOTE.—Common control and dual operation may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 117765 (Sub-No. 182), filed December 23, 1974. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest 5th Street, P.O. Box 75218, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonfrozen foodstuffs* in containers, from the plantsite of Woldert Canning Company, Lindale, Tex., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin; and (2) *malt beverages*, in containers and *related advertising material*, from Peoria, Ill. to Ardmore, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117851 (Sub-No. 17), filed January 8, 1975. Applicant: JOHN R. CHEESEMAN, 501 North First Street, Fort Recovery, Ohio 45846. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mobile home air conditioners, heaters, and parts and accessories* used in the manufacture thereof, from the plantsite of Evans Products Company at or near Tifton, Ga., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* used in the manufacture of mobile home air conditioners, heaters, and parts and accessories thereof, from points in the United States (except Alaska and Hawaii), to the plantsite of Evans Products Company at or near Tifton, Ga., under a continuing contract or contracts with Evans Products Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 117940 (Sub-No. 156), filed January 13, 1975. Applicant: NATION-WIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Park and school playground and park picnic ground and campground apparatus, equipment, paraphernalia, and structures and pedal boats*, from Litchfield and Hillsdale, Mich., to points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia and Wisconsin, restricted to shipments originating at and destined to named points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 119777 (Sub-No. 314), filed January 10, 1975. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies*, moving in connection therewith, from the plantsite and storage facilities of FMC Corp., Crane and Excavator Div., at Lexington, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Vermont, Wisconsin, and West Virginia.

NOTE.—Applicant holds contract carrier authority in MC 126970 Subs 1 and 3 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Lexington or Louisville, Ky., or Nashville, Tenn.

No. MC 119789 (Sub-No. 234), filed January 6, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, defoaming compounds, boiler preserving compounds, ice antislipping compounds, rust preventing compounds, plasticizers, paints and paint products, wood filler, adhesives, water treating compounds, descaling agents, packing and moulding compound, coating compounds, paving and sealing materials, oil additives, lubricants, aerosol sprays, plastics, sealants, corrosion inhibitors, dust depressant, coolants, ice melting material, toilet preparations and ointments, cosmetics, insecticides, pesticides, fungicides, herbicides, viricides, algaecide, fertilizers, plant growth retardant, deodorants, disinfectants, solvents, fabric softeners, detergents, and soaps, waxes and polishes, soil conditioners, mulch, acids and chemicals, fire retardants, hardware and houseware, catalogs and parts thereof, camping equipment, sporting goods, cameras, pen and pencil sets, luggage, jewelry, tools, umbrellas, leather goods, novelties, washing and cleaning machinery and equipment, sprayers, electrical appliances, equipment and supplies, application and dispensing machinery and equipment and testing and metering equipment and materials, equipment and supplies* used in the manufacture thereof, (except commodities in bulk, and those which by reason of size or weight require the use of special equipment), between plant site of and storage facilities in Dallas County, Texas of or utilized by National Chemsearch Corporation and its subsidiaries and divisions, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 123407 (Sub-No. 187) (Correction), filed July 8, 1974, and published in the FEDERAL REGISTER issue of August 22, 1974, and republished as corrected this issue. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Ap-

plicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Montana; Wyoming; points in Idaho in and north of Idaho County; points in Oregon on and west of U.S. Highway 97; and points in Washington on and west of the Cascade Mountains, to points in Arkansas, Colorado, Kansas, Idaho, Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Utah and Wisconsin.

NOTE.—The purpose of this republication is to correct the territorial description. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo. or Washington, D.C.

No. MC 123872 (Sub-No. 42), filed January 7, 1975. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Appomattox, Va., to points in Arizona, California, Colorado, Iowa, Kansas, Minnesota, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Texas, South Dakota, Utah, Wisconsin and Wyoming, restricted to traffic originating at the facilities of Thomasville Furniture Industries at or near Appomattox, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hickory or Charlotte, N.C.

No. MC 124411 (Sub-No. 10), filed January 9, 1975. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, Iowa 50251. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed, and liquid feed supplements, in bulk*, from the facilities of Land O'Lakes, Inc., at or near Clarence, Iowa, to points in Illinois, Minnesota, Nebraska, North Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 125120 (Sub-No. 4), filed January 14, 1975. Applicant: TWIN STATE SAND & GRAVEL CO., INC., Elm Street, West Lebanon, N.H. 03784. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, from Rutland, Vt., to points in New York and Vermont, under a continuing contract or contracts with Cargill, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Concord, N.H. or Montpelier, Vt.

No. MC 126320 (Sub-No. 7), filed January 6, 1975. Applicant: DETTINBURN TRUCKING, INC., Box 24, Route 3, Petersburg, W. Va. 26847. Applicant's representative: D. L. Bennett, 129 Edington Lane, Wheeling, W. Va. 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in pneumatic tank semi-trailers, dump trucks, or in bags, (1) from the plantsite of Monongahela Power Company at or near Willow Island, W. Va., to points in Ohio, Pennsylvania, Maryland and Virginia; and (2) from Albright, Fairmont, Morgantown, Mt. Storm and Shinnston, W. Va., to points in Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126539 (Sub-No. 22), filed January 6, 1975. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed, and liquid animal feed supplements*, from at or near Clarence, Iowa, to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 129135 Sub 2, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 127278 (Sub-No. 4), filed December 16, 1974. Applicant: PACIFIC VAN & STORAGE CO., INC., 1415 West Torrance Blvd., Torrance, Calif. 90501. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California, on the one hand, and, on the other, points in Arizona, Nevada, Washington, Oregon, New Mexico, and Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Torrance, Long Beach, or Santa Ana, Calif.

No. MC 127525 (Sub-No. 5), filed December 26, 1974. Applicant: COMET GARMENT CARRIERS, INC., 257 West 38th Street, New York, N.Y. 10018. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of ladies' coats and suits, and clothing hangers, from Suz-Ette Fashions, Inc., Jersey City, N.J., to G. C. Fashions, Inc., Glen Cove, N.Y.; (2) *cutwork, materials and supplies* used in the manufacture of ladies' coats and suits, *clothing hangers, and ladies 'coats and suits*, between G. C. Fashions, Inc., Glen Cove, N.Y. and L & S Fashions, Inc., Amityville, N.Y.; and (3) *ladies' coats and suits*, on hangers, from G. C. Fashions, Inc., Glen Cove, N.Y., to Suz-Ette Fashions, Inc., Jersey City, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 128273 (Sub-No. 166), filed December 27, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and mechanical apparatus, parts and accessories* for electrical and mechanical apparatus, and *such other merchandise* as is dealt in by hardware distributors and/or industrial supply houses, from the plantsites and storage facilities of W. W. Grainger Co., Inc., at Bensonville, Chicago and Elk Grove Village, Ill., to points in Oregon, Washington, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant does not state a location.

No. MC 128527 (Sub-No. 50), filed January 13, 1975. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, unassembled and knocked down, and their component parts and fittings*, from Ontario, Oreg., to points in Wisconsin, Minnesota, Wyoming, North Dakota, South Dakota, Nebraska, and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 129759 (Sub-No. 3), filed January 7, 1975. Applicant: TRIANGLE TRUCKING CO., a Corporation, P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of pipe, conduit, wire, cable, cord set, plastic materials, and *materials, equipment, and supplies* used in the conduct of such business, between plants and warehouses of Plastic Wire and Cable Co., Inc. Subsidiary of Triangle Industries, Inc., located in Jewett City and Montville, Conn., on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Kentucky, Kansas, Maryland, Michigan, Minnesota, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, Texas, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract with Plastic Wire and Cable Co., Inc., Subsidiary of Triangle Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133966 (Sub-No. 39), filed December 26, 1974. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 61, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Un-

ion Street, Taylor, Pa. 18707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, and related advertising matter*, from the plantsite of Cadbury Corporation, at Humbolt Industrial Park (Hazle Township), Pa., to Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; and Los Angeles, Emeryville, and Hayward, Calif., restricted to shipments originating at and destined to the above points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133977 (Sub-No. 20), filed January 6, 1975. Applicant: GENE'S, INC., 10115 Brookville Salem Road, Clayton, Ohio 45315. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail distributors of pizza ingredients, fish, potatoes, fish and potato ingredients, and *equipment, materials and supplies* used in the manufacture of pizza ingredients, fish, potatoes, and fish and potato ingredients, between Kettering, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Missouri, Iowa, Kentucky, Pennsylvania, Michigan, Florida, Tennessee, Georgia, West Virginia, and Virginia, restricted to service in dual refrigerated compartmented trailers.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 134734 (Sub-No. 20), filed January 13, 1975. Applicant: NATIONAL TRANSPORTATION, INC., 14031 L Street, Box 37106, Omaha, Nebr. 68137. Applicant's representative: Lanny Fauss, Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry products* in hermetically sealed containers, (1) from warehouse facilities utilized by Ocean Spray Cranberries, Inc., located at North Chicago, Ill., to points in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Missouri, Tennessee, and Texas, and (2) from Peoria, Ill., to points in Alabama, Arkansas, Colorado, Georgia, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee and Texas, under a continuing contract with Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 135243 (Sub-No. 5), filed January 13, 1975. Applicant: WISPAK TRANSPORT, INC., 4700 North 132nd Street, Butler, Wis. 53007. Applicant's representative: Stephen E. Zwicky, 119 Monona Avenue, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment and supplies*, used and useful in the manufacturing, processing, sales and distribution of meats, meat products, and meat by-products, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *meats, meat products, and meat by-products* (except commodities in bulk), from Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia, to Butler and Milwaukee, Wis., under contract with Wisconsin Packing Co., Inc., at Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee or Madison, Wis.

No. MC 135680 (Sub-No. 5), filed January 6, 1975. Applicant: BEVERAGE DISTRIBUTORS, INC., 119 N. 46th Street, Yakima, Wash. 98902. Applicant's representative: Philip G. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine, beer, and malt beverages*, from points in Los Angeles, Napa, San Francisco, San Joaquin, Santa Clara, Sonoma, and Stanislaus Counties, Calif., to Yakima, Kennewick, and Moses Lake, Wash., under contract with Crown Distributing Co., and Roth Distributing Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Yakima, Wash.

No. MC 135999 (Sub-No. 3), filed January 2, 1975. Applicant: HARRY PATTERSON, doing business as PATTERSON TRUCK LINE, Box 192, Salisbury, Mo. 65281. Applicant's representative: Dale E. Sporleder, 614 Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials*, used in the construction of heating and ventilating systems, (a) from the plantsite of Semco Manufacturing, Inc., at Jamierson Industrial Park, at Hollins, Va., to points in the United States (except points in Virginia, Alaska, and Hawaii); and (b) *rejected and damaged shipments*, from points in the United States (except points in Virginia, Alaska, and Hawaii), to the plantsite of Semco Manufacturing, Inc., at Jamierson Industrial Park, at Hollins, Va.; (2) *materials, supplies, and equipment*, used in the manufacturing, processing, sales, and distribution of building materials, used in the construction of heating and ventilating systems, from the plantsites of McKee Perforating, at or near New Berlin, Wis.; National Material Corp., at or near Elk Grove Village, Ill.; Caine Steel, at or near Madison, Ill.; and Harrington & King, at or near Chicago, Ill., to the plantsite of Semco Manufacturing, Inc., at Salisbury, Mo.; and (b) *rejected or damaged shipments*, from the plantsite of Semco Manufacturing, Inc., at Salisbury, Mo., to the plantsites of Harrington & King, at or near Chicago, Ill.; Caine Steel, at or near Madison, Ill.; National Material Corp., at or near Elk Grove Village, Ill.; and McKee Perforating, at or near New Berlin, Wis.; and (3) *rejected and damaged building materials*, used in the construction of heating and ventilating systems from points in the United States (except Missouri, Alaska and Hawaii), to the plantsite of Semco Manufacturing, Inc., at Salisbury, Mo., restricted to a transportation service to be performed under a continuing contract or contracts with Semco Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jefferson City, or Kansas City, Mo.

No. MC 136168 (Sub-No. 4), filed January 2, 1975. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 529, Albert Lea, Minn. 56007. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *contract 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), from the plantsites and warehouse facilities utilized by Wilson & Co., Inc., at Cherokee and Cedar Rapids, Iowa, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia and (2) *materials, supplies and equipment*, utilized in the manufacture, sale and distribution of commodities in (1) above, from the requested destinations to facilities utilized by Wilson & Co., Inc., at Cherokee and Cedar Rapids, Iowa, under contract with Wilson & Co., Inc., restricted to traffic originating or terminating at the above facilities utilized by Wilson & Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Omaha, Nebr.

No. MC 136315 (Sub-No. 5), filed January 13, 1975. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22-A, Philadelphia, Miss. 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, poles, piling, pallets timbers and crossties*, between points in Alabama, Arkansas, Louisiana, Mississippi, Georgia, and Tennessee, restricted to traffic originating in and destined to the above named states.

NOTE.—Applicant holds contract carrier authority in MC 123905, Subs 1, 13, and 14 thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 138772 (Sub-No. 4), filed January 6, 1975. Applicant: DELBERT D. McCLELLAND, doing business as ALL WAYS FREIGHT LINE, 215 North 18th Street, Leavenworth, Kans. 66048. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the construction site and plant of the Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Marys, Pottawatomie County, Kans., as an off-route point in connection with its authorized regular route operation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on a consolidated record with applications of Santa Fe Trail Transportation Co. and Graves Truck Line, Inc., and does not specify a location.

No. MC 138933 (Sub-No. 4), filed January 6, 1975. Applicant: DEUTZ & CROW CONCRETE CORP., P.O. Box 585, Marshall, Minn. 56358. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, (1) from Minneapolis and St. Paul, Minn., and points in Ottertail County, Minn., to Estherville and Swea City, Iowa; (2) from Sioux City, Iowa, to Luverne, Worthington, Marshall, Jackson, Canby and Madison, Minn.; and (3) from points in Grant County, S.D., to Estherville and Swea City, Iowa, and Luverne, Worthington, Marshall, Jackson, Canby and Madison, Minn., under contract with Deutz & Crow, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 139112 (Sub-No. 7), filed December 23, 1974. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, and *related advertising matter*, from the plantsite of Cadbury Corporation, Humbolt Industrial Park, Hazle Township, Pa., to Detroit, Mich.; Dallas, Tex.; Denver, Colo.; Salt Lake City, Utah; Kansas City, Kans.; Kansas City, Mo.; Chicago, Ill.; Seattle, Wash.; and Los Angeles, Emeryville, and Hayward, Calif., restricted to shipments originating at the above origin, and destined to the above destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 25), filed January 8, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned foodstuffs, and food seasonings*, from the plantsites and storage facilities of Wm. Underwood Co., in California, to points in Arizona, Montana, Oregon, Utah, and Washington; and (2) from the plantsites and storage facilities of Wm. Underwood Co., located at or near Dover, Del., to points in California.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 26), filed January 8, 1975. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionary products*, from the plantsites and storage facilities of Luden's, Inc., located at or near Reading, Pa., to points in California, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Ohio, Tennessee, Texas, Utah, and Washington.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 28), filed December 31, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office supplies*, from the plantsite and storage facilities of National Blank Book Company, Inc. located at or near Holyoke and Springfield, Mass., to points in Illinois, Missouri, Nebraska, Kansas, Oklahoma, Arkansas, Texas, and California.

NOTE.—Applicant holds contract carrier authority in MC 133106 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139781 (Sub-No. 1), filed December 19, 1974. Applicant: LOCH RAVEN ENTERPRISES, INC., doing business as LOCH RAVEN TOWING, Joppa and Satyr Hill Roads, Baltimore County, Md. 21234. Applicant's representative: Joel H. Pachino, 210 Dunkirk Building, Dundalk, Md. 21222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Wrecked, disabled, inoperative and abandoned motor vehicles and trailers and replacement motor vehicles and trailers; and* (B) *trailers*, (except mobile homes), between points in Virginia, West Virginia, New Jersey, Pennsylvania, Delaware, New York, and Maryland, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Baltimore, Md., or Washington, D.C.

No. MC 139810 (Sub-No. 1), filed January 7, 1975. Applicant: TRI-STATE CONTRACT CARRIER CORPORATION, a Corporation, P.O. Box 153, Bethel Springs, Tenn. 38315. Applicant's representative: R. Connor Wiggins, Jr., 909–100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinyl plastic*, from Corinth, Miss., to points in the United States (except Alaska and Hawaii); and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of vinyl plastic and returned shipments of *vinyl plastic* from points in the United States (except Alaska and Hawaii), to Corinth, Miss., under a continuing contract or contracts with Southbridge Plastics Division of W. R. Grace & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Nashville or Memphis, Tenn.

No. MC 140162 (Sub-No. 1), filed January 9, 1975. Applicant: SCHNEIDER MOTORWAYS, INC., Rural Route #1, Postville, Iowa 52162. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from Knowlton, Waupun, Pardeeville, Reeseville, and Friesland, Wis., to points in Michigan, Indiana, Illinois, Missouri, Iowa, and Minnesota; and (a) *canned goods*, from Elgin, Iowa, to points in Michigan, Indiana, Illinois, Missouri, Minnesota, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Milwaukee, Wis.

No. MC 140388, filed October 31, 1974. Applicant: EVELYN DETERT, doing business as ROCKET TRANSFER COMPANY, 3350 Cambridge Street, St. Louis County, Mo. 63143. Applicant's representative: John J. Riley, 7777 Bonhomme Avenue, Suite 2300, Clayton, Mo. 63105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles or uncrated furniture and household goods as defined by the Commission), between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission, Alton, Ill., and its commercial zone, and Valley Park, Mo., and its commercial zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 140511, filed December 20, 1974. Applicant: AUTOLOG CORPORA-

TION, a Corporation, 319 West 101st Street, New York, N.Y. 10025. Applicant's representative: Myron Levine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Shipper owned or operated *used automobiles with accompanying baggage, contents thereof and/or other effects* transported for shipper's use and not for resale, all to be transported on a trailer capable of carrying approximately six to eight automobiles, between points in Massachusetts, Connecticut, New Jersey, and Florida and those points in New York east of Interstate Highway 81, restricted against (1) passengers; (2) commodities other than used automobiles with accompanying baggage, contents and/or other effects; (3) new automobiles; (4) automobiles from or to a shipper acting as a dealer in automobiles; (5) automobiles to be carried to their ultimate destination by means other than by conveyance on a trailer; (6) automobiles to be shipped distances of less than seven hundred miles; and (7) automobiles having an immediate prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140545, filed January 6, 1975. Applicant: MIDWEST VAN & STORAGE, INC., 6400 Central Ave., N.E., Fridley, Minn. 55432. Applicant's representative: Will Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott and Washington Counties, Minn., and Eau Claire, Dunn, Pierce and St. Croix Counties, Wis., restricted to the transportation of traffic having a prior or subsequent movement beyond said points in containers, and further restricted to the performance of pickup crating, and containerization or unpacking and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 140546, filed December 31, 1974. Applicant: ROADHOUND TRUCK COMPANY, a corporation, 811 W. Hale Street, Osceola, Ark. 72370. Applicant's representative: Gerald K. Gimmel, 303 N. Federick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel products and copper and copper products*, between Osceola, Ark., on the one hand, and, on the other, points in Arkansas, Kentucky, Tennessee, Missouri, and Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Osceola, Ark., Memphis, Tenn., or Little Rock, Ark.

APPLICATIONS OF PASSENGER(S)

No. MC 228 (Sub-No. 75), filed January 7, 1975. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, N.J. 07340. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations, from Dutchess County, N.Y., to points in the United States including Alaska and Hawaii.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either New York City, N.Y. or Poughkeepsie, N.Y.

No. MC 140554, filed January 13, 1975. Applicant: HEY INC., Box 366, Jasper, Minn. 56144. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, in the same vehicle with passengers, and baggage of passengers in a separate vehicle*, in charter operations, and in round-trip sightseeing and pleasure tours, beginning and ending at points in Chippewa, Lac Qui Parle, Renville, Yellow Medicine, Lyon, and Redwood Counties, Minn., and points in Lincoln County, Minn. (except Lake Benton and Tyler), and extending to points in the United States (including Alaska, but excluding Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

BROKER APPLICATION(S)

No. MC 21763 (Sub-No. 2), filed December 16, 1974. Applicant: ALLIED BUS CORP., a corporation, 165 West 46th Street, New York, N.Y. 10036. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y. and Los Angeles, Calif., to sell or offer to sell the transportation of *passengers* as individuals and in groups, *and their baggage*, in the same vehicle with passengers, by motor common carrier, in all expense tours in special and charter operations, between points in the United States, including Alaska and Hawaii, restricted to passengers having an immediately prior or immediately subsequent movement by air to or from a foreign country.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 130285, filed December 13, 1974. Applicant: SPECIAL FREIGHT SYSTEMS, INC., 7703 Main Street, N.E., Fridley, Minn. 55432. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Fridley, Minn., to sell or offer to sell the transportation by motor vehicle, of *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and bulk commodities in tank vehicles), between points in Minnesota and Wisconsin, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 130289, filed December 26, 1974. Applicant: R A TRANSPORTATION, INC., 115 Jacobus Avenue, S. Kearny, N.J. 07032. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at S. Kearny, N.J., to sell or offer to sell by motor, rail and water carriers, the transportation of *General commodities* (except commodities in bulk), from New York, N.Y., points in Nassau and Suffolk Counties and points in New Jersey, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

WATER CARRIER APPLICATION(S)

No. W-536 (Sub-No. 15), filed December 27, 1974. Applicant: HENNEPIN TOWING COMPANY, a corporation, 7703 Normandale Road, Minneapolis, Minn. 55435. Applicant's representative: William F. King, Suite 400 Overlook Building, 6121 Lincolnia Road, Alexandria, Va. 32312. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *General Commodities*, by non-self-propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage (1) between ports and points along the Gulf Intracoastal Waterway between Brownsville, Tex. and Carrabelle, Fla., including the Atchafalaya River and the Port Allen Section of the Waterway, the Pearl and West Pearl Rivers below and including Bogalusa, La., the Victoria Channel to and including Victoria, Tex., the Arroyo Colorado to and including Harlingen, Tex., the Mississippi River-Gulf Outlet Channel, the Mobile River, the Tombigbee River, the Warrior River, including the Locust and Mulberry Forks, the Black Warrior River, the Alabama River, the Apalachicola River, the Chattahoochee River, the Flint River, and including all connecting streams and ship channels relating to such waterways and rivers; (2) between Carrabelle, Fla. and Tampa, Fla., including Port Tampa and East Tampa, Fla. along the Gulf of Mexico, serving all ports and points in Florida between Carrabelle and Tampa; (3) between Tampa, Fla., on the one hand, and, on the other, Miami, Fort Lauderdale and Port Everglades, Fla. along the Gulf of Mexico, the Caloosahatchee River, the St. Lucie Canal, and the Atlantic Intracoastal Waterway, serving all intermediate ports and points; and (4) between the ports and points in (1) and (2) above (except ports and points in the Mississippi River, below and including Baton Rouge, La., on the one hand, and, on the other, Miami,

Fort Lauderdale and Port Everglades, Fla., along the Gulf of Mexico and the Atlantic Ocean).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. W-1285-Ex, filed December 19, 1974. Applicant: DIAMOND MANUFACTURING COMPANY, INC., 645 Indian Street, P.O. 727, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as an *exempt carrier by water* in the transportation of *its own equipment, materials and supplies*, between construction, dredging, storage, or repair sites along the Atlantic coastline, the Gulf of Mexico coastline and their inland tributary waterways, nonradially, under the provisions of Section 302(e) of the Interstate Commerce Act exempting the furnishing for compensation, under a charter, lease or other agreement, of tugs and barges to B. F. Diamond Construction Company, Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Savannah, Ga.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3314 Filed 2-5-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

FEBRUARY 3, 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 February 17, 1975 from the date of this publication. 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 200 (Sub-No. E1), filed June 4, 1974. Applicant: RISS INTERNATIONAL CORPORATION, P.O. Box 2809, Kansas City, Mo. 64142. Applicant's representative: Ivan E. Moody (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Philadelphia, Pa., on the one hand, and, on the other, points in Nassau and Suffolk Counties, New York. The purpose of this filing is to eliminate the gateway of Rockland County, N.Y.

No. MC 13134 (Sub-No. E1) (correction), filed May 30, 1974, published in the FEDERAL REGISTER January 16, 1975. Applicant: GRANT TRUCKING, INC., P.O. Box 266, Oak Hill, Ohio 45656. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products, glassware, and clay refractory products*, except commodities in bulk, lime, limestone, and lime and limestone products, (a) between points in that part of Ohio on, north, and east of a line beginning at the Ohio-Pennsylvania State line and extending along U.S. Highway 30 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Ohio Highway 57, thence along Ohio Highway 57 to Lorain, on the one hand, and, on the other, points in that part of West Virginia on and east of a line beginning at the West Virginia-Pennsylvania State line and extending along U.S. Highway 19 to junction U.S. Highway 60 thence along U.S. Highway 60 to the West Virginia-Virginia State line; (b) between points in that part of Ohio on, north, and east of a line beginning at the Ohio-Pennsylvania State line and extending along Interstate Highway 80 to junction Ohio Highway 45, thence along Ohio Highway 45 to Lake Erie, on the one hand, and, on the other, points in West Virginia on and south of Interstate Highway 70 (Washington, Pa., and points in Pennsylvania within 5 miles of Washington*);

(2) *clay products, and refractories* (except furnace and stove lining shapes and plastic brick), from Oak Hill, Ohio, and points within 14 miles thereof, to points in Florida, Georgia, North Carolina, South Carolina, and Louisiana, (Ironton, Ohio*); (3) *clay products and refractories*, from the plant site of the Esso-Ramite Co., near Siloam, Ky., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin, and *damaged* or *returned shipments* of clay products and *pallets* used in the transportation of clay products from points in the States described above to the named plant site, (Ironton, Ohio, and those points in Kentucky within the Ironton Commercial Zone*); (4) *clay products and refractories*, except furnace and stove lining shapes and plastic brick, from the plant site of the Esso-Ramite Co., near Siloam, Ky., to points in the District of Columbia, Maine, New Hampshire, Texas, Vermont, Alabama, Connecticut, Delaware, Iowa, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, Rhode Island, Tennessee, Virginia, and Wisconsin, and *damaged or returned shipments* of clay products and *pallets* used in the transportation of clay products from points in the States described above to the named plant site, (Ironton, Ohio*);

(5) *Clay products and refractories* from the plant site of the Lawrence Refractories Clay Company, in Elizabeth Township, Lawrence County, Ohio, to all points in Alabama, Connecticut, Delaware, Florida, Georgia, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, North Carolina, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin; and *damaged or returned shipments* of such commodities, and *pallets, containers*, or *other packing materials* used in the transportation of clay products, from points in the States described above to the named plant site, (Ironton, Ohio and points in Kentucky within the Ironton Commercial Zone*); (6) *iron and steel articles*, from the plant site of the Bethlehem Steel Corporation, located at Burns Harbor, Porter County, Ind., direct to all points in Washington County, Pa., restricted to shipments originating at or destined to the named plant site, (points in Ohio*); and (7) (a) *iron and steel articles*, except commodities in bulk, from the plant site of Jones & Laughlin Steel Corporation located in Putnam County, Ill., to points in Washington County, Pa., restricted to shipments originating at the named plantsite, and, (b) *materials, equipment, and supplies*, except commodities in bulk, used in the manufacture and processing of iron and steel articles, from points in Washington County, Pa., to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, Ill., restricted to shipments destined to the named plant site (points in Ohio*). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the elimination points above.

No. MC 16682 (Sub-No. E13), filed May 16, 1974. Applicant: MURAL TRANSPORT, INC., 2900 Review Ave., Long Island City, N.Y. 11101. Applicant's representative: Robert L. Shapiro (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional furniture and fixtures* (except commodities the transportation of which requires the use of special equipment), (1) between points in Connecticut, Massachusetts, New Jersey, New York and Pennsylvania, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (Cuyahoga County, Ohio and Nebraska)*; (2) be-

tween points in Delaware, Maryland, Rhode Island, and the District of Columbia, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (Pennsylvania, Cuyahoga County, Ohio, and Nebraska)*; (3) between points in Maine, New Hampshire and Vermont, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington and Wyoming. (New York, Cuyahoga County, Ohio and Nebraska)*. The purpose of this filing is to eliminate the gateway indicated by the asterisks above.

No. MC 31462 (Sub-No. E317), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., or any point in Nebraska within 100 miles thereof.

No. MC 31462 (Sub-No. E318), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of (1) any point in Missouri within 25 miles of Cairo, Ill., (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E319), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of (1) any point in Missouri within 25 miles of Cairo, Ill.; (2) any point in Georgia; and (3) any point in Tennessee.

No. MC 31462 (Sub-No. E320), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to the Missouri-Illinois State line, on the one hand, and, on the other, points in that part of Virginia on and north of a line beginning at the Virginia-West Virginia State line, thence along Virginia Highway 39 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Virginia-North Carolina State line. The purpose of this filing is to eliminate the gateways of (1) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (2) any point in Missouri within 50 miles of Burlington, Iowa.

No. MC 31462 (Sub-No. E322), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Tennessee on and east of a line beginning at the Mississippi River, thence along Tennessee Highway 20 to the Mississippi-Tennessee State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Oklahoma State line, thence along U.S. Highway 60 to the Missouri-Illinois State line. The purpose of this filing is to eliminate the gateway of any point in Missouri within 25 miles of Cairo, Ill.

No. MC 31462 (Sub-No. E323), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 271 to Paris, Tex., thence from Paris along U.S. Highway 24 to junction Texas Highway 19, thence along Texas Highway 19 to junction Texas Highway 31, thence along Texas Highway 31 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 79, thence along U.S. Highway 79 to junction Texas Highway 6, thence along Texas Highway 6 to junction Texas Highway 21, thence along Texas Highway 21 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Texas Highway 113, thence along Texas Highway 113 to junction Texas Highway 35, thence along Texas Highway 35 to Copano Bay, Tex. The purpose of this filing is to eliminate the gateway of any point in Okmulgee County, Okla.

No. MC 31462 (Sub-No. E324), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., or any point within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E325) filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri, to points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., and points within 50 miles thereof, and (2) Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E326), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri, to points in New York. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., and points within 50 miles thereof, and (2) Ft. Wayne, Ind., and points in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E327), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri, to points in Pennsylvania. The purpose of this filing is to eliminate the gateways of (1) East St. Louis, Ill., and points within 50 miles thereof, and (2) Ft. Wayne, Ind., and points within 40 miles thereof.

No. MC 31462 (Sub-No. E328), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Mo., and points within 30 miles thereof, (2) Burlington, Iowa, and points within 50 miles thereof, and (3) any point which is both within 35 miles of Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway

16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E329), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Missouri, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of (1) St. Louis, Mo., and East St. Louis, Ill., thereof; (2) Ft. Wayne, Ind., and points in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E330), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission from points in Missouri, to points in Vermont. The purpose of this filing is to eliminate the gateways of (1) St. Louis, Mo., and East St. Louis, Ill., thereof; (2) Ft. Wayne, Ind., and points in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E332), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in that part of Missouri on and north of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 66 to the Missouri-Kansas State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Burlington, Iowa and points within 50 miles.

No. MC 31462 (Sub-No. E333), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 66 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Montana bounded on, north, and east of a line beginning at the Montana-North Dakota State line on U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 91, thence along U.S. Highway 91 to junction U.S. Highway 287, thence along U.S. Highway 287 to junction U.S. Highway 89, thence along U.S. Highway 89 to Browning, thence from Browning along U.S. Highway 2 to junction U.S. Highway 91, thence along U.S. Highway 91 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, and points within 50 miles thereof; (2) Alden, Minn., and points in Minnesota within 35 miles thereof; and (3) Williston, N. Dak., and points in North Dakota within 200 miles thereof.

No. MC 31462 (Sub-No. E334), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Missouri on and east of a line beginning at the Missouri-Iowa State line extending along U.S. Highway 63 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 212, thence along U.S. Highway 212 to junction South Dakota Highway 73, thence along South Dakota Highway 73 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Wyoming State line. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, and points within 50 miles thereof; and (2) Alden, Minn., and points in Minnesota within 35 miles thereof.

No. MC 53269 (Sub-No. E3), filed June 3, 1974. Applicant: EDITH R. ALLEN, dba S. P. RUTHERFORD TRANSFER AND STORAGE, Bristol, Tenn. Applicant's representative: James F. Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery;* between points in Virginia within 150 miles of Bristol, Tenn., on the one hand, and, on the other, points in Georgia; between points in Tennessee within 150 miles of Bristol, Tenn., on the one hand, and, on the other, points in Maryland, New Jersey, West Virginia (except those in Cabell and Wayne Counties, W. Va.), and Virginia (except those points within 150 miles of Bristol, Tenn.); between points in Lee, Scott, Wise, Dickenson, Russell, Washington, and Buchanan Counties, Va., on the one hand, and, on the other, points in Maryland and New Jersey; between points in Washington, Carter, Johnson, Sullivan, Hawkins, Hancock, and Greene Counties, Tenn., on the one hand, and, on the other, points in Maryland, New Jersey, Virginia (except those points within 150 miles of Bristol, Tenn.), West Virginia, and North Carolina (except those points in Mitchell, Avery, Burke, McDowell, Rutherford, Yancy, Buncombe, Polk, Henderson, Haywood, Transylvania, Swain, Jackson, Macon, Graham, Cherokee, and Clay Counties, N.C.). The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 106401 (Sub-No. E1), filed May 13, 1974. 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 vehicles, 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), (1) from points in that part of South Carolina south and west 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 junction U.S. Highway 15, thence along U.S. Highway 15, to junction South Carolina Highway 64, thence along South Carolina Highway 64 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction South Carolina Highway 174, thence along South Carolina Highway 174 to the Atlantic Ocean, 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 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 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 on a line beginning at Durham, N.C., thence along U.S. Highway 70 to junction North Carolina Highway 54, thence along North Carolina Highway 54 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to junction U.S. Highway 1, thence along U.S. Highway 1 to Henderson, N.C.; 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 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.; and to Camden, N.J., and points in Allegany, Baltimore, Frederick, and Washington Counties, Md., and points in Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa.; and (2) from points in that part of

South Carolina east 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 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 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 Allegany, Baltimore, Frederick, and Washington Counties, Ind., and points in 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 Guilford and Albemarle, N.C.

No. MC 106401 (Sub-No. E10), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, North Carolina 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 & 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, Alabama to points in that part of North Carolina, Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at the North Carolina-South Carolina State line, thence along alternate U.S. Highway 29 to junction U.S. Highway 29, thence along North Carolina Highway 49 to junction unnumbered Highway to Concord, North Carolina, 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 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 junction North Carolina Highway 54.

Thence along North Carolina Highway 54 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction alternate U.S. 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 Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, North ampton, and Schuylkill Counties, Pa. The purpose of this filing is to eliminate the gateways of Columbus, Ga., Graniteville, S.C., and Pineville, N.C.

No. MC 106401 (Sub-No. E13), filed May 13, 1974. 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, and commodities requiring special equipment, livestock and commodities injurious or contaminating to other lading, (1) from points in that part of Georgia on and south of a line beginning at the South Carolina-Georgia State line, thence along Interstate Highway 85 to junction Georgia Highway 120, thence along Georgia Highway 120 to junction U.S. Highway 278, thence along U.S. Highway 278 to the Georgia-Alabama State line (except Atlanta), and to points in that part of North Carolina, Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at Burlington, N.C., 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 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 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 Biscoe, N.C.; and to 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 junction North Carolina Highway 54, thence along North Carolina Highway 54 to junction U.S. Highway 1, thence along U.S. Highway 1 to junction Alternate U.S. Highway 1, thence along Alternate U.S. Highway 1 to junction U.S. Highway 1, thence along U.S. Highway 1 to Henderson, N.C.; and to points in that part of North Carolina and Virginia on a line beginning at Reidsville, 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.; and points in that part of Maryland and Pennsylvania on a line beginning at Baltimore, Md., thence along U.S. Highway 1 to Philadelphia, Pa.; 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.; (2) from points in that part of Georgia bounded by a line beginning at the South Carolina-Georgia State line, thence along Interstate Highway 85 to junction Georgia Highway 120, thence along Georgia Highway 120 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 115, thence along Georgia Highway Highway 115 to junction Georgia Highway 254, thence along Georgia Highway 254 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 123, thence along U.S. Highway 123 to the South Carolina-Georgia State line, and to points in that part of Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at the North Carolina-Virginia State line, 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.; and to points in that part of Virginia on a line beginning at the North Carolina-Virginia State line, 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.; and to points in Allegany, Baltimore, Frederick, and Washington Counties, Md., and

Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northamption, and Schuylkill Counties, Pa.;

(3) from points in that part of Georgia bounded by a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 278 to junction Georgia Highway 120, thence along Georgia Highway 120 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 411, thence along U.S. Highway 411 to the Georgia-Tennessee State line, and to points in that part of Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at the North Carolina-Virginia State line, 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., and to points in Baltimore County, Md., and Berks, Bucks, Chester, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, and Schuylkill Counties, Pa.; and (4) from points in that part of Georgia bounded by a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 411 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction Georgia Highway 115, thence along Georgia Highway 115 to junction Georgia Highway 254, thence along Georgia Highway 254 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Georgia Highway 17, thence along Georgia Highway 17 to junction U.S. Highway 123, thence along U.S. Highway 123 to the Georgia-South Carolina State line, and to points in that part of Virginia, District of Columbia, Maryland, Delaware, and Pennsylvania on a line beginning at Frederickburg, Va., 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.; and to points in that part of Maryland and Pennsylvania on a line beginning at Baltimore, Md., thence along U.S. Highway 1 to Philadelphia, Pa.; and to points in Baltimore County, 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 Graniteville, S.C., and Pineville, N.C.

No. MC 104654 (Sub-No. E3), filed May 14, 1974. Applicant: COMMERCIAL TRANSPORT, INC., South 20th St., Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 13th and Penn. Ave. NW., Suite 1032 Penn Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, (except liquid chemicals), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from St. Elmo, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Jackson County, Ind., and Butler County, Ohio.

No. MC 106920 (Sub-No. E32), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sweet cream and milk*, processed or unprocessed, except concentrated whole milk and concentrated skim milk, in bulk, in tank vehicles, from points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line and extending along U.S. Highway 8 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 77, thence along Wisconsin Highway 77 to the Wisconsin-Michigan State line, to points in Indiana south of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 40 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 7, thence along Indiana Highway 7 to the Indiana-Kentucky State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E33), filed June 4, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk, cream and buttermilk*, except concentrated whole milk and concentrated skim milk, in bulk, in tank vehicles, from points in Minnesota north of a line beginning at the North Dakota-Minnesota State line and extending along Minnesota Highway 1 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to Lake Superior, to points in Tennessee east of a line beginning at the Mississippi-Tennessee State line and extending along Tennessee Highway 22 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Alabama Tennessee State line, and west of a line beginning at the Alabama Tennessee State line and extending along Interstate Highway 65 to the Kentucky Tennessee State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E51), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* classified as dairy products, under B in the Appendix to the Report in *Modification of Permits of Motor Contract Carriers* of Packing-house products, 48, M.C.C. 628, from points in Texas West of a line beginning at the United States-Mexico International Boundary line and extending along U.S. Highway 67 to junction Interstate Highway 10, thence along Interstate Highway 10 to junction Texas Highway 18, thence along Texas Highway 18 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction Texas Highway 349, thence along Texas Highway 349 to junction U.S. Highway 87, thence along U.S. Highway 87 to junction U.S. Highway 380, thence along U.S. Highway 380 to junction Texas Highway 207, thence along Texas Highway 207 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E53), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* classified as dairy products, under Section B of the Appendix to the report in *Modification of permits of Motor Contract Carriers* of Packing house products, 48 M.C.C. 628, from points in Texas on and west of a line beginning at the Texas-Mexico International Boundary line and extending along U.S. Highway 80 to junction Texas Highway 115, thence along Texas Highway 115 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Texas-Oklahoma State line, to points in Tennessee on and east of a line beginning at the Tennessee Virginia State line and extending along U.S. Highway 23 to junction U.S. Highway 321, thence along U.S. Highway 321 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E63), filed May 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* classified as dairy products, under B in the Appendix to the report in *Modification of Permits of Motor Contract Carriers* of Packing

house products, 48 M.C.C. 628, from the Upper Peninsula of Michigan to points in Kentucky on and east of a line beginning at the Indiana-Kentucky State line extending along Kentucky Highway 79 to junction Kentucky Highway 185, thence along Kentucky Highway 185, to junction Interstate Highway 65, thence along Interstate Highway 65 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Darke, Mercer and Auglaize Counties, Ohio.

No. MC 107064 (Sub-No. E9), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas on and south of U.S. Highway 66, and on and west of U.S. Highway 83 (except points in Gray, Wheeler, Donley, Collingsworth, and Childress Counties), to points in Vermont. The purpose of this filing is to eliminate the gateway of any point in Ector County, Tex.

No. MC 107064 (Sub-No. E10), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, in bulk*, in tank vehicles, from points in that part of Texas on, south and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to Clarendon, thence along Texas Highway 70 to Sweetwater, thence along U.S. Highway 80 to Abilene, thence along U.S. Highway 83 to the International Boundary line between the United States and Mexico at Laredo, (except points in Donley County, Tex.), to points in New Jersey. The purpose of this filing is to eliminate the gateway of any point in Ector County, Tex.

No. MC 107064 (Sub-No. E13), filed May 21, 1974. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, Tex. 75221. Applicant's representative: H. L. Rice, Jr. (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Texas in and south of Bailey, Lamb, Floyd, Dickens, and Stonewall Counties, and on and west of U.S. Highway 83, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of any points in Ector County, Tex.

No. MC 107515 (Sub-No. E209) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER December 27, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., N.E., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (7) *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from San Angelo, Tex., to points in Indiana, Michigan, West Virginia, Virginia, Pennsylvania, that part of Wisconsin on and east of U.S. Highway 51, restricted against the transportation originating at Nashville, Tenn.; and (13) *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Palestine, Tex., to points in Indiana, Michigan, Pennsylvania, Virginia, West Virginia, that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line, thence along Wisconsin Highway 169 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Wisconsin Highway 104, thence along Wisconsin Highway 104 to the Wisconsin-Illinois State line, and that part of Illinois on and east of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction U.S. Highway 45, thence along Illinois Highway 45 to junction Illinois Highway 1, thence along Illinois Highway 1 to the Ohio River, restricted against the transportation of traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of the plant site of Odom's Sausage Co., at Madison, Tenn. The purpose of this partial correction is to include (7) above and to delete (12) which was published twice and to include (13) above. The remainder of this letter-notice remains as previously published.

No. MC 111496 (Sub-No. E2), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minnesota 55113. Applicant's representative: R. E. Caturia (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, and commodities requiring special equipment. (1) from Grand Forks, North Dakota, to those points in North Dakota on and north of North Dakota Highway 5. (2) from Minot, North Dakota, to those points in North Dakota on and north of North Dakota Highway 5 on and east of North Dakota Highway 20. The purpose of this filing is to eliminate the gateways of points in Walsh County, North Dakota.

No. MC 111496 (Sub-No. E3), filed June 4, 1974. Applicant: TWIN CITY FREIGHT, INC., 2550 Long Lake Road, Roseville, Minnesota 55113. Applicant's representative: R. E. Caturia (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, and commodities requiring special equipment. (1) from Williston, North Dakota, to those points in North Dakota on and north of North Dakota Highway 5 and on and east of North Dakota Highway 20 (points in Walsh County, North Dakota)*, (2) from points in Norman County, Minn. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114019 (Sub-No. E419), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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, Kansas, Omaha, Nebraska, on the other, points in New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateway of Chicago, Ill., and Cleveland, Ohio.

No. MC 114019 (Sub-No. E420), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, Chicago, Illinois 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and 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, Madison, Wis., St. Louis, Mo., Chicago, Peoria, and Carbondale, Ill., Ft. Wayne, Indianapolis, and Evansville, Ind., Bellevue, Covington, and Louisville, Ky., and Toledo, Akron, Dayton, Columbus, and Cincinnati, Ohio, on the one hand, and, on the other, points in New York, Massachusetts, Connecticut, Rhode Island, and New Jersey. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 114019 (Sub-No. E421), filed May 19, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Road, 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, transport-

ing: *Paper cartons, and paper accessories* used for glassware and glass containers, from Monroe, Mich., to points in Minnesota, North Dakota, South Dakota, Nebraska, Montana, Wyoming, and Colorado. The purpose of this filing is to eliminate the gateway of the facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill.

No. MC 114211 (Sub-No. E268), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe, from points in that part of Illinois on and south of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, thence along the Illinois-Indiana State line to junction U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line to points in that part of North Dakota on and west of a line beginning at the South Dakota-North Dakota State line extending along North Dakota Highway 1, thence along North Dakota Highway 1 to the U.S.-Canada Boundary line; points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 33, thence along Nebraska Highway 33 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction Nebraska Highway 27, thence along Nebraska Highway 27 to the Nebraska-Kansas State line; points in that part of Kansas on and northwest of a line beginning at the Nebraska-Kansas State line extending along Kansas Highway 27 to junction U.S. Highway 36.

Thence along U.S. Highway 36 to the Kansas-Colorado State line; points in that part of Colorado on, north and west of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 36 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line; points in that part of New Mexico on and west of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 285 to junction New Mexico Highway 4, thence along New Mexico Highway 4 to junction New Mexico Highway 44, thence along New Mexico Highway 44 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction New Mexico Highway 90, thence along New Mexico Highway 90 to junction Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line; and points in Montana, South Dakota and Wyoming, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E514), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors, stationary engines and attachments and parts* therefor when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of size or weight, require the use of special equipment), restricted to the transportation of traffic originating at the Deere & Company, from points in that part of Nebraska on and west of a line beginning at the South Dakota-Nebraska State line extending along U.S. Highway 81 to junction Nebraska Highway 12, thence along Nebraska Highway 12 to junction Nebraska Highway 14, thence along Nebraska Highway 14 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Nebraska Highway 95, thence along Nebraska Highway 95 to junction Nebraska Highway 11, thence along Nebraska Highway 11 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 40, thence along Nebraska Highway 40 to junction Nebraska Highway 47, thence along Nebraska Highway 47 to junction Nebraska Highway 23, thence along Nebraska Highway 23 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Nebraska-Kansas State line, and from points in that part of Colorado on and west of a line beginning at the Nebraska-Colorado State line extending along Interstate Highway 80 to junction Colorado Highway 71, thence along Colorado Highway 71 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 50.

Thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 17, thence along Colorado Highway 17 to junction U.S. Highway 285, thence along U.S. Highway 285 to the Colorado-New Mexico State line, to points in that part of Ohio on and northeast of a line beginning at the Indiana-Ohio State line extending along Ohio Highway 119 to junction Ohio Highway 65, thence along Ohio Highway 65 to junction Ohio Highway 47, thence along Ohio Highway 47 to junction Ohio Highway 235, thence along Ohio Highway 235 to junction Ohio Highway 41, thence along Ohio Highway 41 to junction Ohio Highway 73, thence along Ohio Highway 73 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-West Virginia State line; to points in that part of Indiana on and northeast of a line beginning at Gary, Ind., extending along Indiana Highway 53 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Ohio State line; to points in that part of Virginia on and east of a line beginning at the West Virginia-Virginia State line extending along U.S. Highway 460 to junction Virginia Highway 8, thence along Virginia Highway 8 to junction Virginia Highway 57, thence along Virginia Highway 57 to junction U.S. Highway 220, thence along U.S. Highway 220 to the Virginia-North Carolina State line; and to points in that part of West Virginia on and east of a line beginning at the Ohio-West Virginia State line extending along U.S. Highway 60 to junction Interstate Highway 77, thence along Interstate Highway 77 to junction U.S. Highway 460, thence along U.S. Highway 460 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa and Haricon, Wis.

No. MC 114211 (Sub-No. E550), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tractors and stationary engines and attachments and part therefor* when moving incidental to and in the same vehicle with tractors and stationary engines (not including tractors with vehicle beds, bed frames, or fifth wheels, nor any of the above-specified commodities which, because of their size or weight, require the use of special equipment), from points in that part of Illinois on and west of a line beginning at the Kentucky-Illinois State line, thence along U.S. Highway 51 to junction Illinois Highway 29, thence along Illinois Highway 29 to junction Illinois Highway 97, thence along Illinois Highway 97 to junction Interstate Highway 74, thence along Interstate Highway 74 to junction Interstate Highway 84, thence along Interstate Highway 84 to points in that part of Wisconsin on and north of a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 151 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, Wisc., and to points in the Upper Peninsula of Michigan, with no trans-

portation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 114211 (Sub-No. E551), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Missouri State line to points in that part of New Mexico on, west and south of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 285 to junction Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

No. MC 114211 (Sub-No. E552), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in Missouri to points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line, thence along Nebraska Highway 92 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Colorado State line, and to points in that part of Colorado on and north of a line beginning at the Nebraska-Colorado State line, thence along U.S. Highway 34 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Colorado Highway 119, thence along Colorado Highway 119 to junction Colorado Highway 93, thence along Colorado Highway 93 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E553), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Nebraska on and west of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to the Nebraska-Kansas State line to points in Illinois. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E555), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road-making machinery, and contractors' equipment and supplies*, the transportation of which, because of size or weight, requires special equipment, from points in Missouri to points in that part of North Dakota on and north of a line beginning at the North Dakota-Canada International Boundary line, thence along Interstate Highway 29 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along Idaho Highway 200 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 12, thence 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, thence along U.S. Highway 2 to the Montana-Idaho State line, and to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 126, thence along Washington Highway 126 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., to points in Iowa.

No. MC 114211 (Sub-No. E556), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, the transportation of which, because of size or weight, requires the use of special equipment, from points in Missouri to points in that part of North Dakota on and north of a line beginning at the North Dakota-Canada International Boundary line, thence along Interstate Highway 29 to junction North Dakota Highway 5, thence along North Dakota Highway 5 to junction North Dakota Highway 8, thence along North Dakota Highway 8 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Montana State line, and to points in that part of Idaho on and north of a line beginnning at the Montana-Idaho State line, thence along Idaho Highway 200 to junction U.S. Highway 95, thence along U.S. Highway 95 to junction U.S. Highway 12, thence 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, thence along U.S. Highway 2 to the Montana-Idaho State line, and to points in that part of Washington on and north of a line beginning at the Idaho-Washington State line, thence along U.S. Highway 12 to junction Washington Highway 126, thence along Washington Highway 126 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Washington Highway 11, thence along Washington Highway 11 to the Washington-Oregon State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Minneapolis, Minn., to points in Iowa.

No. MC–114211 (Sub-No. E559), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment and supplies*, from points in that part of Minnesota on, south, and west of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line, to points in that part of Louisiana beginning at the Gulf of Mexico extending along Louisiana Highway 317 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction U.S. Highway 190, thence along U.S. Highway 190 to junction U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line; to points in that part of Mississippi on and east of a line beginning at the Mississippi-Louisiana State line extending along U.S. Highway 80 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Natchez Trace Parkway, thence along Natchez Trace Parkway to junction U.S.

Highway 45, thence along U.S. Highway 45 to the Mississippi-Tennessee State line; to points in that part of Tennessee on and east of a line beginning at the Tennessee-Alabama State line extending along U.S. Highway 45 to junction U.S. Highway 64, thence along U.S. Highway 64 to junction Tennessee Highway 13, thence along Tennessee Highway 13 to junction U.S. Highway 79, thence along U.S. Highway 79 to the Tennessee-Kentucky State line; to points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line extending along U.S. Highway 79 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Interstate Highway 65.

Thence along Interstate Highway 65 to the Kentucky-Indiana State line; to points in that part of Indiana on and east of a line beginning at the Indiana-Kentucky State line extending along Interstate Highway 65 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Interstate Highway 69, thence along Interstate Highway 69 to the Indiana-Michigan State line; to points in that part of Michigan on, north, and east of a line beginning at the Michigan-Indiana State line extending along Interstate Highway 69 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 131, thence along U.S. Highway 131 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 37, thence along Michigan Highway 37 to junction Michigan Highway 46, thence along Michigan Highway 46 to Muskegon, Mich.; to points in that part of Wisconsin on and north of a line beginning at Marinette, Wis., extending along Wisconsin Highway 64 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line; to points in that part of California on and west of a line beginning at the California-Arizona State line extending along U.S. Highway 395 to junction California Highway 299, thence along California Highway 299 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 99, thence along California Highway 99 to junction California Highway 58, thence along California Highway 58 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Interstate Highway 10, thence along Interstate Highway 10 to the California-Arizona State line; to points in that part of Oregon on and west of a line beginning at the Oregon-Washington State line extending along U.S. Highway 197 to junction U.S. Highway 97, thence along U.S. Highway 97 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction U.S. Highway 395, thence along U.S. Highway 395 to the California-Oregon State line; to points in that part of Washington on and west of a line beginning at the United States-Canada International Boundary line extending along Interstate Highway 5, to the Washington-California State line; and points in Maine, Vermont, New Hampshire, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Alabama, and Florida, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E560), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Minnesota on, west and south of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Minnesota-Iowa State line to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Stinar Corporation at Minneapolis, Minn.

No. MC 114211 (Sub-No. E561), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from the plants, warehouse sites and storage facilities of the Sperry Rand Corp., New Holland Division, located at Belleville, Mountville, and New Holland, Pa., to points in that part of Iowa on and west of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 169 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Iowa Highway 15, thence along Iowa Highway 15 to the Iowa-Minnesota State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Omaha, Nebr., and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E562), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Experimental tractors*, from Porter and Lake Counties, Ind., to points in Washington, Oregon, and to points in that part of California on and north of a line beginning at Los Angeles, Calif., thence along Interstate Highway 10 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 190, thence along California Highway 190 to junction California Highway 58, thence along California Highway 58 to the California-Nevada State line, and to points in that part of Nevada on and west of a line beginning at the Idaho-Nevada State line, thence along U.S. Highway 93 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line, and to points in that part of Idaho on and north of a line beginning at the Nevada-Idaho State line, thence along U.S. Highway 93 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway 15W, thence along Interstate Highway 15W to junction U.S. Highway 191, thence along U.S. Highway 191 to the Idaho-Utah State line, and to points in that part of Montana on and west of a line beginning at the Montana-Canada International Boundary line, thence along Montana Highway 247 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateways of Dubuque, Iowa, and that part of the Fargo, N. Dak., Commercial Zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E563), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories and attachments*, between points in that part of South Dakota on and north of a line beginning at the South Dakota-Minnesota State line extending along U.S. Highway 14 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 212, thence along U.S. Highway 212 to the South Dakota-Wyoming State line, on the one hand, and, on the other, points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Michigan State line extending along U.S. Highway 141 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Wisconsin Highway 44, thence along Wisconsin Highway 44 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Interstate Highway 90, thence along Interstate Highway 90 to the Illinois-Wisconsin State line, and points in that part of the Upper Peninsula of Michigan on and east of a line beginning at Marquette, extending along U.S. Highway 41 to junction Michigan Highway 95, thence along Michigan Highway 95 to junction U.S. Highway 141, thence along U.S. Highway 141 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E564), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelsen (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Grading, paving and finishing machinery, equipment, parts, accessories and attachments* between points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 283 to junction U.S. Highway 56, thence along U.S. Highway 56 to junction U.S. Highway 83, thence along U.S. Highway 83 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E565), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas, and petroleum and their products and by-products) and *fittings and* accessories therefor when moving with such pipe, from points in that part of Illinois on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line to points in Idaho, Utah and Arizona with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E566), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, distribution of natural gas and petroleum and their products and by-products) and *fittings and accessories* therefor when moving with such pipe, from points in that part of Tennessee on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to junction Tennessee Highway 63, thence along Tennessee Highway 63 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Tennessee Highway 61, thence along Tennessee Highway 61 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to junction Tennessee Highway 153, thence along Tennessee Highway 153 to junction Interstate Highway 75, thence along Interstate Highway 75 to the Tennessee-Georgia State line to points in Idaho and points in that part of Utah on and north of a line beginning at the Colorado-Utah State line, thence along U.S. Highway 50 to junction Utah Highway 128, thence along Utah Highway 128 to junction U.S. Highway 163, thence along U.S. Highway 163 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Company located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E567), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hod buggies and self-propelled sweepers*, from points in that part of Minnesota on and north and west of a line beginning at the South Dakota-Minnesota State line thence along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 210 thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to, the Minnesota-Canada International Boundary line to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut and Massachusetts. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E568), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *self-propelled rollers* from points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line thence along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction Kansas Highway 23, thence along Kansas Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Kansas Highway 25, thence along Kansas Highway 25 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Colorado State line to points in Massachusetts and Connecticut, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E569), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, to points in that part of North Dakota on and east of a line beginning at the South Dakota—North Dakota State line, thence along North Dakota Highway 20 to the North Dakota—Canada International Boundary line to points in Oklahoma and Texas, with no transportation of commodities the transportation of which, because of size or weight, requires the use of special equipment or special handling and restructed against the transportation of those commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. The purpose of this filing is to eliminate the gateway of Omaha, Nebraska, Beatrice, Nebraska and Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E571), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *equipment* designed for use in conjunction with tractors, *attachments* for the above-described commodities, and *parts*, from points in that part of Illinois on and east of a line beginning at the Iowa-Illinois State line extending along U.S. Highway 30 to junction Illinois Highway 88, thence along Illinois Highway 88 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Illinois Highway 51, thence along Illinois Highway 51 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, and points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line extending along U.S. Highway 52, to junction Iowa Highway 24, thence along Iowa Highway 24 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction Iowa Highway 64, thence along Iowa Highway 64 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Illinois State line 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 12 to junction U.S. Highway 312, thence along U.S. Highway 312 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Montana-Wyoming State line; to points in that part of California on and east of a line beginning at the Nevada-California State line extending along U.S. Highway 6 to junction U.S. Highway 395.

Thence along U.S. Highway 395 to junction California Highway 14, thence along California Highway 14 to junction California Highway 138, thence along California Highway 138 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 91, thence along California Highway 91 to junction California Highway 55, thence along California Highway 55 to Santa Ana, Calif.; to points in that part of Nevada on, north, and south of a line beginning at the Idaho-Nevada State line extending along Nevada Highway 51 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Nevada Highway 21, thence along Nevada Highway 21 to junction Nevada Highway 8A, thence along Nevada Highway 8A to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; to points in that part of Idaho on and northwest of a line beginning at the Wyoming-Idaho State line extending along U.S. Highway 20/191 to junction Interstate Highway 15, thence along Interstate Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Idaho Highway 51, thence along Idaho Highway 51 to the Idaho-Nevada State line; and to points in Washington, Oregon, and North Dakota, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of that part of the Fargo, N. Dak., commercial zone located in Moorhead, Minn.

No. MC 114211 (Sub-No. E572), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled farm machinery and parts thereof*, each weighing 15,000 pounds or more, from points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 24 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 36 thence along U.S. Highway 36 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 6, thence along Missouri Highway 6 to junction Missouri Highway 15, thence along Missouri Highway 15 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Missouri-Illinois State line to points in that part of Montana on and north of a line beginning at the North Dakota-Montana State line thence along U.S. Highway 12 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Montana Highway 41 to junction Interstate Highway 15 thence along Interstate Highway 15 to junction Beaverhead County Highway 324 to the Montana-Idaho State line, and to points in that part of Idaho on and north of a line beginning at the Montana-Idaho State line, thence along the southern boundary of Idaho County to the Idaho-Oregon State line, and to points in that part of Oregon on and north of a line beginning at the Washington-Oregon State line, thence along Oregon Highway 11 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Oregon Highway 126, Florence, Oreg., and to points in Washington and North Dakota, with no transportation for compensation on return except as otherwise authorized restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Minneapolis, Minnesota and points in Iowa.

No. MC 114211 (Sub-No. E573), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings and accessories therefor* when moving with such pipe, from points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line extending along U.S. Highway 40 to the Indiana-Ohio State line, and points in that part of Kentucky on and west of a line beginning at the Ohio-Kentucky State line extending along U.S. Highway 127 to the Tennessee-Kentucky State line, to points in that part of Nebraska on, north, and west of a line beginning at the Iowa-Nebraska State line extending along Interstate Highway 80 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction Nebraska Highway 8, thence along Nebraska Highway 8 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-Kansas State line; to points in that part of Kansas on, west, and north of a line beginning at the Nebraska-Kansas State line extending along U.S. Highway 77 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Kansas-Colorado State line; to points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line extending along U.S. Highway 24 to junction Colorado Highway 115, thence along Colorado Highway 115 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction Colorado Highway 17, thence along Colorado Highway 17 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 550, thence along U.S. Highway 550 to the Colorado-New Mexico State line; to points in that part of New Mexico on and north of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 550 to junction New Mexico Highway 504, thence along New Mexico Highway 504 to the New Mexico-Arizona State line; and to points in Montana, North Dakota, Wyoming, South Dakota, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Griffin Pipe Co., located at or near Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E574), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled, farm machinery and parts thereof*, from points in that part of Minnesota on and north and west of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Canada International Boundary line to points in New York, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of the Stinai Corporation at Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E575), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled tractors, road making machinery and contractors' equipment and supplies*, from points in that part of Minnesota on and northwest of a line beginning at the Minnesota-South Dakota State line extending along U.S. Highway 12 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 25, thence along Minnesota Highway 25 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, to points in Maine, Vermont, New Hampshire, Rhode Island, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Tennessee, Kentucky, Indiana, Illinois, Arizona, Highway 96, thence along Interstate 21 to the United States-Canada International Boundary line, to points in that and to points in that part of California on and south of a line beginning at the Nevada-California State line extending along U.S. Highway 6 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 120, thence along California Highway 120 to junction California Highway 140, thence along California Highway 140 to junction

California Highway 99, thence along California Highway 99 to junction California Highway 32, thence along California Highway 32 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction California Highway 20, thence along California Highway 20 to Ft. Bragg, Calif., to points in that part of Nevada on and south of a line beginning at the Nevada-Utah State line extending along New York Highway 25 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Nevada-California State line; and to points in that part of Utah on and west of a line beginning at the Utah-Nevada State line extending along Utah Highway 56 to junction Utah Highway 14, thence along Utah Highway 14 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Utah-Arizona State line; to points in that part of Colorado on and south of a line beginning at the Colorado-New Mexico State line extending along U.S. Highway 160 to junction U.S. Highway 84.

Thence along U.S. Highway 84 to the Colorado-New Mexico State line; to points in that part of New Mexico on and southwest of a line beginning at the New Mexico-Colorado State line extending along U.S. Highway 84, thence along U.S. Highway 84 to the New Mexico-Texas State line; to points in that part of Texas on and south of a line beginning at the Texas-New Mexico State line extending along U.S. Highway 84 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 75, thence along U.S. Highway 75 to the Texas-Oklahoma State line; to points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Texas State line extending along U.S. Highway 69 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Oklahoma-Missouri State line; to points in that part of Kansas on and east of a line beginning at the Kansas-Missouri State line extending along U.S. Highway 66 to junction Kansas Highway 26, thence along Kansas Highway 26 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Kansas-Missouri State line; to points in that part of Missouri on and east of a line beginning at the Missouri-Kansas State line extending along U.S. Highway 69, thence along U.S. Highway 69 to the Missouri-Iowa State line; to points in that part of Iowa on and east of a line beginning at the Iowa-Missouri State line extending along U.S. Highway 69 to junction Iowa Highway 3, thence along Iowa Highway 3 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Iowa-Minnesota State line; to points in that part of Michigan on and south of a line beginning at Lake Michigan extending along U.S. Highway 10 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Interstate Highway 96 to junction Michigan Highway 21, thence along Michigan Highway part of Wisconsin on and south of a line beginning at the Wisconsin-Minnesota State line extending along U.S. Highway 12 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, Wis., with no compensation for transportation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114211 (Sub-No. E576), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum, and their products and by-products and by-products) and *fittings and accessories* therefor when moving with such pipe, the transportation of which, because of size or weight, requires special equipment, from points in Missouri to points in that part of Utah on and north of a line beginning at the Arizona-Utah State line thence along U.S. Highway 91 to junction Utah Highway 4, thence along Utah Highway 4 to junction U.S. Highway 89, thence along U.S. Interstate Highway 89 to junction Interstate Highway 70 thence along Interstate Highway 70 to junction U.S. Highway 173, thence along U.S. Highway 163 to junction Utah Highway 46, thence along Utah Highway 46 to the Utah-Colorado State line and to points in Idaho, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Council Bluffs, Iowa.

No. MC 119641 (Sub-No. E3), filed May 9, 1974. Applicant: RINGLE EXPRESS, INC., P.O. Box 335, Moline, Ill. 61265. Applicant's representative: Robert C. Doran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating, insulating materials, siding and siding materials*, from Lockland, Ohio, to points in Iowa (except Mose within one mile of the Mississippi River, with no transportation for compensation on return except as otherwise authorized. The purpose of this filing is to eliminate the gateway of Lowell, Ind.

No. MC 119988 (Sub-No. E28), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Texas 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Texas 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Commission Act when transported in mixed loads with printed advertising matter, from the facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in Louisiana. The purpose of this filing is to eliminate the gateway of that part of Texas on and east of a line begining at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico.

No. MC 119988 (Sub-No. E117), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under Section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in New York. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E119), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

No. MC 119988 (Sub-No. E120), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Interstate Commerce Act when transported in mixed loads with printed advertising matter, from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 81 to junction U.S. Highway 181, thence along U.S. Highway 181 to the Gulf of Mexico, to points in Vermont. The purpose of this filing is to eliminate the gateway of Montgomery County, Kans.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-3457 Filed 2-5-75;8:45 am]

federal register

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Food and Drug Administration

■

CONTROL OF COMMUNICABLE DISEASES AND INTERSTATE CONVEYANCE SANITATION

Transfer of Regulations

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

PART 72—INTERSTATE QUARANTINE

Transfer of Regulations

The Commissioner of Food and Drugs, for the purpose of establishing an orderly development of informative regulations coordinated and consolidated under Chapter I of Title 21 of the Code of Federal Regulations, is transferring sections of 42 CFR Part 72 appropriate to his function under the Public Health Service and Federal Food, Drug, and Cosmetic Acts, and reorganizing and recodifying them under 21 CFR Parts 1240 and 1250.

The seventh in a series of recodification documents, which is also the third document transferring regulations from Chapter I of Title 42 to Chapter I of Title 21, appears elsewhere in this issue of the FEDERAL REGISTER. Sections 72.1, 72.25, and 72.201 through 72.207 remain behind in Title 42 of the Code of Federal Regulations. An extracted version of § 72.1 has been added to Title 21 under 21 CFR 1240.3 and 1250.3.

Therefore, the regulations appropriate to Food and Drug Administration function, formerly appearing in Part 72 of Chapter I of Title 42 of the Code of Federal Regulations, are hereby transferred to Chapter I of Title 21 and redesignated as Parts 1240 and 1250 of that chapter. Accordingly, the sections so affected in Part 72 are hereby vacated.

Effective date. This transfer of regulations becomes effective February 6, 1975.

Dated: January 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-3393 Filed 2-5-75;8:45 am]

Title 21—Food and Drugs

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

[Recodification Docket No. 7]

SUBCHAPTER L—REGULATIONS UNDER CERTAIN OTHER ACTS ADMINISTERED BY THE FOOD AND DRUG ADMINISTRATION

PART 1240—CONTROL OF COMMUNICABLE DISEASES

PART 1250—INTERSTATE CONVEYANCE SANITATION

Transfer of Regulations

The Commissioner of Food and Drugs, for the purpose of establishing an orderly development of informative regulations for the Food and Drug Administration, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations. This is the seventh in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration.

It is also the third document transferring regulations from Chapter I of Title 42 of the Code of Federal Regulations to Chapter I of Title 21, effected for the purpose of coordinating and consolidating under one title of the Code the regulatory responsibility of the Commissioner of Food and Drugs under the Public Health Service and Federal Food, Drug, and Cosmetic Acts.

Only the sections of 42 CFR Part 72 appropriate to Food and Drug Administration function have been transferred; §§ 72.1, 72.25, and 72.201 through 72.207 remain behind. New §§ 1240.3 and 1250.3 (21 CFR 1240.3 and 1250.3), an extracted form of 42 CFR 72.1, have been added to reflect the definitions which apply to both material being transferred to Title 21 and material remaining in Title 42. In the interest of clarity, the transferred sections have been organized into two parts, Part 1240—Control of Communicable Diseases and Part 1250—Interstate Conveyance Sanitation. The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this publication. The following table shows the relationship of the regulations under their assigned section numbers in 42 CFR Part 72 prior to this republication, and their redesignations reflected in 21 CFR Parts 1240 and 1250:

Old section	*New section*	*Old section*	*New section*
72.1 (extracted)	1240.3, 1250.3	72.133	1250.62
		72.134	1250.63
72.2	1240.54	72.135	1250.65
72.3	1240.30	72.136	1250.67(a)
72.4	1240.10	72.137	1250.67(b)
72.11	1240.40	72.139	1250.67(c)
72.12	1240.50	72.140	1250.70
72.13	1240.55	72.141	1250.75
72.14	1240.57	72.142	1250.79
72.15	1240.45	72.146	1250.40
72.21	1240.70	72.147	1250.41
72.22	1240.65	72.148	1250.42
72.23	1240.75	72.149	1250.44
72.24	1240.60	72.150	1250.50
72.26	1240.62	72.151	1250.45
72.101	1240.80	72.152	1250.49
72.102	1240.83	72.153	1250.43
72.103	1240.90	72.154	1250.51
72.104	1240.95	72.155	1250.53
72.105	1240.86	72.156	1250.52
72.111	1250.80	72.161	1250.20
72.112	1250.81	72.162	1250.21
72.113	1250.82	72.163	1250.22
72.114	1250.83	72.164	1250.25
72.115	1250.84	72.165	1250.26
72.116	1250.86	72.166	1250.27
72.117	1250.85	72.167	1250.28
72.118	1250.87	72.168	1250.30
72.119	1250.89	72.169	1250.33
72.120	1250.90	72.170	1250.34
72.121	1250.93	72.171	1250.39
72.122	1250.95	72.172	1250.38
72.123	1250.96	72.173	1250.32
72.131	1250.60	72.174	1250.35
72.132	1250.61	72.181	1240.20

Therefore, Parts 1240 and 1250, formerly appearing in Part 72 of Title 42, are hereby added to Subchapter L of Chapter I of Title 21 of the Code of Federal Regulations, without substantive change, to read as set forth below.

Dated: January 30, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

PART 1240—CONTROL OF COMMUNICABLE DISEASES

Subpart A—General Provisions

Sec.

1240.3 General definitions.
1240.10 Effective bactericidal treatment.

Subpart B—Administrative Procedures

1240.20 Issuance and posting of certificates following inspections.
1240.30 Measures in the event of inadequate local control.

Subpart C—Restrictions on Travel of Persons

1240.40 All communicable diseases.
1240.45 Report of disease.
1240.50 Certain communicable diseases; special requirements.
1240.54 Apprehension and detention of persons with specific diseases.
1240.55 Responsibility with respect to minors, wards, and patients.
1240.57 Members of military and naval forces.

Subpart D—Specific Administrative Decisions Regarding Interstate Shipments

1240.60 Shellfish.
1240.62 Turtles.
1240.65 Psittacine birds.
1240.70 Lather brushes.
1240.75 Garbage.

Subpart E—Source and Use of Potable Water

1240.80 General requirements for water for drinking and culinary purposes.
1240.83 Approval of watering points.
1240.86 Protection of pier water system.
1240.90 Approval of treatment aboard conveyances.
1240.95 Sanitation of water boats.

AUTHORITY: Secs. 215, 361, 58 Stat. 690, 703, as amended; (42 U.S.C. 216, 264).

Subpart A—General Provisions

§ 1240.3 General definitions.

As used in this part, terms shall have the following meaning:

(a) *Bactericidal treatment.* The application of a method or substance for the destruction of pathogens and other organisms as set forth in § 1240.10.

(b) *Communicable diseases.* Illnesses due to infectious agents or their toxic products, which may be transmitted from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly through the agency of an intermediate plant or animal host, vector, or the inanimate environment.

(c) *Communicable period.* The period or periods during which the etiologic agent may be transferred directly or indirectly from the body of the infected person or animal to the body of another.

(d) *Contamination.* The presence of a certain amount of undesirable substance or material, which may contain pathogenic microorganisms.

(e) *Conveyance.* Conveyance means any land or air carrier, or any vessel as defined in paragraph (n) of this section.

(f) *Garbage.* (1) The solid animal and vegetable waste, together with the natural moisture content, resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, and similar establishments, or (2) any other food waste containing pork.

(g) *Incubation period.* The period between the implanting of disease organisms in a susceptible person and the appearance of clinical manifestation of the disease.

(h) *Interstate traffic.* (1) The movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation which is entirely within a State or possession, (i) from a point of origin in any State or possession to a point of destination in any other State or possession, or (ii) between a point of origin and a point of destination in the same State or possession but through any other State, possession, or contiguous foreign country.

(2) Interstate traffic does not include the following:

(i) The movement of any conveyance which is solely for the purpose of unloading persons or property transported from a foreign country, or loading persons or property for transportation to a foreign country.

(ii) The movement of any conveyance which is solely for the purpose of effecting its repair, reconstruction, rehabilitation, or storage.

(i) *Minimum heat treatment.* The causing of all particles in garbage to be heated to a boiling temperature and held at that temperature for a period of not less than 30 minutes.

(j) *Possession.* Any of the possessions of the United States, including Puerto Rico and the Virgin Islands.

(k) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207.

(l) *State.* Any State, the District of Columbia, Puerto Rico and the Virgin Islands.

(m) *Utensil.* Includes any kitchenware, tableware, glassware, cutlery, containers, or equipment with which food or drink comes in contact during storage, preparation, or serving.

(n) *Vessel.* Any passenger-carrying, cargo, or towing vessel exclusive of:

(1) Fishing boats including those used for shell-fishing;

(2) Tugs which operate only locally in specific harbors and adjacent waters;

(3) Barges without means of self-propulsion;

(4) Construction-equipment boats and dredges; and

(5) Sand and gravel dredging and handling boats.

(o) *Watering point.* The specific place or water boat from which potable water is loaded on a conveyance.

(p) *Shellfish.* Any fresh, frozen, or incompletely cooked oysters, clams, or mussels, either shucked or in the shell, and any fresh, frozen, or incompletely cooked edible products thereof.

§ 1240.10 Effective bactericidal treatment.

Whenever, under the provisions of this part, bactericidal treatment is required, it shall be accomplished by one or more of the following methods:

(a) By immersion of the utensil or equipment for at least 2 minutes in clean hot water at a temperature of at least 170° F or for one-half minute in boiling water;

(b) By immersion of the utensil or equipment for at least 2 minutes in a lukewarm chlorine bath containing at least 50 ppm of available chlorine if hypochlorites are used or a concentration of equal bactericidal strength if chloramines are used;

(c) By exposure of the utensil or equipment in a steam cabinet at a temperature of at least 170° F for at least 15 minutes or at a temperature of 200° F for at least 5 minutes;

(d) By exposure of the utensil or equipment in an oven or hot air cabinet at a temperature of at least 180° F for at least 20 minutes;

(e) In the case of utensils or equipment so designed or installed as to make immersion or exposure impractical, the equipment may be treated for the prescribed periods of time either at the temperatures or with chlorine solutions as specified above, (1) with live steam from a hose if the steam can be confined, (2) with boiling rinse water, or (3) by spraying or swabbing with chlorine solution;

(f) Any other method determined by the Surgeon General, upon application of an owner or operator of a conveyance, to be effective to prevent the spread of communicable disease.

Subpart B—Administrative Procedures

§ 1240.20 Issuance and posting of certificates following inspections.

The Surgeon General may issue certificates based upon inspections provided for in this part and Part 1250. Such certificates shall be prominently posted on conveyances.

§ 1240.30 Measures in the event of inadequate local control.

Whenever the Surgeon General determines that the measures taken by health authorities of any State or possession (including political subdivisions thereof) are insufficient to prevent the spread of any of the communicable diseases from such State or possession to any other State or possession, he may take such measures to prevent such spread of the diseases as he deems reasonably necessary, including inspection, fumigation, disinfection, sanitation, pest extermination, and destruction of animals or articles believed to be sources of infection.

Subpart C—Restrictions on Travel of Persons

§ 1240.40 All communicable diseases.

A person who has a communicable disease in the communicable period shall not travel from one State or possession to another without a permit from the health officer of the State, possession, or locality of destination, if such permit is required under the law applicable to the place of destination. Stop-overs other than those necessary for transportation connections shall be considered as places of destination.

§ 1240.45 Report of disease.

The master of any vessel or person in charge of any conveyance engaged in interstate traffic, on which a case or suspected case of a communicable disease develops shall, as soon as practicable, notify the local health authority at the next port of call, station, or stop, and shall take such measures to prevent the spread of the disease as the local health authority directs.

§ 1240.50 Certain communicable diseases; special requirements.

The following provisions are applicable with respect to any person who is in the communicable period of cholera, plague, smallpox, typhus or yellow fever, or who, having been exposed to any such disease, is in the incubation period thereof:

(a) *Requirements relating to travelers.* (1) No such person shall travel from one State or possession to another, or on a conveyance engaged in interstate traffic, without a written permit of the Surgeon General or his authorized representative.

(2) Application for a permit may be made directly to the Surgeon General or to his representative authorized to issue permits.

(3) Upon receipt of an application, the Surgeon General or his authorized representative shall, taking into consideration the risk of introduction, transmission, or spread of the disease from one State or possession to another, reject it, or issue a permit which may be conditioned upon compliance with such precautionary measures as he shall prescribe.

(4) A person to whom a permit has been issued shall retain it in his possession throughout the course of his authorized travel and comply with all conditions prescribed therein, including presentation of the permit to the operators of conveyances as required by its terms.

(b) *Requirements relating to operation of conveyances.* (1) The operator of any conveyance engaged in interstate traffic shall not knowingly (i) accept for transportation any person who fails to present a permit as required by paragraph (a) of this section, or (ii) transport any person in violation of conditions prescribed in his permit.

(2) Whenever a person subject to the provisions of this section is transported on a conveyance engaged in interstate traffic, the operator thereof shall take such measures to prevent the spread of

the disease, including submission of the conveyance to inspection, disinfection and the like, as an officer of the Public Health Service designated by the Surgeon General for such purposes deems reasonably necessary and directs.

§ 1240.54 Apprehension and detention of persons with specific diseases.

Regulations prescribed in Parts 1240 and 1250 are not applicable to the apprehension, detention, or conditional release of individuals except for the purpose of preventing the introduction, transmission, or spread of the following diseases: Anthrax, chancroid, cholera, dengue, diphtheria, granuloma inguinale, infectious encephalitis, favus, gonorrhea, leprosy, lymphogranuloma venereum, meningococcus meningitis, plague, poliomyelitis, psittacosis, relapsing fever, ringworm of the scalp, scarlet fever, streptococcic sore throat, smallpox, syphilis, trachoma, tuberculosis, typhoid fever, typhus, and yellow fever.

§ 1240.55 Responsibility with respect to minors, wards, and patients.

A parent, guardian, physician, nurse, or other such person shall not transport, or procure or furnish transportation for any minor child or ward, patient or other such person who is in the communicable period of a communicable disease, except in accordance with provisions of this subpart.

§ 1240.57 Members of military and naval forces.

The provisions of §§ 1240.40, 1240.45, 1240.50, 1240.55 and 1240.57 shall not apply to members of the military or naval forces, and medical care or hospital beneficiaries of the Army, Navy, Veterans' Administration, or Public Health Service, when traveling under competent orders: *Provided*, That in the case of persons otherwise subject to the provisions of § 1240.50 the authority authorizing the travel requires precautions to prevent the possible transmission of infection to others during the travel period.

Subpart D—Specific Administrative Decisions Regarding Interstate Shipments

§ 1240.60 Shellfish.

A person shall not offer for transportation, or transport, in interstate traffic any shellfish handled or stored in such an insanitary manner, or grown in an area so contaminated, as to render such shellfish likely to become agents in, and their transportation likely to contribute to the spread of communicable disease from one State or possession to another.

§ 1240.62 Turtles.

(a) *Definitions.* As used in this section:

(1) The term "turtles" includes all animals commonly known as turtles, tortoises, terrapins, and all other animals of the order *Testudinata*, class *Reptilia* except marine species (families *Dermachelidae* and *Cheloniidae*).

(2) The term "State of origin" as used in paragraph (b) of this section means the State or possession in which the turtles or turtle eggs were originally hatched or produced.

(b) *Interstate shipment; general prohibition.* Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace length of less than 4 inches shall not be transported or offered for sale after shipment in interstate commerce, unless the shipment is accompanied by a certificate issued by the health authority of the State of origin certifying that each shipment of live turtles or viable turtle eggs is free of bacteria of the *Salmonella* and *Arizona* genera. After shipment in interstate commerce the same intact shipment of live turtles or viable turtle eggs shall not require further such certification under provisions of this section; however, if at any subsequent point in its distribution such shipment becomes commingled or intermingled with a lot that has not been so certified, then such turtles or turtle eggs shall not be offered for sale or further transported in interstate commerce unless the entire lot has been tested and certified free of bacteria of the *Salmonella* and *Arizona* genera by the health authority of the State or possession in which such commingling or intermingling occurred.

(c) *Certification; test procedures.* Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued by the health authority of the appropriate State or possession on the basis of the examination of 60 turtles or 60 turtle eggs from each shipment, regardless of the size of the shipment. The examination shall be conducted in a laboratory licensed in microbiology pursuant to section 353 of the Public Health Service Act and shall utilize the following procedure adapted from "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th ed. 1970, sections 41.024–41.040, pages 845–851.[1]

(1) Place five turtles in each of 12 sterile glass containers with a capacity of 1,000 milliliters. Larger capacity containers should be used if necessary to avoid overcrowding.

(2) Add 50 milliliters of sterile distilled water to each of the containers of turtles.

(3) Cover each container with sterile aluminum foil and hold the turtles in the containers at room temperature, about 25° C for at least 72 hours.

(4) Do not remove the foil cover or add food, water, or other materials to the containers during the holding period.

(5) After a minimum of 72 hours remove the turtles from the containers using a sterile forceps.

(6) For each of the 12 containers transfer 1 milliliter of the residual water into a separate tube containing 10 milliliters of tetrathionate broth, with iodine and brilliant green, and incubate these 12 tetrathionate enrichment cultures for 24 hours at 35° to 37° C.

(7) After 24 hours incubation, subculture each of the 12 tetrathionate enrichment cultures to brilliant green agar and complete isolation and identification according to methods specified in "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th ed. 1970, section 41.024–41.040, pages 845–851.[1]

(8) In the examination of turtle eggs, rinse 60 eggs with sterile distilled water to remove visible extraneous matter from the shells. Place the 60 cleansed eggs into a sterile blender cup. Replace blender lid and homogenize eggs for 2 minutes at low speed. Transfer 1 milliliter of the blended egg material into 10 milliliters of tetrathionate broth, and proceed as in paragraphs (c) (6) and (7) of this section.

(9) Upon completion of the laboratory examination, the examining laboratory shall submit a report to the health officer of the appropriate State or possession, or his delegated representative. The laboratory report shall specify the name and address of the producer or shipper (consignor) and of the consignee, the number and species of turtles or turtle eggs intended for interstate shipment, and the results of the examination, and it shall be signed by the examining microbiologist or director of the examining laboratory. Certification of freedom from bacteria of the *Salmonella* and *Arizona* genera may be issued if, to the satisfaction of the health authority of the appropriate State or possession, the laboratory examination has been performed according to the procedure specified in this section, and all specimens examined were free of bacteria of the *Salmonella* and *Arizona* genera.

(d) *Destruction of turtles or turtle eggs; criminal penalties*—(1) *Destruction.* Any live turtles or viable turtle eggs which have been transported in interstate commerce without a certificate required by paragraph (b) of this section, and any live turtles or viable turtle eggs which are held for sale or offered for any other type of commercial or public distribution and are found to contain bacteria of the *Salmonella* or *Arizona* genera when sampled and tested by a method appropriate for determination of the presence of such bacteria in the turtles or turtle eggs, and any live turtles or viable turtle eggs which are held for sale or offered for any other type of commercial or public distribution and are found to be held in water which contains bacteria of the *Salmonella* or *Arizona* genera when tested by an appropriate method, shall be subject to destruction, by or under the supervision of an officer or employee of the Food and Drug Administration in accordance with the following procedures:

(i) Any District Office of the Food and Drug Administration; upon detecting live turtles or viable turtle eggs which have been transported in interstate commerce without a certificate required by paragraph (b) of this section, or which are held for sale or offered for any other type of commercial or public distribution and which contain, or are

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

held in water containing, bacteria of the *Salmonella* or *Arizona* genera, shall serve upon the person in whose possession such turtles or turtle eggs are found a written demand that such turtles or turtle eggs be destroyed, under the supervision of said District Office, within 10 working days from the date of promulgation of the demand. The demand shall recite with particularity the facts which justify the demand. After service of the demand, the person in possession of the turtles or turtle eggs shall not sell, distribute, or otherwise dispose of any of the turtles or turtle eggs except to destroy them under the supervision of the District Office, unless and until the Director of the Bureau of Foods withdraws the demand for destruction after an appeal pursuant to paragraph (d) (1) (ii) of this section.

(ii) The person on whom the demand for destruction is served may either comply with the demand or, within 10 working days from the date of its promulgation, appeal the demand for destruction to the Director of the Bureau of Foods, Food and Drug Administration. The demand for destruction may also be appealed, within the same period of 10 working days, by any other person having a pecuniary interest in such turtles or turtle eggs. In the event of such an appeal, the Bureau Director shall provide an opportunity for a hearing, by written notice to the appellant(s) specifying a time and place for the hearing, to be held within 14 days from the date of the notice but not within less than 7 days unless by agreement with the appellant(s).

(iii) Appearance by any appellant at the hearing may be by mail or in person, with or without counsel. The hearing shall be conducted by the Bureau Director or his designee, and a written summary of the proceedings shall be prepared by the person presiding. Any appellant shall have the right to hear and to question the evidence on which the demand for destruction is based, including the right to cross-examine witnesses, and he may present oral or written evidence in response to the demand.

(iv) If, based on the evidence presented at the hearing, the Bureau Director finds that the turtles or turtle eggs were transported in interstate commerce without a certificate in violation of this section, or that the turtles or turtle eggs were held for sale or offered for any other type of commercial or public distribution and that they contain, or are held in water which contains, bacteria of the *Salmonella* or *Arizona* genera, the Bureau Director shall affirm the demand that they be destroyed under the supervision of an officer or employee of the Food and Drug Administration; otherwise, the Bureau Director shall issue a written notice that the prior demand by the District Office is withdrawn. If the Bureau Director affirms the demand for destruction he shall order that the destruction be accomplished within 10 working days from the date of the promulgation of his decision. The Bureau Director's decision shall be accompanied by a statement of the reasons for the decision. The decision of the Bureau Director shall constitute final agency action, appealable in the courts.

(v) If there is no appeal to the Director of the Bureau of Foods from the demand by the FDA District Office and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, or if the demand is affirmed by the Director of the Bureau of Foods after an appeal and the person in possession of the turtles or turtle eggs fails to destroy them within 10 working days, the District Office shall designate an officer or employee to destroy the turtles or turtle eggs. It shall be unlawful to prevent or to attempt to prevent such destruction of turtles or turtle eggs by the officer or employee designated by the District Office. Such destruction will be stayed if so ordered by a court pursuant to an appeal in the courts as provided in paragraph (d) (1) (iv) of this section.

(2) *Criminal penalties.* Any person who violates any provision of this section, including but not limited to any person who transports live turtles or viable turtle eggs in interstate commerce without a certificate required by paragraph (b) of this section, or who offers for sale, live turtles or viable turtle eggs which have been transported in interstate commerce without such a certificate, or who refuses to comply with a valid final demand for destruction of turtles or turtle eggs, i.e., either an unappealed demand by an FDA District Office or a demand which has been affirmed by the Director of the Bureau of Foods pursuant to appeal, shall be subject to a fine of not more than $1,000 or imprisonment for not more than 1 year, or both, for each violation, in accordance with section 368 of the Public Health Service Act (42 U.S.C. 271).

(e) *Exceptions.* The provisions of this section are not applicable to:

(1) Live turtles and viable turtle eggs used for bona fide scientific, educational, or exhibitional purposes, other than use as pets.

(2) Lots of less than seven live turtles or less than seven viable turtle eggs or any combination of such turtles and turtle eggs totaling less than seven.

(3) Marine turtles excluded from this regulation under the provisions of paragraph (a) (1) of this section and eggs of such turtles.

§ 1240.65 Psittacine birds.

(a) The term psittacine birds shall include all birds commonly known as parrots, Amazons, Mexican double heads, African grays, cocatoos, macaws, parakeets, love birds, lories, lorikeets, and all other birds of the psittacine family.

(b) No person shall transport, or offer for transportation, in interstate traffic any psittacine bird unless the shipment is accompanied by a permit from the State health department of the State of destination where required by such department.

(c) Whenever the Surgeon General finds that psittacine birds or human beings in any area are infected with psittacosis and there is such danger of transmission of psittacosis from such area as to endanger the public health, he may declare it an area of infection. No person shall thereafter transport, or offer for transportation, in interstate traffic any psittacine bird from such area, except shipments authorized by the Surgeon General for purposes of medical research and accompanied by a permit issued by him, until the Surgeon General finds that there is no longer any danger of transmission of psittacosis from such area. As used in this paragraph, the term "area" includes, but is not limited to, specific premises or buildings.

§ 1240.70 Lather brushes.

(a) *General requirements.* A person shall not transport, or offer for transportation by the owner or operator of a conveyance, nor shall the owner or operator of a conveyance knowingly transport for another person, in interstate traffic lather brushes made from animal hair or bristles unless:

(1) Such brushes have been imported in compliance with the provisions of 42 CFR 71.151; or

(2) Such brushes have been manufactured in the United States, its territories, or possessions in compliance with the provisions of paragraphs (b), (c), (d), (e), and (f) of this section.

(b) *Treatment.* The hair or bristles used in such brushes, if other than badger hair, shall be subjected to sterilization or to a treatment found by the Surgeon General, upon application of an interested person and the submission by such person of supporting data, to be effective to destroy anthrax spores in the hair or bristles to be treated. Badger hair shall be subject to the requirement of sterilization or other treatment only if the Surgeon General finds, and so notifies the manufacturer, that the hair was secured from areas, or has been stored or handled under circumstances, likely to render it an agent in the spread of communicable diseases from one State or possession to another.

(c) *Sterilization.* Sterilization shall consist of:

(1) Exposure to steam under pressure in an autoclave at a minimum temperature of 120° C (248° F) for 15 minutes for bristles and 20 minutes for hair; or

(2) Exposure to streaming steam in an autoclave (not under pressure) at 100° C (212° F) for 30 minutes for bristles and 40 minutes for hair.

In either case, the steam temperature shall be measured in the exhaust line at its exit from the autoclave by an indicating thermometer found by the Surgeon General to give reasonable assurance of accuracy, and by a recording thermometer adjusted to read no higher at any time than the indicating thermometer. The time of exposure shall be measured from the moment at which the indicating thermometer reaches the specified sterilization temperature. Record-

ing thermometer charts for each sterilization shall be kept readily available. The hair or bristles shall be sterilized in tied or wrapped bundles not exceeding 2½ inches in diameter and 5 inches in length, or in untied and unwrapped lots not exceeding 2½ inches in depth. The bundle or lots shall be placed on racks or trays in single layers, with the racks or trays separated from each other sufficiently to assure free circulation of the steam and the exposure of all the hair or bristles to such steam. If the hair or bristles are placed in the autoclave in wrapped bundles, the ends of the bundles shall be left open.

(d) *Handling and storage.* Hair or bristles which have been treated, by sterilization or otherwise, shall be marked with the date of treatment, the method used, and name and location of the establishment at which treatment occurred, and shall be so handled and stored as to prevent their contamination or recontamination with anthrax spores.

(e) *Identifying marks.* Lather brushes shall be marked permanently with the name of the manufacturer or with an identifying mark of the manufacturer registered with the Surgeon General.

(f) *Inspection.* Persons engaged in processing or other handling of hair or bristles for use in lather brushes manufactured for transportation in interstate traffic and persons engaged in manufacturing such lather brushes from hair or bristles shall permit authorized representatives of the Surgeon General to make at any reasonable time such inspection of the plants or other places, including the equipment, operations, and products thereof, at which such manufacturing, processing or handling is carried on as may be necessary in the judgment of such representatives to determine compliance with the provisions of this section.

§ 1240.75 Garbage.

(a) A person shall not transport, receive, or cause to be transported or received, garbage in interstate traffic and feed such garbage to swine unless, prior to the feeding, such garbage has received minimum heat treatment.

(b) A person transporting garbage in interstate traffic shall not make, or agree to make, delivery thereof to any person with knowledge of the intent or customary practice of such person to feed to swine garbage which has not been subjected to minimum heat treatment.

Subpart E—Source and Use of Potable Water

§ 1240.80 General requirements for water for drinking and culinary purposes.

Only potable water shall be provided for drinking and culinary purposes by any operator of a conveyance engaged in interstate traffic, except as provided in § 1250.84(b) of this chapter. Such water shall either have been obtained from watering points approved by the Surgeon General, or, if treated aboard a conveyance, shall have been subjected to treatment approved by the Surgeon General.

§ 1240.83 Approval of watering points.

(a) The Surgeon General shall approve any watering point if (1) the water supply thereat meets the standards prescribed in the Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207, and (2) the methods of and facilities for delivery of such water to the conveyance and the sanitary conditions surrounding such delivery prevent the introduction, transmission, or spread of communicable diseases.

(b) The Surgeon General may base his approval or disapproval of a watering point upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) If a watering point has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases.

(d) Upon request of the Surgeon General, operators of conveyances shall provide information as to watering points used by them.

§ 1240.86 Protection of pier water system.

No vessel engaged in interstate traffic shall make a connection between its nonpotable water system and any pier potable water system unless provisions are made to prevent backflow from the vessel to the pier.

§ 1240.90 Approval of treatment aboard conveyances.

(a) The treatment of water aboard conveyances shall be approved by the Surgeon General if the apparatus used is of such design and is so operated as to be capable of producing and in fact does produce, potable water.

(b) The Surgeon General may base his approval or disapproval of the treatment of water upon investigations made by representatives of State departments of health or of the health authorities of contiguous foreign nations.

(c) Overboard water treated on vessels shall be from areas relatively free of contamination and pollution.

§ 1240.95 Sanitation of water boats.

No vessel engaged in interstate traffic shall obtain water for drinking and culinary purposes from any water boat unless the tanks, piping, and other appurtenances used by the water boat in the loading, transportation, and delivery of such drinking and culinary water, have been approved by the Surgeon General.

PART 1250—INTERSTATE CONVEYANCE SANITATION

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AUTHORITY: Secs. 215, 361, 58 Stat. 690, 703, as amended; (42 U.S.C. 216, 264).

Subpart A—General Provisions

§ 1250.3 Definitions.

As used in this part, terms shall have the following meaning:

(a) *Bactericidal treatment.* The application of a method or substance for the destruction of pathogens and other organisms as set forth in § 1240.10 of this chapter.

(b) *Communicable diseases.* Illnesses due to infectious agents or their toxic products, which may be transmitted from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly through the agency of an intermediate plant or

animal host, vector, or the inanimate environment.

(c) *Communicable period.* The period or periods during which the etiologic agent may be transferred directly or indirectly from the body of the infected person or animal to the body of another.

(d) *Contamination.* The presence of a certain amount of undesirable substance or material, which may contain pathogenic microorganisms.

(e) *Conveyance.* Conveyance means any land or air carrier, or any vessel as defined in paragraph (m) of this section.

(f) *Existing vessel.* Any vessel the construction of which was started prior to the effective date of the regulations in this part.

(g) *Garbage.* (1) The solid animal and vegetable waste, together with the natural moisture content, resulting from the handling, preparation, or consumption of foods in houses, restaurants, hotels, kitchens, and similar establishments, or (2) any other food waste containing pork.

(h) *Interstate traffic.* (1) The movement of any conveyance or the transportation of persons or property, including any portion of such movement or transportation which is entirely within a State or possession, (i) from a point of origin in any State or possession to a point of destination in any other State or possession, or (ii) between a point of origin and a point of destination in the same State or possession but through any other State, possession, or contiguous foreign country.

(2) Interstate traffic does not include the following:

(i) The movement of any conveyance which is solely for the purpose of unloading persons or property transported from a foreign country, or loading persons or property for transportation to a foreign country.

(ii) The movement of any conveyance which is solely for the purpose of effecting its repair, reconstruction, rehabilitation, or storage.

(i) *Possession.* Any of the possessions of the United States, including Puerto Rico and the Virgin Islands.

(j) *Potable water.* Water which meets the standards prescribed in the Public Health Service Drinking Water Standards as set forth in 42 CFR 72.201 through 72.207.

(k) *State.* Any State, the District of Columbia, Puerto Rico and the Virgin Islands.

(l) *Utensil.* Includes any kitchenware, tableware, glassware, cutlery, containers, or equipment with which food or drink comes in contact during storage, preparation, or serving.

(m) *Vessel.* Any passenger-carrying, cargo, or towing vessel exclusive of:

(1) Fishing boats including those used for shell-fishing;

(2) Tugs which operate only locally in specific harbors and adjacent waters;

(3) Barges without means of self-propulsion;

(4) Construction-equipment boats and dredges; and

(5) Sand and gravel dredging and handling boats.

(n) *Wash water.* Water suitable for domestic uses other than for drinking and culinary purposes, and medical care purposes excluding hydrotherapy.

(o) *Shellfish.* Any fresh, frozen, or incompletely cooked oysters, clams, or mussels, either shucked or in the shell, and any fresh, frozen, or incompletely cooked edible products thereof.

Subpart B—Food Service Sanitation on Land and Air Conveyances, and Vessels

§ 1250.20 Applicability.

All conveyances engaged in interstate traffic shall comply with the requirements prescribed in this subpart and § 1240.20 of this chapter.

§ 1250.21 Inspection.

The Surgeon General may inspect such conveyances to determine compliance with the requirements of this subpart and § 1240.20 of this chapter.

§ 1250.22 General requirements.

All food and drink served on conveyances shall be clean, wholesome, and free from spoilage, and shall be prepared, stored, handled, and served in accordance with the requirements prescribed in this subpart and § 1240.20 of this chapter.

§ 1250.25 Source identification and inspection of food and drink.

(a) Operators of conveyances shall identify, when requested by the Surgeon General, the vendors, distributors or dealers from whom they have acquired or are acquiring their food supply, including milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, bottled water, sandwiches and box lunches.

(b) The Surgeon General may inspect any source of such food supply in order to determine whether the requirements of the regulations in this subpart and in § 1240.20 of this chapter are being met, and may utilize the results of inspections of such sources made by representatives of State health departments or of the health authorities of contiguous foreign nations.

§ 1250.26 Special food requirements.

Milk, fluid milk products, ice cream and other frozen desserts, butter, cheese, and shellfish served or sold on conveyances shall conform to the following requirements:

(a) Milk and fluid milk products, including cream, buttermilk, skim milk, milk beverages, and reconstituted milk, shall be pasteurized and obtained from a source of supply approved by the Surgeon General. The Surgeon General shall approve any source of supply at or from which milk or fluid milk products are produced, processed, and distributed so as to prevent the introduction, transmission, or spread of communicable diseases. If a source of supply of milk or fluid milk products has not been approved, the Surgeon General may permit its temporary use under such conditions as, in his judgment, are necessary to prevent the introduction, transmission, or spread of communicable diseases. Containers of milk and fluid milk products shall be plainly labeled to show the contents, the word "pasteurized", and the identity of the plant at which the contents were packaged by name and address, provided that a code may be used in lieu of address.

(b) Ice cream, other frozen desserts, and butter shall be manufactured from milk or milk products that have been pasteurized or subjected to equivalent heat treatment.

(c) Cheese shall be (1) pasteurized or subjected to equivalent heat treatment, (2) made from pasteurized milk products or from milk products which have been subjected to equivalent heat treatment, or (3) cured for not less than 60 days at a temperature not less than 35° F.

(d) Milk, buttermilk, and milk beverages shall be served in or from the original individual containers in which received from the distributor, or from a bulk container equipped with a dispensing device so designed, constructed, installed, and maintained as to prevent the transmission of communicable diseases.

(e) Shellfish purchased for consumption on any conveyance shall originate from a dealer currently listed by the Public Health Service as holding an unexpired and unrevoked certificate issued by a State authority.

(f) Shucked shellfish shall be purchased in the containers in which they are placed at the shucking plant and shall be kept therein until used. The State abbreviation and the certificate number of the packers shall be permanently recorded on the container.

§ 1250.27 Storage of perishables.

All perishable food or drink shall be kept at or below 50° F, except when being prepared or kept hot for serving.

§ 1250.28 Source and handling of ice.

Ice coming in contact with food or drink and not manufactured on the conveyance shall be obtained from sources approved by competent health authorities. All ice coming in contact with food or drink shall be stored and handled in such manner as to avoid contamination.

§ 1250.30 Construction, maintenance and use of places where food is prepared, served, or stored.

(a) All kitchens, galleys, pantries, and other places where food is prepared, served, or stored shall be adequately lighted and ventilated: *Provided, however,* That ventilation of cold storage rooms shall not be required. All such places where food is prepared, served, or stored shall be so constructed and maintained as to be clean and free from flies, rodents, and other vermin.

(b) Such places shall not be used for sleeping or living quarters.

(c) Water of satisfactory sanitary quality, under head or pressure, and adequate in amount and temperature, shall be easily accessible to all rooms in which food is prepared and utensils are cleaned.

(d) All plumbing shall be so designed, installed, and maintained as to prevent contamination of the water supply, food, and food utensils.

§ 1250.32 Food-handling operations.

(a) All food-handling operations shall be accomplished so as to minimize the possibility of contaminating food, drink, or utensils.

(b) The hands of all persons shall be kept clean while engaged in handling food, drink, utensils, or equipment.

§ 1250.33 Utensils and equipment.

(a) All utensils and working surfaces used in connection with the preparation, storage, and serving of food or beverages, and the cleaning of food utensils, shall be so constructed as to be easily cleaned and self-draining and shall be maintained in good repair. Adequate facilities shall be provided for the cleaning and bactericidal treatment of all multi-use eating and drinking utensils and equipment used in the preparation of food and beverages. An indicating thermometer, suitably located, shall be provided to permit the determination of the hot water temperature when and where hot water is used as the bactericidal agent.

(b) All multi-use eating and drinking utensils shall be thoroughly cleaned in warm water and subjected to an effective bactericidal treatment after each use. All other utensils that come in contact with food and drink shall be similarly treated immediately following the day's operation. All equipment shall be kept clean.

(c) After bactericidal treatment, utensils shall be stored and handled in such manner as to prevent contamination before reuse.

§ 1250.34 Refrigeration equipment.

Each refrigerator shall be equipped with a thermometer located in the warmest portion thereof. Waste water drains from ice boxes, refrigerating equipment, and refrigerated spaces shall be so installed as to prevent backflow of contaminating liquids.

§ 1250.35 Health of persons handling food.

(a) Any person who is known or suspected to be in a communicable period or a carrier of any communicable disease shall not be permitted to engage in the preparation, handling, or serving of water, other beverages, or food.

(b) Any person known or suspected to be suffering from gastrointestinal disturbance or who has on the exposed portion of the body an open lesion or an infected wound shall not be permitted to engage in the preparation, handling, or serving of food or beverages.

§ 1250.38 Toilet and lavatory facilities for use of food-handling employees.

(a) Toilet and lavatory facilities of suitable design and construction shall be provided for use of food-handling employees. Railroad dining car crew lavatory facilities are regulated under § 1250.45.

(b) Signs directing food-handling employees to wash their hands after each use of toilet facilities shall be posted so as to be readily observable by such employees. Hand washing facilities shall include soap, sanitary towels and hot and cold running water or warm running water in lieu of hot and cold running water.

(c) All toilet rooms shall be maintained in a clean condition.

§ 1250.39 Garbage equipment and disposition.

Watertight, readily cleanable nonabsorbent containers with close-fitting covers shall be used to receive and store garbage. Garbage and refuse shall be disposed of as frequently as is necessary and practicable.

Subpart C—Equipment and Operation of Land and Air Conveyances

§ 1250.40 Applicability.

The sanitary equipment and facilities on land and air conveyances engaged in interstate traffic and the use of such equipment and facilities shall comply with the requirements prescribed in this subpart.

§ 1250.41 Submittal of construction plans.

Plans for the construction or major reconstruction of sanitary equipment or facilities for such conveyances shall be submitted to the Surgeon General for review of the conformity of such plans with the requirements of this subpart, except that submittal of plans shall not be required for any conveyance under reconstruction if the owner or operator thereof has made arrangements satisfactory to the Surgeon General for inspections of such conveyances while under reconstruction for the purpose of determining conformity with those requirements.

§ 1250.42 Water systems; constant temperature bottles.

(a) The water system, whether of the pressure or gravity type, shall be complete and closed from the filling ends to the discharge taps, except for protected vent openings. The water system shall be protected against backflow.

(b) Filling pipes or connections through which water tanks are supplied shall be provided on both sides of all new railway conveyances and on existing conveyances when they undergo heavy repairs. All filling connections shall be easily cleanable and so located and protected as to minimize the hazard of contamination of the water supply.

(c) On all new or reconstructed conveyances, water coolers shall be an integral part of the closed system.

(d) Water filters if used on dining cars and other conveyances will be permitted only if they are so operated and maintained at all times as to prevent contamination of the water.

(e) Constant temperature bottles and other containers used for storing or dispensing potable water shall be kept clean at all times and shall be subjected to effective bactericidal treatment as often as may be necessary to prevent the contamination of water so stored and dispensed.

§ 1250.43 Ice.

Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

§ 1250.44 Drinking utensils and toilet articles.

(a) No cup, glass, or other drinking utensil which may be used by more than one person shall be provided on any conveyance unless such cup, glass, or drinking utensil shall have been thoroughly cleaned and subjected to effective bactericidal treatment after each individual use.

(b) Towels, combs, or brushes for common use shall not be provided.

§ 1250.45 Food handling facilities on railroad conveyances.

(a) Both kitchens and pantries of cars hereafter constructed or reconstructed shall be equipped with double sinks, one of which shall be of sufficient size and depth to permit complete immersion of a basket of dishes during bactericidal treatment; in the pantry a dishwashing machine may be substituted for the double sinks. If chemicals are used for bactericidal treatment, 3-compartment sinks shall be provided.

(b) A sink shall be provided for washing and handling cracked ice used in food or drink and shall be used for no other purpose.

(c) Lavatory facilities for the use of the dining car crew shall be provided on each dining car. Such facilities shall be conveniently located and used for hand and face washing only: *Provided, however,* That where the kitchen and pantry on a dining car hereafter constructed or reconstructed are so partitioned or separated as to impede free passage between them lavatory facilities shall be provided in both the kitchen and the pantry.

(d) Wherever toilet and lavatory facilities required by paragraph (c) of this section are not on the dining car, a lavatory shall be provided on the dining car for the use of employees. The lavatory shall be conveniently located and used only for the purpose for which it is installed.

§ 1250.49 Cleanliness of conveyances.

Conveyances while in transit shall be kept clean and free of flies and mosqui-

toes. A conveyance which becomes infected with vermin shall be placed out of service until such time as it shall have been effectively treated for the destruction of the vermin.

§ 1250.50 Toilet and lavatory facilities.

Where toilet and lavatory facilities are provided on conveyances they shall be so designed as to permit ready cleaning. On conveyances not equipped with retention facilities, toilet hoppers shall be of such design and so located as to prevent spattering of water filling pipes or hydrants.

§ 1250.51 Discharge of wastes on railroad conveyances.

(a) *New railroad conveyances.* Human wastes, garbage, waste water, or other polluting materials shall not be discharged from any new railroad conveyance except at servicing areas approved by the Commissioner of Food and Drugs. In lieu of retention pending discharge at approved servicing areas, human wastes, garbage, waste water, or other polluting materials that have been suitably treated to prevent the spread of communicable diseases may be discharged from such conveyances, except at stations. For the purposes of this section, "new railroad conveyance" means any such conveyance placed into service for the first time after July 1, 1972, and the terms "waste water or other polluting materials" do not include drainage of drinking water taps or lavatory facilities.

(b) *Nonnew railroad conveyances.* Human waste, garbage, waste water, or other polluting materials shall not be discharged from any railroad conveyance after December 31, 1974, except at servicing areas approved by the Commissioner of Food and Drugs. If justified, an extension may be granted by the Commissioner of Food and Drugs, but in no case beyond December 31, 1977. In lieu of retention pending discharge at approved servicing areas, human wastes, garbage, waste water, or other polluting materials that have been suitably treated to prevent the spread of communicable diseases may be discharged from such conveyances, except at stations. The terms "waste water or other polluting materials" do not include drainage of drinking water taps or lavatory facilities.

(c) *Toilets.* When railroad conveyances, occupied or open to occupancy by travelers, are at a station or servicing area, toilets shall be kept locked unless means are provided to prevent contamination of the area or station.

(d) *Requests for approvals or extensions.* Requests for approval of servicing areas or extensions of compliance time under the provisions of this section should be addressed to the Commissioner, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

§ 1250.52 Discharge of wastes on highway conveyances.

There shall be no discharge of excrement, garbage, or waste water from a highway conveyance except at servicing areas approved by the Surgeon General.

§ 1250.53 Discharge of wastes on air conveyances.

There shall be no discharge of excrement or garbage from any air conveyance except at servicing areas approved by the Surgeon General.

Subpart D—Servicing Areas for Land and Air Conveyances

§ 1250.60 Applicability.

Land and air conveyances engaged in interstate traffic shall use only such servicing areas within the United States as have been approved by the Surgeon General as being in compliance with the requirements prescribed in this subpart.

§ 1250.61 Inspection and approval.

The Surgeon General may inspect any such areas to determine whether they shall be approved. He may base his approval or disapproval on investigations made by representatives of State departments of health.

§ 1250.62 Submittal of construction plans.

Plans for construction or major reconstruction of sanitation facilities at servicing areas shall be submitted to the Surgeon General for review of the conformity of the proposed facilities with the requirements of this subpart.

§ 1250.63 General requirements.

Servicing areas shall be provided with all necessary sanitary facilities so operated and maintained as to prevent the spread of communicable diseases.

§ 1250.65 Drainage.

All platforms and other places at which water or food supplies are loaded onto or removed from conveyances shall be adequately drained so as to prevent pooling.

§ 1250.67 Watering equipment.

(a) *General requirements.* All servicing area piping systems, hydrants, taps, faucets, hoses, buckets, and other appurtenances necessary for delivery of drinking and culinary water to a conveyance shall be designed, constructed, maintained and operated in such a manner as to prevent contamination of the water.

(b) *Outlets for nonpotable water.* Outlets for nonpotable water shall be provided with fittings different from those provided for outlets for potable water and each nonpotable water outlet shall be posted with permanent signs warning that the water is unfit for drinking.

(c) *Ice.* If bulk ice is used for the cooling of drinking water or other beverages, or for food preservation purposes, equipment constructed so as not to become a factor in the transmission of communicable diseases shall be provided for the storage, washing, handling, and delivery to conveyances of such bulk ice, and such equipment shall be used for no other purposes.

§ 1250.70 Employee conveniences.

(a) There shall be adequate toilet, washroom, locker, and other essential sanitary facilities readily accessible for use of employees adjacent to places or areas where land and air conveyances are serviced, maintained, and cleared. These facilities shall be maintained in a clean and sanitary condition at all times.

(b) In the case of diners not in a train but with a crew on board, adequate toilet facilities shall be available to the crew within a reasonable distance but not exceeding 500 feet of such diners.

(c) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

§ 1250.75 Disposal of human wastes.

(a) At servicing areas and at stations where land and air conveyances are occupied by passengers the operations shall be so conducted as to avoid contamination of such areas and stations by human wastes.

(b) Toilet wastes shall be disposed of through sanitary sewers or by other methods assuring sanitary disposal of such wastes. All soil cans and removable containers shall be thoroughly cleaned before being returned to use. Equipment for cleaning such containers and for flushing nonremovable containers and waste carts shall be so designed as to prevent backflow into the water line, and such equipment shall be used for no purpose connected with the handling of food, water or ice.

(c) All persons who have handled soil cans or other containers which have come in contact with human wastes shall be required to wash their hands thoroughly with soap and warm water and to remove any garments which have become soiled with such wastes before engaging in any work connected with the loading, unloading, transporting or other handling of food, water or ice.

§ 1250.79 Garbage disposal.

(a) Water-tight, readily cleanable, nonabsorbent containers with close-fitting covers shall be used to receive and store garbage.

(b) Can washing and draining facilities shall be provided.

(c) Garbage cans shall be emptied daily and shall be thoroughly washed before being returned for use.

Subpart E—Sanitation Facilities and Conditions on Vessels

§ 1250.80 Applicability.

The sanitation facilities and the sanitary conditions on vessels engaged in interstate traffic shall comply with the requirements prescribed in this subpart, provided that no major structural change will be required on existing vessels.

§ 1250.81 Inspection.

The Surgeon General may inspect such vessels to determine compliance with the requirements of this subpart.

§ 1250.82 Potable water systems.

The following conditions must be met by vessel water systems used for the storage and distribution of water which has met the requirements of § 1240.80 of this chapter.

(a) The potable water system, including filling hose and lines, pumps, tanks, and distributing pipes, shall be separate and distinct from other water systems and shall be used for no other purposes.

(b) All potable water tanks shall be independent of any tanks holding nonpotable water or other liquid. All potable water tanks shall be independent of the shell of the ship unless (1) the bottom of the tank is at least 2 feet above the maximum load water line, (2) the seams in the shell are continuously welded, and (3) there are no rivets in that part of the shell which forms a side of a tank. A deck may be used as the top of a tank provided there are no access or inspection openings or rivets therein, and the seams are continuously welded. No toilet or urinal shall be installed immediately above that part of the deck which forms the top of a tank. All potable water tanks shall be located at a sufficient height above the bilge to allow for draining and to prevent submergence in bilge water.

(c) Each potable water tank shall be provided with a means of drainage and, if it is equipped with a manhole, overflow, vent, or a device for measuring depth of water, provision shall be made to prevent entrance into the tank of any contaminating substance. No deck or sanitary drain or pipe carrying any nonpotable water or liquid shall be permitted to pass through the tank.

(d) Tanks and piping shall bear clear marks of identification.

(e) There shall be no backflow or cross connection between potable water systems and any other systems. Pipes and fittings conveying potable water to any fixture, apparatus, or equipment shall be installed in such way that backflow will be prevented. Waste pipes from any part of the potable water system, including treatment devices, discharging to a drain, shall be suitably protected against backflow.

(f) Water systems shall be cleaned, disinfected, and flushed whenever the Surgeon General shall find such treatment necessary to prevent the introduction, transmission, or spread of communicable diseases.

§ 1250.83 Storage of water prior to treatment.

The following requirements with respect to the storage of water on vessels prior to treatment must be met in order to obtain approval of treatment facilities under § 1240.90 of this chapter.

(a) The tank, whether independent or formed by the skin of the ship, deck, tank top, or partitions common with other tanks, shall be free of apparent leakage.

(b) No sanitary drain shall pass through the tank.

(c) The tank shall be adequately protected against both the backflow and discharge into it of bilge or highly contaminated water.

§ 1250.84 Water in galleys and medical care spaces.

(a) Potable water, hot and cold, shall be available in the galley and pantry except that, when potable water storage is inadequate, nonpotable water may be piped to the galley for deck washing and in connection with garbage disposal. Any tap discharging nonpotable water which is installed for deck washing purposes shall not be more than 18 inches above the deck and shall be distinctly marked "For deck washing only".

(b) In the case of existing vessels on which heat treated wash water has been used for the washing of utensils prior to the effective date of the regulations in this part, such water may continue to be so used provided controls are employed to insure the heating of all water to at least 170° F before discharge from the heater.

(c) Potable water, hot and cold, shall be available in medical care spaces for hand-washing and for medical care purposes excluding hydrotherapy.

§ 1250.85 Drinking fountains and coolers; ice; constant temperature bottles.

(a) Drinking fountains and coolers shall be constructed of impervious, nonoxidizing material, and shall be so designed and constructed as to be easily cleaned. The jet of a drinking fountain shall be slanting and the orifice of the jet shall be protected by a guard in such a manner as to prevent contamination thereof by droppings from the mouth. The orifice of such a jet shall be located a sufficient distance above the rim of the basin to prevent backflow.

(b) Ice shall not be permitted to come in contact with water in coolers or constant temperature bottles.

(c) Constant temperature bottles and other containers used for storing or dispensing potable water shall be kept clean at all times and shall be subjected to effective bactericidal treatment after each occupancy of the space served and at intervals not exceeding one week.

§ 1250.86 Water for making ice.

Only potable water shall be piped into a freezer for making ice for drinking and culinary purposes.

§ 1250.87 Wash water.

Where systems installed on vessels for wash water, as defined in § 1250.3(n), do not comply with the requirements of a potable water system, prescribed in § 1250.82, they shall be constructed so as to minimize the possibility of the water therein being contaminated. The storage tanks shall comply with the requirements of § 1250.83, and the distribution system shall not be cross connected to a system carrying water of a lower sanitary quality. All faucets shall be labeled "Unfit for drinking".

§ 1250.89 Swimming pools.

(a) Fill and draw swimming pools shall not be installed or used.

(b) Swimming pools of the recirculation type shall be equipped so as to provide complete circulation, replacement, and filtration of the water in the pool every six hours or less. Suitable means of chlorination and, if necessary, other treatment of the water shall be provided to maintain the residual chlorine in the pool water at not less than 0.4 part per million and the pH (a measure of the hydrogen ion concentration) not less than 7.0.

(c) Flowing-through types of salt water pools shall be so operated that complete circulation and replacement of the water in the pool will be effected every 6 hours or less. The water delivery pipe to the pool shall be independent of all other pipes and shall originate at a point where maximum flushing of the pump and pipe line is effected after leaving polluted waters.

§ 1250.90 Toilets and lavatories.

Toilet and lavatory equipment and spaces shall be maintained in a clean condition.

§ 1250.93 Discharge of wastes.

Vessels operating on fresh water lakes or rivers shall not discharge sewage, or ballast or bilge water, within such areas adjacent to domestic water intakes as are designated by the Surgeon General.

§ 1250.95 Insect control.

Vessels shall be maintained free of infestation by flies, mosquitoes, fleas, lice, and other insects known to be vectors in the transmission of communicable diseases, through the use of screening, insecticides, and other generally accepted methods of insect control.

§ 1250.96 Rodent control.

Vessels shall be maintained free of rodent infestation through the use of traps, poisons, and other generally accepted methods of rodent control.

NOTE: Incorporation by reference provisions approved by the Director of the Office of the Federal Register on March 20, 1973.

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PART III

THE PRESIDENT

■

SPECIAL MESSAGE TO CONGRESS ON BUDGET RESCISSIONS AND DEFERRALS

Special Message to Congress on Budget Rescissions and Deferrals

To the Congress of the United States

I herewith report on additional rescissions and deferrals for fiscal year 1975, as required by the Congressional Budget and Impoundment Control Act of 1974.

Thirty-five new rescissions and 14 new deferrals are proposed in the amounts of $1,097 million and $769 million, respectively. In addition, five revised rescission reports reduce by $178 million the amounts proposed for rescission in earlier reports, and 12 revised deferral reports increase the amounts reported as deferred in earlier reports by $111 million.

In the main, the rescissions and deferrals transmitted herein seek to reduce the increased Federal spending that would otherwise result from four recently-enacted 1975 appropriation bills—Labor-Health, Education, and Welfare, Agriculture-Environmental and Consumer Protection, the First Supplemental; and the Urgent Supplemental. The 93rd Congress, in the conference report on the Labor-HEW bill, indicated its willingness "* * * to give full consideration to such rescissions and deferrals * * *" as might be required to keep 1975 spending within the total estimate for the bill.

If the Congress does not agree to the rescissions and deferrals accompanying this message, the 1975 deficit will grow by $357 million and the 1976 deficit by $675 million. I ask the 94th Congress to give full consideration to the question of whether increased Federal spending—with its associated inflationary effects and implied longer-term commitments—is warranted for these programs at this time.

Gerald R. Ford

THE WHITE HOUSE,
January 30, 1975.

SUMMARY OF PROPOSED RESCISSIONS AND DEFERRALS

(Dollars in thousands)

Rescission #	Item	Budget Authority
	Agriculture:	
	Extension Service:	
R75-47	Extension Service	3,200
	Agricultural Stabilization and Conservation Service:	
R75-48	Agricultural Conservation Program (REAP)	156,250
R75-8A	Water Bank Program	21,213
R75-49	Forestry Incentives Program	25,000
	Farmers Home Administration:	
R75-50	Rural Development Grants	3,750
R75-51	Rural Community Fire Protection Grants	3,500
	Commerce:	
	National Oceanic and Atmospheric Administration:	
R75-15A	Operations, Research and Facilities	3,227
	United States Travel Service:	
R75-52	Inter-American Cultural and Trade Center	5,000
	Defense-Military:	
R75-27A	Aircraft Procurement, Army	5,700
R75-28A	Aircraft Procurement, Air Force	152,500
R75-53	Special Foreign Currency Program, 1973/1975	915
R75-54	Special Foreign Currency Program, 1974/1975	40
	Health, Education, and Welfare:	
	Health Services Administration:	
R75-55	Health Services	25,681
	Center for Disease Control:	
R75-56	Preventive Health Services	9,805
	National Institutes of Health:	
R75-57	National Cancer Institute	123,006
R75-58	National Heart and Lung Institute	37,730
R75-59	National Institute of Dental Research	7,489
R75-60	National Institute of Arthritis, Metabolism, and Digestive Diseases	28,473
R75-61	National Institute of Neurological Diseases and Stroke	30,283
R75-62	National Institute of Allergy and Infectious Diseases	13,975
R75-63	National Institute of General Medical Sciences	30,794
R75-64	National Institute of Child Health and Human Development	23,978
R75-65	National Eye Institute	6,512
R75-66	National Institute of Environmental Health Sciences	6,922
R75-67	Research Resources	40,560
R75-68	Fogarty International Center	1,020
R75-69	National Library of Medicine	385
	Alcohol, Drug Abuse and Mental Health Administration:	
R75-70	Alcohol, Drug Abuse and Mental Health	103,894
	Health Resources Administration:	
R75-71	Health Resources	25,477
R75-29A	Health Services Planning and Development	284,719
	Office of Education:	
R75-72	Elementary and Secondary Education	35,856
R75-73	Education for the Handicapped	102,500
R75-74	Occupational, Vocational and Adult Education	39,712
R75-75	Higher Education	58,300
R75-76	Library Resources	49,433
	Social and Rehabilitation Services:	
R75-77	Public Assistance	12,900
R75-78	Rehabilitation Services	29,848
	Office of Human Development:	
R75-79	Human Development	41,582
	Labor:	
	Manpower Administration:	
	Community Service Employment:	
R75-80	For Older Americans	12,000
	Consumer Product Safety Commission:	
R75-81	Salaries and Expenses	1,709

Deferral #	Item	Budget Authority
	Agriculture:	
	Agriculture Stabilization and Conservation Service:	
D75-139	Water Bank Program	1,266
D75-21A	Emergency Conservation Measures	11,688
	Agriculture Marketing Service:	
D75-22A	Marketing Services	1,459
D75-23A	Perishable Agricultural Commodities Act Fund	511

Deferral #	Item	Budget Authority
	Agriculture--Continued:	
	Forest Service:	
D75-25A	Forest Fire Prevention	173
D75-26A	Expenses, Brush Disposal	26,141
	Commerce:	
	General Administration:	
D75-140	Special Foreign Currency	1,500
	Economic Development Administration:	
D75-141	Job Opportunities Program	125,000
	National Bureau of Standards, Office of Telecommunications:	
D75-97A	Scientific and Technical research and services	4,628
	Maritime Administration:	
D75-99A	Research and Development	7,768
	Health, Education, and Welfare:	
	Health Services Administration:	
D75-142	Health Services	13,996
	National Institutes of Health:	
D75-143	Research Resources	6,255
	Alcohol, Drug Abuse and Mental Health Administration:	
D75-144	Alcohol, Drug Abuse, and Mental Health	2,326
	Health Resources Administration:	
D75-145	Health Resources	2,823
D75-146	Health Resources (Health Facilities Construction)	301,340
D75-102A	Health Resources (Program Management)	740
	Office of Education:	
D75-147	Higher Education (Basic Opportunity Grants)	298,714
D75-42A	Higher Education (Construction)	72,790
D75-148	Library Resources	2,792
	Social Security Administration:	
D75-44B	Limitation on Construction	20,576
	Special Institutions:	
D75-149	Gallaudet College (Construction)	1,267
D75-46A	Howard University (Construction)	6,323
	Interior:	
	Indian Affairs:	
D75-63A	Road Construction	135,175

Deferral #	Item	Budget Authority
	Labor:	
	Departmental Management:	
D75-150	Special Foreign Currency	200
	Transportation:	
	National Highway Traffic Safety Administration:	
D75-151	Traffic and Highway Safety	1,800
	Environmental Protection Agency:	
D75-152	Abatement and Control (Air and Water Control Agency Grants)	9,375
	Total	2,621,464

Rescission Proposal No.: R75-47

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 93-563)	$ 215,357,000
Bureau Extension Service	Other budgetary resources	--
Appropriation Title & Symbol Extension Service: 1250502	Total Budgetary Resources	215,357,000
	Amount proposed for rescission	3,200,000

Justification

Rescission of $3,200,000 for Expanded Food & Nutrition Education Program is one of the special actions proposed by the President to restrain the 1975 budget outlays. This program provides educational assistance to improve the nutritional level of low income families. In addition, a program evaluation is currently underway and its expected results could produce greater efficiencies and improve participant benefits. Until this determination is completed, the current program level should be continued.

Estimated Effects

The fiscal year 1975 grant level of $47,360,000 will provide for the highest priority needs for this program.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February Transmittal)	206.9
Without rescission (current estimates)	214.1
With rescission (revised estimate)	210.9
(Effect of action on 1976 outlays	---)

DEPARTMENT OF AGRICULTURE

Extension Service

Nutrition and Family Education Programs

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 are rescinded in the amount of $3,200,000.

Rescission Proposal No.: R75-48

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 93-563)	$ 190,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	--
Appropriation Title & Symbol Agricultural Conservation Program 125/73315	Total Budgetary Resources	190,000,000
	Amount proposed for rescission	156,250,000

Justification: Rescission of $156,250,000 of the contract authority authorized in the 1975 Agriculture-Environmental Consumer Protection Appropriation Act for the Agricultural Conservation Program is one of the special actions proposed by the President to restrain 1975 budget outlays as part of his program to combat inflation. This program provides cost-sharing assistance to farmers for carrying out practices for the conservation of soil and water resources on the Nation's agricultural land. The value of carrying out such practices has proven to be beneficial to farmers in terms of increased income through the years since the program's inception in 1936. With average farm income at high levels relative to the past, farmers are in a better position to meet the cost of resource conservation from their own income and should be expected to do so.

Estimated Effects: The proposed rescission will reduce the Agricultural Conservation Program contract authorization for fiscal year 1975 to $33,750,000. This amount will be sufficient authorization to cover remaining increments of long-term agreements under the 1974 Agricultural Conservation Program (REAP). No new program will be implemented for 1975.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	255.0[1/]
Without rescission (current estimate)	274.1
With rescission (revised estimate)	239.1
(Effect of action on 1976 outlays	-121.0)

1/ Includes budget amendment.

DEPARTMENT OF AGRICULTURE

Agriculture Stabilization and Conservation Service

Agricultural Conservation Program

Contract authority provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 is rescinded in the amount of $156,250,000.

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Rescission No. R75-8 transmitted in the special message of November 26, 1974, and printed as House Document No. 93-398.

The previous proposal reflected the rescission of $11,212,940 of the funds provided in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1974. The current proposal includes this amount and $10,000,000 of the funds provided in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 for a total rescission proposal of $21,212,940.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 93-563)	$ 10,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	17,553,712 1/*
Appropriation Title & Symbol Water Bank Program - 1975 12X3320	Total Budgetary Resources	27,553,712 *
	Amount proposed for rescission	21,212,940 1/*

Justification *

Rescission of $10,000,000 of the fiscal year 1975 appropriation for the Water Bank Program is one of the special actions proposed by the President to restrain 1975 budget outlays. The Water Bank Program was authorized by the Water Bank Act, Public Law 91-559, approved December 19, 1970. The Act authorized the Secretary of Agriculture to enter into agreements for a period of 10 years with landowners and operators to preserve and improve migratory waterfowl habitat.

The Administration proposes no new program for 1975. Payments under agreements for 1972 and 1974 programs will continue to be made for the term of the agreements.

This program provides only limited wildlife and conservation benefits. It duplicates the objectives of a program currently being carried out by the Department of the Interior. For these reasons, it is a prime candidate for termination as a nonessential government program.

Estimated Effect *

The 1975 Water Bank Program can be terminated with little adverse impact to the Nation since it provides minimum conservation benefits.

Total 1975 Outlays *	Dollars in Millions
1975 Budget (February transmittal)	3.8
Without rescission (current estimate)	4.1
With rescission (revised estimate)	2.2
(Effect of action on 1976 outlays	-2.4)

1/ Includes $11,212,940 proposed for rescission under Proposal No. R75-8.

*Revised from previous submission.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Water Bank Program

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Acts for 1974 and 1975 are rescinded in the amount of $21,212,940.

Rescission Proposal No.: R75-49

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority (P.L. 93-563)	$ 25,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	--
Appropriation Title & Symbol Forestry Incentives Program - 1975 12X3336	Total Budgetary Resources	25,000,000
	Amount proposed for rescission	25,000,000

Justification

Rescission of the entire appropriation of $25,000,000 for the Forestry Incentives Program is one of the special actions proposed by the President to restrain 1975 budget outlays as part of his program to combat inflation.

This is a new program which would provide for government participation through cost-sharing for stimulating long-term sawtimber production on private, nonindustrial lands.

The Administration understands the concerns related to reforestation of lands and present and future needs of forests and forest products. But there is no indication of economic justification at this time for government participation through cost sharing for stimulating long-term sawtimber production on private, nonindustrial lands.

Estimated Effects

The 1975 Forestry Incentives Program can be terminated with little adverse impact to this Nation. Government technical assistance and advice would still remain available to owners of such lands who wish to carry out tree planting as a conservation measure or desire help to establish at their own expense a timber stand based on their assessment that such an undertaking is a sound economic investment.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	6.2
Without rescission (current estimate)	6.2
With rescission (revised estimate)	---
(Effect of action on 1976 outlays	-8.0)

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Forestry Incentives Program

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 are rescinded in the amount of $25,000,000.

Rescission Proposal No.: R75-50

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Department of Agriculture	New budget authority	$ 13,750,000
	PL 93-563	
Farmers Home Administration	Other budgetary resources	-
Rural Development Grants 1252065	Total Budgetary Resources	13,750,000
	Amount proposed for rescission	3,750,000

Justification

Rescission of $3,750,000 of the annual appropriation for rural development grants is one of the special actions proposed by the President to restrain 1975 budget outlays. This program supplements business and industrial loans made in rural areas for the purpose of improving, developing, or financing business, industry, and employment and improving the economic and environmental climate in rural communities.

The rescission of $3,750,000 is justified due to the lower demand for capital expansion in rural communities at this time. In addition, loan funds are available to fund this type program at reasonable interest rates and terms through the community facilities loan program. Also, the water and waste development grant program is funded at the highest level in its history making funds available for extension of water and waste facilities to rural industrial areas.

Estimated Effects

The estimated effects of the proposed rescission of $3,750,000 of funds available under the Rural Development Grant program is considered negligible for three reasons. First, the program is funded at the level provided in the prior year which is considered adequate for projects considered essential. Second, the amount of funds involved in the rescission is extremely small considered on a nation-wide basis. Third, funds are available from other sources through the water and waste development program and the community facilities loan program to fund necessary projects.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	$6.0
Without rescission (current estimate)	6.8
With rescission (revised estimate)	6.0
(Effect of action on 1976 outlays	-2.0)

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Development Grants

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 are rescinded in the amount of $3,750,000.

Rescission Proposal No.: R75-51

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Department of Agriculture	New budget authority	$3,500,000
Farmers Home Administration	PL 93-563 Other budgetary resources	-
Rural Community Fire Protection Grants 1252067	Total Budgetary Resources	3,500,000
	Amount proposed for rescission	3,500,000

Justification

Rescission of the $3,500,000 appropriated for rural community fire protection grants is one of the special actions proposed by the President to restrain 1975 budget outlays. This program, authorized under the Rural Development Act of 1972, would provide fire fighting equipment and funds for organizing and training of personnel to rural communities to assist in fire control. Procurement of equipment is a low priority in investment capital in view of the number of people benefitting from the program. In addition, adequate credit assistance to provide this equipment is available at reasonable interest rates and terms through the community facilities loan program.

Estimated Effects

The estimated effects of the proposed rescission is negligible for the following reasons: First, community facilities loans are available at reasonable interest rates and terms; Second, the Forest Service makes surplus fire fighting equipment available to rural communities; and Third, the amount of funds involved is small when considering the number of communities that would be helped on a nationwide basis.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	---
Without rescission (current estimate)	3.5
With rescission (revised estimate)	---
(Effect of action on 1976 outlays	---)

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Rural Community Fire Protection Grants

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act of 1975 are rescinded in the amount of $3,500,000.

Rescission No. R75-15A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Proposed Rescission No. 75-15A transmitted in the message of November 25, 1974 and printed as House Document No. 93-398.

An additional $2,727,000 is now proposed for rescission. These funds were previously reported as deferrals for the entire year in Deferral No. D75-94.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1014(c) of P.L. 93-344

R75-15A

Agency Department of Commerce	New budget authority (P.L. 93-433)	$ 440,930,000
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources	$ 4,175,851
Appropriation Title & Symbol	Total Budgetary Resources	$ 445,105,851
Operations, Research and Facilities 13X1450	Amount proposed for rescission	$ 3,227,000 *

JUSTIFICATION: *

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. These funds were placed in reserve on December 16, 1974.

It is proposed that a total of $3,227,000 of the 1975 appropriation for Operations, research, and facilities be rescinded. Projects which would not be carried out are: data gathering by the Atlantic, Gulf, and Pacific Marine Fisheries Commissions leading to the development of a national fisheries plan; construction and operation of four salmon and steelhead rearing ponds in the Columbia River hatchery system; initiation of a marine ecosystems analysis project in Puget Sound; and procurement and deployment of four data buoys.

The Congress appropriated $500,000 in FY 1975 for use by Interstate Fisheries Commissions in gathering data leading to the development of a national fisheries policy. NOAA is currently in the advanced stages of developing a national fisheries plan. Since the plan is due to be completed in 1975, the input that would be provided by this research would not be available in time for inclusion in the plan.

Congress also appropriated $1,300,000 in FY 1975 for the construction, maintenance, and operation of four salmon and steelhead rearing ponds on the Columbia River. These ponds, when in operation, would eventually increase the supply of these fish available for harvest. However, 21 fish hatcheries are already operated on the Columbia River, at an annual cost of $5.1 million, and high priority is being given to actions which will provide for the conservation and better management of these fish stocks. For example, through the International North Pacific Fisheries Commission, NOAA is attempting to lower the foreign catch of anadromous species on the high seas. Additional fishery stock assessments and joint State-Federal fisheries management efforts are being directed to this end.

Also in 1975, $500,000 was appropriated to initiate a marine ecosystems analysis project in Puget Sound. This would eventually require a three to five year effort costing several million dollars. NOAA is presently conducting a similar project in the area of the New York Bight which is expected to result in the development of techniques and procedures which will enable future marine ecosystems analysis projects to be conducted more efficiently and effectively. Consequently, delay in initiation of the Puget Sound project is proposed until the new techniques and procedures are more fully developed.

*Revised from previous submission.

A total of $8.8 million was appropriated in FY 1975 for procurement, deployment and maintenance of data buoys. Rescission of $927,000 of this amount is proposed. A data buoy program adequate to present needs and conditions can be operated in FY 1975 at the reduced level.

The funds proposed for rescission are available without regard to fiscal year limitation.

ESTIMATED EFFECTS:*

The proposed rescission of $500,000 for Fisheries Commission data gathering should have no effect on the development of a national fisheries policy. NOAA has a direct program of fisheries research which contributes a broad range of scientific knowledge on fisheries problems. This, along with public comment and input from private research groups, should provide adequate information for development of the national plan.

Rescission of $1,300,000 for rearing pond construction is expected to have no immediate impact on Columbia River fishery conditions. The lead time involved in construction of the facilities and in rearing a nature crop of fish would have required a number of years before the harvestable supply could have been increased. Alternative methods are already being implemented which are expected to improve conditions.

Rescission of $500,000 for initiation of a marine ecosystems analysis project in Puget Sound will delay the start of the project. However, it is expected that this delay can be made up in future years so that there will be no long-term effect.

The number of data buoys deployed as part of NOAA's marine observations program will be reduced in 1975 from 13 to 9 by the rescission of $927,000. NOAA is presently reviewing its long-term requirements for data buoy observations, so it is not possible to determine the eventual effect of the rescission at the current time.

TOTAL 1975 OUTLAYS:*

	DOLLARS IN MILLIONS
1975 Budget (February transmittal)	$ .9
Without rescission (current estimate)	3.2
With rescission (revised estimate)	.0
(Effect of action on 1976 outlays	.0)

*Revised from previous submission.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Operations, Research, and Facilities

Appropriations provided under this head in the Department of Commerce Appropriation Act, 1975, are rescinded in the amount of $3,227,000: Provided, That no part of the remaining sums shall be subject to the second proviso of said appropriation.

Rescission No.: R75-52

R75-52

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. _____)	$ --
	Other budgetary resources	5,159,704
Bureau United States Travel Service	Total Budgetary Resources	5,159,704
Appropriation Title & Symbol Inter-American Cultural and Trade Center 13X1804	Amount proposed for rescission	4,999,704

Justification:

Funds were appropriated in 1966 for a Federal exhibit at the Inter-American Cultural and Trade Center (Interama) in Dade County, Florida. These Federal funds were appropriated for the purpose of thematic design and operation of a Federal exhibit at Interama. These funds are available without regard to fiscal year limitation. Dade County has had responsibility for financing and construction of the Interama facility since 1966. Since then Dade County has been unable to obtain financing for the Interama facility and it now appears financing for the facility will not be forthcoming. Accordingly, it is now proposed to end Federal planning for the project, and the funds appropriated will not be needed.

Deferral of funds for this program was planned for the entire year and reported to the Congress. This rescission report serves to cancel deferral number D75-93 transmitted on November 26, 1974 and printed as House Document No. 93-398.

Estimated Effects:

This rescission reflects the termination of the Interama project because of the inability of the local government to obtain required financing. Thus, the withholding action has no economic or budgetary effect.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	0.1
Without deferral (current estimate)	0.2
With deferral (revised estimate)	0.2
(Effect of action on 1976 outlays	0.0)

DEPARTMENT OF COMMERCE

United States Travel Service

Inter-American Cultural and Trade Center

Appropriations provided under this head in the Supplemental Appropriations Act, 1967, are rescinded in the amount of $4,999,704.

Rescission No.: R75-27A

Rescission Proposal No.: R75-27A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 1014(C) OF P.L. 93-344

This supplementary message modifies rescission number R75-27 transmitted in the Special Message of November 26, 1974, and printed as House Document 93-398. The amount proposed for rescission has been reduced by $7.8 million in order to permit the obligation of funds during the 45 days in which the Congress has to enact this proposal. This will ensure that no cost penalties will result if this rescission is not enacted.

Agency Department of Defense	New budget authority (P.L. 93-437)	$ 242,800,000
Bureau	Other budgetary resources	984,900,000
Appropriation Title & Symbol Aircraft Procurement, Army 1975/1977 212031	Total Budgetary Resources	1,227,700,000
	Amount proposed for rescission	5,700,000 *

Justification *

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. This rescission of multi-year funds results from the decision not to procure any UH-1H aircraft in 1975. These items are considered marginal in light of the present and projected aircraft inventory.

Estimated Effects *

This rescission will reduce 1975 budget authority by $5.7 million and result in outlay reductions of $.4 million in 1975 and $2.1 million in 1976.

Total 1975 Outlays	Dollars in millions
1975 Budget (February transmittal)	$119.0
Without rescission (current estimate)	77.1
With rescission (revised estimate)	76.7
(Effect of action on 1976 outlays	-2.1)

*Revised from previous submission.

DEPARTMENT OF DEFENSE - MILITARY

Procurement

Aircraft Procurement, Army

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $5,700,000.

Rescission No.: R75-28A

Rescission Proposal No.: R75-28A

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 1014(C) OF P.L. 93-344

This supplementary message modifies rescission number R75-28 transmitted in the Special Message of November 26, 1974, and printed as House Document 93-398. The amount proposed for rescission has been reduced by $95.5 million in order to permit the obligation of funds during the 45 days in which the Congress has to enact this proposal. This will ensure that no cost penalties will result if this rescission is not enacted.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. 93-437)	$ 3,062,800,000
Bureau	Other budgetary resources	718,600,000
Appropriation Title & Symbol Aircraft Procurement, Air Force 1975/1977 57500l0	Total Budgetary Resources	3,781,400,000
	Amount proposed for rescission	152,500,000 *

Justification *

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. This rescission of multi-year funds results from the decision not to procure 24 A-7D's and 12 F-111's in 1975. These items were not requested by the Air Force, nor included in the President's 1975 budget and are considered marginal in light of present and projected aircraft inventory.

Estimated Effects *

This rescission will reduce 1975 budget authority by $152.5 million and result in outlay reductions of $16.0 million in 1975 and $66.3 million in 1976.

Total 1975 Outlays	Dollars in millions
1975 Budget (February transmittal)	$2,888.0
Without rescission (current estimate)	2,669.0
With rescission (revised estimate)	2,653.0
(Effect of action on 1976 outlays	-66.3)

*Revised from previous submission.

DEPARTMENT OF DEFENSE - MILITARY

Procurement

Aircraft Procurement, Air Force

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $152,500,000.

Rescission Proposal No.: R75-53

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. ___ ___)	$
Bureau	Other budgetary resources	2,255,171
Appropriation Title & Symbol Special Foreign Currency Program 1973/1975 973/50800	Total Budgetary Resources	2,255,271
	Amount proposed for rescission	915,000

Justification

Funds in this multi-year appropriation are used exclusively for the purchase from the Department of the Treasury excess foreign currency for projects of insufficient priority for inclusion in other DOD appropriations. A shortage in the availability of U.S. owned Yugoslavian dinars has resulted in the cancellation of four projects. No new projects have been identified that could utilize these funds. These funds are proposed for rescission under the provisions of the Anti-Deficiency Act (31 U.S.C. 665).

Estimated Effects

This rescission will reduce unobligated balances by $915,000. No reduction in outlays will result from this action.

R75-53

DEPARTMENT OF DEFENSE - MILITARY

Special Foreign Currency Program

Appropriations provided under this head in the Department of Defense Appropriation Act, 1973, are rescinded in the amount of $915,000.

Rescission Proposal No.: R75-54

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Defense	New budget authority (P.L. _____)	$ _____
Bureau	Other budgetary resources	2,600,000
Appropriation Title & Symbol Special Foreign Currency Program 1974/1975 974/50800	Total Budgetary Resources	2,600,000
	Amount proposed for rescission	40,000

Justification

Funds in this multi-year appropriation are used exclusively for the purchase from the Department of the Treasury excess foreign currency for projects of insufficient priority for inclusion in other DOD appropriations. The costs of these projects is now estimated to be $40,000 less than the amount originally budgeted. No new projects have been identified that could utilize these funds. These funds are proposed for rescission under the provisions of the Anti-Deficiency Act (31 U.S.C. 665).

Estimated Effects

This rescission will reduce unobligated balances by $40,000. No reduction in outlays will result from this action.

DEPARTMENT OF DEFENSE - MILITARY

Special Foreign Currency Program

Appropriations provided under this head in the Department of Defense Appropriation Act, 1974, are rescinded in the amount of $40,000.

Rescission Proposal No.: R75-55

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 93-517)	$ 496,177,000
Bureau Health Services Administration	Other budgetary resources	85,878,000
Appropriation Title & Symbol Health Services 7550350 (See activities below)	Total Budgetary Resources	582,055,000
	Amount proposed for rescission	25,681,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increase	Net Amount Prop. for Rescission
Community Health Services:				
Maternal and Child Health Grants to States	$277,423,000	$23,000,000	---	$23,000,000
Research & Training	25,917,000	4,716,000	$4,168,000	548,000
Sudden Infant Death Syndrome	2,000,000	2,000,000	1,116,000	884,000
Subtotal, Community Health Services	$305,340,000	$29,716,000	$5,284,000	$24,432,000
Patient Care and Special Health Services	112,684,000	4,448,000	3,199,000	1,249,000
Emergency Medical Services	37,000,000	10,000,000	10,000,000	---
Total affected by the rescission	$455,024,000	$44,164,000	$18,483,000	$25,681,000
Total unaffected by the rescission	127,031,000			
Total Budgetary Resources	$582,055,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill, which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

R75-55

In 1976, the Federal Government will spend over $22 billion in health care financing through Medicare and Medicaid. These funds will provide financing to many of the individuals now receiving care through narrow categorical grant programs.

Maternal and Child Health

This reduction is proposed on the grounds that the major program priorities can be achieved without the $24.4 million proposed for rescission. FY 1975 will be the first year that formula and project grant funds will be combined and allocated as formula grants to States. Therefore, States will have the option of determining priorities, including activities related to Sudden Infant Death Syndrome. At the same time, total program expenditures can be maintained at the 1974 level.

Patient Care and Special Health Services

The current network of eight PHS hospitals will be maintained, as required by law. Funding is provided to meet the statutory patient workload. Between FY 1974 and FY 1975, approximately $24 million appropriated by the Congress to modernize these hospitals will have been spent. However, the patient load has declined in recent years to an estimated 65 percent of capacity in FY 1975 and further expansion of the hospitals as envisioned by the Congressional add-on (which is the amount proposed for rescission) is not warranted at this time.

Estimated Effects

Maternal and Child Health

Grants to States -- The proposed program level includes $10.5 million over the program level of 1974. The proposed level will continue to support formula grants to States for Maternal and Child Health and Crippled Children's health services and support for the continuation of approximately 117 service projects formerly supported by project grant funds. This change in the method of distributing funds among the States and other jurisdictions means that 38 States will receive less in 1975 than they did in 1974 while the other 16 jurisdictions will receive more. If the funds proposed for rescission were obligated, those States slated for increases would receive them, and all other States would be maintained at the FY 1974 level.

Research and Training -- The President's proposed level of $21,917,000 would provide training funds to support the twenty existing university-affiliated centers for the mentally retarded and continue training for 150 nurses and other physicians' assistants. Also, 68 research projects focused on improving health and medical services to mothers and children would be continued. The funds proposed for rescission would provide $750,000 for a new university-affiliated training center, $1,250,000 for strengthening existing university-affiliated centers and training physician assistants and nurse

practitioners, $2,000,000 for 25 research studies and $716,000 for evaluation activities.

Sudden Infant Death Syndrome -- The funds proposed for rescission would support ten positions, initiate a program for the preparation and dissemination of information materials, and support the development of SIDS information centers. States may use Maternal and Child Health formula grant funds to support these activities if they are considered of sufficient importance.

Patient Care -- This proposal would permit the PHS hospitals and clinics to maintain the 1974 level of operations. The reduction of $4,488,000 includes $3,500,000 that would enable the hospitals to recruit an additional staff of 393. The balance of the proposed rescission includes $594,000 for evaluation activities, and $354,000 for administrative travel.

Emergency Medical Services -- The proposed program level would support the funding of 130 grant and contract awards. The $10,000,000 proposed for rescission would allow for an additional 49 grant and contract awards.

Total 1975 Outlays a/	Dollars in millions
— 1975 Budget (February Transmittal).....	$ 340
+Maternal and Child Health.....	(215)
+Patient Care and Special Health Services...	(111)
+Emergency Medical Services.....	(14)
— Without Rescission (current estimate).....	359
+Maternal and Child Health.....	(231)
+Patient Care and Special Health Services...	(114)
+Emergency Medical Services.....	(14)
— With Rescission (revised estimate).....	348
+Maternal and Child Health.....	(222)
+Patient Care and Special Health Services...	(112)
+Emergency Medical Services.....	(14)
— Effect of action on 1976 outlays.....	- 6
+Maternal and Child Health.....	(- 6)
+Patient Care and Special Health Services...	(---)
+Emergency Medical Services.....	(---)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $25,681,000.

Rescission Proposal No.: R75-56

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 93-517)	$ 136,443,000 a/
Bureau Center for Disease Control	Other budgetary resources	3,728,000
Appropriation Title & Symbol Preventive Health Services 7550943	Total Budgetary Resources	140,171,000 a/
	Amount proposed for rescission	9,805,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increase	Net Amount Proposed for Rescission
Disease control:				
Program grants				
Venereal diseases...	$28,000,000	$4,345,000	$ 1,612,000	$2,733,000
Immunization.....	6,206,000	300,000	-	300,000
Lead-based paint....	9,000,000	2,500,000	-	2,500,000
Subtotal Project Grants	$43,206,000	7,145,000	1,612,000	5,533,000
Disease investigations, surveillance & control	40,049,000	299,000	299,000	-
Laboratory improvement.	9,558,000	750,000	530,000	220,000
Health education.....	3,232,000	42,000	21,000	21,000
Subtotal Disease Control	96,045,000	8,236,000	2,462,000	5,774,000
Occupational health:				
Grants.....	4,252,000	2,000,000	-	2,000,000
Direct operations....	27,734,000	2,580,000	549,000	2,031,000
Subtotal Occupational health.....	31,986,000	4,580,000	549,000	4,031,000
Total affected by rescission	$128,031,000	12,816,000	3,011,000	9,805,000
Total unaffected by rescission.....	12,140,000			
Total budgetary resources.....	140,171,000			

a/ Excludes $13,100,000 for rate control project grants authorized by continuing resolution, which is unaffected by the proposed rescission.

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the conference report on the Labor/HEW appropriations bill which indicated Congressional willingness "...to give consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Disease control: This proposal would permit funding for venereal disease and immunization project grants at a level sufficient to accomplish program objectives - among them, raising the level of immunity to diseases such as measles, polio, diptheria and tetanus in central city and rural areas (particularly among pre-school age children) and improving the quality of epidemiology used to reduce syphilis.

In keeping with the Department's view that the problem of lead-based paint poisoning is not effectively addressed by project grants to a few communities and that the Department's responsibilities in this area are better met (a) by encouraging early diagnosis and treatment under Medicaid and other health service delivery programs and (b) by strengthening the capability of State health laboratories to perform blood lead analysis, this proposal would hold funding for lead-based paint poisoning prevention project grants to the level of the 1975 budget request.

This proposal would maintain laboratory improvement activities at the level recommended in the 1975 budget request.

Occupational health: The proposed funding level for occupational health is $1.6 million higher than the level originally proposed in the 1975 budget and $1.9 million higher than the 1974 appropriation (exclusive of non-recurring costs). This proposal would provide for additional research necessary to develop criteria for occupational safety and health standards.

Estimated effects

Disease control: This proposal would hold the amounts for venereal disease, immunization, and lead-based paint poisoning prevention project grants to the 1974 level, but would not reduce the number of grant awards.

The proposed funding level would eliminate 40 positions and $700,000 added to the budget request for laboratory improvement. However, the purpose for which the Congress appropropriated the additional funds--to accelerate development of standards for diagnostic products in cooperation with the Food and Drug Administration--can be accomplished in spite of the proposed rescission.

Occupational health: This proposal would maintain funds for research grants at the level recommended in the 1975 budget. The proposal for direct operations will permit NIOSH to initiate sufficient research to be able to recommend to the Department of Labor criteria for standards on 20 rather than 14 as proposed in the original 1975 budget. If the amount proposed for rescission were obligated, NIOSH would be able to recommend criteria on 26 hazardous substances each year (beginning in FY 1977).

Total 1975 outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$111
Without rescission (current estimates)	112
With rescission (revised estimate)	111
(Effect of action on 1976 outlays	-9)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $9,805,000.

Rescission No.: R75-57

R75-57

RESCISSION OF BUDGET AUTHORITY

Report Pursuant To Sec. 1012 of P.L. 93-344

Agency DHEW	New budget authority (P.L. 93-517)	$691,666,000
Bureau NIH/NCI		
Appropriation Title & Symbol	Other budgetary resources	7,712,000
National Cancer Institute - 75X/50849 and 7550849	Total Budgetary Resources	$699,378,000 1/
	Amount Proposed for Rescission	$123,006,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of reduction to be used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$276,050,000	$56,237,000	---	$56,237,000
Fellowships & Training Grants	22,163,000	4,000,000	---	4,000,000
Research & Development Contracts	198,994,000	34,306,000	---	34,306,000
Direct Operations	106,361,000	9,667,000	$2,146,000	7,521,000
Construction	38,000,000	16,000,000	---	16,000,000
Cancer Control	50,098,000	5,000,000	58,000	4,942,000
Total affected by the rescission	$691,666,000	$125,210,000	$2,204,000	$123,006,000
Total unaffected by the rescission	7,712,000			
Total Budgetary Resources	$699,378,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/ DHEW Appropriation Bill which indicated Congressional willingness... "to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

1/ This figure will be further reduced by $55 thousand as a result of the transfer of public affairs activities to the Office of the Director, NIH.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately 5 percent is being made for continuation costs of ongoing projects.

Fellowships and Training Grants. Training funds proposed for rescission are unnecessary because the revised estimate provides postdoctoral fellowship support in areas of specific research manpower shortages which, for this Institute, includes radiologists, chemotherapists and immunologists. Financial assistance is available under the general student assistance loan program of the Office of Education.

Direct Operations. The proposed rescission will be directed primarily toward reducing overhead costs related to research grants and contracts management, and other program activities. The cutback should not seriously affect the overall management or research capability of the Institute.

Construction. Since the inception of the special Cancer initiative in FY 1972, $127,361,000 has been obligated to fund 58 cancer construction projects. This is the only Institute with a construction appropriation and the funds to date have provided the necessary stimulus to provide support to expand cancer research significantly. Even with the rescission, $29,010,000 will be available to support projects in FY 1975 of which $7,010,000 is available for obligation in 1975 from 1974 funds carried forward.

Cancer Control. The proposed rescission eliminates additional increases for cancer control. The funds that would remain available still provide an increase of over $10,000,000 between 1974 and 1975 (a growth rate exceeding 30%) that will permit the orderly expansion of the cancer control effort.

Estimated Effects:

Research Grants and Contracts. Funds planned for this program will permit the funding of about 580 new and competing grants and 36 new contracts. If the funds proposed for rescission were obligated, approximately 641 additional grants and 142 additional contracts would be made.

Fellowships and Training Grants. Planned funding for this program will permit the award of approximately 269 continuation awards and 671 new and competing awards. If the funds proposed for rescission were obligated, funding for existing training awards would be increased.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. Under the proposed rescission, $42,691,000 for management overhead and related administrative costs and $54,003,000 for laboratory and clinical research would be funded during 1975. The management and research activities would be reduced $6,640,000 and $3,027,000 respectively.

R75-57

Construction. Funds planned for this program will permit the award of 7 construction projects. If the funds proposed for rescission were obligated, approximately 4 additional construction awards would be made.

Cancer Control. This proposal would permit the funding of 180 cancer control awards. If the funds proposed for rescission were obligated, an additional 24 awards could be made.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	$559
Without Rescission (Current estimate)	584
With Rescission (Revised estimate)	557
(Effect of Action on 1976 Outlays	-70)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Cancer Institute

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $123,006,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Rescission No.: R75-58

Agency: Department of Health, Education, and Welfare
Bureau: National Institutes of Health
Appropriation Title and Symbol:

National Heart and Lung Institute
7550872

(See activities below)

New budgetary resources (P.L. 93-517)	$324,130,000
Other Budgetary Resources	3,227,000
Total Budgetary Resources	327,357,000a/
Amount proposed for rescission	37,730,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$184,581,000	$19,774,000	---	$19,774,000
Research Contracts	83,408,000	18,513,000	$557,000b/	17,956,000
Direct Operations	40,521,000	643,000	643,000	---
Total affected by the rescission	308,510,000	38,930,000	1,200,000	37,730,000
Total unaffected by the rescission	18,847,000			
Total Budgetary Resources	327,357,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-1489) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. In order to restrict outlays, a cutback is proposed in each research program. For new and competing research programs, funding is being restricted to the highest priority projects. For continuation costs of ongoing projects, a reduction of approximately five percent is being made.

a/ This figure will be further reduced by $37 thousand as a result of the transfer of public affairs activities to the Office of the Director, NIH.
b/ Includes pay increases to be used in the area of Direct Operations

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts.

Estimated Effects

Research Grants and Contracts. This proposal would permit the funding of about 311 new and competing grants and 60 new and competing contracts. Continuation awards would be reduced by about 5%, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 229 additional grants and 60 additional contracts would be made.

Direct Operations. Under this proposal, $17,245,000 for management overhead and related administrative costs and $23,833,000 for laboratory and clinical research would be funded during 1975. Reductions of approximately $303,000 and $340,000 would be made in the management and research activities respectively. Funding would not be available for 29 positions.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$315
Without rescission (current estimate)	320
With rescission (revised estimate)	305
(Effect of action on 1976 outlays	-22)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Heart and Lung Institute

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $37,730,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517)	$ 49,864,000
Bureau National Institutes of Health	Other Budgetary Resources	—
Appropriation Title and Symbol National Institute of Dental Research 7550873	Total Budgetary Resources	$ 49,864,000 a/
(See activities below)	Amount proposed for rescission	$ - 7,489,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants.....	$20,349,000	$6,908,000	$156,000 b/	$6,752,000
Research Contracts....	4,171,000	750,000	13,000 b/	737,000
Direct Operations.....	12,086,000	219,000	219,000	0
Total affected by the rescission.....	$36,606,000	$7,877,000	$388,000	$7,489,000
Total unaffected by the rescission.....	13,258,000			
Total Budgetary Resources.	49,864,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness ... "to give full consideration to such rescissions and deferrals" ... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. For new and competing research programs, funding is being limited to the highest priority projects. A reduction of approximately five percent is being made for continuation costs of ongoing projects.

a/ This figure will be further reduced by $9,000 as a result of the transfer of activities to the Office of Director, NIH.
b/ Includes pay increases to be used for direct operations.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback would not seriously affect the overall management of research capability of the Institute.

Estimated Effects

Research Grants and Contracts. This proposal would permit the funding of about 69 new and competing grants and 25 new and competing contracts. Continuation awards would be reduced by about 5%, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 130 additional grants and 10 additional contracts would be made.

Direct Operations. Under the proposed rescission, $4,306,000 for management overhead and related administrative costs, and $7,980,000 for intramural, laboratory and clinical research, would be funded during 1975. Management overhead and the research activities would be reduced by $191,000 and $28,000 respectively.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal).....	$31
Without rescission (current estimate).....	21
With rescission (revised estimate).....	19
(Effect of action on 1976 outlays.....	-5)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Dental Research

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $7,489,000.

Rescission No.: R75-60

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517)	$173,121,000
Bureau: National Institutes of Health	Other Budgetary Resources	81,000
Appropriation Title and Symbol: National Institute of Arthritis, Metabolism, and Digestive Diseases	Total Budgetary Resources	173,202,000
7550884 753/50884		
(See activities below)	Amount proposed for rescission	28,473,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$119,567,000	$18,054,000	---	$18,054,000
Research Contracts	9,275,000	1,512,000	$93,000 a/	1,419,000
Training Awards	14,448,000	9,000,000	---	9,000,000
Direct Operations	29,831,000	714,000	714,000	---
Total affected by rescission	173,121,000	29,280,000	807,000	28,473,000
Total unaffected by rescission	81,000			
Total budgetary resources	173,202,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of these appropriations, available only through fiscal year 1975, is proposed under Section 1012 of the Impoundment Control Act (P.L. 93-344).

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

a/ Includes pay increases for direct operations.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately five percent is being made for continuation costs of ongoing projects.

Fellowships and Training Grants. Additional training funds are unnecessary because in most research specialities, sufficient predoctoral students are being attracted to biomedical research without additional specific Federal inducements; financial assistance is available under the general student assistance loan programs of the Office of Education; and the Budget provides postdoctoral fellowship support in areas of specific research manpower shortages.

Director Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily towards reducing overhead costs. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants and Contracts. Funds planned for this program will permit the funding of about 339 new and competing grants and 119 new and competing contracts. Continuation awards would be reduced by about 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 280 additional grants and 24 additional contracts would be made.

Training Awards. Planning funding for this program will permit the award of approximately 243 continuation awards and 80 new and competing awards. If the funds proposed for rescission were obligated, approximately 159 additional awards would be made.

Direct Operations. Under the proposed rescission, $6,249,000 for management overhead and related administrative costs, and $23,998,000 for intramural, laboratory and clinical research would be funded during 1975. The management and research activities would be reduced $377,000 and $337,000 respectively.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	$189
Without rescission (current estimate)	196
With rescission (revised estimate)	173
(Effect of action on 1976 outlays	-5)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Arthritis, Metabolism, and Digestive Diseases

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $28,473,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budgetary resources (P. L. 93-517)	$142,498,000
Bureau: National Institutes of Health	Other Budgetary Resources	33,000
Appropriation Title and Symbol: National Institute of Neurological Diseases and Stroke 7550886 (See activities below)	Total Budgetary Resources	142,531,000 a/
	Amount proposed for rescission	30,283,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$ 91,748,000	$27,066,000	$ ---	$27,066,000
Research Contracts	10,060,000	1,431,000	---	1,431,000
Training Awards	14,156,000	1,513,000	---	1,513,000
Direct Operations	26,234,000	995,000	722,000	273,000
Total affected by rescission	142,198,000	31,005,000	722,000	30,283,000
Total unaffected by rescission	333,000			
Total budgetary resources	142,531,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is inconsistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"...as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344)is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. Continuation costs of ongoing projects will be reduced approximately five percent.

a/ This figure will be further reduced by $300 thousand as a result of the transfer of activities to Research Resources.

Fellowships and Training Grants. The funds proposed for rescission are unnecessary because in most research specialties, sufficient predoctoral students are being attracted to biomedical research without additional specific Federal inducements. Financial assistance is available under the general assistance loan programs of the Office of Education and the post-doctoral fellowship support in areas of specific research manpower shortages will be provided.

Direct Operations. In line with program reductions mentioned above, corresponding reductions would be made for related management support services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants and Contracts. This proposal would permit the funding of about 171 new and competing grants and 19 new and competing contracts. Continuation awards would be reduced by about 5%, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 437 additional grants and 11 additional contracts would be made.

Fellowships and Training Grants. Planned funding for this program will permit the award of approximately 190 continuation awards and 206 new and competing awards. If the funds proposed for rescission were obligated, approximately 108 additional new and competing awards would be made.

Direct Operations. Under the proposed rescission, $4,241,000 for management overhead and related administrative costs and $21,720,000 for laboratory and clinical research would be funded during 1975. Management and research activities would be reduced by $312,000 and $683,000 respectively.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	152
Without rescission (current estimate)	141
With rescission (revised estimate)	129
(Effect of action on 1976 outlays	-17)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Neurological Diseases and Stroke

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $30,283,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517)	$119,452,000
Bureau: National Institutes of Health	Other Budgetary Resources	47,000
Appropriation Title and Symbol: National Institute of Allergy and Infectious Diseases 7550885 (See activities below)	Total Budgetary Resources	$119,499,000
	Amount proposed for rescission	13,975,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$69,131,000	$12,417,000	---	$12,417,000
Research Contracts	13,088,000	1,402,000	---	1,402,000
Direct Operations	28,273,000	857,000	$701,000	156,000
Total affected by rescission	110,492,000	14,676,000	701,000	13,975,000
Total unaffected by rescission	9,007,000			
Total budgetary resources	119,499,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. Continuation costs of ongoing projects are being reduced by approximately five percent.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants/Contracts. This proposal would permit the funding of about 185 new and competing grants and 26 new and competing contracts. Continuation awards would be reduced by about 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 144 additional grants and 10 additional contracts would be made.

Direct Operations. Under the proposed rescission, $5,780,000 for management overhead and related administrative costs would be funded during 1975. Costs would be reduced by $857,000.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$102
Without rescission (current estimate)	95
With rescission (revised estimate)	93
(Effect of action on 1976 outlays	-8)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Allergy and Infectious Diseases

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $13,975,000.

Report Pursuant to Sec. 1012 of P.L. 93-344 Rescission No. R75-63

Agency Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517)	$ 187,400,000
Bureau National Institutes of Health	Other budgetary resources	2,524,000
	Total budgetary resources	189,924,000 a/
Appropriation Title & Symbol National Institute of General Medical Sciences 7550851 (See activities below)	Amount proposed for rescission	30,794,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$124,568,000	$22,503,000	---	$22,503,000
Training Awards	51,867,000	8,000,000	---	8,000,000
Direct Operations	6,972,000	462,000	$171,000	291,000
Total affected by Rescission	183,407,000	30,965,000	171,000	30,794,000
Total unaffected by Rescission	6,517,000			
Total budgetary resources	189,924,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness ..."to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants. A cutback is proposed in each research program to reduce outlays. Funding for new and competing research grants is being restricted to the highest priority projects. A reduction of approximately 5 percent is being made for continuation of ongoing projects.

a/ The figure will be further reduced by $30 thousand as a result of the transfer of funds to the Office of the Director.

Fellowships and Training Grants. Training funds proposed for rescission are unnecessary because provision is made for postdoctoral fellowship support in areas of specific research manpower shortages which for this Institute includes basic pathobiology, genetics, trauma and burn research, cellular and molecular biology, pharmacological sciences, systems and integrative biology, behavioral sciences related to medicine, clinical laboratory sciences, epidemiology and anesthesiology. Financial assistance is available under the general student loan program of the Office of Education.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants. Funds planned for this program will permit the funding of about 595 new and competing grants. Continuation awards would be reduced by about 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 22 additional grants would be made.

Training Awards. Planning funding for this program will permit the award of approximately 584 continuation awards and 260 new and competing awards. If the funds proposed for rescission were obligated, approximately 182 additional new and competing awards would be made.

Direct Operations. Under the proposed rescission, $6,651,000 for management overhead and related administrative costs would be funded during 1975. A reduction of $462,000 would be made.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal).....	205
Without rescission (current estimate).....	194
With rescission (revised estimate).....	172
(Effect of action on 1976 outlays.....	-4)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of General Medical Sciences

Appropriations under this head for fiscal year 1975 are rescinded in the amount of $30,794,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Rescission No. R75-64

Agency Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517)	$141,966,000
Bureau National Institutes of Health	Other Budgetary Resources	39,000
Appropriation Title & Symbol National Institute of Child Health and Human Development 7550844 and 753/50844 (See activities below)	Total Budgetary Resources	142,005,000 a/
	Amount proposed for rescission	23,978,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$86,247,000	$22,093,000		$22,093,000
Research Contracts	20,210,000	1,766,000		1,766,000
Direct Operations	23,866,000	863,000	$744,000	119,000
Total affected by Rescission	130,331,000	24,722,000	744,000	23,978,000
Total unaffected by Rescission	11,674,000			
Total budgetary resources	142,005,000 a/			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"...as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately 5 percent is being made for continuation costs of ongoing projects.

a/ This figure will be further reduced by $25,000 as the result of transferring public information functions to the Director, NIH.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and equipment. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants and Contracts. This proposal will permit the funding of approximately 204 new and competing grants and 40 new and competing contracts. Continuation awards would be reduced by approximately 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 342 additional new and competing grants and 13 additional contracts would be made.

Direct Operations. Under the proposed rescission, $8,170,000 for management overhead and related administrative costs and $15,552,000 for intramural, laboratory and clinical research would be funded during 1975. This would reduce the management and research activities by $651,000 and $212,000 respectively. Funding would not be available for about 23 positions.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$132
Without rescission (current estimate)	132
With rescission (revised estimate)	123
(Effect of action on 1976 outlays	-13)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Child Health and Human Development

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $23,978,000.

Rescission No.: R75-65

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517)	$44,133,000
Bureau: National Institutes of Health	Other budgetary resources	15,000
Appropriation Title and Symbol:	Total Budgetary Resources	44,148,000
National Eye Institute 75X 0887	Amount proposed for rescission	6,512,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants	$29,635,000	$5,919,000	---	$5,919,000
Research Contracts	2,322,000	198,000	---	198,000
Direct Operations	7,529,000	624,000	229,000	395,000
Total affected by rescission	39,486,000	6,741,000	229,000	6,512,000
Total unaffected by rescission	4,662,000			
Total budgetary resources	44,148,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness ... "to give full consideration to such rescissions and deferrals"... as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately 5 percent is being made for continuation costs of ongoing projects.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants, and contract management, services and supplies. The cutback should not seriously affect the overall management or capability of the Institute.

Estimated Effects

Research Grants and Contracts. Funds planned for this program will permit the funding of about 72 new and competing grants and 2 new and competing contracts. Continuation awards would be reduced by about 5 percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 79 additional grants and 2 additional contracts would be made.

Direct Operations. Under the proposed rescission, $2,495,000 for management overhead and related administrative costs and $4,722,000 for laboratory and clinical research would be funded during 1975. The management and research activities would be reduced by $291,000 and $333,000 respectively. Funding would not be available for 30 positions.

Total 1975 Outlays a/	Dollars in millions
1975 Budget (February transmittal)	$37
Without rescission (current estimate)	41
With rescission (revised estimate)	40
(Effect of action on 1976 outlays	-3)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Eye Institute

Appropriations under this head for fiscal year 1975 are rescinded in the amount of $6,512,000.

Rescission Proposal No.: R75-66

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 34,999,000
Bureau National Institute of Health, National Institutes of Health	Other budgetary resources	844,000
Appropriation Title & Symbol National Institute of Environmental Health Sciences 7550862	Total Budgetary Resources	35,793,000
	Amount proposed for rescission	6,922,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research grants.....	$17,602,000	$4,120,000	-	$4,120,000
Research contracts....	2,949,000	1,313,000	$ 11,000	1,302,000
Training awards.....	3,275,000	1,500,000	-	1,500,000
Direct operations.....	11,123,000	211,000	211,000	-
Total affected by the rescission.....	34,999,000	$7,144,000	$222,000	$6,922,000
Total unaffected by the rescission.....	844,000			
Total Budgetary Resources.....	$35,793,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

Research Grants and Contracts. A cutback is proposed in each research program to reduce outlays. Funding is being restricted to the highest priority projects for new and competing research programs. A reduction of approximately 5 percent is being made to continuation costs of ongoing projects.

R75-66

Fellowships and Training Grants. Training funds proposed for rescission are unnecessary because financial assistance is available under the general student assistance programs of the Office of Education. Also, this proposal provides postdoctoral fellowship support in areas of specific research manpower shortages. The, for this institute, includes Environmental Biology - (Mutagenesis). Environmental Epidemiology and Statistics, Environmental Pathology-Pathophysiology, and Environmental Toxicology.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback should not seriously affect the overall management or research capability of the Institute.

Estimated Effects

Research Grants and Contracts. Funds planned for this program would permit the funding of approximately 14 new and competing research grants (including Research Career Development Awards and Environmental Health Sciences Centers) and 4 new research contracts. Continuation awards would be reduced by approximately 5 percent. If the funds proposed for rescission were obligated, approximately 56 additional research grant awards and 12 additional research contract awards would be made.

Fellowships and Training Grants. Planned funding for this program will permit the award of 17 continuation training grants and 25 postdoctoral fellowships in areas of specific manpower shortages. If the funds proposed for rescission were obligated, training grant continuation reductions would be restored and an additional 7 new training grants would be awarded.

Direct Operations. Under the proposed rescission, $1,514,000 for management overhead and related administration costs and $9,609,000 for laboratory and clinical research would be funded during 1975. The management and research activities would be reduced by $79,000 and $132,000 respectively.

Total 1976 Outlays a/	Dollars in Millions
1975 Budget (February transmittal).....	$34
Without rescission (current estimate).....	35
With rescission (revised estimate).....	31
(Effect of action on 1976 outlays.....	-3)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Institute of Environmental Health Sciences

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $6,922,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Department of Health, Education, and Welfare

Bureau: National Institutes of Health

Appropriation Title and Symbol:

Research Resources

7550848

New budgetary resources (P.L. 93-517)	$127,200,000
Other Budgetary Resources	---
Total Budgetary Resources	127,200,000 [a/]
Amount proposed for rescission	$ 40,560,000

Justification Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Research Grants [d/]	$ 78,019,000	$ 3,679,000	---	$ 3,679,000
General Research Support Grants [d/]	43,000,000	43,000,000	6,219,000 [b/]	36,781,000
Training Awards	434,000	100,000	--- [b/]	100,000
Direct Operations	2,532,000	160,000	160,000 [b/]	---
Total affected by rescission	123,985,000	46,939,000	6,379,000	40,560,000
Total unaffected by rescission (Contracts)	3,215,000			
Total budgetary resources	127,200,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

a/ This figure will be further increased by $300 thousand as a result of a transfer from the National Institute of Neurological Diseases and Stroke for funding the Caribbean Primate Center.

b/ Funds in the amount of $6,255,000 will be transferred to other agencies within the Department of Health, Education, and Welfare. Research Resources increased pay costs for Direct Operations equals $74,000.

Research Grants. A cutback is proposed in each research program to reduce outlays. Funding for new and competing research programs is being restricted to the highest priority projects. A reduction of approximately 5 percent is being made for continuation costs of ongoing projects.

General Research Support Grants. This rescission is proposed for the following reasons:

- The original intent of the General Research Support Grant program--to build up institutional biomedical research capabilities--has been largely accomplished;
- The institutions which are best able to compete for regular NIH project support--usually the wealthiest institutions--are also the ones which receive the largest formula awards through this program.

Fellowships and Training Grants. Training funds proposed for rescission are unnecessary because the proposed funding level provides postdoctoral fellowship support in areas of specific research manpower shortages, which for this Division includes laboratory animal sciences.

Director Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related management support services. The proposed rescission will be directed primarily toward reducing overhead costs such as research grants and contracts management, services and supplies, and program evaluation contracts. The cutback should not seriously affect the overall management or research capability of the Division.

Estimated Effects

Research Grants. This proposal would permit the funding of about 23 new and competing grants. Continuation awards would be reduced by about 5 percent; though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 14 additional grants would be made.

General Research Support Grants. Under the rescission, no funding is planned for this program.

Training Awards. Funding for this program would provide for approximately 5 continuation awards and 15 new and competing awards. If the funds proposed for rescission were obligated, 1 new training award would be funded.

Direct Operations. Under the proposed rescission, $2,446,000 for management overhead and related administrative costs would be funded during 1975; and a reduction of approximately $160,000 would be made.

Total 1975 Outlays c/	Dollars in Millions
1975 Budget (February transmittal).....	137
Without rescission (current estimate).....	121
With rescission (revised estimate).....	105
(Effect of action on 1976 outlays.....	-25)

c/ Includes only activities proposed for reduction.

d/ Minority Biomedical Support (competitive research grants to minority group-oriented institutions) is shown in "Research Grants," although its legislative authority is derived from "General Research Support." This proposal would fund the program at approximately the same level as 1974.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

Research Resources

Appropriations under this head for fiscal year 1975 are rescinded in the amount of $40,560,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P. L. 93-344

Agency: Department of Health, Education, and Welfare	New budgetary resources (P. L. 93-517)	$5,589,000
Bureau: National Institutes of Health	Other Budgetary Resources	185,000
Appropriation Title and Symbol: Fogarty International Center for Advanced Study in the Health Sciences 7550819	Total Budgetary Resources	5,774,000 a/
	Amount proposed for rescission	1,020,000

Notification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Scholars	$2,185,000	$805,000	---	$805,000
Direct Operations	3,044,000	274,000	$59,000	215,000
Total affected by rescission	5,229,000	1,079,000	59,000	1,020,000
Total unaffected by rescission	545,000			
Total budgetary resources	5,774,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/HEW Appropriation Bill which indicated Congressional willingness..."to give full consideration to such rescissions and deferrals"...as might be required to keep 1975 spending within the total budget estimate for the bill (p.21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P. L. 93-344) is proposed.

The proposed rescission can be accomplished without seriously altering the momentum in biomedical research achieved by sustained and substantial growth in the National Institutes of Health in recent years.

a/ This figure will be further reduced by $45 thousand as a result of the transfer costs of Public Affairs activities to the Office of the Director, NIH.

Scholars A cutback in scholarship awards is proposed to reduce outlays.

Direct Operations. In line with the program reductions mentioned above, corresponding reductions would be made for related supporting management services. The proposed rescission will be directed toward reducing research management and program services. The cutback should not seriously affect the overall management capability of the Center.

Estimated Effects

Scholars. This proposal would permit the award of approximately 70 scholarships. If the funds proposed for rescission were obligated, approximately 40 additional awards would be made.

Direct Operations. The reduction of $274,000 would be applied to the Center's Advanced Study Program, especially in the Preventive Medicine Studies.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	$5
Without rescission (current estimate)	5
With rescission (revised estimate)	5
(Effect of action on 1976 outlays	-1)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

Fogarty International Center for Advanced Study in the Health Sciences

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $1,020,000.

Rescission Proposal No.: R75-69

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 28,450,000
Bureau National Institutes of Health	Other budgetary resources	$ 182,000
Appropriation Title & Symbol Appropriation Title & Symbol National Library of Medicine 7550807	Total Budgetary Resources	$ 28,632,000
	Amount proposed for rescission	$ 385,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Medical Library Assistance	6,682,000	605,000	220,000 a/	385,000
Direct Operations	4,618,000	223,000	223,000	---
Total affected by rescission	11,300,000	828,000	443,000	385,000
Total unaffected by rescission	17,332,000			
Total budgetary resources	28,632,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriation Bill which indicated congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Medical Library Assistance. The proposed rescission includes the elimination of lower priority new and competing grants and contracts to regional medical libraries and approximately a five percent reduction in the continuation costs of previously-funded projects.

Direct Operations. The proposed rescission will be directed primarily towards reducing management and administrative costs. With the remaining funds available, the Library will be able to continue to operate at its 1974 level.

Estimated Effects

a/ Includes pay increases to be used for Direct Operations.

R75-69

Medical Libraries Assistance Grants and Contracts. This proposal would permit the funding of about 34 new and competing grants and 12 new and competing contracts. Continuation awards would be reduced by five percent, though no projects would be terminated as a result. If the funds proposed for rescission were obligated, approximately 27 additional grants and five additional contracts would be made.

Direct Operations. This proposal would provide $4,438,000 for management overhead and $23,809,000 for Library program services during 1975. The approximately $180,000 and $205,000 would be reduced respectively. Management and library program activities would be reduced $180,000 and $205,000 respectively.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	7.6
Without rescission (current estimate)	7.8
With rescission (revised estimate)	7.4
Effect of action on 1976 outlays	---

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

NATIONAL INSTITUTES OF HEALTH

National Library of Medicine

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $385,000.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency - Department of Health, Education and Welfare	New budget authority (P.L. 93-517)	$ 781,358,000
	Other budgetary resources	58,949,000
Bureau - Alcohol, Drug Abuse, and Mental Health Administration	Total Budgetary Resources	840,307,000
Appropriation Title & Symbol - Alcohol, Drug Abuse and Mental Health 7551361	Amount proposed for rescission	103,894,000

Justification:

Program/Activity	Total Budgetary Resources	Total Reductions	Amount of Reduction to be used for Pay Increase b/	Net Amount Proposed for Rescission
Mental Health:				
Research	$94,243,000	$11,930,000	$ 322,000	$11,608,000
Training	97,737,000	30,839,000	1,574,000	29,265,000
Management and Information	19,025,000 a/	40,000	40,000	---
Subtotal	211,005,000	42,809,000	1,936,000	40,873,000
Drug Abuse:				
Research	34,000,000	2,477,000	65,000	2,412,000
Training	14,035,000	4,066,000	238,000	3,828,000
Project Grants and Contracts	122,000,000	1,123,000	---	1,123,000
Management and Information	14,880,000 a/	1,520,000	217,000	1,303,000
Subtotal	184,915,000	9,186,000	520,000	8,666,000
Alcohol:				
Research	10,998,000	1,984,000	12,000	1,972,000
Training	11,420,000	5,900,000	1,348,000	4,552,000
Project Grants and Contracts	80,940,000	40,407,000	---	40,407,000
Grants to States	52,000,000	6,400,000	---	6,400,000
Management and Information	10,435,000 a/	1,124,000	100,000	1,024,000
Subtotal	165,793,000	55,815,000	1,460,000	54,355,000
Total Affected by Rescission	561,713,000	107,810,000	3,916,000	103,894,000
Total Unaffected by Rescission	278,594,000			
Total Budgetary Resources	840,307,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Research: In order to restrict outlays, a cutback is proposed in each research program. For new and competing research programs, funding is being restricted to the highest priority projects. For continuation costs of ongoing projects, approximately a 5 percent reduction is being made.

Training Grants and Fellowships: For new and competing training programs, funding is being restricted to the highest priority projects. Additional training funds are proposed for rescission because:

-- in most research specialties, sufficient predoctoral students are being attracted to biomedical research without additional specific Federal inducements.
-- financial assistance is available under the general student assistance loan programs of the Office of Education.
-- the President's Budget provides postdoctoral fellowship support in areas of specific research manpower shortages.

Project Grants and Contracts

Drug Abuse: The proposed program level allows continued support of the 95,000 treatment slots supported in FY 1974. In addition, some new demonstration grants can be supported without the Congressional increase. Funds to support drug projects will continue to be provided through formula grants, for which the revised budget is $10 million above the FY 1974 appropriation.

Alcohol: The proposed program level provides for all non-competing continuations, competing continuation awards to Indian and poverty projects and new funds for awards such as the Uniform Act and incentive contracts. In addition, funds for alcohol projects are available through formula grants at the same level as in FY 1974.

Grants to States (Alcohol): The proposal provides the same amount for alcohol awards to States as the FY 1974 appropriation and recommends rescission of the Congressional increase as being an unwarranted increase given the restrictive fiscal situation.

Management and Information: The proposed program level will be directed primarily toward reducing overhead costs such as travel, information systems, and funds to fill additional positions.

Estimated Effects

General Mental Health:

Research - This proposal would still permit the funding of 84 competing and 800 non-competing priority awards. Continuation awards would be reduced by 5 percent, but no projects should terminate as a result. If the funds proposed for rescission were obligated, approximately 300 additional new and competing grants would be awarded.

R75-70

Training - This proposal would support the students in the ongoing training grant programs and would provide funds for 1,216 training grant and fellowship continuation awards and 300 new followship awards. If the funds proposed for rescission were obligated, 515 new training grant and fellowship awards would be made. The funds would also be used to permit institutions with ongoing training grants to make new individual awards as students complete their committed training periods.

Management and Information - Travel funds would be reduced by $40,000.

Drug Abuse:

Research - This proposal would permit the funding of 59 competing and 236 non-competing priority awards. Continuation awards will be reduced by 5 percent, but no projects should terminate as a result. If the funds proposed for rescission were obligated, approximately 23 additional new awards would be made.

Training - Planned funding for this program would permit the phase-out of the training grant program as individual students complete their commitments, and the award of approximately 59 continuation grants and contracts and fellowships. If the rescinded funds were obligated, approximately 41 new and competing awards would be made. The funds would also be used to permit institutions with ongoing training grants to make new individual awards as students complete their committed training periods.

Community Programs - Planned funding for this program permits the funding of 95,000 drug abuse treatment slots, 15 continuation awards in the drug abuse education area, and 31 new and continuation treatment demonstration projects. If the rescinded amounts were obligated an additional 2 new treatment demonstration projects could be awarded.

Management and Information - Planned rescissions would reduce funds available to support the Drug Abuse Financial Management Information System and for technical assistance in other Drug Abuse Information Systems.

Alcoholism:

Research - Funds planned for this program will permit the funding of 32 competing and 79 non-competing awards. If the rescinded funds were obligated, approximately 32 additional new and competing awards would be made.

Training - Planned funding for this program will permit the phase-out of the training grant programs as individual students complete their commitments, and the awarding of approximately 29 continuation awards and approximately 76 new awards. If the rescinded funds were obligated, 70 new training grant awards could be made. The funds would also be used to permit institutions with ongoing training grants to make new individual awards as students complete their committed training periods.

Project Grants and Contracts - Under the plan, 217 new and competing and 78 non-competing awards will be made for a variety of project grants and contracts including 96 to provide an additional year of funding to a select number of high priority projects. If the rescinded funds were obligated, approximately 534 new projects could be awarded as well as 188 competing renewals.

Grants to States - Under the plan, all States and territories will receive the same amount of funds as in FY 1974. If the rescinded funds were obligated, most States would receive additional funding.

Management and Information - Under the rescission, 20 positions would not be filled and the National Alcohol Education Center contract would be reduced.

Total 1975 Outlays c/	Dollars in Millions
1975 Budget (February Transmitted)	$587
Without Rescission (Current Estimate)	597
With Rescission (Revised Estimate)	581
(Effect of Action on 1976 Outlays	-57)

Footnotes:

a/ Adjusted from $19,240,000 for Mental Health, $14,864,000 for Drug Abuse, and $10,163,000 for Alcohol to reflect a redistribution among the three Institutes and Program Direction of the $3,500,000 increase for restored positions and the reduction of $234,000 in travel. In addition, $344,000 is proposed for reprogramming from General Mental Health Research to cover the cost of physician's bonus pay. With this exception, the total available for ADAMHA direct operations remains the same as the amount made available by Congress in the HEW-Labor Appropriations Bill.

b/ Includes pay raise for Saint Elizabeths Hospital ($2,326,000) and ADAMHA Program Direction ($373,000).

c/ Includes only activities proposed for reduction.

Department of Health, Education, and Welfare

Alcohol, Drug Abuse, and Mental Health

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $103,894,000.

Rescission Proposal No.: R75-71

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency	Department of Health, Education, & Welfare	New budgetary resources (P.L. 93-517 and 93-554)	$ 155,433,000
Bureau	Health Resources Administration	Other budgetary resources	5,055,336
Appropriation Title & Symbol	Health Resources 7550712 (See activities below)	Total Budgetary Resources	160,488,336
		Amount proposed for rescission	$ 25,477,000

Justification

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay incr.	Net Amount Proposed for Rescission
Health Manpower:				
Health Professions Student Loans	$ 36,000,000	$ 6,000,000	$ 2,823,000	$ 3,177,000
DC Medical/Dental Manpower Assistance	7,500,000	7,500,000	---	7,500,000
National Health Service Scholarships	22,500,000	10,000,000	---	10,000,000
Nursing Student Loans	22,800,000	4,800,000	---	4,800,000
Total affected by rescission	$ 88,800,000	$28,300,000	$ 2,823,000	$25,477,000
Total unaffected by rescission	71,688,336			
Total Budgetary resources	$160,488,336			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill which indicated Congressional willingness"...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P. L. 93-344) is proposed.

The rescission of all increases above the budget request is proposed to effect fiscal restraint. In addition, rescission of $10 million below the budget request is proposed for the National Health Service Scholarship program.

Estimated Effects
Health Professions Student Loans

This program is funded on a current year basis and is now supporting approximately 23,000 students. This level of support can be maintained despite the rescission. If the amount proposed for rescission were obligated, an additional 4,000 students would be assisted in academic year 1974-75.

DC Medical/Dental Manpower Assistance

This action would rescind institutional support funds appropriated specifically for the George Washington University Medical School, the Georgetown Medical School and the Georgetown Dental School. In the current 1974-75 academic year these schools have approximately $11.6 million in 1974 health manpower appropriations available for institutional support. These schools will be eligible to compete on the same terms with all other medical and dental schools for funding comparable to the 1974 amount from funds appropriated to the Department in 1975.

National Health Service Scholarships

The current program level would support 1,100 students. This level of support can be maintained despite the rescission. If the amount proposed for rescission were obligated, an additional 1,000 students would be assisted.

Nursing Student Loans

This program is funded on a current year basis with approximately 22,500 students currently supported. This level of support can be maintained despite the rescission. If the rescinded amount were obligated, an addtional 4,800 students would be assisted in academic year 1974-75.

Total 1975 outlays a/	Dollars in Millions
1975 Budget	$89
Without rescission (current estimate)	88
With rescission (revised estimate)	67
(Effect of action on 1976 outlays	-5)

a/ Includes only activities proposed for reduction

Department of Health, Education, and Welfare

Health Resources

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of 25,477,000, of which $7,500,000 shall be from funds provided under the District of Columbia Medical and Dental Manpower Act of 1970, as amended.

Rescission No. R75-29A

SUPPLEMENTARY REPORT

Report pursuant to Sec. 1014(c)
of P.L. 93-344

This supplementary message modifies Rescission No. R75-29 transmitted in the special message of November 26, 1974, and printed as House Document No. 93-398. That rescission was submitted in order to achieve the withholding of the unobligated balances of 1973 and 1974 appropriations for medical facilities construction (Hill-Burton program) allotted to States, but not approved or obligated for specific construction projects by the Department of Health, Education, and Welfare.

Rescission No. R75-29 identified as the amount proposed for rescission the sum of $372,465,933, representing the unobligated balance of 1973 and 1974 appropriations brought forward on July 1, 1974. Between July 1, 1974, and December 16, 1974 -- the effective date of this rescission proposal -- additional obligations and commitments under the Hill-Burton program were incurred in the amount of $87,746,601. This included: $46,270,810 in obligations for construction projects initiated during this period; $3,729,190 for the Federal share of the State Hill-Burton agencies' administrative expenses; and $37,746,601 in total commitments to construction projects that received Part I approvals before December 16, 1974. The remaining amount of the proposed rescission, therefore, is $284,719,332. No other changes have been made from the previous report.

Rescission Proposal No.: R75-29A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health Education and Welfare	New budget authority (P.L. _____)	$ ---
Bureau Health Resources Administration	Other budgetary resources	284,719,332*
Appropriation Title & Symbol Health Services Planning, and Development 753/50321 754/60321	Total Budgetary Resources	284,719,332*
	Amount proposed for rescission	284,719,332*

Justification*

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used For Pay Increase	Net Amount Proposed for Rescission
Medical Facilities Construction.....	$284,719,332	$284,717,332	---	$284,719,332

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. A rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

In order to avoid further stimulation of hospital construction at a time of a general national oversupply of hospital beds, a rescission of 1973 and 1974 appropriations for medical facilities construction is proposed. The suboptimal occupancy rates associated in large part with that oversupply are a factor contributing to the growing cost of medical care generally, and of hospital costs in particular. Based upon the spending history of the Hill-Burton program, $284 million in Federal matching grants could be expected to help fund construction projects totaling $1.1 billion. This sum translates to the potential addition of approximately 22,000 new hospital beds. Although many of these new beds would be replacing obsolete ones, a significant percentage would represent an increment to the current national oversupply of hospital beds.

Funds proposed for rescission would include those unobligated balances for which there have been no Part I approvals or obligations for specific construction projects by the Department. A Part I approval of an application (in a four part review process) represents a genuine funding commitment to a project

* Revised from previous submission.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

Health Resources

Unobligated balances of appropriations for grants under Part A of Title VI of the Public Health Service Act are rescinded in the amount of $284,719,332.

by the Federal government, although an actual obligation of funds has not taken place. Therefore, funds for projects which received such approvals prior to December 16, 1974 are not included in the amount proposed for rescission.

Estimated Effects*

Of the $384.5 million appropriated in 1973 and 1974 for medical facilities construction, $99.6 million has been committed to fund approximately 200 construction projects. If the rescinded amount were obligated an estimated 630 additional projects would be assisted.

Total 1975 outlays	Dollars in Millions
1975 Budget (February transmittal)	$ 226
Without rescission (current estimates)	178
With rescission (revised estimate)	167
(Effect of action on 1976 outlays	-32)

* Revised from previous submission.

Rescission Proposal No. R75-72

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517 and 93-554)	$4,465,893,000
Bureau Office of Education	Other budgetary resources	8,000,000
Appropriation Title & Symbol Elementary and Secondary Education - 7550279 7580279 754/80279	Total Budgetary Resources	4,473,893,000
	Amount proposed for rescission	35,856,250

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction To Be Used For Pay Increases	Net Amount Proposed For Rescission
-Strengthening State Departments of Education.....	$ 39,425,000	$ 9,856,250	---	$ 9,856,250
-Bilingual Education...	85,000,000	15,000,000	---	15,000,000
-Follow Through.....	53,000,000	6,000,000	---	6,000,000
-Educational Broadcasting Facilities....	12,000,000	5,000,000	---	5,000,000
Total Affected By Rescission.....	189,425,000	35,856,250	---	35,856,250
Total Budgetary Resources Not Affected By Rescission.....	4,284,468,000			
Total.....	$4,473,893,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 and 1976 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Strengthening State Departments of Education--The proposed rescission would encourage States to control overhead and administrative expenses as the Federal Government is in the process of doing. Only the amount of the fourth quarter allocation would be rescinded.

Bilingual Education--Funds are proposed for rescission on the grounds that the Congressional increase of $15,000,000 beyond the budget request of $70,000,000 is excessive. The 1975 budget request included an increase of nearly 20 percent over the 1974 level. The amount included by the Congress represents about a 45 percent increase over the 1974 level.

These funds are considered excessive because they build in a basis for an even larger Federal role in this program, even without any formal expansion of a defined Federal role.

Follow Through--Follow Through is an experimental compensatory education program designed to test and validate effective approaches to the education of disadvantaged children in early primary grades (kindergarten-3). The 1975 budget reflects plans initiated in 1974 to phase out this program upon successful completion of experimental objectives and in coordination with an extensive evaluation. The proposed rescission eliminates funding to support a new entry level class. Additional classes are not necessary for achievement of the experimental purposes of this program.

Educational Broadcasting Facilities--This program already provides more than 80 percent of the Nation with ETV coverage and more than 65 percent with full-service public radio coverage. At a $7 million level, an emphasis on the replacement or updating of equipment will be made while coverage goals are achieved. The reduced level is a step towards phasing out Office of Education support of broadcast facilities.

ESTIMATED EFFECTS

Strengthening State Departments of Education--The rescission of $9,856,250 would mean that States would have to absorb or find alternate sources of funds to pay part or all of the salaries of about 2,300 persons employed by State Educational Agencies and about 105 persons employed by local school districts for the fourth quarter of 1975.

Bilingual Education--The proposed funding level of $70,000,000 for this program would permit 311 continuing classroom projects serving about 217,000 students and providing inservice training for some 12,000 classroom personnel; support 100 graduate fellowships; provide preservice training funds for 714 students (at an average grant of $3,500); and support for an estimated 13 grants for materials development, assessment and dissemination. The funds proposed for rescission would allow an estimated 22 new classroom projects serving about 15,000 more students, support an additional 270 graduate fellowships, provide preservice training funds for an

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additional 855 students, and initiate bilingual-vocational education programs newly authorized by Part J of the Vocational Education Act.

Follow Through--The proposed funding level of $47,000,000 for this program will permit continuation in school year 1975-76 of the kindergarten, first, and second grade classes currently enrolled. The funds proposed for rescission would provide partial funding for a new entry class to be included in 1975.

Educational Broadcasting Facilities--The President's proposed funding level of $7,000,000 for this program will permit the award of 40-45 new grants. The funds proposed for rescission would allow an additional 15 new grants to be awarded.

Total 1975 outlays a/	Dollars in millions
1975 Budget (February transmittal)	$ 88 b/
Without rescission	$121
With rescission (revised estimate)	$114
(Effect of action on 1976 outlays	- $ 21)

a/ Includes only activities proposed for reduction.

b/ Excluded outlays for items proposed in 1975 under Consolidated education grants legislation.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
ELEMENTARY AND SECONDARY EDUCATION

Appropriations under this head for the fiscal year 1975 are rescinded in the following amounts:

$9,856,250 for title V and $15,000,000 for title VII of the Elementary and Secondary Education Act and part J of the Vocational Education Act of 1963; $6,000,000 for section 222 of the Economic Opportunity Act and $5,000,000 for the Communications Act of 1934.

Rescission Proposal No.: R75-73

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517 & 93-554)	$ 299,609,000
Bureau Office of Education	Other budgetary resources	--
Appropriation Title & Symbol Education for the Handicapped 7550282 7560282	Total Budgetary Resources	299,609,000
	Amount proposed for rescission	102,500,000

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amt. of Red. to be used for Pay Increases	Net Amt. Prop. for Rescission
-State grant program, FY 1975	$100,000,000	52,500,000	--	52,500,000
-State grant program, FY 1976	100,000,000	50,000,000	--	50,000,000
Total affected by proposed rescission	200,000,000	102,500,000	--	102,500,000
Total not affected by proposed rescission ..	99,609,000			
Total	299,609,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 and 1976 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill, which indicated Congressional willingness "... to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of 1975 and 1976 appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

State grant program, 1975--The proposed rescission of $52,500,000 maintains the 1974 level of $47,500,000. The proposed rescission assumes that the primary responsibility for providing basic educational services to handicapped children should remain a State and local responsibility. State and local governments now spend over $2 billion for such services. The proposed rescission assumes that the Federal role should be one of leadership and improving the capacity of the educational system through demonstration, research and training activities for which funds are included in the budget.

State grant program, FY 1976--Funds for fiscal year 1976 (school year 1975-76) were requested along with the 1975 budget in order to place the State grant program on an advance-funded basis. A rescission is requested now for FY 1976 funds to maintain the program at the 1975 proposed level with only a slight increase to cover the increased minimum State allotments provided for in the Education Amendments of 1974.

ESTIMATED EFFECTS

State grant program, FY 1975--The President's proposed level would provide educational services to a quarter of a million children in nearly 2,000 projects. The funds proposed for rescission could support an additional 2,200 projects serving 200,000 new students.

State grant program, FY 1976--The President's proposed level for 1976 will continue the program at the 1975 proposed level of funding. The funds proposed for rescission would continue support for the 2,200 projects serving 200,000 new students provided for in the increased appropriation for 1975.

Total 1975 Outlays a/	Dollars in millions
1975 Budget (February transmittal)	$ 38
Without rescission (current estimate)	$ 49
With rescission (revised estimate)	$ 38
(Effect of action on 1976 outlays	- $ 49)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION

EDUCATION FOR THE HANDICAPPED

Appropriations under this head for the fiscal years 1975 and 1976 are hereby rescinded in the following amounts:

$102,500,000 for part B of the Education of the Handicapped Act, of which $50,000,000 shall be from funds available July 1, 1976 through June 30, 1977.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 93-517 & 93-554)	$ 749,176,000
Bureau Office of Education	Other budgetary resources	7,843,348 a/
Appropriation Title & Symbol Occupational, Vocational, and Adult Education 7550273 755/60273 7530273	Total Budgetary Resources	757,019,348
	Amount proposed for rescission	$39,712,000

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be used for Pay Increases	Net Amount Proposed for Rescission
- Basic Vocational Education Grants	$420,978,000	$15,631,000	$---	$15,631,000
- Consumer and Homemaking Education	35,994,000	5,000,000	---	5,000,000
- Work-Study	9,849,000	2,000,000	---	2,000,000
- Vocational Education, EPDA, Part F	9,000,000	9,000,000	---	9,000,000
- Higher Education, EPDA, Part E	2,100,000	2,100,000	---	2,100,000
- Adult Education	67,500,000	4,181,000	---	4,181,000
- Ethnic Heritage Studies	1,800,000	1,800,000	---	1,800,000
Total affected by rescission	547,221,000	39,712,000	---	39,712,000
Total budgetary resources not affected by rescission	209,798,348			
Total	$757,019,348			

a/Includes $7,161,455 of permanent appropriation authorized by Smith-Hughes Act.

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 and 1976 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of 1975 appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Basic Vocational Education Grants--The Congressional increase of $15,631,000 beyond the 1974 level is proposed for rescission on the grounds that vocational education already receives high priority among the States and many States are likely to meet any need for increased funding. In fact, all States currently overmatch the 50-50 matching requirement in the basic grants program. On the average, States overmatch by as much as 5 to 1, and some States overmatch by as much as 10 to 1.

Consumer and Homemaking Education, Work-Study--The proposed rescissions of the Congressional increases of $5,000,000 for consumer and homemaking education and $2,000,000 for work-study would reduce available funding to the President's original budget request. Further expansion is not recommended at this time because legislation to consolidate vocational education activities is being developed.

Vocational Education, EPDA, Part F--The proposed rescission of $9,000,000 would terminate this categorical training program in 1975. This activity provides support to assist State and local education agencies and institutions of higher education in their efforts to recruit and train individuals in the areas of career and vocational education. Financial assistance for those who wish to pursue a career in vocational education will be available in the form of general student support under the Higher Education budget. In addition, vocational education basic grants may be used for this purpose.

Higher Education, EPDA, Part E--The proposed rescission of $2,100,000 would terminate this program in 1975. This program authorizes training for present or prospective college teachers, administrators and educational specialists at less than the doctoral level. No funds are needed for this program because of the general surplus of persons available to teach at the postsecondary level and because funding of general student support under the Higher Education budget will enable students to finance their own education.

Adult Education--The $4,181,000 appropriated above the President's budget request is designed to carry out the "hold harmless" provisions in the substantive legislation. The rescission is proposed on the grounds that a slight decrease in funds from 1974 for some States is appropriate in the light of the need for fiscal restraint. Appropriation language is included to eliminate the "hold harmless" requirement for FY 1975 only.

Ethnic Heritage Studies--The proposed rescission of $1,800,000 would terminate this program. The principal reason for not requesting support is that there is additional authority for ethnic heritage studies programs without the funding of this particular categorical authority. For example, curriculum materials can be developed and disseminated by the National Institute of Education and the Office of Education within their present authorities. Assistance is provided in the 1975 budget for bilingual-bicultural programs benefitting several ethnic groups. Assistance is also provided for developing institutions of higher education enrolling large numbers of minority students. These institutions are able to provide special programs in ethnic studies.

ESTIMATED EFFECTS

Basic Vocational Education Grants--The proposed funding level for this program will permit us to provide the same level of support to the States as in 1974. The impact of the rescission will either be to support approximately 9.5 million students (about 1.2 million less than if the rescinded funds were obligated) or to make a prorata reduction in per pupil expenditure for all students.

Consumer and Homemaking Education--The impact of the President's proposed funding level of $30,994,000 for this program will either be to support approximately 3.6 million students (about 400,000 less than if the rescinded funds were obligated) or to make a prorata reduction in per pupil expenditure for all students.

Work-Study--The impact of the proposed funding level of $7,849,000 for this program will either be to support approximately 30,000 students (about 3,000 less than if the rescinded funds were obligated) or to make a prorata reduction in per pupil expenditure for all participants.

Vocational Education, EPDA, Part F--The President's budget proposed the termination of this categorical training program in 1975 and reliance on general student aid for training purposes. Of the funds proposed for rescission, $5.0 million would be used for 56 State-wide systems and $4.0 million would support 10 institutes serving 200 individuals.

Higher Education, EPDA, Part E--The President's budget proposed termination of this training program in 1975 and reliance on general student aid for training purposes. The funds proposed for rescission would allow continuation of 80 fellowships ($530,000) and 28 institutes for 840 individuals ($1,570,000).

Adult Education--The proposed funding level of $63,319,000 for this program would provide the same level of support to the States as in 1974 when nearly 820,000 persons were served. The amount proposed for rescission would support an additional estimated 340,000 persons and would permit funding of a "hold harmless" provision in the authorizing legislation specifying that no State shall receive less than 90 percent of the grant amounts received in FY 1973.

Ethnic Heritage Studies--The funds proposed for rescission would provide for 32 new grants.

Total 1975 Outlays b/	Dollars in Millions
1975 Budget (February transmittal)	513
Without rescission (current estimate).....	530
With rescission (revised estimate)	517
(Effect of action on 1976 outlays	-9)

b/Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

Appropriations under this head for the fiscal year 1975 are hereby rescinded in the following amounts:

$15,631,000 for part B, $5,000,000 for part F and $2,000,000 for part H of the Vocational Education Act of 1963, as amended; $2,100,000 for part E and $9,000,000 for part F of the Education Professions Development Act; $1,800,000 for section 907 of the Elementary and Secondary Education Act and $4,181,000 for the Adult Education Act without regard to section 313(a) of the Adult Education Act, as amended.

Rescission Proposal No.: R75-75

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$2,131,271,000
Bureau Office of Education	Other budgetary resources	435,570,213
Appropriation Title & Symbol Higher Education 7550293	Total Budgetary Resources	2,566,841,213
	Amount proposed for rescission	$58,300,000

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be used for Pay Increases	Net Amount Proposed for Rescission
- Language Training and Area Studies	$ 14,000,000	$ 4,000,000	---	$ 4,000,000
- University Community Services (HEA I)	14,250,000	13,350,000	---	13,350,000
- Aid to Land-Grant Colleges, Annual Appro. (Bankhead-Jones)	9,500,000	9,500,000	---	9,500,000
- Postsecondary Education Commissions (HEA 1202 & 1203)	3,000,000	2,200,000	---	2,200,000
- Veterans Cost of Instruction (HEA Sec. 420)	23,750,000	23,750,000	---	23,750,000
- Public Service Pellowships Program (HEA IX-A & C)	4,000,000	4,000,000	---	4,000,000
- Mining Fellowships (HEA IX-D)	1,500,000	1,500,000	---	1,500,000
Total affected by proposed rescissions	$70,000,000	$58,300,000	---	$58,300,000
Total not affected by proposed rescission	2,496,841,213			
Total	2,566,841,213			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 and 1976 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Language Training and Area Studies--The proposed rescission of $4,000,000 would reduce support of this program to the level requested by the President. Over the past 17 years this program has helped establish more than 100 foreign language and area studies centers in American higher education and has helped develop a pool of more than 5,000 highly trained specialists on the non-Western world. Today more than 90% of the funding for this program comes from universities and external sources. The proposed rescission is based on a diminished need for Federal support.

University Community Services (HEA I)--The proposed rescission would terminate a program which fails to direct aid to areas of greatest need. The campus and community cooperation facilitated by the program is regarded as primarily a State and local concern.

Aid to Land-Grant Colleges, Annual Appropriation--The proposed rescission would terminate a program which dates back to 1935 and represents a very small percentage of the operating costs of recipient schools, including some of the strongest and most prestigious institutions of learning in the country.

Postsecondary Education Commissions--The proposed rescission would eliminate grants for State planning of postsecondary education and for fourth quarter support of the State agency costs of administering programs of Federal grants for undergraduate construction (HEA VII-A) and undergraduate equipment (HEA VI-A). Planning of State postsecondary education is regarded as a State responsibility.

Veterans Cost of Instruction Program--The proposed rescission would terminate a program which helped some schools establish and operate special programs for returning Vietnam veterans. The high point of need for the funds has already passed, and the 1975 appropriation would not be expended by recipient institutions before fiscal year 1976.

Public Service & Mining Fellowship Programs--The proposed rescission assumes that Federal funds should be concentrated on general aid to students, that career selection is better left to the individual, and that institutions can and have established programs in response to student needs without the stimulus of a Federal program.

ESTIMATED EFFECTS

Language Training and Area Studies - Centers, Fellowships, and Research (NDEA VI)-- The proposed rescission would not reduce the 50 centers currently funded, the number funded during the two previous years. It is estimated that 14 undergraduate centers would be added at the appropriated level. The number of research and exemplary projects would be reduced from the appropriated level of 86 to the budgeted level of 47. The number of fellowships would be reduced to 604 versus about 690 at the appropriated level. The rescission would reduce the Fulbright-Hays program from the appropriated level of $2,700,000 to the 1974 level of $1,360,000.

University Community Services (HEA I)--The rescission would terminate the program, including fourth quarter State agency administrative expenses. The appropriation would fund an estimated 626 State grant projects and 11 experimental and demonstration projects.

Aid to Land-Grant Colleges, Annual Appropriation--The proposed rescission would eliminate grants to 72 land-grant institutions in 54 jurisdictions ranging from $200,000 to $383,900 per institution.

State Postsecondary Education Commissions--The proposed rescission would eliminate $2 million in grants to States for comprehensive planning of postsecondary education (HEA Sec. 1203) as well as fourth quarter support of State agencies administering Federal undergraduate construction and equipment programs.

Veterans Cost of Instruction Program--The proposed rescission would terminate the program. The funds proposed for rescission would provide grants of about $17,500 to approximately 1,350 institutions.

Public Service Fellowships--Under the proposed rescission, this new categorical program would not be initiated. The funds (under HEA IX-A and C) proposed for rescission would provide an estimated 23 grants to to graduate institutions and 261 fellowships to facilitate training for public service.

Mining Fellowships--Under the proposed rescission, this new categorical program would not be initiated. The funds proposed for rescission would provide 258 fellowships for persons interested in domestic mining and mineral conservation.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	50
Without rescission (current estimate)	57
With rescission (revised estimate)	35
(Effect of action on 1976 outlays	-26)

a/Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
HIGHER EDUCATION

Appropriations under this head for the fiscal year 1975 are hereby rescinded in the amount of $58,300,000, of which $23,750,000 shall be from funds for carrying out section 420 of the Higher Education Act.

Rescission Proposal No.: R75-76

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L.93-517 & 93-554)	$167,474,000
Bureau Office of Education	Other budgetary resources	5,224,000
Appropriation Title & Symbol	Total Budgetary Resources	172,698,000
Library Resources 7550212	Amount proposed for rescission	$49,433,000

JUSTIFICATION

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be used for Pay Increases	Net Amount Proposed for Rescission
- Public libraries	$ 51,749,000	$26,750,000	$2,792,000	$23,958,000
- School library resources	95,250,000	5,000,000	---	5,000,000
- College library resources	9,975,000	9,975,000	---	9,975,000
- Undergraduate instructional equipment	7,500,000	7,500,000	---	7,500,000
- Training and demonstrations	3,000,000	3,000,000	---	3,000,000
Total affected by proposed rescissions	$167,474,000	$52,225,000	$2,792,000	$49,433,000
Total not affected by proposed rescission	5,224,000			
Total	172,698,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Public libraries--The proposed reduction of $26,749,000 of which $2,792,000 would be transferred to other accounts for pay raise purposes would continue efforts to change the Federal role in this area. New legislation, the Library Partnership Act, has been proposed which would replace the present formula grant program with a project grant program which would target Federal resources more effectively on the integration of library and information services, the demonstration of new methods for delivery of library services, and the focusing of these services on higher priority target populations, such as the disadvantaged. The proposed rescission would avoid expanding the present program while this new legislation is being considered.

School library resources--The proposed rescission of $5 million would eliminate a marginal increase of this amount over the 1974 operating level of $90,250,000.

College library resources and undergraduate instructional equipment--Rescissions of $9,975,000 and $7,500,000, respectively, are proposed. The college library resources rescission is proposed on the grounds that this program is a marginal and inefficient source of support for higher education institutions. Small amounts are allocated annually to practically every institution of higher education, including some of the wealthiest in the country. In addition, both the library resources and instructional equipment programs are considered less effective forms of Federal support than student assistance programs which expand the opportunities of individuals to select the education of their choice.

Training and demonstrations--The proposed rescission of $3 million would eliminate Federal support of these activities. The proposed rescission of training funds is consistent with efforts to move away from specialized manpower training programs in favor of general student assistance programs which allow individuals to receive training in the area of their choice, including library training. The proposed elimination of support for library demonstrations is made on the grounds that such projects could supported under proposed Library Partnership Act.

ESTIMATED EFFECTS

Public libraries--The proposed rescission of $23,958,000 will require State and local governments to absorb a greater portion of the costs of basic public library services. To the degree that State and local

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projects are dependent on Federal support and are unable to maintain current levels, there will be some reduction in hours of service, numbers of personnel and acquisition of books and materials.

School library resources--The President's proposed level would provide textbooks and instructional materials to approximately 48 million elementary and secondary school children. The funds proposed for rescission would provide additional textbooks and materials, but would not necessarily serve a larger number of children.

College library resources--The proposal in the President's budget was to terminate this program because it provides marginal support to colleges and universities irrespective of need. The $9,975,000 proposed for rescission would provide basic grants averaging about $4,300 to approximately 2,300 institutions of higher education.

Undergraduate instructional equipment--The proposed rescission would terminate this program. The $7,500,000 proposed for rescission would provide grants to 1,100 institutions of higher education.

Training and demonstrations--The proposed rescission would terminate this program. The $3,000,000 proposed for rescission would have provided 120 fellowships, the training or retraining of about 540 persons in educational institutions, and about 14 research awards.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	136
Without rescission (current estimate)	181
With rescission (revised estimate)	169
(Effect of action on 1976 outlays	-16)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
LIBRARY RESOURCES

Appropriations under this head for the fiscal year 1975 for "Library Resources" are hereby rescinded in the following amounts:

$21,364,000 for title I and $2,594,000 for title III of the Library Services and Construction Act; $5,000,000 for title II of the Elementary and Secondary Education Act; and $12,975,000 for title II and $7,500,000 for title VI of the Higher Education Act.

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517)	$ 12,111,731,000
Bureau Social and Rehabilitation Service	Unobligated balance from prior years	---
Appropriation Title & Symbol Public Assistance - 754/50581	Total Budgetary Resources	12,111,731,000
	Amount proposed for rescission	12,900,000

Justification:

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduction to be used for Pay Increases	Net Amount Proposed For Rescission
Child Welfare Services	$50,000,000	$4,000,000	---	$4,000,000
Training Projects	8,900,000	8,900,000	---	8,900,000
Total Affected by Rescission	58,900,000	12,900,000	---	12,900,000
Total Unaffected by Rescission	12,052,831,000			
Total Budgetary Resources	12,111,731,000			

This withdrawal of funds is one of several special actions to restrain 1975 budget outlays and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness to "...give full consideration to such rescissions and deferrals...." as might be required to keep 1975 spending within the total budget estimate for the bill (p.21, House Report No. 93-1489). Accordingly, a rescission of appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed. The funds proposed for rescission are not available beyond fiscal year 1975.

Child Welfare Services

Funds are proposed for rescission on the grounds that their use would not result in a proportional increase in services. More likely, the effect would be to reduce the share of State funding, since Child Welfare Services are currently financed primarily with State funds; the Federal share representing only about 3% of the total.

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Training Projects

Funds proposed for rescission reflect the phase-out of specialized categorical training projects. The majority of this money is now being used to support long-term training for students to receive graduate degrees in social work. This same activity is also funded under the Public Assistance State and Local Training program at a seventy-five percent matching rate. This latter program is initiated and carried out at the direction of the State and Local Welfare Agencies. As a result, it is more directly related to their needs for trained social workers.

ESTIMATED EFFECTS:

Child Welfare Services

If the $4.0 million proposed for rescission were obligated, it would be distributed on a formula basis to all jurisdictions. The use to which these funds would be put cannot be determined. The funds might be used simply to replace State funds.

Training Projects

This rescission would eliminate the categorical training projects authorized by Section 707 and 426 of the Social Security Act. The full amount proposed for rescission would support about 800 students.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February Transmittal)	46
Without rescission (current estimate)	53
With rescission (revised estimate)	46
(Effect of Action on 1976 Outlays)	(-6)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

Public Assistance

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $12,900,000, of which $4,000,000 shall be from funds for Title IV, Part B of the Social Security Act.

Rescission Proposal No.: R75-78

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budgetary resources (P.L. 93-517)	$ 771,820,000
Bureau Social & Rehabilitation Service	Unobligated balance from prior years	a/
Appropriation Title & Symbol	Total budgetary resources	771,820,000
Rehabilitation Services - 7550508	Amount proposed for rescission	29,848,000

JUSTIFICATION:

Program/Activity	Total Budgetary Resources	Total Reduction	Amount of Reduc. to be used for Pay Increase	Net Amount Proposed for Rescission
Rehabilitation services and facilities:				
Innovation and expansion grants	23,000,000	23,000,000	----	23,000,000
Deaf-blind center	2,000,000	220,000	----	220,000
Training	22,200,000	6,628,000	----	6,628,000
Total affected by rescission	47,200,000	29,848,000	----	29,848,000
Total unaffected by rescission	724,620,000			
Total budgetary resources	771,820,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/HEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescissions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p.21, House Report No. 93-1489). Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

Innovation and Expansion Grants--No funds were requested in the President's original budget for this activity since the Basic State Grant program has received increased funding to absorb the activities formerly carried out under the expansion grant program.

Deaf-Blind Center--The $1,780,000 funding level proposed for the Deaf-Blind Center is the amount requested by the Center, and represents the operating needs of the Center in fiscal year 1975.

Training--The Administration is unable to justify the funding of categorical training programs when general student assistance is available through Office of Education programs.

a/ Excludes programs for the developmentally disabled which are covered under the Continuing Resolution.

ESTIMATED EFFECTS:

Innovation and Expansion Grants--The funding level proposed would increase the number of people served under the Basic State Grant program by about 36,000 over the 1974 level. If the funds proposed for rescission were obligated, it is estimated that an additional 20,000 persons could be served under the expansion grant program.

Deaf-Blind Center--As noted above, the proposed funding level would provide the full range of services planned by the Center. If the funds proposed for rescission were obligated, these programs could be extended to the western half of the Nation.

Training--The proposed funding level provides an $8 million increase over the 1974 program level. The total amount appropriated provides an additional $2-3 million above this level. If the funds proposed for rescission were obligated, an additional 155 long-term trainees would be supported, and $4.5 million would be used to fund 1976 projects.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February Transmittal)	$17
Without rescission (current estimate)	36
With rescission (revised estimate)	21
(Effect of Action on 1976 Outlays	-14)

a/ Includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

Rehabilitation Services

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $29,848,000, of which $23,000,000 shall be from funds for sections 120 and 130 of the Rehabilitation Act of 1973.

Rescission Proposal No. R75-79

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budgetary resources (P.L. 93-517 and 93-554)	$ 312,950,000
Bureau Office of Human Development	Unobligated balance from prior years	---
Appropriation Title & Symbol Human Development - 7550136 (Programs for the Aging)	Total Budgetary Resources	312,950,000 a/
	Amount proposed for rescission	41,582,000

JUSTIFICATION:

Program/Activity	Total Budgetary Resources	Reduction	Amount of Resc. To Be Used For Pay Increases	Net Amount Proposed for Rescision
Programs for the Aging:				
a) State and Community Services.....	$105,000,000	$ 9,000,000	---	$ 9,000,000
b) Nutrition.....	125,000,000	25,400,000	---	25,400,000
c) Training.....	8,000,000	8,000,000	818,000	7,182,000
Total Affected by Rescisions.....	238,000,000	42,400,000	818,000	41,582,000
Total Unaffected by Rescisions.....	74,950,000			
Total Budgetary Resources.....	312,950,000			

This withdrawal of funds is one of several special actions proposed by the President to restrain 1975 budget outlays, and is consistent with the Conference Report on the Labor/DHEW Appropriations Bill which indicated Congressional willingness "...to give full consideration to such rescisions and deferrals..." as might be required to keep 1975 spending within the total budget estimate for the bill (p. 21, House Report No. 93-1489). Accordingly a rescission of appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

State and Community Services--The proposed funding level would be the same as that of the two previous years. The principal program target of increasing the number of area agencies in planning and service areas, and strengthening State agency staff and make grants for Model Projects has been achieved.

Nutrition--The proposed level would enable the Department to provide about the same number of meals served as were served in 1974. Increases in costs of food will be partially offset by management improvement, savings from nonrecurring capital and administrative expenses incurred in 1974, and obtaining funds from other public and private sources.

a/ excludes the Head Start program and the Native Americans program which are covered under the Continuing Resolution.

Training--The Administration cannot justify the funding of categorical training programs when general student assistance is available through Office of Education programs.

ESTIMATED EFFECTS:

State and Community Services--The proposed funding level would provide support for 412 area agencies on aging. If the rescinded funds proposed for rescission were obligated, it is estimated that as many as 25-50 additional area agencies could be established.

Nutrition--The level of services provided in this proposal--200,000 daily meals, five days per week--is the same level provided in 1974. If the funds proposed for rescission were obligated, it is estimated that an additional 40,000 to 50,000 meals could be served.

Training--The rescission would have no effect on academic year 1974-1975 since the program is forward-funded from the 1974 appropriation. If the funds proposed for rescission were obligated, the $8 million Congressional increase would be used to continue this categorical training support in fiscal year 1976.

Total 1975 Outlays a/	Dollars in millions
1975 Budget (February Transmittal).....	$49
Without Rescission (current estimate).....	59
With Rescission (revised estimate).....	50
(Effect of Action on 1976 Outlays.....	-23)

a/ includes only activities proposed for reduction.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Assistant Secretary for Human Development

Human Development

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $41,582,000.

Rescission Proposal No.: R75-80

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 93-517)	$ 12,000,000
Bureau Manpower Administration	Other budgetary resources	
Appropriation Title & Symbol Community Service Employment for Older Americans 1650175	Total Budgetary Resources	12,000,000
	Amount proposed for rescission	$ 12,000,000

Justification

This proposed rescission is in recognition of the existence of identical authority under the Comprehensive Employment and Training Act (CETA) and adequate funding in the Comprehensive Manpower Assistance (CMA) account. The Congress and the Administration worked for several years to develop a comprehensive statute providing a full range of manpower activities. CETA is the result of that cooperative effort. The Community Service Employment program, Title IX of the Older Americans Comprehensive Services Amendments of 1973, unnecessarily duplicates CETA authority.

Estimated Effects

The Labor Department estimates that the funds proposed for rescission would have financed 2,970 part-time job opportunities and would have provided supplementary financing to comparable older worker activities funded by prior year appropriations for this account and in CMA. It is expected that States and localities will finance activities for older workers well in excess of this amount.

Total 1975 Outlays	Dollars in millions
1975 Budget (February transmittal)	10
Without rescission (current estimate)	14
With rescission (revised estimate)	10
(Effect of action on 1976 outlays	-8)

R75-80

DEPARTMENT OF LABOR

Manpower Administration

Community Service Employment for Older Americans

Appropriations provided under this head in the Department of Labor, Appropriation Act, 1975, are rescinded in the amount of $12,000,000.

Rescission Proposal No.: R75-81

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Consumer Product Safety Commission	New budget authority (P.L. 93-563)	$ $37,454,000
Bureau	Other budgetary resources	---
Appropriation Title & Symbol Salaries and Expenses - 6150100	Total Budgetary Resources	$37,454,000
	Amount proposed for rescission	$ 1,709,000

	Total Budgetary Resources	Total Reduction	Amount of Reduction to be Used for Pay Increases	Net Amount Proposed for Rescission
Consumer Product Safety Commission.....	37,454,000	2,454,000	745,000	1,709,000

JUSTIFICATION

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. Accordingly, a rescission of annual appropriations under Section 1012 of the Impoundment Control Act (P.L. 93-344) is proposed.

The proposed funding level of $35,745,000 provides for substantial expansion of the Commission's programs. If this rescission were enacted, this balance of funds available would still represent an increase of more than 20% above the 1974 program level. In the Administration's judgment, the amount proposed for rescissions is not warranted at this time given the need to effect fiscal restraint.

Estimated Effects: The Commission would apply the amount proposed for rescission over all budget activities and still meet its essential program objectives in 1975.

TOTAL 1975 OUTLAYS

1975 Budget (February transmittal).....	$41.9
Without rescission (current estimate).....	$43.6
With rescission (revised estimate).....	$42.7
(Effect of action on 1976 outlays.....	-0.8)

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Consumer Product Safety Commission

Salaries and Expenses

Appropriations under this head for the fiscal year 1975 are rescinded in the amount of $1,709,000.

Deferral No. D75-139

PROPOSED DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U. S. Department of Agriculture	New budget authority (P. L. 93-563)	$ 10,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	$ 17,553,712
Appropriation Title & Symbol Water Bank Program Agricultural Stabilization and Conservation Service 12X3320	Total Budgetary Resources	$ 27,553,712 1/
	Amount to be deferred part of year	$ - -
	Amount to be deferred for entire year	$ 1,265,572

Justification:

This action would withhold $1,265,572 of no year funds which are not needed for obligation in F. Y. 1975.

The Water Bank Program was authorized by the Water Bank Act, Public Law 91-559, approved December 19, 1970. The Act authorized the Secretary of Agriculture to enter into agreements for a period of 10 years with landowners and operators to preserve and improve migratory waterfowl habitat. Under the act, funds appropriated remain available until expended.

The Water Bank program includes $2,973,677 for technical assistance to be provided in connection with the ten year agreements entered into under the 1972 and 1974 programs. It is estimated that only $1,708,105 will be required for technical assistance obligations through the end of F. Y. 1975. This leaves an unobligated balance of $1,265,572, which is not needed for obligation in F. Y. 1975 and should be deferred for the entire fiscal year.

Estimated Effects:

The deferral of $1,265,572 would have no effect on the Water Bank program in F. Y. 1975 since these funds are not required for obligation in the current fiscal year, but will be needed in subsequent fiscal years.

Total 1975 Outlays:	Dollars in Millions
1975 Budget (February transmittal)	3.8
Without deferral (current estimate)	4.1
With deferral (revised estimate)	4.1 2/
(Effect of action on 1976 outlays	---)

1/ Includes $21,212,940 proposed for rescission under R75-8A.

2/ Includes $1.3 million in outlays proposed for reduction under Rescission R75-8A.

SUPPLEMENTAL REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-21 transmitted in the Special Message of October 4, 1974, and printed as House Document No. 93-365.

The previous report reflected a deferral of $5,000,000 which was to be reserved for contingencies. The current proposal increases this reserve to a total of $11,687,589.

PROPOSED DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U. S. Department of Agriculture	New budget authority (P. L. 93-563)	$ 10,000,000
Bureau Agricultural Stabilization and Conservation Service	Other budgetary resources	$ 19,687,589 *
Appropriation Title & Symbol Emergency Conservation Measures 12X3316	Total Budgetary Resources	$ 29,687,589 *
	Amount to be deferred part of year	$
	Amount to be deferred for entire year	$ 11,687,589 *

Justification: *

These funds are used for sharing the cost of emergency conservation measures to deal with cases of severe damage to farm and range lands as a result of natural disasters. Assistance is made available to treat new conservation problems which meet the criteria set forth in the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590(h)) and funds are allocated for use only in those counties designated by the Secretary of Agriculture as disaster counties. These allocations do not become obligations until agreements are signed to rehabilitate the land.

It is anticipated that $18,000,000 will be required for obligation during F. Y. 1975, leaving an unobligated balance of $11,687,589 for contingencies. These funds are available without regard to fiscal year limitation. The $11,687,589 deferred is reserved for contingencies pursuant to the Antideficiency Act (31 U.S.C. 665) and will be made available should additional emergency requirements arise.

Estimated Effects: *

There are no programmatic or budgetary effects as a result of this deferral. The reserved funds would only be made available and obligated if damage to farm and range lands exceeds the levels experienced in recent years. This action is being taken purely to satisfy requirements of the new Congressional Budget and Impoundment Control Act of 1974, P. L. 93-344.

Total 1975 Outlays: *

	Dollars in Millions
1975 Budget (February transmittal)	10.0
Without deferral (current estimate)	12.0
With deferral (revised estimate)	12.0
(Effect of action on 1976 outlays	0)

*Revised from previous submission.

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-22 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The previous report reflected the deferral of $903,000 of funds considered to be in excess of program requirements for fiscal year 1975. The current deferral increases this amount to $1,459,209 as the result of greater than anticipated carry-over of funds from fiscal year 1974.

Deferral No.: D75-22A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U.S. Department of Agriculture	
Bureau Agricultural Marketing Service	New budget authority (21 USC 1053) $
Appropriation Title & Symbol 12X2500 - Marketing Services, Agricultural Marketing Service (General fund financed from reimbursements)	Other budgetary resources 3,521,209*
	Total Budgetary Resources 3,521,209*
	Amount to be deferred part of year --
	Amount to be deferred for entire year 1,459,209*

Justification:

The U.S. Grain Standards Act (7 USC 71, 74-79, 84-87h) provides for the establishment of official United States standards for grain and an official inspection system.

This system provides for appeal inspections when requested by an applicant who does not agree with the initial official grade designation and for collection of fees for this service. These fees . . ."shall be deposited into a fund which shall be available without fiscal year limitation". . .(7 USC 79).

The Egg Products Inspection Act (21 USC 1031-1056) provides for the mandatory continuous inspection of egg products processing plants and regulates the distribution of certain qualities of shell eggs in interstate, foreign, and intrastate commerce.

The cost of inspection and other costs of administration of this Act . . ."shall be borne by the United States, except that the cost of overtime and holiday work performed in official plants subject to the provisions of this Act at such rates as the Secretary may determine shall be borne by such official plants. Sums received by the Secretary from official plants under this section shall be available without fiscal year limitation to carry out the purposes of this Act." (21 USC 1053).

For FY 1975, the apportionment for this fund has been approved at the level of $2,062,000. This amount is sufficient to fully carry out the requirements of the law.

The budgetary reserve of $1,459,209 for these activities is in excess of the 1975 program requirements and is to be carried forward for use in FY 1976 in accordance with the provisions of the Anti-Deficiency Act (31 USC 665).

Estimated Effects:

None. It is not anticipated that additional funds would be expended unless either additional grain appeals occur or the need for overtime or holiday work in official plants subject to inspection under the Egg Products Inspection Act should develop.

* Revised from previous submission.

Total 1975 Outlays: *	Dollars in Millions
1975 Budget (February transmittal).....	1.9
Without deferral (current estimate).....	2.1
With deferral (revised estimate).....	2.1
(Effect of action on 1976 outlays.....	0)

*Revised from previous submission.

D75-23A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-23 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The previous proposal reflected the deferral of $341,000 of funds considered to be in excess of program requirements for fiscal year 1975. The current deferral increases this amount to $511,330 as the result of greater than anticipated carry-over of funds from fiscal year 1974.

Deferral No.: D75-23A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency U.S. Department of Agriculture		
Bureau Agricultural Marketing Service	New budget authority (7 USC 490)	$ 1,640,000
Appropriation Title & Symbol	Other budgetary resources	506,330*
12X5070 - Perishable Agricultural Commodities Act Fund (Permanent indefinite special fund)	Total Budgetary Resources	2,146,330*
	Amount to be deferred part of year	- -
	Amount to be deferred for entire year	511,330*

Justification:*

Pursuant to the provisions of the Perishable Agricultural Commodities Act, license fees are collected from commission merchants, dealers, brokers and large retailers who handle fresh or frozen fruits and vegetables in interstate or foreign commerce. These license fees are deposited in the Perishable Agricultural Commodities Act Fund (7 USC 499c) and are available without fiscal year limitations to meet expenses of administering both the Perishable Agricultural Commodities Act (7 USC 499a-s) and the Produce Agency Act (7 USC 491-497). These laws are designed to protect producers, shippers, distributors and retailers from unfair and fraudulent practices in the marketing of perishable agricultural commodities and to prevent the unwarranted destruction or dumping of farm products handled for and on behalf of others.

For FY 1975, the apportionment for this fund has been approved at the level of * $1,635,000. This amount is believed sufficient to fully carry out the requirements of the law.

The budgetary reserve of $511,330 represents estimates of receipts in excess of the 1975 program requirements to be carried forward for use in FY 1976, in accordance with the provisions of the Anti-Deficiency Act (31 USC 665).

Estimated Effects:*

None. It is not anticipated that additional funds would be expended unless additional license requests occur.

Total 1975 Outlays:*

	Dollars in Millions
1975 Budget (February transmittal)	1.6
Without deferral (current estimate)	1.6
With deferral (revised estimate)	1.6
Effect of action on 1976 outlays	0

* Revised from previous submission.

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-25, transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The previous proposal reflected a deferral of $152,000 in receipts in excess of program needs for fiscal year 1975. The current proposal increases this amount to $173,499 due to higher than anticipated receipts in the current year and a larger carry-over from fiscal year 1974 than was estimated.

The present proposal also reflects an increase of $32,000, from $273,000 to $309,000, in funds made available for use in 1975. This increase is due to initiation of the anti-pollution program ($30,000) with royalties collected under license for the use of the "Woodsy Owl" character pursuant to P.L. 93-318 dated June 22, 1974, and $2,000 for increased pay costs pursuant to E.O. 11811.

Deferral No.: D75-25A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Agriculture	New budget authority (18 USC 711)	$ 265,000*
Bureau: Forest Service	Other budgetary resources	217,499*
Appropriation Title & Symbol: Forest Fire Prevention, Forest Service, 12X5214	Total Budgetary Resources	482,499*
	Amount to be deferred part of year	
	Amount to be deferred for entire year	173,499*

Justification: *

Royalties collected under licenses for use of the character "Smokey Bear" are permanently appropriated and utilized for furthering the nationwide forest fire prevention campaign as provided by the Act of May 23, 1952 (18 U.S.C. 711). Also, "Woodsy Owl" program receipts are collected pursuant to P.L. 93-318 and are similarly appropriated. The total budgetary resources available in this program for fiscal year 1975 consist of $217,499 in actual receipts earned in fiscal year 1974 and brought forward $265,000 in receipts anticipated for fiscal year 1975. In keeping with routine financial management practices maintained over the years, $173,499 of the total budgetary resources available has been reserved. The reserve is justified on two grounds.

First, the reserve contributes to a consistent, stable program level from year to year which, in turn, promotes more efficient operations. The fiscal year 1975 program is being funded, in part, from reserved balances carried forward from last year. The 1976 program will be partially funded by the estimated receipts being deferred in fiscal year 1975.

Second, reservation of funds is required to avoid the possibility of a violation of the Antideficiency Act (31 U.S.C. 665, (a), (b), (h)). A violation of the sections cited could occur if all the estimates of receipts now deferred were made available and obligated while estimated receipts were not fully realized.

This reserve action is taken under provisions of the Antideficiency Act that authorize the establishment of reserves for contingencies (31 U.S.C. 665(c)(2)).

Estimated Effects: *

The funds made available are sufficient to carry out 1975 program objectives. The deferred funds also assure sufficient carryover of funds to operate a 1976 program comparable to 1975.

* Revised from previous submission

Release of deferred funds would necessitate development of a plan for a substantially expanded 1975 program. The outlay impact would be an increase of about $142,000 in 1975 and $31,499 in 1976. The estimate of funds to be deferred assumes that receipt estimates in 1975 will be fully realized.

TOTAL 1975 OUTLAYS	Dollars in Millions
1975 Budget (February transmittal)	.3
Without deferral (current estimate)	.4
With deferral (revised estimate)	.3
(Effect of action on 1976 outlays	1/)

1/ Less than $50,000

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-334

This supplementary message modifies Deferral No. D75-26 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The previous proposal reflected a deferral of $18,747,000, which was to be reserved for contingencies. The current proposal increases this amount to $26,141,027 due to higher than anticipated receipts during the current year.

The present proposal also reflects an increase of $4.4 million in funds made available for use in 1975. This increase is due to identification of additional work which can be accomplished ($1.6 million) and for increased pay costs pursuant to E.O. 11811 ($2.8 million).

Deferral No.: D75-26A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Agriculture	New budget authority (16 USC 490)	$ 30,000,000*
Bureau: Forest Service	Other budgetary resources	25,778,027*
Appropriation Title & Symbol: Expenses, Brush Disposal 12X5206	Total Budgetary Resources	55,778,027*
	Amount to be deferred part of year	
	Amount to be deferred for entire year	26,141,027*

Justification:*

Purchasers of national forest timber are required to deposit the estimated cost to the Forest Service of disposing of brush and other debris resulting from their cutting operations pursuant to 16 USC 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. An apportionment of $29.6 million has been made to the Forest Service for this program in the current fiscal year compared with $25.0 million in 1974 and $18.6 million in 1973. The current fiscal year reserve of $26.1 million was established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies compared with reserves of $21.6 million in 1974 and $23.3 million in 1973.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring use of deposits until the following fiscal year.

Estimated Effects:*

There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve merely reflects the seasonal nature of the program and the establishment of a reserve for contingencies pursuant to the Antideficiency Act (31 USC 665).

TOTAL 1975 OUTLAYS	Dollars in Millions
1975 Budget (February transmittal)	25.2
Without deferral (current estimate)	27.3
With deferral (revised estimate)	27.3
(Effect of action on 1976 outlays	--)

*Revised from previous submission.

Deferral No.: D75-140

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. ---)	$ ---
Bureau General Administration	Other budgetary resources	$ 3,300,496
Appropriation Title & Symbol Special Foreign Currency 13X0160	Total Budgetary Resources	3,300,496
	Amount to be deferred part of year	0
	Amount to be deferred for entire year	$ 1,500,496

Justification:

The Department of Commerce Special Foreign Currency Program supplements the activities of the Domestic and International Business Administration, the National Bureau of Standards, and the National Oceanic and Atmospheric Administration. There was an obligational limitation placed on Special Foreign Currency in FY 1975 of $1,800,000 by the Department of the Treasury because of the shortages of excess currencies. The remaining $1,500,496 has been reserved for contingencies pursuant to the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

None. The obligational authority required to carry out this program in FY 1975 has been apportioned. This action has no effect upon the latest budget estimates, which assume no outlays in FY 1975 from the $1,500,496 being deferred.

Total 1975 Outlays	Dollars in thousands
1975 budget (February transmittal)	$ 900
Without deferral (current estimate)	1,900
With deferral (revised estimate)	1,900
Effect of action on 1976 outlays	0

Deferral No.: D75-141

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 93-624)	$125,000,000
Bureau Economic Development Administration	Other budgetary resources	---
Appropriation Title & Symbol Job Opportunities Program 135/62051	Total Budgetary Resources	125,000,000
	Amount to be deferred part of year	125,000,000
	Amount to be deferred for entire year	---

Justification:

These funds were appropriated in the Urgent Supplemental Appropriations Act (P.L. 93-624) to the Department of Labor and transferred to the Department of Commerce for the Title III program of the Emergency Jobs and Unemployment Assistance Act. This title requires each Federal agency to evaluate the job creation effectiveness of its 1975 programs and to submit to the Secretaries of Commerce and Labor its recommendations for programs which could be expanded to provide jobs for the unemployed. Funds could be allocated to programs selected by the Secretaries of Commerce and Labor based upon the criteria in the Act. These funds remain available for obligation until December 31, 1975.

The funds appropriated for this purpose could not be used properly until after these review and evaluation processes were completed. Further, it is not yet evident that any programs will be identified which make effective use of these resources.

Accordingly, the use of these funds by the Department of Commerce is being deferred, and supplemental appropriation action is being requested to restore these funds to the Department of Labor for use under Title I to the Emergency Jobs and Unemployment Assistance Act.

Estimated Effects:

This action, together with the supplemental request to transfer these funds to the Department of Labor, will permit the use of these funds for establishing 14,000 additional Title I public service jobs. It is not possible to estimate with accuracy the number of jobs that could be created under the Title III job opportunities program.

	Dollars in Thousands	
Total 1975 Outlays	Department of Commerce	Department of Labor
1975 Budget (February transmittal).....	--	--
Without defferal (current estimate).....	31,375	--
With deferral (revised estimate).....	--	50,000
(Effect of action on 1976 outlays.....	-93,625	75,000)

D75-97A

SUPPLEMENTARY REPORT
Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Deferral No. 75-97 transmitted in the message of November 26, 1974, and printed as House Document No. 93-398.

This revision reflects an $910,318 increase in the amount deferred for fiscal year 1975 for the Experimental Technology Incentive Program (ETIP) at the National Bureau of Standards. These funds, available from prior year appropriations, are not required to finance the fiscal year 1975 program.

As previously reported, the emphasis of the 1975 program will be on evaluating results of experiments initiated under this program in order to determine the future scope and direction of the program. The $3,477,000 apportioned for 1975 is considered sufficient for this purpose as well as to fund a reduced number of experiments in 1975.

Deferral No. D75-97A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 93-433)	$ 61,400,000
Bureau: National Bureau of Standards, Ofs. of Telecommunications	Other budgetary resources	$ 10,310,054
Appropriation Title & Symbol	Total Budgetary Resources	$ 71,710,054
Scientific and technical research and services	Amount to be deferred part of year	$ ---
13X0500	Amount to be deferred for entire year	$ 4,608,318*

JUSTIFICATION:*

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. Since these restraints are being proposed after Congressional action affecting most 1975 funds has been completed, this withholding will be delayed until February 15, 1975, to permit Congressional review of the action contemplated. This appropriation funds the activities of the National Bureau of Standards (NBS), which conducts research and develops standards to support the Nation's physical measurement system and equity in trade and performs technical services to promote public safety. The activities of the National Technical Information Service (NTIS) and the Office of Telecommunications (OT) are also funded through this appropriation.

It is proposed to defer NBS new initiatives in the following areas: radiation safety, water pollution and clinical measurements. On-going activities in electromagnetics, flow measurements, chemical materials, polymeric materials and experimental technology incentives will be deferred. Finally, it is proposed that programs in engineering mechanics and inventor assistance in NBS, and ionospheric research in OT, be terminated.

ESTIMATED EFFECTS:*

Deferral of NBS new initiatives will have the following effects: Delays in initiating aspects of the radiation safety program ($256,000) will defer by eighteen months the implementation of a national system of radiation calibrations. A one year delay in water pollution data gathering and development of detection methods ($80,000) will delay implementation of water pollution measurement and standards. Postponement of research on clinical measurement methods and materials ($190,000) will delay by one year the planned upgrading of the performance of clinical laboratories with respect to their measurement accuracy.

Deferrals in on-going programs would have the following impacts: Slowing development of an electromagnetic measurement capability ($153,000) will delay beyond FY 1976 the improved handling of data from research on broadcast waves. A two-year delay in implementing a field calibration program for flow measurement, postponement of achievement of improved methods for predicting pollution levels and a one-year delay in developing standards for high voltage distribution systems will result from proposed deferrals in flow measurements.

*Revised from previous submission.

chemical materials and polymeric materials ($245,000). The slowdown in the number of technology incentive experiments initiated ($3,539,328) will make possible a systematic evaluation of experiments which have already been initiated.

Termination of the activities in engineering mechanics ($91,000) will eliminate dissemination of some engineering data and development of new fiberglass test methods. Termination of National Inventors Council support ($50,000) will make it necessary for inventors to seek government assistance without benefit of a central advisory service. Termination of OT research in ionospheric modification ($24,000) will delay development and implementation of further application of this technique.

TOTAL 1975 OUTLAYS:	DOLLARS IN MILLIONS
1975 Budget (February transmittal).....	$69
Without deferral (current estimate).....	64
With deferral (revised estimate).....	62
(Effect of action on 1976 outlays.....	+2)

Supplemental Report

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises deferral No. D 75-99, which was transmitted to Congress on November 26, 1974, (House Document No. 93-398):

As a result of the deobligation in FY 1975 of a prior year contract, the Maritime Administration's Research and Development appropriation will show a larger deferral of FY 1975 funds than had been previously reported. No adjustments in the FY 1975 or 1976 program are involved. The recovered funds are simply being carried forward into FY 1976 where they reduce the appropriation required to fund the previously planned program.

Deferral No.: D75-99A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. 94-433)	$ 25,900,000
Bureau Maritime Administration	Other budgetary resources	193,000
Appropriation Title & Symbol Research and Development 13X1716	Total Budgetary Resources	26,093,000
	Amount to be deferred part of year	--
	Amount to be deferred for entire year	7,768,000 *

Justification:*

The deferral of $7,768,000 consists of two items: one is $3,468,000 deferred for fiscal policy reasons as proposed by the President in his message to Congress of November 26, 1974; the other item is $4,300,000 related to the deobligation in FY 1975 of a 1972 research contract.

This appropriation provides for research and development activities directed toward increasing the competitiveness of the U.S. merchant marine. Work is principally conducted through contracts, with many on a cost-sharing basis with private industry. The deferral of $3,468,000 will reduce nuclear R&D funding by $1,468,000 and other R&D projects by $2,000,000. The deferral of $4,300,000 is a result of the deobligation of a 1972 contract.

These funds are available without regard to fiscal year limitation.

Estimated Effects:*

Recent uncertainties concerning the commercial viability of nuclear-powered tankers have resulted in the need to re-evaluate the supporting nuclear R&D program. Thus, a portion of the program relating to the development of nuclear system components can be deferred in FY 1975. Deferrals, principally due to program slippages, will also be made in shipboard automation efforts, the start up of the ship operations simulator, ports and terminal development, and advanced communication systems development. The deferral of $4,300,000 as a result of the deobligation of a 1972 contract does not affect the current program; it simply frees up funds no longer needed for the prior year contract.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	24.3
Without deferral (current estimate)	25.8
With deferral (revised estimates)	24.0
(Effect of action on 1976 outlays	-1.7)

*Revised from previous submission.

Deferral No. D75-142

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 496,177,000
Bureau Health Services Administration	Other budgetary resources	85,878,000
Appropriation Title & Symbol	Total budgetary resources	582,055,000
Health Services 7550350	Amount to be deferred part of year	13,996,000
	Amount to be deferred for entire year	

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in other HSA accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian and Public Health Service personnel under provisions of Public Law 91-656 and Public Law 90-207 as implemented by Executive Orders 11811 and 11817; and pay increases granted wage board employees in accordance with 5 U.S.C. 5344, as amended.

Estimated Effects:

The amounts to be transferred from this account are small in relation to the total account. The programmatic effects, therefore, would be negligible.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	836
Without deferral (current estimate)	855
With deferral (revised estimate)	855
Effect of action on 1976 outlays	—

Deferral No.: D75-143

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 127,200,000
Bureau National Institutes of Health	Other budgetary resources	800,000
Appropriation Title & Symbol	Total Budgetary Resources	128,000,000
7550848 Research Resources	Amount to be deferred part of year	6,255,000
	Amount to be deferred for entire year	---

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in other HEW accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian and Public Health Service personnel under provisions of Public Law 91-656 and Public Law 90-207 as implemented by Executive Orders 11811 and 11812; and pay increases granted wage board employees in accordance with 5 U.S.C. 5341, as amended.

Estimated Effects:

The amounts to be transferred from this account are small in relation to the total account. The programmatic effects, therefore, would be negligible.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal).....	124
Without deferral (current estimate).....	105
With deferral (revised estimate).....	105
(Effect of action on 1976 outlays.....	(--)

Deferral No.: D75-144

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 781,358,000
Bureau Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources	58,949,000
Appropriation Title & Symbol Alcohol, Drug Abuse, and Mental Health 7551361	Total Budgetary Resources	840,307,000
	Amount to be deferred part of year	2,329,000
	Amount to be deferred for entire year	

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in other HEW accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian and Public Health Service personnel under provisions of Public Law 91-656 and Public Law 90-207 as implemented by Executive Orders 11811 and 11812; and pay increases granted wage board employees in accordance with 5 U.S.C. 5341, as amended.

Estimated Effects:

The amounts to be transferred from this account are small in relation to the total account. The programmatic effects, therefore, would be negligible.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal).....	778
Without deferral (current estimate).....	818
With deferral (revised estimate).....	818
(Effect of action on 1976 outlays.....	—)

Deferral No.: D75-145

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 93-517 and 93-554)	$ 155,433,000
Bureau Health Resources Administration	Other budgetary resources	5,055,336
Appropriation Title & Symbol Health Resources 7550712	Total Budgetary Resources	160,488,336
	Amount to be deferred part of year	2,823,000
	Amount to be deferred for entire year	

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in this and other HEW accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian and Public Health Service personnel under provisions of Public Law 91-656 and Public Law 90-207 as implemented by Executive Orders 11811 and 11812; and pay increases granted wage board employees in accordance with 5 U.S.C. 5341, as amended.

Estimated Effects:

The amounts to be transferred from this account are small in relation to the total account. The programmatic effects, therefore, would be negligible.

Total 1975 Outlays a/	Dollars in Millions
1975 Budget (February transmittal)	3
Without deferral (current estimate)	3
With deferral (revised estimate)	3
(Effect of action on 1976 outlays	—)

a/Includes only amounts proposed for deferral.

Deferral No.: D75-146

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-570)	$ 301,340,000
Bureau Health Resources Administration	Other budgetary resources	---
Appropriation Title & Symbol	Total Budgetary Resources	301,340,000
Health Resources 7550712	Amount to be deferred part of year	301,340,000
(Health Facilities Construction)	Amount to be deferred for entire year	---

Justification

	New Budget Authority	Amount Deferred
Health Facilities Construction		
Medical Facilities (Hill-Burton)	$187,340,000	$187,340,000
Health Teaching Facilities	114,000,000	114,000,000

This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. This deferral action is being taken to preserve the flexibility of the Congress and the Administration in arriving at a final decision on funding for these programs. The funds proposed for deferral are authorized under the Continuing Resolution covering third quarter operations.

Estimated Effects:

Medical Facilities

Bill-Burton funds are available to the States for 3 years. The awards would be made for new projects; no continuations are involved. Thus, the only impact of deferring these allocations through the third quarter is to delay the date on which interested applicants can begin to pursue further development of their projects. In addition, the Conference report accompanying the National Health Planning and Resources Development Act of 1974 stated, "The conferees have not included an authorization for appropriations for fiscal year 1975 under Title VI (Public Health Service Act) and therefore do not contemplate that appropriations will be made under that authority pursuant to a continuing resolution."

Health Teaching Facilities

Construction grant funds are available without fiscal year limitations. The awards would be for new projects; no continuations are involved. Thus, the only impact of deferring the obligations through the third quarter is to delay the date on which interested applicants can begin to pursue further development of their projects.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	$378
Without deferral (current estimate)	330
With deferral (revised estimate)	330
(Effect of action on 1976 outlays	(0-)

Deferral No. D75-102A

SUPPLEMENTARY REPORT

Report pursuant to Sec. 1014(c)
of P.L. 93-344

This supplementary message modifies Deferral No. D75-102 transmitted in the special message of November 26, 1974, and printed as House Document No. 93-398. That deferral was submitted in connection with the withholding of $2,800 thousand in program management funds for the Health Resources Administration (HRA), made available under the Continuing Resolution in effect until adjournment of the 93rd Congress.

In the Supplemental Appropriation Act for Fiscal Year 1975 (P.L. 93-554), Congress reduced HRA program management funds by $1,540 thousand of the $2,800 thousand requested by the President. This supplementary report, therefore, is based upon an annual spending reduction of $1,260 thousand, the remaining amount needed to achieve the total reduction of $2,800 thousand proposed in the November 26, 1974 special message. Under the Continuing Resolution in effect through February 28, 1975, it is necessary to withhold $740 thousand to achieve the full year reduction of the remaining $1,260 thousand. No other changes have been made from the previous report.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 93-448)	$ 32,323,000
Bureau Health Resources Administration	Other budgetary resources	
Appropriation Title & Symbol	Total Budgetary Resources	32,323,000
Health Resources 7550712 (Program Management)	Amount to be deferred part of year	740,000*
	Amount to be deferred for entire year	

Justification

*This withholding of funds is one of several special actions proposed by the President to restrain 1975 budget outlays. This deferral is proposed to preserve the flexibility of the Congress and the Administration in arriving at a final decision on funding for this program. The funds proposed for deferral are authorized under the Continuing Resolution.

Estimated Effects

*Deferral of the availability of funds through the third quarter will result in the delay of travel to various project sites and the use of fewer consultant services. This is consistent with recent congressional actions to reduce government-wide travel expenses.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal)	43
Without deferral (current estimate)	43
With deferral (revised estimate)	42
Effect of action on 1975 outlays	+1

*Revised from previous submission.

Deferral No.: D75-147

DEFFERAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$648,500,000[a]
Bureau: Office of Education	Other budgetary resources	288,714,000
Appropriation Title & Symbol	Total budgetary resources	937,214,000
Higher Education 755/60293	Amount to be deferred part of year	
(Basic Education Opportunity Grants)	Amount to be deferred for entire year	$298,714,000

Justification

Deferral is proposed for the portion of the Basic Education Opportunity Grants appropriation that will not be obligated until 1976. Although the Basic Grants program is forward funded, i.e., 1975 funds are for school year 1975-76, approximately half of the funds are obligated toward the end of FY 1975 for the summer and fall semesters of school year 1975-76. The remaining portion of the funds are obligated in FY 1976 for the spring semester of the same school year. This deferral action has been taken under provisions of the Antideficiency Act that authorize the establishment of reserves for contingencies.

Estimated effects

This action does not reflect a program reduction, but simply reflects the established pattern for obligating funds. The funds deferred will be used for the second half of the 1975-76 school year.

OE - Higher Education

Total 1975 Outlays [b]	Dollars in Millions
1975 Budget (February transmittal)	488
Without deferral (current estimate)	450
With deferral (revised estimate)	450
(Effect on 1976 outlays	---)

a/ Excludes $11,500,000 for Administrative contracts which is apportioned under appropriation symbol 7550293.

b/ Includes only activities deferred.

Deferral No. D75-42A

SUPPLEMENTARY REPORT

Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Deferral No. 75-42 transmitted in the special message of October 31, 1974 and printed as House Document No. 93-365.

This revision reflects an increase of $64,001,590 in the amount deferred through June 30, 1975, broken down as follows:

Construction subsidized loans annual interest grants	+$63,324,907
Graduate facilities construction	No change
Subsidized insured student loans: Reserve fund advances	+$676,581

The total deferral would increase from $8,788,102* to $72,789,590.

A change in the method of accounting for subsidized construction has resulted in de-obligation of funds from prior year appropriations. These unobligated funds are not needed for the 1975 program, but will be used in future years. The change in reserve fund advances for subsidized insured student loans reflects the latest estimate of 1975 requirements.

* Previously reported as $8,788,000

Deferral No.: D75-42A

DEFFERAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health, Education, and Welfare	New budget authority (P.L. 93-517)	---
Bureau: Office of Education	Other budgetary resources	$93,539,590*
Appropriation Title & Symbol	Total budgetary resources	93,539,590*
Higher Education 75X0293 (Construction Loan Subsidies, Graduate Construction Grants, Guaranteed Student Loan Program-Advances for Reserve Funds)	Amount to be deferred part of year	---
	Amount to be deferred for entire year	$72,789,590*

Justification*

Program	Total budgetary resources	Amount to be deferred
Construction		
Subsidized loans		
--Annual interest grants	$90,101,704	$70,101,704
Graduate facilities	376,232	376,232
Subsidized insured student loans		
Reserve fund advances	3,061,654	2,311,654
Total	$93,539,590	$72,789,590

The amounts shown as deferred are not necessary to meet program requirements during the current fiscal year.

Annual interest grants*--A change in the method of accounting for subsidized construction loans caused a substantial amount of prior year appropriations to be de-obligated. Obligations are not recorded now until payments are due. Funds on hand are more than adequate to cover anticipated obligations on annual interest grant contracts signed in prior years and no new starts are authorized or planned. The unobligated funds will be needed in the future, however, to pay continuation costs on loans the Federal government has agreed to subsidize.

Graduate facilities*--The amount shown as deferred results from cancellation of unused prior year obligations. The deferred funds will be retained to cover obligation adjustments in future years.

Subsidized insured student loans, reserve fund advances*--These funds were appropriated in 1969 to make advances to agencies guaranteeing student loans that could not meet reserve requirements. It is estimated that no more than $750,000 will be needed during 1975 to meet request from these agencies.

*Revised from previous submission.

Estimated Effects: *

These actions do not result in any reduction in program activity from the levels authorized in the appropriations process. The funds, however, will be available to meet future year requirements.

OE - Higher Education

Total 1975 Outlays a/ *	Dollars in millions
1975 Budget (February transmittal)	22
Without rescission (current estimate)	24
With rescission (revised estimate)	24
(Effect of deferral on 1976 outlays)	--

a/ Includes only activities proposed for reduction.

*Revised from previous submission.

Deferral No.: D75-148

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____)	$ 167,474,000
Bureau	Other budgetary resources	5,224,000
Appropriation Title & Symbol Library Resources 7550212	Total Budgetary Resources	172,698,000
	Amount to be deferred part of year	2,792,000
	Amount to be deferred for entire year	

Justification:

This withholding action has been taken under provisions of the Antideficiency Act (31 U.S.C. 665) that authorize the establishment of reserves for contingencies. The amount withheld has been placed in reserve for later use in the current year to meet increased pay costs in other HEW accounts. Authority to effect the transfer of the deferred funds will be proposed in the 1976 budget.

The increased costs result from pay increases granted to civilian personnel under provisions of Public Law 91-656 as implemented by Executive Order 11811, and pay increases granted wage board employees in accordance with 5 U.S.C. 5341, as amended.

Estimated Effects:

This deferral of $2,792,000 is part of a proposed $26,749,000 reduction affecting the appropriation for Public Libraries. The amount deferred will require states to absorb additional costs of basic public library services or to the degree they are dependent on Federal support and can not maintain current levels, there would be some reduction in hours of service, numbers of personnel, and acquision of books and materials.

Total 1975 Outlays	Dollars in Millions
1975 Budget (February transmittal).....	136
Without deferral (current estimate).....	181
With deferral (revised estimate).....	181
(Effect of action on 1976 outlays.....	---)

Deferral No. D75-44B

SUPPLEMENTARY REPORT
Report Pursuant to Sec 1014 (c) of P.L. 93-344

This supplementary message revises Deferral No. D75-44A transmitted in the special message of December 27, 1974.

This revision reflects an increase of $8,048,000 in the amount deferred through June 30, 1975. These funds were appropriated for FY 1975 by P.L. 93-517 for district office programs and for purchase contract payments on three new program centers. Of the total $8,232,000 appropriated for FY 1975, only district office site studies requiring $184,000 will be obligated in the current fiscal year. The remaining funds for district offices are deferred until decisions are reached on the future of the program. Funds to support the program centers are not needed until FY 1976 when purchase contract payments will be made at the time of occupancy.

Deferral No. D75-44B

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Health Education and Welfare	New budget authority (P.L. 93-517)	$ 8,232,000 *
Bureau: Social Security Admin.	Other budgetary resources	15,393,497
Appropriation Title & Symbol: Limitation on Construction 75X8705	Total Budgetary Resources	23,625,497 *
	Amount to be deferred part of year	---
	Amount to be deferred for entire year	20,575,621 *

Justification

* Funds provided under the Limitation on Construction of the Social Security Administration remain available until expended in recognition of the long lead time between the provision of funds and their use in carrying out authorized construction projects. Previously, $15,393,497 was placed in deferral. In addition, we received new budget authority of $8,232,000 in FY 1975. We plan to obligate a part of this total in FY 1975, and now, a total of $20,575,621 has been placed in reserve pursuant to the Antideficiency Act (31 USC 665) and is proposed for deferral. This full amount is proposed to be deferred for the entire year. The amounts involved fall into two categories, discussed below.

Unused balances of funds provided for construction of program centers --

* In 1972, $18.2 million, to remain available until expended, was provided in the Departments of Labor and Health, Education, and Welfare Appropriation Act, 1972, for direct construction of program centers in Philadelphia, Chicago, and San Francisco. Subsequent to the provision of these funds, it was determined, with the concurrence of the Congress, that these centers would be built under the purchase contract method. This reduced the immediate funding requirements to $6.1 million, thus making $12.1 million available to meet other SSA construction requirements. In 1974, the Congress authorized $4.1 million to be reprogrammed for district office construction. Of these reprogrammed funds, $2.0 million was released for obligation in 1974, and $2.0 million is reserved for future obligation. Of the remaining 8.0 million of unused program center funds, $5.8 million

* Revised from previous submission.

is proposed for reprogramming in 1975 for district office construction and $1.1 million is to be reprogrammed to meet unexpected needs in headquarter's construction. If this reprogramming is approved by the Congress, it is expected that these funds will be released for obligation in future years. The balance of unused program center funds (about 1.1 million) is proposed for deferral through the end of 1975, remaining available to meet requirements in future years. In addition, $3.6 million was requested in 1975 to pay purchase contract payments on three new program centers. These will not be occupied until 1976.

Unused balances of funds provided for district office construction

* A total of $10,094 thousand (in addition to the $5.8 million mentioned above) is being reserved for future obligation. This includes $3,613 thousand remaining from the 1967 district office construction program, $2,033 thousand reprogrammed from the program center activity in 1974, and $4,448 thousand appropriated in 1975. The fact that these funds have not yet been obligated reflects a change in circumstances which required a re-evaluation of the district office construction program which had been approved in 1967. Subsequent to the provision of funds for this program, it was determined that efficiency of operations and better service to the public necessitated the development of a system of branch offices. The effect of this decision was to delay much of the district office construction that had been authorized in the 1967 program. The branch offices, however, are generally located in leased space, rather than in facilities constructed specifically for SSA use. Thus, they are not financed from this appropriation, and reprogramming of the unneeded district office funds for this purpose was not feasible. SSA is evaluating whether or not these funds are needed. A further complication in determining the appropriate use of the district office funds was introduced by the enactment of the Supplemental Security Income program, which has a significant impact on the requirements for district office space. As a result of these factors, plans have not yet been developed for the use of the remaining balances of these funds and their release is proposed to be deferred pending the development of such plans.

Estimated Effects

The funds intended to be apportioned for obligation in 1975 will permit SSA to carry out its authorized construction program in an orderly manner. No currently planned construction would be delayed by this deferral. Because of the time required to plan, authorize and carry out construction activity, release of the funds at this time would be unlikely to affect the level of outlays in 1975 and would have minimal impact on 1976 outlays. This deferral has no effect on the level of outlays forecast in the February budget.

*Revised from previous submission.

Total 1975 Outlays*
($ in millions)

FY 1975 Budget (Feb. Transmittal)	16
Without deferral (current estimate)	15
With deferral (revised estimate)	15
Effect on 1976 outlays	--

*Revised from previous submission.

ENCLOSURE

Deferral No. D75-448

* PLANNED DISPOSITION OF UNAPPORTIONED
SOCIAL SECURITY CONSTRUCTION FUNDS (75X8705)
($ in thousands)

Construction Program	Total Amount	Planned for Obligation	
		In 1975	In future years
Headquarters Funds:	———	———	———
Program Center Funds:			
Balance available for other construction (as of 7/1/74)	10,062	———	———
Reprogrammed in 1974 for district office construction		———	2,033
Proposed for reprogramming in 1975 for district office construction		———	5,796
Proposed for reprogramming in 1975 for headquarters construction		1,148	———
Proposed to remain available for future requirements		———	1,085
Purchase Contract money (1975 approp.)		3,600	3,600
District Office Funds:			
Balances available (as of 7/1/74)			
1967 construction program	4,531	918	3,613
1971 construction program	800	800	———
1975 Appropriation	4,632	184	4,448
Total Deferrals a/	23,625	3,050	20,576

a/ Totals do not add due to rounding.

*Revised from previous submission.

Deferral No.: D75-149

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Dept. of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 10,465,000
Bureau Special Institutions	Other budgetary resources	2,218,373
Appropriation Title & Symbol	Total Budgetary Resources	12,683,373
Gallaudet College - 75X0102 (Construction)	Amount to be deferred part of year	---
	Amount to be deferred for entire year	1,267,482

Justification

The $1,267,482 represents funds appropriated in the 1975 Labor-HEW Appropriations Act (P.L. 93-517) for purchase of equipment and furnishings. The funds have not been utilized due to the slow pace of the new school construction on the Gallaudet campus. Contracts are expected to be let in calendar year 1976 for the purchase of equipment for the facilities under construction. The funds deferred will be apportioned when required by the construction timetable. This reserve action has been taken under provisions of the Anti-Deficiency Act (31 U.S.C. 665), that authorizes the establishment of reserves for contingencies.

Estimated Effect

This deferral has no restrictive effect on construction plans and there will be no budgetary impact on 1975 outlays. Upon completion of the facilities, these funds will be made available for purchase of equipment and furnishings and will be obligated in 1976.

Deferral No. D75-46A

SUPPLEMENTARY REPORT
Report Pursuant to Sec. 1014(c) of P.L. 93-344

This supplementary message revises Deferral No. D75-46A transmitted in the special message of October 4, 1974 and printed as House Document No. 93-365.

This revision reflects a decrease of $11,490,000 in the amount to be deferred for part of the year, and an increase of $6,323,110 in the amount to be deferred for the entire year—a net change of -$5,166,890 representing funding required to proceed with the planning and construction of authorized projects.

Deferral No.: D75-46A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Dept. of Health, Education, and Welfare	New budget authority (P.L. 93-517)	$ 12,500,000 *
Bureau Special Institutions	Other budgetary resources	18,092,389 *
Appropriation Title & Symbol	Total Budgetary Resources	30,592,389 *
Howard University - 75X0106 (Construction)	Amount to be deferred part of year	---
	Amount to be deferred for entire year	6,323,110 *

Justification *

The deferred funds have been reserved for contingencies pursuant to the Anti-Deficiency Act (31 U.S.C. 665) pending completion of plans and specifications for renovation, and construction of a new teaching hospital to replace the old Freedmen's Hospital. The deferred funds remain available without fiscal year limitation.

Estimated Effects: *

This deferral has no restrictive effects on construction plans and there will be no budgetary impact in FY 1975. These funds will be released in 1976 when required by the construction timetable.

*Revised from previous submission.

SUPPLEMENTARY REPORT
Report pursuant to Sec. 1014(c)
of P.L. 93-344

This supplementary report modifies Deferral No. D75-63 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365.

The revised report reflects an increase of $24,751,958 in the amount being deferred. The increase results from additional contract authority in the amount of $25 million provided in the Federal-Aid Highway Amendments of 1974 (P.L. 93-643) and an increase of $251,958 in unobligated balances brought forward from fiscal year 1974. The increase in unobligated balances represents the difference between estimates of balances made early in fiscal year 1974 and actual balances recently determined. In addition, congressional action to increase the appropriation required to liquidate contract authority resulted in a $500,000 increase in the program level since the previous report was submitted. A further increase of $600,000 in the program level is attributable to increased estimates of reimbursements from other Federal programs.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (23 USC 203) as amended	$ 100,000,000 *
Bureau Indian Affairs	Other budgetary resources	96,474,958 *
Appropriation Title & Symbol	Total Budgetary Resources	196,474,958 *
Road Construction 14X2364	Amount to be deferred part of year	---
	Amount to be deferred for entire year	135,174,958 *

Justification *
The Bureau of Indian Affairs road construction program level in FY 1975 is estimated to be $61,300,000 This amount represents the estimate of funds needed in the construction and rehabilitation of roads on Indian reservations. The Federal Aid Highway Act of 1973 (23 USC 203) as amended by the Federal-Aid Highway Amendments of 1974 (P.L. 93-643) provides contract authority of $83 million in fiscal year 1974, $84 million in fiscal year 1975, and $83 million in fiscal year 1976 and authorizes its use one year in advance and two years subsequent to the fiscal year for which it is designated. The unobligated contract authority available from previous years is $95,674,958 This amount plus the $100 million available in 1975, and $800,000 in reimbursements to be received for work performed for other agencies, allows for total available funding in FY 1975 of $196,474,958 This figure, less the estimated program amount of $60,700,000, leaves an unapportioned balance of $135,174,958 through the current fiscal year.

The amount of contract authority made available is consistent with the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations.

Estimated Effects *
If all contract authority were to be released from reserve, the obligation plan would still have to take into consideration the amount of cash appropriated by the Congress to liquidate such obligations. Thus, there would be no significant change in the program plan if all of the contract authority were to be made available.

Total 1975 Outlays	Dollars in Millions
1975 budget (February transmittal)	63.5
Without deferral (current estimate)	64.0
With deferral (revised estimate)	64.0
(Effect of action on 1976 outlays	-0-)

*Revised from previous submission.

Deferral No.: D75-150

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of Labor	New budget authority (P.L. 93-517)	$ 200,000
Bureau: Departmental Management	Other budgetary resources	16,049
Appropriation Title & Symbol: Special Foreign Currency Departmental Management 16X0151	Total Budgetary Resources	216,049
	Amount to be deferred part of year	200,000
	Amount to be deferred for entire year	-0-

Justification

This deferral action involves the postponement of funds for foreign service consultations. This withholding of funds is taken under provisions of the Antideficiency Act (31 U.S.C. 665 et. seq.). This reserve will allow the Department of Labor to prepare a financial plan which describes the activities to be financed, the foreign currency to be used, the number of attendees and other supporting information.

Estimated Effects

Since the funds would in any event not be used in the absence of final determinations of the activities to be financed, there will be no delay in activities, generally international conferences of foreign service officers. Upon the transmittal of the necessary plan these funds will be released from reserve. The deferral is not expected to affect 1975 outlays.

Total 1975 Outlays	Dollars in thousands
1975 Budget (February transmittal)	(195)
Without deferral (current estimate)	230
With deferral (revised estimate)	230
(Effect of action on 1976 outlays	---)

Deferral No.: D75-151

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Transportation	New budget authority (P.L. 93-391)	$ 42,764,000
Bureau National Highway Traffic Safety Administration	Other budgetary resources	44,360,632
Appropriation Title & Symbol Traffic and Highway Safety 69X0650	Total Budgetary Resources	87,124,632
	Amount to be deferred part of year	1,800,000
	Amount to be deferred for entire year	---

Justification:

Total funds of $17,482,000 were appropriated in fiscal years 1974 and 1975 to carry out five State diagnostic inspection demonstration projects, as required by Title III of the Motor Vehicle Information and Cost Savings Act (PL 92-513, Approved October 20, 1972). As the contract proposals were received from the States and evaluated, it was possible to negotiate final awards below original estimates. Thus, total costs of the projects are $1,900,000 less than was appropriated.

It is proposed to use $100,000 of these savings in FY 1975 and $1,800,000 in FY 1976 to initiate a special motor vehicle diagnostic inspection demonstration project, concentrating on advanced inspection equipment. This new project was authorized in an amendment to Title III of PL 92-513 pursuant to the Motor Vehicle and Schoolbus Safety Amendments of 1974 (PL 93-492, approved October 27, 1974).

The 1976 funding for this project has been placed in reserve for contingencies as authorized under provisions of the Antideficiency Act (31 USC 665).

Estimated Effects:

This deferral action has no programmatic effect since the five demonstration projects, for which the deferral funds were originally appropriated, will be completed as required by June 30, 1976.

Total 1975 Outlays:	Dollars in thousands
1975 Budget (February transmittal)	90,000
Without deferral (current estimate)	82,671
With deferral (revised estimate)	82,671
(Effect of action on 1976 outlays	---)

Deferral No.: D75-152

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Environmental Protection Agency Bureau	New budget authority (P.L. 93-563)	$ 100,875,000
	Other budgetary resources	14,170,000
Appropriation Title & Symbol	Total Budgetary Resources	115,045,000
Abatement and Control 68X0108 (Air and Water Control Agency Grants)	Amount to be deferred part of year	
	Amount to be deferred for entire year	9,375,000

Justification

Deferral of no-year funds is one of several special actions proposed by the President in his message of November 26, 1974 to restrain 1975 budget outlays. His message proposed deletion of the $9.4 million in excess of his budget request from the then-pending appropriation bill. Deletion was not effected because the request arrived too late for adequate consideration. The amount is, therefore, to be deferred until FY 1976, at which time it will be made available for obligation.

Estimated Effects

The impact of this deferral will be to delay the granting of approximately 8 percent of available FY 1975 funds until FY 1976. Based upon past experiences, it is estimated that some 380 grants would be affected, resulting in grant deferrals of $25,000 on an average grant of $303,000. Deferral of the $9.4 million appropriation will enable the maintenance of this program at a level of $91.5 million in both FY 1975 and FY 1976. This deferral will permit local, State, and interstate agencies to develop plans for a constant program level in lieu of planning for increases in FY 1975 and reductions in FY 1976.

Total 1975 Outlays	Dollars in Millions
1975 Budget (Feb. transmittal)	88.0
Without deferral (current estimate)	107.0
With deferral (revised estimate)	101.0
(Effect of action on 1976 outlays)	+6.0

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

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