federal register

FRIDAY, JANUARY 31, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 22

Pages 4631–4889

PART I

THE NATIONAL ARCHIVES OF THE UNITED STATES * 1934 *

HIGHLIGHTS OF THIS ISSUE

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

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MEMORANDUM OF JANUARY 29, 1975

Sale of Common Stock of the Student Loan Marketing Association

Memorandum for Chairman of the Board, Student Loan Marketing Association

THE WHITE HOUSE,
Washington, January 29, 1975.

Pursuant to the authority vested in me by the Education Amendments of 1972 (P.L. 92–318), I hereby determine that sufficient common stock of the Student Loan Marketing Association has been purchased by educational institutions and banks or other financial institutions, and that therefore the holders of common stock which are educational institutions may elect seven members of the Board of Directors, and the holders of common stock which are banks or other financial institutions may elect seven members of the Board of Directors.

I shall appoint seven directors to represent the general public in advance of the first meeting of the new Board.

You are requested on my behalf to convey this determination to the holders of common stock in the Student Loan Marketing Association.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75–3030 Filed 1–29–75;2:57 pm]

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to reflect the following title change from Deputy Under Secretary for Legislative Affairs to the Assistant to the Secretary for Congressional Affairs and the position of Commissioner General of the International Exposition on the Environment is no longer excepted under Schedule C.

Effective on January 31, 1975, § 213.3314(m) (15) is revoked and (a) (26) is amended as set out below.

§ 213.3314 **Department of Commerce.**

(a) Office of the Secretary. * * *

* * * * *

(26) Assistant to the Secretary for Congressional Affairs.

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

* * * * *

(15) [Revoked]

* * * * *

(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.75-2983 Filed 1-30-75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 726—BURLEY TOBACCO

Subpart—Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results

BASIS AND PURPOSE

Section 726.11 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to determine and announce for burley tobacco the amounts of the national marketing quota and the national reserve, and the national factor for the 1975–76 marketing year. The material previously appearing in this section under centerhead Determinations and Announcements—1974–75 Marketing Year remains in full force and effect as to the crop to which it was applicable.

Section 319(c) of the Act provides that the national marketing quota determined under such section for burley tobacco for any marketing year shall be the amount produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during such marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed five per centum of such estimated utilization and exports. For each marketing year for which marketing quotas are in effect under this section, the Secretary, in his discretion, may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of one per centum of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms.

Section 319(e) provides, in part, that the 1975 farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for 1975: *Provided*, that such national factor shall not be less than 95 percent.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The reserve supply level is 1,701 million pounds, based upon a normal year's domestic consumption of 538 million pounds and a normal year's exports of 85 million pounds. The average domestic usage for the past 10 marketing years amounts to 531 million pounds. Domestic use has averaged 519 million pounds during the past five marketing years and is expected to be about 545 million pounds for the 1974–75 marketing year. The 10 year average exports amounted to 61 million pounds. Exports have averaged 72 million pounds during the past three marketing years and are expected to be about 90 million pounds during the 1974–75 marketing year. In view of these data and estimates, a reserve supply level of 1,701 million pounds appears reasonable.

The total supply for the 1974–75 marketing year, October 1 carryover stocks plus estimated production of the 1974 crop, is 1,655 million pounds. This is 46 million pounds below the reserve supply level. Total disappearance for the 1975–76 marketing year is estimated at 650 million pounds. Because it is desirable to maintain an adequate supply, an upward adjustment of 20 million pounds has been made. Accordingly, the National Marketing Quota for burley tobacco for the marketing year beginning October 1, 1975 is determined to be 670 million pounds. The sum of the preliminary farm marketing quotas for the 1975–76 marketing year is 606,496,227 pounds. The quota of 670 million pounds, less a national reserve of 2,800,000 pounds results in a national factor of 1.100.

Public notice was given (39 FR 44455) that the Secretary was preparing to determine a national marketing quota for burley tobacco for the marketing year beginning October 1, 1975. Due consideration has been given to views and recommendations received pursuant to the notice.

In view of the fact that farmers are preparing for the production of the 1975 burley crop and need to know as soon as possible the 1975 farm marketing quotas for their farms, it is hereby determined that compliance with the 30 day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this document shall be effective January 30, 1975.

Section 726.11 is revised to read as follows:

§ 726.11 **Burley tobacco.**

(a) *National marketing quota.* A national marketing quota for burley tobacco on a poundage basis for the marketing year beginning October 1, 1975, as hereby

determined and announced in the amount of 670 million pounds. This quota is based upon utilization and exports of 650 million pounds with an upward adjustment of 20 million pounds which is determined to be desirable for the purpose of maintaining an adequate supply.

(b) *National factor.* The national factor determined to be necessary to apportion the 1975 national quota to farms as provided in section 319(e) of the Act, is 1.100.

(c) *National reserve.* The national reserve for making corrections and adjusting inequities in old farm quotas and for establishing quotas for new farms is 2,800,000 pounds.

(Sec. 301, 319, 375, 52 Stat. 38, as amended, 85 Stat. 23, 52 Stat. 66, as amended (7 U.S.C. 1301, 1314e, 1375)).

Effective date: January 30, 1975.

Signed at Washington, D.C. on: January 28, 1975.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-2941 Filed 1-30-75;8:45 am]

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

[Lemon Regulation 677]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period February 2–8, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.977 Lemon Regulation 677.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, 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 Lemon 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 lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is fairly steady but continues to ease on 115's and larger fruit, because markets are oversupplied with large sizes. Average f.o.b. price was $4.90 per carton the week ended January 25, 1975, compared to $4.87 per carton the previous week. Track and rolling supplies at 130 cars were down 2 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons 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 when 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 lemons 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 during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, 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 lemons; 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 January 28, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 2, 1975, through February 8, 1975, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: January 29, 1975.

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

[FR Doc.75-3073 Filed 1-30-75;8:45 am]

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

[Docket Nos. AO-160-A50-RO1, et al.]

MILK IN THE MIDDLE ATLANTIC, AND CERTAIN OTHER MARKETING AREAS

Emergency Decision on Proposed Amendments to Marketing Agreements and to Orders

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1138	Rio Grande Valley	AO-335-A33
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A public hearing was held upon proposed amendments to the marketing

agreements and the orders regulating the handling of milk in the Middle Atlantic and certain other marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at the U.S. Department of Agriculture, Washington, D.C., pursuant to notice thereof issued on January 14, 1975 (40 FR 2589).

The material issues on the record relate to:

1. Basic formula prices for pricing Class I milk for February and March 1975.

2. Whether an emergency exists to warrant the omission of a recommended decision with respect to issue No. 1.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I prices.* The orders affected herein should be amended to provide that the Class I prices from the effective date hereof in February and for March 1975 should be computed from the basic formula price of the preceding month.

Presently, Class I prices of all orders are determined by adding a specified differential to a basic formula price, which is the average of prices paid during the second preceding month for manufacturing grade milk in Minnesota and Wisconsin. (The Red River Valley order does not have a basic formula provision. Class I prices under this order are tied to the Oklahoma Metropolitan order. Class I prices under the Southern Illinois order are similarly tied to the St. Louis-Ozarks order.)

As stated in the hearing notice, the purpose of the hearing was to receive evidence with respect to the economic and emergency marketing conditions that relate to the need for providing that Class I prices under all Federal orders for February and March 1975 reflect immediately any price increases for manufacturing milk that may result from the recently announced higher support price for manufacturing milk. The specific proposal considered was to "establish an appropriate basic formula price for determining the Class I prices for the months of February and March 1975 consistent with the adjustment made to the level of price supports announced by the Secretary of Agriculture effective on January 4, 1975."

Witnesses representing producer cooperative associations comprising a substantial proportion of the producers associated with all Federal milk orders proposed several alternatives to assure that the Class I prices of all orders for the entire months of February and March 1975 reflect more promptly any increase in manufacturing milk values resulting from the January 4 increase in the support price for manufacturing grade milk.

Briefly stated, producers proposed alternative actions that would:

(1 Amend the Class I price provisions to provide that the basic formula price be the support price for manufacturing milk containing 3.5 percent butterfat in computing the Class I prices for February and March 1975.

(2) Remove for February and March 1975 the word "second" from the Class I price provision. This would establish the Class I price at the basic formula price for the preceding month, rather than the second preceding month, plus the Class I differential.

Proponents indicated at the hearing that item 1 above could be accomplished only by amending the orders, whereas item 2 could be accomplished by amendment, by temporary suspension, or by a combination of both. Producer representatives stressed, however, the need for immediate action of some type, including a temporary suspension of affected provisions, by February 1, 1975, to adjust the February and March Class I prices as proposed.

Handler witnesses also testified in support of implementing the price support action of the Secretary. However, they differed from producers in the procedural method to be followed. They proposed that the orders be amended on an emergency basis by February 1 to continue the January Class I price into February. Their proposal was based on their estimate that the Minnesota-Wisconsin price for January 1975 would be little different from the price of $6.76 for November 1974. Thus, emergency amendatory action on the basis they proposed would not, in their view, disrupt the handlers' need to know at least two weeks in advance what the Class I price would be for preparing price schedules to customers and carrying out contractual commitments. They proposed further that if additional price action appeared necessary for late February and for March when the January Minnesota-Wisconsin price is announced by February 5, further emergency amendment action should be taken but with at least 15 days' notice to handlers.

An overriding consideration in this proceeding is that all participants were united in proposing that appropriate action is necessary for February and March 1975 to reflect in the Class I prices of all orders the price support action taken by the Department effective January 4, 1975. The price support action was appropriate and necessary because farm milk prices have declined while costs have remained at high levels. This marketing situation was documented fully by exhibits introduced at the hearing. Without the price support action, farm milk prices would have dropped further in the coming months at a time when milk producers must feed greater quantities of grain and high-priced, commercially-prepared concentrate feeds. Under these circumstances it was anticipated that many producers would leave dairying and that the future production of milk and dairy products would decline.

The higher price support level can be expected to increase farm prices for both manufacturing grade milk and milk approved for fluid consumption. Under Federal orders, however, the immediate impact of the price support action will be limited to milk used in manufactured products. This is because Class I prices are based on manufacturing milk values for the second preceding month. With about one-third of the milk produced in the United States being priced as Class I milk under Federal orders, a very substantial part of the nation's milk production will not be immediately affected by the price support action unless the Class I price formulas of the orders are changed.

Because of the limited time available for completing amendatory procedures, temporary suspension action was taken on January 24 to assure that Class I prices for all of February would be brought in line immediately with the earlier price support action. The action taken through this decision would provide on an amendatory basis the pricing procedures implemented through the suspension of certain provisions.

The amendments adopted herein will result in Federal orders continuing to base Class I prices on the competitive market values of manufacturing grade milk, whatever their level. Use of the new support price level (about $7.10 on a 3.5 percent butterfat basis) as the basic formula price, which was one of the pricing alternatives suggested by producers, would deviate from this basic pricing concept previously established for all Federal order markets. This also would be the case if the January 1975 Class I price level were extended into February on a fixed basis, as proposed by handlers. Present marketing conditions do not require that a fixed price level be incorporated in the Class I price formulas. It is consistent with the intent of the price support action, however, to have Class I prices reflect on an immediate basis the increase in manufacturing milk values that is expected to result from the higher support level.

2. *Emergency action.* The due and timely execution of the functions of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and an opportunity for exceptions thereto with respect to Issue No. 1. The continued orderly marketing of milk in the respective areas requires that the attached order be made effective on January 31, 1975. Handlers, cooperative associations and others should know promptly and with certainty the basis of pricing Class I milk through March 1975, the period covered by the order amendments contained herein.

The hearing notice stated that consideration would be given to the emergency marketing conditions relating to proposal No. 1. Action under the procedure described above was supported at the hearing and in briefs submitted by participants at the hearing.

It is therefore found that good cause exists for omission of the recommended decision and the opportunity for filing exceptions thereto.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

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

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

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

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a *marketing agreement* regulating the handling of milk, and an *Order* amending the order regulating the handling of milk in the aforesaid marketing areas which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

July 1974 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid marketing areas is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the respective marketing areas.

Signed at Washington, D.C., on January 28, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] *amending the orders, regulating the handling of milk in certain specified marketing areas.*

FINDINGS AND DETERMINATIONS

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

The following findings are hereby made with respect to each of the aforesaid orders:

(a) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

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

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

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

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended as follows:

PART 1004—MIDDLE ATLANTIC MARKETING AREA

1. In § 1004.50, paragraph (a) is revised as follows:

§ 1004.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.78: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.78.

* * * * *

2. In § 1004.53, paragraph (a) is revised as follows:

§ 1004.53 Announcement of class prices and producer butterfat differential.

* * * * *

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for that month;

* * * * *

PART 1001—BOSTON REGIONAL MARKETING AREA

1. In § 1001.32, paragraph (j) (1) (i) is revised as follows:

§ 1001.32 Additional duties of the market administrator.

* * * * *

(j) * * *

(1) * * *

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

2. In § 1001.61, paragraph (a) is revised as follows:

§ 1001.61 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.58: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.58.

* * * * *

PART 1002—NEW YORK-NEW JERSEY MARKETING AREA

1. In § 1002.22, paragraph (m) (1) (i) is revised as follows:

§ 1002.22 Additional duties of the market administrator.

* * * * *

(m) * * *

(1) * * *

(i) The Class I price for the following month applicable at the 201–210-mile zone and at the 1–10-mile zone: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 at such zones and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month at such zones.

* * * * *

2. In § 1002.50a, paragraph (a) is revised as follows:

§ 1002.50a Class prices.

* * * * *

(a) For Class I–A milk the price shall be the basic formula price for the second preceding month plus $2.40: *Provided,* That from the effective date hereof through March 1975 the Class I–A price shall be the basic formula price for the preceding month plus $2.40.

* * * * *

PART 1006—UPPER FLORIDA MARKETING AREA

1. In § 1006.50, paragraph (a) is revised as follows:

§ 1006.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.85.

* * * * *

2. In § 1006.53, paragraph (a) is revised as follows:

§ 1006.53 Announcement of class prices and handler butterfat differentials.

* * * * *

(a) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

* * * * *

PART 1007—GEORGIA MARKETING AREA

1. In § 1007.50, paragraph (a) is revised as follows:

§ 1007.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.30: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.30.

* * * * *

2. Section 1007.53 is revised as follows:

§ 1007.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for that month.

PART 1011—APPALACHIAN MARKETING AREA

1. In § 1011.22, paragraph (k) (1) (i) is revised as follows:

§ 1011.22 Additional duties of the market administrator.

* * * * *

(k) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for the current month;

* * * * *

2. In § 1011.51, paragraph (a) is revised as follows:

§ 1011.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.13: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.13.

* * * * *

PART 1012—TAMPA BAY MARKETING AREA

1. In § 1012.50, paragraph (a) is revised as follows:

§ 1012.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.95.

* * * * *

2. In § 1012.53, paragraph (a) is revised as follows:

§ 1012.53 Announcement of class prices and handler butterfat differentials.

* * * * *

(a) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

* * * * *

PART 1013—SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.50, paragraph (a) is revised as follows:

§ 1013.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.15: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $3.15.

* * * * *

2. In § 1013.53, paragraph (a) is revised as follows:

§ 1013.53 Announcement of class prices and handler butterfat differentials.

* * * * *

(a) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

* * * * *

PART 1015—CONNECTICUT MARKETING AREA

1. In § 1015.32, paragraph (g) (1) (i) is revised as follows:

§ 1015.32 Additional duties of the market administrator.

* * * * *

(g) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market adminis-

trator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1015.61, paragraph (a) is revised as follows:

§ 1015.61 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.98: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.98.

* * * * *

PART 1030—CHICAGO REGIONAL MARKETING AREA

1. In § 1030.50, paragraph (a) is revised as follows:

§ 1030.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.26: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.26.

* * * * *

2. Section 1030.53 is revised as follows:

§ 1030.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1032—SOUTHERN ILLINOIS MARKETING AREA

1. Section 1032.53 is revised as follows:

§ 1032.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1033—OHIO VALLEY MARKETING AREA

1. In § 1033.27, pargaraph (k) (1) (i) is revised as follows:

§ 1033.27 Additional duties of the market administrator.

* * * * *

(k) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1033.51, paragraph (a) is revised as follows:

§ 1033.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.70.

* * * * *

PART 1036—EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. In § 1036.50, paragraph (a) is revised as follows:

§ 1036.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.85: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.85.

* * * * *

2. Section 1036.53 is revised as follows:

§ 1036.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1040—SOUTHERN MICHIGAN MARKETING AREA

1. In § 1040.50, paragraph (a) is revised as follows:

§ 1040.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

* * * * *

2. Section 1040.53 is revised as follows:

§ 1040.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1044—MICHIGAN UPPER PENINSULA MARKETING AREA

1. In § 1044.22, paragraph (i) (1) (i) is revised as follows:

§ 1044.22 Additional duties of the market administrator.

* * * * *

(i) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1044.51, paragraph (a) is revised as follows:

§ 1044.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price for plants located in Zone 1 shall be the basic formula price for the second preceding month plus $1.15. For plants located in Zone 1(a) the price shall be the price specified for Zone 1 less 10 cents; for plants located in Zone 2 the price shall be the price specified for Zone 1 plus 20 cents; and for plants located outside the marketing area and west of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 1 and for plants located outside the marketing area and east of Lake Michigan, the price (subject to § 1044.53) shall be that specified for Zone 2: *Provided,* That from the effective date hereof through March 1975 the Class I price for plants in Zone 1 shall be the basic formula price for the preceding month plus $1.15.

* * * * *

PART 1046—LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. In § 1046.50, paragraph (a) is revised as follows:

§ 1046.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.49: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.49.

* * * * *

2. Section 1046.53 is revised as follows:

§ 1046.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1049—INDIANA MARKETING AREA

1. In § 1049.50, paragraph (a) is revised as follows:

§ 1049.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.47: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.47.

* * * * *

2. Section 1049.53 is revised as follows:

§ 1049.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1050—CENTRAL ILLINOIS MARKETING AREA

1. In § 1050.50, paragraph (a) is revised as follows:

§ 1050.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.39: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.39.

* * * * *

2. Section 1050.53 is revised as follows:

§ 1050.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1060—MINNESOTA-NORTH DAKOTA MARKETING AREA

1. In § 1060.50, paragraph (a) is revised as follows:

§ 1060.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.30: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.30.

* * * * *

2. Section 1060.53 is revised as follows:

§ 1060.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1061—SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. In § 1061.50, paragraph (a) is revised as follows:

§ 1061.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.06.

* * * * *

2. Section 1061.53 is revised as follows:

§ 1061.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof, the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1062—ST. LOUIS-OZARKS MARKETING AREA

1. In § 1062.50, paragraph (a) is revised as follows:

§ 1062.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

* * * * *

2. Section 1062.53 is revised as follows:

§ 1062.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1063—QUAD CITIES-DUBUQUE MARKETING AREA

1. In § 1063.50, paragraph (a) is revised as follows:

§ 1063.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.33.

* * * * *

2. Section 1063.53 is revised as follows:

§ 1063.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1064—GREATER KANSAS CITY MARKETING AREA

1. In § 1064.50, paragraph (a) is revised as follows:

§ 1064.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.74: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.74.

* * * * *

2. Section 1064.53 is revised as follows:

§ 1064.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth

day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1065—NEBRASKA-WESTERN IOWA MARKETING AREA

1. In § 1065.50, paragraph (a) is revised as follows:

§ 1065.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2, and plus $1.75 in Zone 3: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60 for pool plants located in Zone 1, plus $1.50 in Zone 2, and plus $1.75 in Zone 3.

* * * * *

2. Section 1065.53 is revised as follows:

§ 1065.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1068—MINNEAPOLIS-ST. PAUL, MINNESOTA MARKETING AREA

1. In § 1068.50, paragraph (a) is revised as follows:

§ 1068.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.06: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.06.

* * * * *

2. Section 1068.53 is revised as follows:

§ 1068.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class I and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1069—DULUTH-SUPERIOR MARKETING AREA

1. In § 1069.50, paragraph (a) is revised as follows:

§ 1069.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.10: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.10.

* * * * *

2. Section 1069.53 is revised as follows:

§ 1069.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1070—CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. In § 1070.50, paragraph (a) is revised as follows:

§ 1070.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.33: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.33.

* * * * *

2. Section 1070.53 is revised as follows:

§ 1070.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1071—NEOSHO VALLEY MARKETING AREA

1. In § 1071.50, paragraph (a), the introductory text is revised as follows:

§ 1071.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.54, except that from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.54: *Provided,* That the price so determined shall be further adjusted by subtracting any amount by which such price exceeds the higher of, or adding any amount by which such price is less than, the lower of the following:

* * * * *

2. Section 1071.53 is revised as follows:

§ 1071.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1073—WICHITA, KANSAS MARKETING AREA

1. In § 1073.50, paragraph (a) is revised as follows:

§ 1073.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.80, except that from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.80. Such price shall not be less than the Class I price established for the same month pursuant to Part 1064 (Greater Kansas City) of this chapter, nor more than the Greater Kansas City Class I price plus 60 cents.

* * * * *

2. Section 1073.53 is revised as follows:

§ 1073.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1075—BLACK HILLS, SOUTH DAKOTA MARKETING AREA

1. In § 1075.27, paragraph (j) (1) (i) is revised as follows:

§ 1075.27 Additional duties of the market administrator.

* * * * *

(j) * * *
(l) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1075.51, paragraph (a) is revised as follows:

§ 1075.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

* * * * *

PART 1076—EASTERN SOUTH DAKOTA MARKETING AREA

1. In § 1076.50, paragraph (a) is revised as follows:

§ 1076.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.50: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.50.

* * * * *

2. Section 1076.53 is revised as follows:

§ 1076.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1078—NORTH CENTRAL IOWA MARKETING AREA

1. In § 1078.50, paragraph (a) is revised as follows:

§ 1078.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.25: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.25.

* * * * *

2. Section 1078.53 is revised as follows:

§ 1078.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1079—DES MOINES, IOWA MARKETING AREA

1. In § 1079.50, paragraph (a) is revised as follows:

§ 1079.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.40: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.40.

* * * * *

2. Section 1079.53 is revised as follows:

§ 1079.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1090—CHATTANOOGA, TENNESSEE MARKETING AREA

1. In § 1090.50, paragraph (a) is revised as follows:

§ 1090.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.15: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.15.

* * * * *

2. Section 1090.53 is revised as follows:

§ 1090.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1094—NEW ORLEANS, LOUISIANA MARKETING AREA

1. In § 1094.50, paragraph (a) is revised as follows:

§ 1094.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.85: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.85.

* * * * *

2. Section 1094.53 is revised as follows:

§ 1094.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1096—NORTHERN LOUISIANA MARKETING AREA

1. In § 1096.50, paragraph (a) is revised as follows:

§ 1096.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.47: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.47.

* * * * *

2. Section 1096.53 is revised as follows:

§ 1096.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1097—MEMPHIS, TENNESSEE MARKETING AREA

1. In § 1097.50, paragraph (a) is revised as follows:

§ 1097.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.94.

* * * * *

2. Section 1097.53 is revised as follows:

§ 1097.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1098—NASHVILLE, TENNESSEE MARKETING AREA

1. In § 1098.50, paragraph (a) is revised as follows:

§ 1098.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.58: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.58.

* * * * *

2. Section 1098.53 is revised as follows:

§ 1098.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1099—PADUCAH, KENTUCKY MARKETING AREA

1. In § 1099.50, paragraph (a) is revised as follows:

§ 1099.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.70.

* * * * *

2. Section 1099.53 is revised as follows:

§ 1099.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1101—KNOXVILLE, TENNESSEE MARKETING AREA

1. In § 1101.22, paragraph (j) (1) (i) is revised as follows:

§ 1101.22 Additional duties of the market administrator.

* * * * *

(j) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1101.51, paragraph (a) is revised as follows:

§ 1101.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.70.

* * * * *

PART 1102—FORT SMITH, ARKANSAS MARKETING AREA

1. In § 1102.50, paragraph (a) is revised as follows:

§ 1102.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

* * * * *

2. Section 1102.53 is revised as follows:

§ 1102.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1104—RED RIVER VALLEY MARKETING AREA

1. Section 1104.53 is revised as follows:

§ 1104.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1106—OKLAHOMA METROPOLITAN MARKETING AREA

1. In § 1106.50, paragraph (a) is revised as follows:

§ 1106.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.98: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.98.

* * * * *

2. Section 1106.53 is revised as follows:

§ 1106.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1108—CENTRAL ARKANSAS MARKETING AREA

1. In § 1108.50, paragraph (a) is revised as follows:

§ 1108.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.94: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.94.

* * * * *

2. Section 1108.53 is revised as follows:

§ 1108.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price

for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1120—LUBBOCK-PLAINVIEW, TEXAS MARKETING AREA

1. In § 1120.50, paragraph (a) is revised as follows:

§ 1120.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.42: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.42.

* * * * *

2. Section 1120.53 is revised as follows:

§ 1120.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1121—SOUTH TEXAS MARKETING AREA

1. In § 1121.50, paragraph (a) is revised as follows:

§ 1121.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.68: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.68.

* * * * *

2. Section 1121.53 is revised as follows:

§ 1121.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1124—OREGON-WASHINGTON MARKETING AREA

1. In § 1124.22, paragraph (i) (1) (i) is revised as follows:

§ 1124.22 Additional duties of the market administrator.

* * * * *

(i) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1124.51, paragraph (a) is revised as follows:

§ 1124.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

* * * * *

PART 1125—PUGET SOUND, WASHINGTON MARKETING AREA

1. In § 1125.50, paragraph (a) is revised as follows:

§ 1125.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.85: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price of the preceding month plus $1.85.

* * * * *

2. Section 1125.53 is revised as follows:

§ 1125.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1126—NORTH TEXAS MARKETING AREA

1. In § 1126.50, paragraph (a) is revised as follows:

§ 1126.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.32: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.32.

* * * * *

2. Section 1126.53 is revised as follows:

§ 1126.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1127—SAN ANTONIO, TEXAS MARKETING AREA

1. In § 1127.50, paragraph (a) is revised as follows:

§ 1127.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.74: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.74.

* * * * *

2. Section 1127.53 is revised as follows:

§ 1127.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1128—CENTRAL WEST TEXAS MARKETING AREA

1. In § 1128.50, paragraph (a) is revised as follows:

§ 1128.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.57: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.57.

* * * * *

2. Section 1128.53 is revised as follows:

§ 1128.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day

of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1129—AUSTIN-WACO, TEXAS MARKETING AREA

1. In § 1129.50, paragraph (a) is revised as follows:

§ 1129.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.70: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.70.

* * * * *

2. Section 1129.53 is revised as follows:

§ 1129.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1130—CORPUS CHRISTI, TEXAS MARKETING AREA

1. In § 1130.50, paragraph (a) is revised as follows:

§ 1130.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $3.07: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $3.07.

* * * * *

2. Section 1130.53 is revised as follows:

§ 1130.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1131—CENTRAL ARIZONA MARKETING AREA

1. In § 1131.50, paragraph (a) is revised as follows:

§ 1131.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.52: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.52.

* * * * *

2. Section 1131.53 is revised as follows:

§ 1131.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1132—TEXAS PANHANDLE MARKETING AREA

1. In § 1132.50, paragraph (a) is revised as follows:

§ 1132.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.25: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.25.

* * * * *

2. Section 1132.53 is revisd as follows:

§ 1132.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided,* that on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1133—INLAND EMPIRE MARKETING AREA

1. In § 1133.50, paragraph (a) is revised as follows:

§ 1133.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.95: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.95.

* * * * *

2. In § 1133.53, paragraph (a) is revised as follows:

§ 1133.53 Announcement of class prices and handler butterfat differentials.

* * * * *

(a) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and the market administrator on or before the fifth day of March 1975 shall publicly announce the Class I price for the current month;

* * * * *

PART 1134—WESTERN COLORADO MARKETING AREA

1. In § 1134.22, paragraph (i) (1) (i) is revised as follows:

§ 1134.22 Additional duties of the market administrator.

* * * * *

(i) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1134.51, paragraph (a) is revised as follows:

§ 1134.51 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.00: *Provided,* That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.00.

* * * * *

PART 1136—GREAT BASIN MARKETING AREA

1. In § 1136.22, paragraph (k) (1) (i) is revised as follows:

§ 1136.22 Additional duties of the market administrator.

* * * * *

(k) * * *

(1) * * *

(i) The Class I price for the following month: *Provided,* That on the effective date hereof the market administrator shall publicly announce the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1136.50, paragraph (a) is revised as follows:

§ 1136.50 Class prices.

* * * * *

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $1.90;

Provided, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.90.

* * * * *

PART 1137—EASTERN COLORADO MARKETING AREA

1. In § 1137.22, paragraph (i)(1)(i) is revised as follows:

§ 1137.22 Additional duties of the market administrator.

* * * * *

(i) * * *

(1) * * *

(i) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall publicly announce the Class I price for that month;

* * * * *

2. In § 1137.51, paragraph (a) is revised as follows:

§ 1137.51 Class prices.

* * * * *

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $2.30: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.30.

* * * * *

PART 1138—RIO GRANDE VALLEY MARKETING AREA

1. In § 1138.50, paragraph (a) is revised as follows:

§ 1138.50 Class prices.

* * * * *

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $2.35: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $2.35.

* * * * *

2. Section 1138.53 is revised as follows:

§ 1138.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month.

PART 1139—LAKE MEAD MARKETING AREA

1. In § 1139.50, paragraph (a) is revised as follows:

§ 1139.50 Class prices.

* * * * *

(a) *Class I price*. The Class I price shall be the basic formula price for the second preceding month plus $1.60: *Provided*, That from the effective date hereof through March 1975 the Class I price shall be the basic formula price for the preceding month plus $1.60.

* * * * *

2. In § 1139.53, paragraph (a) is revised as follows:

§ 1139.53 Announcement of class prices and handler butterfat differentials.

* * * * *

(a) The Class I price for the following month: *Provided*, That on the effective date hereof the market administrator shall announce publicly the Class I price for the remainder of the month of February 1975 and on or before the fifth day of March 1975 the market administrator shall announce publicly the Class I price for the current month;

* * * * *

[FR Doc.75-2903 Filed 1-30-75;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION) DEPARTMENT OF AGRICULTURE

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the States of Missouri and Nebraska

Statement of Considerations. Sections 202 and 203 of the Federal Meat Inspection Act (21 U.S.C. 642, 643) provide for recordkeeping, access, and related requirements; and registration requirements; with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b) and (c) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

The States of Missouri and Nebraska have been designated, pursuant to section 301(c) of the Federal Meat Inspection Act and section 5(c) of the Poultry Products Inspection Act, for the application, to intrastate activities of Titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act, and said provisions are now applicable to such activities in Missouri and Nebraska. The Secretary, after consultation with the appropriate advisory committee, has now determined that Missouri and Nebraska are not exercising, in a manner to effectuate the purpose of said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202 and 203 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representatives being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, Missouri and Nebraska are hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202 and 203 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

§ 331.6 [Amended]

Accordingly, the table in § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended as follows:

1. Missouri and Nebraska are added in alphabetical order to the list of States in which the provisions of sections 202 and 203 of the Federal Meat Inspection Act and related regulations are applicable.

2. In the "Effective Date" column, "January 31, 1975" is added on the line with Missouri and Nebraska in both places.

(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584, 21 U.S.C. 621, 645; 37 FR 464, 28477)

§ 381.224 [Amended]

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is amended as follows:

1. Missouri and Nebraska are added in alphabetical order to the list of States in which the provisions of sections 11 (b) and (c) of the Poultry Products Inspec-

tion Act and related regulations are applicable.

2. In the "Effective Date" column, "January 31, 1975" is added on the line with Missouri and Nebraska in both places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 37 FR 28464, 28477)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and Section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agricultures access to places of business engaged in intrastate activities and otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments and the notice given hereby shall become effective January 31, 1975.

Done at Washington, D.C., on: January 24, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-2848 Filed 1-30-75;8:45 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Designation of the States of Minnesota, Montana, Nevada, Oregon, and Washington

Statement of Considerations. Sections 202, 203, and 204 of the Federal Meat Inspection Act (21 U.S.C. 642, 643, 644) provide for recordkeeping, access, and related requirements; registration requirements; and regulation of transactions involving dead, dying, disabled, or diseased livestock of the specified kinds, or parts of the carcasses of such animals that died otherwise than by slaughter, with respect to operators engaged in specified classes of business in or for "commerce" as defined in the Act. Similar provisions with respect to poultry and poultry products are contained in sections 11 (b), (c), and (d) of the Poultry Products Inspection Act (21 U.S.C. 460 (b), (c), and (d)). Section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 645, 460(e)) authorize the Secretary of Agriculture to exercise the authorities under the aforesaid sections with respect to persons, firms, and corporations engaged in the specified kinds of business but not in or for "commerce" in any State or organized Territory when he determines, after consultation with an appropriate advisory committee, that the State or Territory does not have at least equal authority under its laws or is not exercising such authority in a manner to effectuate the purposes of the Acts.

The States of Minnesota, Montana, Nevada, Oregon, and Washington have been designated, pursuant to section 301(c) of the Federal Meat Inspection Act and section 5(c) of the Poultry Products Inspection Act, for the application, to intrastate activities, of Titles I and IV of the Federal Meat Inspection Act and sections 1–4, 6–10, and 12–22 of the Poultry Products Inspection Act, and said provisions are now applicable to such activities in said States.

The Secretary, after consultation with the appropriate advisory committee, has now determined that said States are not exercising, in a manner to effectuate the purposes of the said Acts, with respect to intrastate businesses, authorities at least equal to those under sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act, including the Secretary or his representative being afforded access to such places of business and the facilities, inventories, and records thereof. Therefore, said States are hereby designated under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act for the exercise of the specified authorities with respect to intrastate businesses, and hereafter sections 202, 203, and 204 of the Federal Meat Inspection Act and sections 11 (b) and (c) of the Poultry Products Inspection Act shall apply as hereinafter provided, to persons, firms, and corporations engaged in the kinds of business specified in said sections, but not in or for commerce, to the same extent and in the same manner as if they were engaged in such business in or for commerce and the transactions involved were in commerce.

§ 331.6 [Amended]

Accordingly, the table in § 331.6 of the meat inspection regulations (9 CFR 331.6) is amended as follows:

1. In the "State" column, "Minnesota, Montana, Nevada, Oregon, and Washington" are added in alphabetical order in all three places.

2. In the "Effective Date" column, "January 31, 1975" is added on the line with "Minnesota, Montana, Nevada, Oregon, and Washington" in all three places.

(Secs. 21 and 205, 34 Stat. 1260, as amended, 81 Stat. 584 (21 U.S.C. 621, 645); 37 FR 28464, 28477)

§ 381.224 [Amended]

Further, the table in § 381.224 of the poultry products inspection regulations (9 CFR 381.224) is ameded as follows:

1. In the "State" column, "Minnesota, Montana, Nevada, Oregon, and Washington" are added in alphabetical order in both places.

2. In the "Effective Date" column, "January 31, 1975" is added on the line with "Minnesota, Montana, Nevada, Oregon, and Washington" in both places.

(Secs. 11(e) and 14, 71 Stat. 441, as amended, 82 Stat. 791, 21 U.S.C. 460(e), 463; 37 FR 28464, 28477)

These amendments of the regulations are necessary to reflect the determinations of the Secretary of Agriculture under section 205 of the Federal Meat Inspection Act and section 11(e) of the Poultry Products Inspection Act, and to effectuate the purposes of the Acts by affording representatives of the Secretary of Agriculture access to places of business engaged in intrastate activities and to otherwise facilitate the enforcement of the Acts. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making these amendments effective less than 30 days after publication in the FEDERAL REGISTER.

These amendments and the notice given hereby shall become effective January 31, 1975.

Done at Washington, D.C., on January 24, 1975.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.75-2849 Filed 1-30-75;8:45 am]

[No. 75-56]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 564—SETTLEMENT OF INSURANCE

Corrective Amendment Relating to Updating of Examples of Insurance Coverage

JANUARY 24, 1975.

The Federal Home Loan Bank Board hereby amends Board Resolution No. 74-1177 (FR Document No. 74-27654, 39 FR 41243, November 26, 1974, which amended Part 564 of the rules and regulations for insurance of accounts, 12 CFR Part 564, by updating the Examples of Insurance Coverage Afforded Accounts in Institutions Insured by the Federal Savings and Loan Insurance Corporation, published as an Appendix to said Part 564 to reflect the increases in maximum insurance authorized in Pub. L. 93-495) by correcting a typographical error in Example 3 (deleting the last reference to "$40,000" in the Answer and substituting "$80,000") under *B. Testamentary accounts* of said Appendix so, that said Example will read:

EXAMPLE 3

Question: H invests $40,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $40,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $40,000 maximum. (§ 564.4(a)). The accounts payable to H's mother and brother are added to H's individual account and insured to $40,000 in the aggregate, leaving $80,000 uninsured. (§ 564.4(b)).

(Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended (12 U.S.C. 1724, 1725, 1726, 1728) Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–1948, Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75–2872 Filed 1–30–75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 75–WE–7–AD; Amdt. 39–2081]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model L–1011–385–1 Airplanes

During evaluation system operation tests at Lockheed and periodic maintenance checks conducted by the airlines, there have been numerous malfunctions of the passenger evacuation system resulting in degraded and/or unuseable evacuation slides.

Since these malfunctions are likely to exist or develop in other airplanes of the same type design, an airworthiness directive (AD) is being issued to require numerous modifications of the passenger evacuation system on all Lockheed Model L–1011 airplanes. These modifications to the passenger evacuation system will substantially reduce the possibility of similar malfunctions and improve the overall reliability of the passenger evacuation system.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists for making this amendment effective in less than 30 days.

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

LOCKHEED. Applies to Model L–1011–385–1 airplanes certificated in all categories

Compliance required as indicated.

To prevent possible malfunctions resulting in unusable passenger evacuation slides and slide/rafts and improve the overall reliability of the passenger evacuation system, accomplish the following:

(a) Within the next 30 days' calendar time after the effective date of this AD, unless already accomplished, rework the escape slides and slide/raft primary valise release cables and inspect slide/raft packs for steel reinforcing plate delamination in accordance with Lockheed Service Bulletin 093–25–206, dated January 10, 1975, or later FAA-approved revisions, or equivalent inspections and/or modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Within the next 180 days' calendar time after the effective date of this AD, unless already accomplished, replace escape slide release pin assemblies in accordance with Air Cruisers Service Bulletin 25–16, dated March 22, 1974, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Within the next 180 days' calendar time after the effective date of this AD, unless already accomplished, inspect for proper escape slide girt extension and pack height in accordance with Lockheed Service Bulletin 093–25–205, dated January 10, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Within the next 180 days' calendar time after the effective date of this AD, unless already accomplished, install heat shrinkable tubing on escape slide and slide/raft release pin assemblies in accordance with Lockheed Service Bulletin 093–25–212, dated January 10, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(e) Upon completion of above Service Bulletins listed in paragraphs (a) through (d) above, re-identify escape slides and slide/rafts in accordance with Lockheed Service Bulletin 093–25–210, dated January 21, 1975, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(f) Aircraft may be flown to a base for performance of the maintenance required per this AD in accordance with FAR's 21.197 and 21.199.

This amendment becomes effective March 5, 1975.

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

Issued in Los Angeles, California, January 23, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–2870 Filed 1–30–75;8:45 am]

[Docket No. 14292; Amdt. No. 953]

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, or 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 $150.00 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 $30.00 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 13, 1975*

Austin, Tex.—Robert Mueller Municipal Arpt., VORTAC Rwy 12R, Amdt. 3.
Austin, Tex.—Robert Mueller Municipal Arpt., VORTAC Rwy 16R, Amdt. 2.
Bethpage, N.Y.—Grumman-Bethpage Arpt., VOR–A (TAC), Amdt. 6.
Columbia, Mo.—E. W. Cotton Woods Memorial Arpt., VOR–A, Amdt. 1.
Columbia, Mo.—Columbia Regional Arpt., VOR Rwy 20, Amdt. 5.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., VOR Rwy 17 (TAC), Amdt. 19.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., VORTAC Rwy 35, Amdt. 4.
Hibbing, Minn.—Chisholm-Hibbing Arpt., VOR Rwy 13, Amdt. 7.
Hibbing, Minn.—Chisholm-Hibbing Arpt., VOR Rwy 31, Amdt. 11.
Jefferson, Ga.—Jackson Co. Arpt, VOR/DME Rwy 34, Amdt. 2, cancelled.
Lakeland, Fla.—Lakeland Municipal Arpt., VOR–A, Orig., cancelled.
Lakeland, Fla.—Lakeland Municipal Arpt., VOR Rwy 4, Amdt. 2, cancelled.
Lakeland, Fla.—Lakeland Municipal Arpt., VOR Rwy 27, Orig.
Mena, Ark.—Mena Municipal Arpt., VOR/DME–A, Amdt. 1.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., VOR Rwy 6, Amdt. 2, cancelled.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., VOR Rwy 24, Amdt. 2, cancelled.

* * * *effective February 20, 1975.*

Brewton, Ala.—Brewton Municipal Arpt., VOR Rwy 30, Amdt. 2.

* * * *effective February 13, 1975.*

Louisville, Ky.—Standiford Arpt., VOR Rwy 19 (TAC), Orig., cancelled.

* * * *effective January 17, 1975.*

Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 13, Amdt. 5.

Nashville, Tenn.—Nashville Metropolitan Arpt., VOR/DME Rwy 20R, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective March 13, 1975.*

Albany, Ga.—Albany-Dougherty County Arpt., LOC (BC) Rwy 22, Orig.
Columbia, Mo.—Columbia Regional Arpt., LOC (BC) Rwy 20, Amdt. 2.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., Loc (BC) Rwy 31, Amdt. 5.
Hibbing, Minn.—Chisholm-Hibbing Arpt., LOC (BC) Rwy 20, Amdt. 2.

* * * *effective February 27, 1975.*

Homer, Alaska—Homer Arpt., LOC/DME Rwy 3, Amdt. 1.

* * * *effective February 13, 1975.*

Louisville, Ky.—Standiford Field, LOC Rwy 19, Amdt. 1.

* * * *effective January 16, 1975.*

Miami, Fla.—Miami Int'l. Arpt., LOC (BC) Rwy 9L, Amdt. 3.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective March 13, 1975.*

Austin, Tex.—Robert Mueller Municipal Arpt., NDB Rwy 30L, Amdt. 26.
Columbia, Mo.—Columbia Regional Arpt., NDB Rwy 2, Amdt. 2.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., NDB Rwy 13, Amdt. 17.
Hudson, N.Y.—Columbia Co. Arpt., NDB-A, Orig.
Jackson, Minn.—Jackson Municipal Arpt., NDB Rwy 13, Amdt. 2.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., NDB Rwy 24, Amdt. 28.

* * * *effective February 13, 1975.*

Los Angeles, Calif.—Los Angeles Int'l. Arpt., NDB Rwy 24L/R, Amdt. 9.

* * * *effective January 17, 1975.*

Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., NDB Rwy 18, Amdt. 1.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective March 13, 1975.*

Austin, Tex.—Robert Mueller Municipal Arpt., ILS Rwy 30L, Amdt. 26.
Columbia, Mo.—Columbia Regional Arpt., ILS Rwy 2, Amdt. 3.
Corpus Christi, Tex.—Corpus Christi Int'l. Arpt., ILS Rwy 13, Amdt. 16.
Hibbing, Minn.—Chisholm-Hibbing Arpt., ILS Rwy 31, Amdt. 4.
Santa Ana, Calif.—El Toro MCAS Arpt., ILS Rwy 34R, Amdt. 5, cancelled.

* * * *effective February 13, 1975.*

Fairbanks, Alaska—Fairbanks Int'l. Arpt., ILS/DME Rwy 1L, Orig., cancelled.

* * * *effective January 22, 1975.*

Chicago, Ill.—Chicago Midway Arpt., ILS Rwy 4R, Amdt. 1.

* * * *effective January 17, 1975.*

Carbondale-Murphysboro, Ill.—Southern Illinois Arpt., ILS Rwy 18, Amdt. 1.

* * * *effective January 16, 1975.*

Miami, Fla.—Miami Int'l. Arpt., ILS Rwy 9L, Amdt. 20.
Miami, Fla.—Miami Int'l. Arpt., ILS Rwy 27R, Amdt. 5.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective January 22, 1975.*

Savannah, Ga.—Savannah Municipal Arpt., RADAR-A, Amdt. 6.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective March 13, 1975.*

Chapel Hill, N.C.—Horace Williams Arpt., RNAV Rwy 8, Orig.
St. Louis, Mo.—Lambert-St. Louis Int'l. Arpt., RNAV Rwy 30L, Amdt. 2.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510) and 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 23, 1975.

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).

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.75-2871 Filed 1-30-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 923—COASTAL ZONE MANAGEMENT PROGRAM APPROVAL REGULATIONS

PART 926—COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS, ALLOCATION OF FUNDS TO STATES

Correction and Redesignation

In the FEDERAL REGISTER of April 2, 1974, on page 11999, a new Part 923—Coastal Zone Management Program Development Grants, Allocation of Funds to States, was added to 15 CFR Chapter IX (FR Doc. 74-7596). It has become necessary to redesignate this part as Part 926—Coastal Zone Management Program Development Grants, Allocation of Funds to States.

This redesignation is necessary because a new Part 923—Coastal Zone Management Program Approval Regulations, was adopted in the FEDERAL REGISTER of January 9, 1975, on page 1683 (FR Doc. 75-738). These regulations constitute a new part distinct from Part 923 as published on April 2, 1974, but do not supersede those regulations in any way.

Therefore, the regulations published on April 2, 1974, are hereby redesignated as Part 926—Coastal Zone Management Program Development Grants, Allocation of Funds to States, and all references within the text of this part are redesignated accordingly. Part 923—Coastal Zone Management Program Approval Regulations, as published on January 9, 1975, remains unchanged.

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Labeling Requirements for Noncomplying Packaging

The purpose of this CPSC document is to promulgate a regulation (16 CFR 1700.5) to govern the labeling of noncomplying packages of substances subject to child-protection packaging requirements under the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471-76) and its regulations (16 CFR Part 1700). Child-protection packaging is also referred to herein as "child-resistant packaging" and "special packaging," which is defined in section 2(4) of the act (repeated in 16 CFR 1700.1(a)(4)).

Section 4(a) of the act provides that for the purpose of making any product which is subject to child-protection packaging requirements available to elderly or handicapped persons who would be unable to use such product in child-resistant packaging, the manufacturer or packer may package the product in noncomplying packaging in a single size if (1) the manufacturer or packer also supplies the product in child-resistant packaging and (2) the noncomplying package is clearly and conspicuously labeled with the statement "This package for households without young children." Section 4(a) also provides that a substitute labeling statement may be prescribed by regulation for noncomplying packages too small to accommodate said statement.

BACKGROUND

In the FEDERAL REGISTER of October 18, 1972 (37 FR 22001), the Food and Drug Administration (then responsible for administering the act) proposed a regulation (21 CFR 295.8) to (1) specify the circumstances under which products used by elderly or handicapped persons would be exempt from the child-protection packaging requirements; (2) establish specific requirements for the size, contrast, and placement of the labeling statement required to appear on noncomplying packages; and (3) prescribe the wording for a shorter, substitute labeling statement and the conditions under which it could be used.

On May 14, 1973, functions under the Poison Prevention Packaging Act of 1970 were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)).

Subsequently, in the FEDERAL REGISTER of August 7, 1973 (38 FR 21247), the

Consumer Product Safety Commission revised and transferred the regulations under the Poison Prevention Packaging Act of 1970 (21 CFR Part 295 became 16 CFR Part 1700). Accordingly, proposed 21 CFR 295.8 is acted upon below as 16 CFR 1700.5.

RESPONSE TO PROPOSAL

In response to the proposal of October 18, 1972, ten comments were received, each stating one or more objections. Six were from manufacturers of products subject to child-protection packaging requirements, two were from associations of manufacturers of such products, one was from an association of pediatricians, and one was from a member of the public. The principal issues raised in those comments and the Commission's conclusions thereon are as follows:

A. *Conditions for noncompliance.* Proposed § 295.8(a) set forth six conditions a manufacturer or packer would be required to meet in order to market products subject to special packaging requirements in noncomplying packaging for use by the elderly or handicapped.

Proposed § 295.8(a)(1) specified that the special packaging must create "significant difficulty in use" for the elderly or handicapped. An association of manufacturers comments that this requirement is inconsistent with section 4(a) of the act which states that manufacturers and packers are authorized to use noncomplying packaging in a single size to make products, subject to special packaging requirements, available to elderly or handicapped persons "unable to use" such products in special packaging. The association adds that the term "significant difficulty" is imprecise and conjectural.

Proposed § 295.8(a)(2) specified that special packaging must be supplied by the manufacturer or packer in "popular sizes."

Proposed § 295.8(a)(3) required as a condition to the use of noncomplying packaging that the manufacturer adequately distribute and advertise the specially packaged substance. A manufacturer states that the advertising requirements could create a hardship for small companies that engage in little or no advertising.

Proposed § 295.8(a)(4) specified that the noncomplying packaging must be "a size most likely to be used" by the elderly or handicapped. A manufacturer comments that this could conflict with the requirement of proposed § 295.8(a)(2) that special packaging be available in "popular sizes," contending that a size "most likely to be used" by elderly or handicapped persons could also be a "popular size." A trade association states that proposed § 295.8(a)(4) would require the manufacturer to determine the single size most likely to be used by the elderly or handicapped in order to use noncomplying packaging.

An association of manufacturers and two manufacturers state that one or more of the requirements of proposed § 295.8(a)(1) through (4) would impose limitations on marketing household substances in noncomplying packaging that are not prescribed by section 4 of the act and that promulgation of such requirements would be beyond the Commission's authority.

Proposed § 295.8(a)(5) specified that the noncomplying package must be labeled in accordance with proposed § 295.8(b) or (c). Section 295.8(a)(6) stated that the manufacturer or packer must not have been ordered under proposed § 295.8(e) to use special packaging exclusively for the product. No responses objected to proposed § 295.8(a)(5) and (6).

The Commission concludes that to the extent that proposed § 295.8(a)(3) would require a manufacturer or packer to advertise the availability of a subject product in special packaging before the product could be packaged in noncomplying packaging of a single size, the regulation would impose an inappropriate obligation on the manufacturer or packer.

Regarding the remaining conditions in proposed § 295.8(a)(1) through (6), the Commission concludes that section 4 of the act prescribes with sufficient precision the conditions under which a manufacturer or packer of any substance subject to child-protection packaging requirements may package that substance in a noncomplying package. Accordingly, the general requirements of proposed § 295.8(a)(1) through (6) have not been included in the regulation promulgated below except for the requirement that the noncomplying package bear the labeling statement required by the act or the shorter, substitute statement required by the regulation (§ 1700.5(a)(1) and (b) below). Manufacturers and packers, however, must also meet all conditions specified in section 4(a) of the act to be authorized to use noncomplying packaging for any product subject to child-protection packaging requirements.

B. *Labeling statement.* Proposed § 295.8(b)(1) specified a labeling statement that must appear conspicuously on all noncomplying packages, reading "This Package for Households Without Young Children." An association of pediatricians and a manufacturer object to the wording of the statement because it does not give the reason why the noncomplying package is intended only for households without young children. Another manufacturer comments that the statement could be confusing to the elderly or handicapped who have difficulty using specially packaged substances but who live in households with young children. Section 4(a)(2) of the act, however, prescribes the labeling statement specified in proposed § 295.8(b)(1). Accordingly, the Commission does not have the authority to change the statement's wording (§ 1700.5(a)(1) below).

Proposed § 295.8(b)(2) and (5)(iii) contained language which could be confusing where a product is marketed in an immediate container as well as in an outer container. Although no comments were received on this point, the language has been changed to more clearly express the requirement that the noncomplying packaging labeling is required on the immediate container as well as on the outer container or wrapping used in the retail display of the substance. This change is consistent with section 2(3) of the Act which includes outer containers or wrappings in the definition of "package" when the term is used in the context of noncomplying packaging (§ 1700.5(a)(2) and (5)(a)(5)(ii) below).

C. *Substitute labeling statement.* Section 4(a)(2) of the act authorizes the Commission to specify the language of a substitute labeling statement for packaging too small to accommodate the statutorily required labeling statement. Proposed § 295.8(c) specified as the substitute labeling statement "Caution: This Package Is Not Child-Safe." A manufacturer suggests deleting the word "Caution," noting that this word is required to appear on the labeling of certain products regulated under the Federal Hazardous Substances Act (15 U.S.C. 1261–74) which products are also subject to regulation under the Poison Prevention Packaging Act of 1970. The manufacturer observes that using "Caution" at two different places on the packaging of one product might cause confusion. Another manufacturer suggests that the statement "Cap Not Child Safe" would be shorter and more accurate.

The Commission observes that the labeling statement specified by section 4(a) of the act and § 1700.5(a)(1) bellow contains seven words and that the substitute labeling statement in proposed § 295.8(c) contains six words. The Commission also observes that the substitute labeling statement declares that the noncomplying package is not "Child-Safe," thereby suggesting that special packaging is unconditionally safe when placed in the hands of young children. Section 2(4) of the act defines "special packaging" as packaging designed to be "significantly difficult" but not impossible for young children to open.

The Commission concludes that a shorter and more accurate substitute labeling statement than the one initially proposed should be adopted; specifically, "Package Not Child-Resistant" (§ 1700.5(b) below).

D. *Labeling size and other display requirements.* 1. Provisions of proposed § 295.8(b)(2) through (5) specified the manner of placement of the labeling statement on packaging; required the statement to appear within a square or rectangle enclosed within a ruled border; required the statement to be printed in capital letters in distinct contrast by typography, layout, color, or embossing with other matter on the package; and specified minimum sizes for the labeling statement in relation to the size of the package's principal display panel. Two associations of manufacturers and three manufacturers question the Commission's authority to promulgate those requirements.

Two comments observe that the proposal's preamble stated in effect that the specifications on labeling conspicuous-

ness were based on regulations issued by FDA pursuant to the Fair Packaging and Labeling Act. The Commission finds that the intention, however, was to indicate that the requirements concerning labeling statement conspicuousness were similar to labeling requirements promulgated under the Fair Packaging and Labeling Act; not that the authority in this matter was derived from the Fair Packaging and Labeling Act.

Two others cite sections 3(d) and 4(a)(2) of the act as indicative that the Commission lacks authority to promulgate regulations specifying size, placement, and contrast of the labeling statement on noncomplying packaging. Section 3(d) of the act provides that with the exception of authority granted in section 4(a)(2), nothing in the act gives the Commission authority to prescribe specific labeling. Section 4(a)(2) provides that for the purpose of making any household substance, which is subject to a special packaging standard, available to elderly or handicapped persons, a manufacturer or packer may package that substance in noncomplying packaging of a single size if it bears conspicuous labeling stating "This package for households without young children," except that the Commission may by regulation prescribe a substitute statement to the same effect for packaging too small to accommodate such statement. Thus, section 4(a)(2) not only authorizes the Commission to prescribe a substitute labeling statement, but also requires noncomplying packaging to bear a "conspicuous labeling statement." Provisions of proposed § 295.8 (b) and (c) concerning size, placement, and content of the labeling statement are clearly related to obtaining a conspicuous display of the labeling statement and are therefore authorized by section 4(a)(2) and are not affected by section 3(d)'s prohibiting of specific requirements for packaging designs, product content, package quantity, or labeling. Accordingly, those provisions appear in § 1700.5 (a)(2) through (5) below.

2. A manufacturer comments that the schedule of type sizes in proposed § 295.8 (b)(4) was undesirable because the labeling statement that would be required for a package with a principal display panel slightly larger than 5 square inches would occupy approximately one-fourth of the panel. The Commission agrees and the schedule has been modified by introducing one intermediate type size and by altering the schedule of area sizes for the principal display panel to eliminate the problem (§ 1700.5(a)(4) below).

3. Four manufacturers state that one or more of the requirements in proposed § 295.8(b)(2) through (5) regarding the size, placement, and contast of the labeling statement on noncomplying packaging would be unnecessarily burdensome. They suggest that the public could be given adequate notice about the absence of special packaging if one or more of those requirements were eliminated. A member of the public comments that the provisions of proposed § 295.8(b)(2) through (5) are inadequate because they do not require the labeling statement to appear in a standardized shape printed in a specified color against a specified background.

The Commission concludes that the provisions of proposed § 295.8(b)(2) through (5), with the modification discussed in paragraph 2 above, are necessary and will be adequate to alert the consuming public to the absence of special packaging and should not be unnecessarily burdensome to manufacturers and packers. Accordingly, those provisions appear in § 1700.5(a)(2) through (5) below.

4. A member of the public suggests that a provision be added to prohibit the sale of any subject substance in noncomplying packaging at a price lower than the same size of that substance when sold in special packaging. The Commission finds that it lacks authority to promulgate such a requirement.

E. *Prescription drugs.* Section 4(b) of the act provides that a substance subject to special packaging requirements that is dispensed at the order of a licensed medical practitioner authorized to prescribe may be dispensed in noncomplying packaging only (1) at the order of the prescribing medical practitioner or (2) at the request of the purchaser. Proposed § 295.8(d) was intended to include this requirement. The Commission observes that proposed § 295.8(d) does not clarify or interpret section 4(b) of the act and has, accordingly, concluded that including such provision in the regulation below is unnecessary.

The Commission also observes that section 4(b) does not require substances that are subject to special packaging requirements and are dispensed in noncomplying packaging at the order of the prescribing medical practitioner, or at the request of the purchaser, to bear any labeling statement. The Commission notes, however, that the substitute labeling statement prescribed by § 1700.5(b) below is suitable for the size of noncomplying packages of substances dispensed under authority of section 4(b) of the act and for the circumstances under which such packages will be used, and encourages pharmacists and others who dispense at the order of a licensed medical practitioner to use that statement on such noncomplying packages.

F. *Exclusive use of special packaging.* Section 4(c) of the act authorizes the Commission to require a manufacturer or packer of any substance subject to special packaging requirements to use special packaging exclusively if (1) the substance is packaged in noncomplying packaging under section 4(a) of the act and (2) the Commission determines that the substance is not also supplied by the manufacturer or packer in packages of a popular size complying with the special packaging requirements and (3) the manufacturer or packer has been given an opportunity to comply with the purposes of the act and (4) the Commission, after giving opportunity for a hearing, determines that exclusive use of special packaging is necessary to accomplish the purposes of the act. Proposed § 295.8 (a)(6) and (e) set forth these provisions of section 4(c) without clarification or interpretation. Accordingly, the Commission finds such inclusion unnecessary and these provisions do not appear below.

G. *Effective date.* Although no comments addressed the specific issue of effective date of the regulation, two manufacturers and a trade association state that some products that would be affected by the labeling requirements of proposed § 295.8 (b) and (c) are also subject to labeling requirements issued under other Federal laws including the Fair Packaging and Labeling Act, the Federal Hazardous Substances Act, and the Federal Food, Drug, and Cosmetic Act. These commenters express concern that manufacturers will experience difficulty complying with the labeling requirements of proposed § 295.8 in addition to the other labeling requirements already in effect.

The Commission concludes that through July 30, 1975, is an adequate and reasonable period of time for redesign of labels for noncomplying packaging and for the use of stocks of existing labels now on hand. Section 4(a) of the act requires that any noncomplying package of any household substance subject to special packaging requirements must bear conspicuous labeling stating "This package for households without young children." This requirement has been in effect since the date of enactment of the act, and is not suspended or in any way altered by the effective date of the regulation issued by this notice. However, the Commission has concluded that notwithstanding the delayed effective date of this regulation, manufacturers and packers may use the substitute labeling statement prescribed by paragraph (b) of the regulation issued below at any time after publication of this notice in the FEDERAL REGISTER if they meet all of the conditions prescribed in the regulation for use of the substitute labeling statement.

Therefore, having evaluated the comments received and other relevant material, the Commission concludes that the proposed regulation, with changes, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (sec. 4, 84 Stat. 1671; 15 U.S.C. 1473) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), a new section is added to 16 CFR Part 1700, as follows:

§ 1700.5 Noncomplying package requirements.

To make household substances that are subject to requirements for special packaging readily available to elderly or handicapped persons who are unable to use those substances in special packaging, section 4(a) of the act authorizes manufacturers and packers to package such substances in noncomplying packaging of a single size provided that complying packaging is also supplied and the noncomplying packages are conspicuously labeled to indicate that they should not be used in households where young children are present. The purpose of this § 1700.5 is to implement section 4(a) of

the act by prescribing requirements for the labeling of noncomplying packages.

(a) *Labeling statement.* (1) The statement "This Package for Households Without Young Children" shall appear conspicuously, and in accordance with all of the requirements of paragraph (a) of this section, on the package of any household substance subject to the special packaging requirements of this Part 1700 that is supplied in noncomplying packaging under section 4(a) of the act, unless the package bears the substitute labeling statement in accordance with all of the requirements of paragraph (b) of this section.

(2) The statement required by paragraph (a) (1) of this section shall appear on the principal display panel of the immediate container as well as on the principal display panel of any outer container or wrapping used in the retail display of the substance. If a package bears more than one principal display panel, the required statement shall appear on each principal display panel of the immediate container as well as on each principal display panel of any outer container or wrapping used in the retail display of the substance. The principal display panel is the part of the labeling most likely to be displayed, presented, shown, or examined.

(3) The required labeling statement shall appear within the borderline of a square or rectangle on the principal display panel in conspicuous and easily legible capital letters, shall be in distinct contrast, by typography, layout, color, or embossing, to other matter on the package, and shall appear in lines generally parallel to the base on which the package rests as it is designed to be displayed.

(4) The declaration shall be in letters in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type-size specifications:

(i) Not less than 1/16 inch in height on packages the principal display panel of which has an area of 7 square inches or less.

(ii) Not less than 3/32 inch in height on pacakages the principal display panel of which has an area of more than 7 but not more than 15 square inches.

(iii) Not less than 1/8 inch in height on packages the principal display panel of which has an area of more than 15 but not more than 25 square inches.

(iv) Not less than 3/16-inch in height on packages the principal display panel of which has an area of more than 25 but not more than 100 square inches.

(v) Not less than 1/4-inch in height on packages the principal display panel of which has an area of more than 100 square inches.

(5) (i) For the purposes of obtaining uniform type size for the required statement for all packages of substantially the same size, the area of the principal display panel is the area of the side or surface that bears the principal display panel, which shall be:

(A) In the case of a rectangular package where one entire side properly can be considered to be the principal display panel, the product of the height times the width of that side.

(B) In the case of a cylindrical or nearly cylindrical container, 40 percent of the product of the height of the container times the circumference.

(C) In the case of any other shape of container, 40 percent of the total surface of the container; however, if such container presents an obvious principal display (such as the top of a triangular or circular package), the area shall consist of the entire area of such obvious principal display panel.

(ii) In determining the area of the principal display panel exclude tops, bottoms, flanges at the tops and bottoms of cans, and shoulders and necks of bottles or jars. In the case of cylindrical or nearly cylindrical containers, the labeling statement required by this section to appear on the principal display panel shall appear within that 40 percent of the circumference most likely to be displayed, presented, shown, or examined.

(b) *Substitute labeling statement.* If the area of the principal display panel, as determined in accordance with paragraph (a) (5) of this section, is too small to accommodate the statement required by paragraph (a) (1) using the type size required by paragraph (a) (4), the substitute statement "Package Not Child-Resistant" may be used. This substitute statement must comply with all of the requirements for size, placement, and conspicuousness prescribed by paragraph (a) of this section.

Effective date. The regulation promulgated above (16 CFR 1700.5) shall become applicable to any substance subject to any special packaging standard prescribed by 16 CFR Part 1700 that is packaged in noncomplying packaging on or after July 30, 1975, except for any provision of 16 CFR 1700.5 that is already in effect as a provision also of the Poison Prevention Packaging Act of 1970. Manufacturers and packers may use the substitute labeling statement prescribed by paragraph 1700.5(b) at any time after publication of this notice in the FEDERAL REGISTER if they meet all of the conditions prescribed in § 1700.5 for use of the substitute labeling statement.

(Sec. 4, 84 Stat. 1671 (15 U.S.C. 1473))

Dated: January 28, 1975.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.75-2923 Filed 1-30-75;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

COMMISSIONER OF FOOD AND DRUGS

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to incorporate a delegation of authority to the Commissioner from the Assistant Secretary for Health relating to acceptance of volunteer services under section 223 of the Public Health Services Act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.120 by revising paragraph (c) to read as follows:

§ 2.120 Delegations from the Secretary and Assistant Secretary.

* * * * *

(c) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs, with authority to redelegate, the authority delegated to him by the Assistant Secretary for Administration and Management: (1) To certify true copies of any books, records, papers, or other documents on file within the Department, or extracts from such; to certify that true copies are true copies of the entire file of the Department; to certify the complete original record or to certify the nonexistence of records on file within the Department; and to cause the Seal of the Department to be affixed to such certifications and to agreements, awards, citations, diplomas, and similar documents.

(2) To establish volunteer service programs and accept volunteer services for use in the operation of a health care facility or the provision of health care under section 223 of the Public Health Services Act (42 U.S.C. 217b).

Effective date. This order shall be effective January 31, 1975.

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

Dated: JANUARY 24, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 75-2912 Filed 1-30-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL FLOOD HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On November 25, 1972 at 37 FR 25040, the Federal Insurance Administrator published a list of communities with Special Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the unincorporated areas of Blue Earth County, Minnesota, as an eligible community and included maps No. H 27 013 000 01-14 which indicate that the Village of Skyline is, in its entirety within the Special Flood Hazard Area. A review of the above map by the Federal Insurance Administration indicates that the Village of Skyline is an incorporated area of Blue Earth County. Accordingly, effective November 25, 1972, maps No.

H 27 013 000 01–14 are hereby corrected by deleting the Village of Skyline in its entirety.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 170804, November 28, 1968), as amended (secs. 406–410, Pub. L. 91–152, December 24, 1969) (42 U.S.C. 4001–4127, January 24, 1974))

Issued: December 31, 1974.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–2913 Filed 1–30–75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On July 31, 1971, in 36 FR 14182, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Mesquite, Texas, as an eligible community and included map No. H 48 113 4530 04 which indicates that Skyline No. 5 subdivision, Mesquite, Texas, as recorded in Volume 72085 at page 2255 of the records of the County Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in view of additional, recently acquired flood information, that, with the exception of Block A, Lot No. 1, the above property is not within the Special Flood Hazard Area. Accordingly, effective August 7, 1970, Map No. H 48 113 4530 04 is hereby corrected to reflect that, except for Block A, Lot No. 1, the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: January 17, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75–2914 Filed 1–30–75;8:45 am]

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION

[Docket No. R–75–254]

PART 2200—FEDERAL DISASTER ASSISTANCE

Repair and Replacement of Facilities

Section 45 of the Water Resources Development Act of 1974 (88 Stat. 12, Pub. L. 93–251) amends the Disaster Relief Act of 1970 (84 Stat. 1744, Pub. L. 91–606) by adding section 252(d). The amendment provides that the cost of restoration of certain public facilities shall include the cost of obtaining substitute services insofar as they exceed those costs which would have been incurred but for the major disaster. An amendment to the Federal Disaster Assistance Administration Regulations, Part 2200 of Title 24 of the Code of Federal Regulations, is required to implement section 45 of Public Law 93–251.

On July 12, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 25667) proposing an amendment to the FDAA Regulations by adding a new § 2200.11(d) to implement section 45 of Public Law 93–251. Interested persons were invited to submit written data, views, or arguments regarding the proposed regulations. A number of responses were received and individual replies are being made.

Considering the proposed amendment within the context of section 252 of Public Law 91–606, the reference to a public utility in paragraph (d) of the interim regulations is unnecessary and confusing. Therefore, the words, "A public utility's", were deleted from this paragraph in the final regulations.

The substance of the comments and the office's response thereto is summarized below:

The majority of comments were in reference to § 2200.11(d) which limits Federal reimbursement to public utilities for the excess costs they incurred in providing services, such as water and power. The comments indicated that reimbursement should be extended to include all public or private non-profit facilities, particularly private non-profit hospitals, which incurred excess costs in providing medical services. However, private non-profit medical care facilities are eligible for Federal disaster assistance only under section 255 of Public Law 91–606, as amended. Section 45 of Public Law 93–251, which this regulation implements, applies only to section 252 of Public Law 91–606 concerning State and local government facilities. Since private medical care facilities are not eligible for Federal disaster assistance under section 252 of Public Law 91–606, as amended by section 45 of Public Law 93–251, they cannot be eligible under this new regulation, § 200.11(d). The legislative history supports this limitation to services such as water and power. Therefore, no change has been made.

Two comments were in reference to § 2200.11(d)(7) regarding customer reimbursement prior to Federal reimbursement. Existing regulations provide for an advance of funds, which may be used to alleviate the applicant's cash flow problem. Since an administrative procedure may be employed to remedy this situation, no change has been made.

One comment indicated that the need for all health-related services may increase as the result of a major disaster, and these disaster-related costs should likewise be considered eligible. Since austere and conservative usage will normally be required by a local or State government, the overall requirement for services may not be necessary. Priority may be assigned to critical needs of customers, such as hospitals, during emergencies. These priority customers are eligible under these regulations for reimbursement of the increased utility costs if the applicant incurs excess costs in obtaining substitute services. No change appears necessary to the proposed amendment as the result of this comment.

One comment addressed the applicability of this amendment with reference to specific cases of eligibility. Since existing Federal regulations and handbooks provide adequate coverage of eligibility, no change has been made.

In consideration of the foregoing, and for the reasons given in R–74–254, § 2200.11 of Title 24 of the Code of Federal Regulations is amended by adding the following:

§ 2200.11 Repair and replacement of facilities.

* * * * *

(d) Federal reimbursement of costs actually incurred in replacing services, such as water and power, with services from other sources during the period of restoration of such facility may be based on the following criteria:

(1) Such services must be essential to the health and well-being of the community.

(2) Federal reimbursement shall not exceed the amount of such costs in excess of costs which would have been incurred in providing such services but for the major disaster.

(3) Such reimbursable services shall not exceed those services provided for a like period prior to the major disaster by the facility eligible for repair or replacement as a result of the major disaster.

(4) The applicant shall consider all alternate methods available for providing the interim services to select the most economical method. The applicant shall provide justification for such selection in submitting his project application for Federal assistance.

(5) As soon as possible the applicant shall submit a schedule for repair or replacement of the facility to the Governor's Authorized Representative with his project application for approval by the Regional Director. For all retroactive project applications, the applicant shall submit his project application and accompanying schedule on or before June 2, 1975.

(6) Payment shall be based on auditable cost records and clear documentation and justification of each element of cost, provided by the applicant.

(7) If excess costs have been paid by the customers of the services based on regular billing for these services, no reimbursement of such costs shall be made by the Federal government until the applicant has reimbursed such costs to the customers involved.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act, (42

U.S.C. 3535(d)), 79 Stat. 670; Disaster Relief Act of 1970, 84 Stat. 1744.

Effective date: This amendment shall be effective for all major disasters declared under Public Law 91–606, as amended, subsequent to August 1, 1969.

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

[FR Doc.75–2936 Filed 1–30–75;8:45 am]

Title 25—Indians

SUBCHAPTER T—OPERATION AND MAINTENANCE

PART 221—OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Montana

On page 40030 of the FEDERAL REGISTER of November 13, 1974, there was published a notice of intention to modify § 221.12 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Mont., that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season 1975 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are not included in the irrigation districts organizations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change as set forth below.

Section 221.12 is revised to read as follows:

§ 221.12 Charges.

In compliance with the provisions of the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1975 and subsequent years until further notice, are hereby fixed as follows:

	Per acre
For the assessable nondistrict area under constructed works on all Government-operated units expecting Coburn Ditch	$4.60
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit	2.39
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit	1.40
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Work; for operation of said works	.20
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932)	.85

On page 40031 of the FEDERAL REGISTER of November 13, 1974, there was published a notice of intention to modify § 221.13a, 221.13b, and 221.13c, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Mont., that are subject to the jurisdiction of the several irrigation districts. Purpose of this assessment is to establish the assessment charges for the season 1975 and thereafter until further notice, and which charges are applicable to all irrigation districts organization that are subject to the jurisdiction of the three irrigation districts.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendments are hereby adopted without change as set forth below.

Part 221 is amended by revising §§ 221.13a, 221.13b and 221.13c as follows:

§ 221.13a Charges, Big Horn Irrigation District.

Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve that portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 8,000 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

§ 221.13b Charges, Lower Little Horn and Lodge Grass Irrigation District.

(a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve the portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1961, a notice is hereby given that an assessment of twenty cents ($.20) per acre is hereby fixed for the season of 1975 and subsequent years until further notice for the operation and maintenance of the Willow Creek storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation Districts.

§ 221.13c Charges, Upper Little Horn Irrigation District.

(a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of twenty cents (0.20) per acre is hereby fixed for the season of 1975 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitutions to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

GEORGE A. LAVERDURE,
Superintendent, Crow Agency.

[FR Doc.75–2875 Filed 1–30–75;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER H—PROCUREMENT SYSTEM FOR THE U.S. POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Patent Rights Policy

On June 14, 1974, the Postal Service published in the FEDERAL REGISTER (39 FR 20849) a notice of proposed rulemaking on this subject setting forth a proposed amendment to section 9 of the Postal Contracting Manual, Publication 41, adding a new paragraph 9–105. The proposal would adopt a new patent policy providing for the acquisition and management of patent rights so as to foster economy in providing postal services. Interested persons were invited to submit written data, views, or arguments concerning the proposed policy at any time on or before July 19, 1974.

After giving due consideration to all comments received, the Postal Service has determined to adopt the proposed policy, with certain changes. The text of the new regulation is set forth below.

Comments received fundamentally disagreed as to the extent to which the Postal Service should reserve all right, title, and interest in inventions funded entirely or principally with Postal Service funds, contending either that the proposed policy did not go far enough or that it went too far. On the one hand, it was asserted that to the extent that the regulations would allow a contractor to acquire rights greater than a nonexclusive license, they would be unconstitutional; that on the authority of litigation involving patent regulations of the General Services Administration, only Congress can authorize the extension of such rights in federally financed inventions. We believe that these arguments overlook the decisive distinction between the comparatively limited statutory authority of GSA under section 203 of the Federal Property and Administrative Services Act to dispose of surplus property and the quite broad authority of the Postal Service over its contracts and the disposition of its property under 39 U.S.C. 401. However, as a policy matter, we agree that the public interest in assuring full value for Postal Service dollars funding contracts which produce inventions normally will be served if the Postal Service takes all rights in such inventions other than a non-exclusive, revenue-bearing license for the contractor. The principal purpose of this new regulation is to effectuate that policy.

From another perspective, several comments urged that the policy presently in force, under which a contractor takes title while the Postal Service takes an irrevocable, non-exclusive, royalty-free license, should be continued; or at least, that the contractor should take title where he has displayed technical or commercial competence in the field of technology in which the invention is discovered. Since we continue to believe that the financial benefit of inventions created through Postal Service funding should accrue to the Postal Service, and thereby to the public, we have rejected these recommendations to perpetuate the practices which the new patent policy is designed to correct. The principal justification cited for these recommendations is the argument that the proposed policy is noncommercial, so that potential contractors would decline to compete for postal contracts. This criticism overlooks the fact that the policy permits contractors to acquire greater than normal rights, where such an exception can be shown to be in the interest of the public and the Postal Service. 9–105.4–5.

In addition, recommendations that contractors be permitted greater than normal rights were considered persuasive with respect to certain situations appearing after contract performance is underway. It was suggested that the contractor be granted title where the invention is constructively reduced to practice prior to award but actually reduced to practice during contract performance; and that the contractor be granted title and the Postal Service take, for Postal Service purposes only, no more than an irrevocable, non-exclusive, royalty-free license, where the contractor demonstrates the existence of background rights. We also determined that provision should be made for the situation where granting the contractor greater rights than usual is necessary in order to attract the private risk capital and expense needed to bring the invention to the point of practical application. In order to accomplish these changes, original paragraph 9–105.2(b) dealing with conditions under which the Postal Service would take only a license, to which all comments objected, has been deleted. In its place new paragraph 9–105.2(b), entitled "Contractor's Rights", provides that contractors normally will receive a non-exclusive, royalty-bearing license. It provides further that "greater rights" normally will be granted when the conditions set out in paragraph (h) of the revised Patent Rights Clause (January, 1975), provided in 9–105.10(a), are met.

Several further changes have been made to reflect recommendations judged worthy of adoption:

(1) The provision in the original Patent Rights Clause which authorized the contracting officer to direct the contractor to prepare patent applications for Postal Service filing has been deleted.

(2) The Patent Rights Clause now provides that the contractor taking a license from the Postal Service is authorized to sublicense existing and future associated and affiliated companies.

(3) So much of the original Patent Rights Clause as provided for equal sharing of royalties received by the contractor from other licenses where the contractor takes title and the Postal Service takes a license has been deleted, and the matter left open to negotiation under the new version of the clause.

(4) Paragraphs 9–105.1, *Background;* 9–105.2, *Policy;* 9–105.4, *Deviations;* and 9–105.5, *Contractor Acceptance,* have been modified for further emphasis of the principle that promoting the public welfare through encouraging early public use of Postal Service patents is a prime consideration underlying the need for acquisition and business-like management of such patents by the Postal Service. Promoting early public use of inventions developed from Federally-sponsored research is a basic consideration under the President's Statement of Government Patent Policy. 36 FR 16889 (1971), and should also, in our view, be a prime concern of the Postal Service.

The remainder of the changes are minor, technical, or editorial in nature.

The following additional recommendations were not considered worthy of adoption:

(1) It was recommended that where the Postal Service takes title the contractor should not be required to pay a royalty for a license granted by the Postal Service, since "the contractor should not have to pay for rights to its own inventions." We believe that where the contractor's "own inventions" are funded by the Postal Service, the Postal Service should enjoy all rights of ownership, including the payment of royalties by all licensees, except as otherwise required by special circumstances.

(2) It was recommended that contractors not be required to divulge plans for commercial use of an invention nor make pertinent books, records, etc., available for examination by the Postal Service, in order to prevent possible compromise of such information by the Postal Service. We believe that these requirements are necessary to protect the interests of the Postal Service and are consistent with similar provisions in the Armed Services Procurement Regulation. Nothing in the Patent Rights Clause authorizes the Postal Service to disclose unfairly any information received in this manner.

(3) With respect to the Intellectual Property Rights Clause contained in 9–105.10(c), it was recommended that the Postal Service receive sole rights only to the total end product delivered under the contract, and that the contractor receive the right to use previously developed concepts and techniques employed by the contractor in creating the end product. While a particular contractor might be able to establish his entitlement to such rights under the deviation provisions of the Patent Policy, we do not consider these recommendations appropriate as a standard rule for contracts with experts and consultants, for which the Intellectual Property Rights Clause is principally intended.

In view of the considerations discussed above, the Postal Service hereby adopts the following amendments of the Postal Contracting Manual:

In section 9 of the Postal Contracting Manual, add new 9–105, as follows:

9–105 *Patent Rights.*

9–105.1 *Background.* The Postal Service is under Congressional mandate to provide prompt, reliable, efficient, and economical postal service. Accordingly, businesslike management of all Postal Service property, including patent rights, will promote the public use and welfare.

9–105.2 *Policy.* Patent rights shall be acquired and managed in such manner as to promote the early public use and welfare and the economic, operational, and competitive well-being of the Postal Service. In furtherance of this general policy, the following specific policies apply:

(a) *Postal Service Title.* The entire right, title, and interest shall be acquired in and to any invention under applicable contracts (see 9–105.3) except as prescribed in (b) and (c) below.

(b) *Contractor Rights.* A nonexclusive and royalty bearing license normally shall be reserved to the Contractor under every contract, a purpose of which is research, development, or engineering; however, greater rights normally shall be granted under the conditions described in paragraph (h) of the clause in 9–105.10(a).

(c) *Early Public Use.* To insure the early public use of Postal Service patent rights, commercial license or sale at fair market value shall be actively promoted on a nonexclusive basis.

9–105.3 *Application.* The applicable patent rights clause set forth in 9–105.10 shall be included in every contract, a purpose of which is research, development or engineering; architect-engineer or other personal or professional services; or other similar work.

9–105.4 *Deviations.* Notwithstanding the provisions of 1–109, approval of the Assistant Postmaster General, Procurement and Supply Department, is required for any proposed deviation to this 9–105. Proposed deviations shall be supported by a written justification,

reviewed by the Patent Rights Board (see 9–105.6(d)) and signed by the contracting officer, clearly demonstrating that the deviation will be in the overall best interest of the public and the Postal Service.

9–105. *Contractor Acceptance.* Where a prospective contractor is unwilling to accept, requires revisions to, or proposes profit or other concessions concerning inclusion of a required patent rights clause, an analysis, including any necessary discussions, shall be conducted to determine the course of action which is in the overall best interest of the public and the Postal Service. The analysis shall include consideration of such factors as obtaining the work from other sources, the estimated fair market value of any probable patent rights, possible effect on early public use, possible effect on the competitive position of the Postal Service, and the contractor's absorption of equivalent costs of contract performance. Should the prospective contractor's position prevail, in whole or in part, it shall be considered a deviation and processed in accordance with 9–105.4.

9–105.6 *Responsibilities.*

(a) *Technical Personnel.* Technical personnel are responsible for determining that the contractor has identified and reported all inventions, and for analyzing the potential application and value of each invention.

(b) *Contracting Officer.* The contracting officer is responsible for including the appropriate patent rights provisions in the contract, for conducting all negotiations for purchase, sale, royalty, use and other agreements thereon, and for administering contracts, licenses and agreements therefor in such manner that the Postal Service receives full compliance and benefits thereunder.

(c) *Law Department.* The Law Department is responsible for maintaining the Postal Service patent rights portfolio and insuring that all appropriate patent applications, licenses, agreements and similar safeguards are properly filed and prosecuted.

(d) *Patent Rights Board.* A Patent Rights Board consisting of one representative of the Procurement and Supply Department, who shall be the chairman, and one representative each of the Law Department, Finance Department, Planning and New Development Department, Postal Engineering Systems Office, Customer Services Department, and Real Estate and Buildings Department shall be responsible for the overall business management and commercial promotion of the Postal Service patent rights portfolio.

9–105.7 *Approval.* Approval in accordance with the procedures of 9–105.4 is required, except where patent rights are obtained through use of the clauses in 9–105.10, for all acquisition or disposition of patent rights. Examples are:

(i) Specific acquisition of patents rights by contract, license, or agreement,

(ii) Specific disposition of patent rights by contract, license, or agreement, and

(iii) Granting of greater contractor rights under paragraph (h), of the Patent Rights clause in 9–105.10(a).

9–105.8 *Consideration.* Fair market value shall be obtained for all disposition of patent rights, except that lesser or no consideration, as appropriate, may be obtained from Governmental and non-profit organizations or where greater contractor rights are granted under paragraph (h) of the Patent Rights clause in 9–105.10(a).

9–105.9 *Joint Arrangements.* Notwithstanding any other provisions of this 9–105, joint ventures, joint ownership of patent rights, or other joint arrangements may be entered into with contractors when approved in accordance with 9–105.4.

9–105.10 *Clauses.*

(a) *Research, Development or Engineering.* The following clause shall be included in every contract, a purpose of which is research, development, or engineering.

PATENT RIGHTS (JANUARY 1975)

(a) *Definitions Used in This Clause.*

(1) *Subject Invention* means any invention or discovery whether or not patentable, conceived or first actually reduced to practice in the course of or under this contract. The term "Subject Invention" includes, but is not limited to, any art, method, process, machine, manufacture, design or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the patent laws of the United States of America or any foreign country.

(2) *Postal Service purpose* means the right of the Postal Service to practice and have practiced (make or have made, use or have used, sell or have sold) any Subject Invention throughout the world by or on behalf of the Postal Service.

(3) *Contract* means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Postal Service where a purpose of the contract is the conduct of experimental, developmental, research or engineering work.

(4) *Subcontract and subcontractor* means any subcontract or subcontractor of the Contractor, any lower-tier subcontract or subcontractor under this contract.

(5) *To bring to the point of practical application* means to manufacture in the case of a composition or product, to practice in the case of a process, or to operate in the case of a machine or system and, in each case, under such conditions as to establish that the invention is being worked and that its benefits are reasonably accessible to the public.

(b) *Rights Granted to the Postal Service.* Except as provided in (e) and (h) of this clause, the Contractor agrees to grant the Postal Service all right, title and interest in and to each Subject Invention (made by the Contractor), subject to the reservation of a nonexclusive and royalty-bearing license to the Contractor (with the royalty to be established at fair market value). The license shall extend to existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part and shall be assignable to the successor of that part of the contractor's business to which such Invention pertains. Nothing contained in this Patent Rights clause shall be deemed to grant any rights with respect to any invention other than a Subject Invention.

(c) *Invention Disclosures and Reports.*

(1) With respect to Subject Inventions (made by the Contractor), except those which are obviously unpatentable under the patent laws of the United States, the Contractor shall furnish to the Contracting Officer:

(i) A written disclosure of each invention promptly after conception or first actual reduction to practice, whichever occurs first under this contract, sufficiently complete in technical detail to convey to one skilled in the art to which the Invention pertains a clear understanding of the nature, purpose, operation, and to the extent known the physical, chemical, or electrical characteristics of the Invention; when unable to submit a complete disclosure, the Contractor shall within three (3) months thereof submit a disclosure which includes all such technical detail then known to him and shall, unless the Contracting Officer authorizes a different period, submit all other technical detail necessary to complete the disclosure within three (3) additional months.

(ii) Interim reports at least every six (6) months, the initial period of which shall commence with the date of this contract, each report listing all such Inventions conceived or first actually reduced to practice more than three (3) months prior to the date of the report and not listed on a prior interim report, or certifying that there are no such unreported Inventions;

(iii) Prior to final settlement of this contract, a final report listing all such Inventions including all those previously listed in interim reports, or certifying that there are no such unreported Inventions (This Final Report and any Interim Report under (ii) above shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer);

(iv) Information in writing, as soon as practicable, of the date and identity of any public use, sale, or publication of such Invention made by or known to the Contractor or of any contemplated publication by the Contractor;

(v) Upon request, such duly executed instruments and other papers (prepared by the Postal Service) as are deemed necessary to vest in the Postal Service the rights granted it under this clause and to enable the Postal Service to apply for and prosecute any patent application, in any country, covering such Invention where the Postal Service has the right under this clause to file such application; and

(vi) Upon request, an irrevocable power of attorney to inspect and make copies of each United States patent application filed by, or on behalf of, the Contractor covering any such Invention.

(2) With respect to each Subject Invention in which the Contractor has been granted greater rights under paragraph (h) of this clause, the Contractor agrees to provide written reports at reasonable intervals, when requested by the Postal Service as to:

(i) The commercial use that is being made or is intended to be made of such Invention;

(ii) The steps taken by the Contractor to bring the Invention to the point of practical application, or to make the Invention available for licensing.

(d) *Subcontracts.*

(1) The Contractor shall, unless otherwise authorized or directed by the Contracting Officer, include a patent rights clause containing all the provisions of this Patent Rights clause except provision (g) in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental, research or engineering work. In the event of refusal by a subcontractor to accept this Patent Rights clause, the Contractor:

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not proceed with the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not, in any subcontract or by using such a subcontract as consideration thereof, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Postal Service in the performance of this contract). Reports, instruments, and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of such a patent rights clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be fur-

nished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent rights clause, furnish to the Contracting Officer a copy of such subcontract, and notify him when such subcontract is completed. It is understood that the Postal Service is a third party beneficiary of any subcontract clause granting rights to the Postal Service in Subject Inventions, and the Contractor hereby assigns to the Postal Service all the rights that the Contractor would have to enforce the subcontractor's obligations for the benefit of the Postal Service with respect to Subject Inventions. If there are no subcontracts containing patent rights clauses, a negative report is required. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to the obligations of the subcontractor to the Postal Service in regard to Subject Inventions.

(e) *Domestic Filing of Patent Applications by Contractor.*

(1) If greater rights are granted in and to a Subject Invention pursuant to paragraph (h)(i) of this clause, to the extent that the Contractor may claim the Invention, the Contractor shall file in due form and within six (6) months of the granting of such greater rights a United States Patent application claiming the Invention referred to in said paragraph, and shall furnish, as soon as practicable, the serial number and filing date of each such application and the patent number of any resulting patient. As to each Invention in which the Contractor has been given greater rights, the Contractor shall notify the Contracting Officer at the end of the six (6) month period if he has failed to file or caused to be filed a patent application covering such invention. If the Contractor has filed or caused to be filed such an application within the six (6) month period, but elects not to continue prosecution of such application, he shall notify the Contracting Officer not less than sixty (60) days before the expiration of the response period. In either of the situations covered by the two immediately-preceding sentences, the Postal Service shall be entitled to all rights, title and interest in such Invention subject to the reservation to the Contractor of a license as specified in paragraph (b).

(2) The following statement shall be included within the first paragraph of any patent application filed and any patent issued on an Invention which was made under Postal Service contract or subcontract thereunder: "The Invention herein described was made in the course of or under a contract or subcontract thereunder (or grant) with the United States Postal Service."

(f) *Foreign Filing of Patent Applications.*

(1) If the Contractor acquires greater rights in a Subject Invention pursuant to paragraph (h) of this clause and has filed a United States patent application claiming the Invention, the Contractor, or those other than the Postal Service deriving rights from the Contractor, shall as between the parties hereto, have the exclusive right, subject to the rights of the Postal Service under paragraph (i) of this clause, to file applications on the Inventions in each foreign country within:

(i) Six (6) months from the date a corresponding United States patent application is filed; or

(ii) Such longer period as may be approved by the Contracting Officer.

The Contractor shall notify the Contracting Officer of each foreign application filed and, upon written request of the Contracting Officer, furnish an English translation of such application, and, convey to the Postal Service the entire right, title and interest in the Invention in each foreign country in which an application has not been filed within the time specified above, subject to the reservation of a license as specified in paragraph (b).

(2) If the Contractor does not acquire greater rights pursuant to paragraph (h) of this clause and the Postal Service determines not to file a patent application on any Subject Invention (made by the Contractor) in any particular foreign country, the Contracting Officer, upon request of the Contractor, may authorize the Contractor to file a patent application on such Invention in such foreign country and retain ownership thereof, subject to an irrevocable, nonexclusive and royalty-free license to practice and have practiced such Subject Invention throughout the world for Postal Service purposes, including the practice of each such Subject Invention (i) in the manufacture, use, and disposition of any article or material, (ii) in the use of any method, or (iii) in the performance of any service, acquired by or for the Postal Service or with funds otherwise derived through the Postal Service.

(g) *Withholding of Payment.*

(1) Final payment under this contract shall not be made before the Contractor delivers to the Contracting Officer the final report required by (c)(1)(iii), all written invention disclosures required by (c)(1)(i), and all information as to subcontractors required by (d)(2).

(2) If at any time before final payment under this contract the Contractor fails to deliver an interim report required by (c)(1)(ii), or a written invention disclosure required by (c)(1)(i), the Contracting Officer shall withhold from payment $50,000 or ten percent (10%), of the amount of this contract whichever is less (or whatever lesser sum is available if payments have exceeded ninety percent (90%) of the amount of this contract) until the Contractor corrects all such failures.

(3) After payments total eighty percent (80%) of the amount of this contract, and if no amount is required to be withheld under (2) above, the Contracting Officer may, if he deems such action warranted because of the Contractor's performance under the Patent Rights clause of this contract or other known Postal Service contracts, withhold from payment such sum as he considers appropriate, not exceeding $50,000 or ten percent (10%), of the amount of this contract whichever is less, to be held as a reserve until the Contractor delivers all the reports, disclosures, and information specified in (1) above. Subject to the ten percent (10%) or $50,000 limitation, the sum withheld under this subparagraph (3) may be increased or decreased from time to time at the discretion of the Contracting Officer.

(4) No amount shall be withheld under this paragraph (g) while the amount specified by this paragraph is being withheld under other provisions of this contract. The total amount withheld under (1), (2) and (3) above shall not exceed $50,000 or ten percent (10%), of the amount of this contract whichever is less. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provision of a subcontract. As used in this paragraph (g), "this contract" means "this contract as from time to time amended." In cost-type contracts, "amount of this contract" means "estimated cost of this contract."

(h) *Contractor's Request for Greater Rights.* The Contractor at the time of first disclosing a Subject Invention pursuant to paragraph (c)(1)(i) of this clause, but not later than three (3) months thereafter, may submit in writing to the Contracting Officer, in accordance with applicable regulations, a request for greater rights than the license reserved to the Contractor in paragraph (b) of this clause if:

(i) The Invention is not a primary object of this contract; and either

(ii) The acquisition of such greater rights is a necessary incentive to call forth private risk capital and expense to bring the Invention to the point of practical application, or

(iii) The Contractor had constructively reduced the Invention to practice prior to the time of contract award.

The Contracting Officer will review the Contractor's request for greater rights and will notify the contractor whether such request is granted in whole or in part. Any rights granted to the contractor shall be subject to, but not necessarily limited to, the provisions of paragraph (i) of this clause.

(i) *Reservation of Rights to the Postal Service.*

(1) In the event greater rights in any Subject Invention are vested in or granted to the Contractor pursuant to paragraph (h) above, such greater rights shall, as a minimum, be subject to an irrevocable, nonexclusive and royalty-free license to practice and have practiced each such Subject Invention (made by the Contractor) throughout the world for Postal Service purposes, and including the practice of each such Subject Invention (i) in the manufacture, use, and disposition of any article or material, (ii) in the use of any method, or (iii) in the performance of any service, acquired by or for the Postal Service or with funds otherwise derived through the Postal Service.

(2) In the event greater rights are vested in the Contractor, the Contractor further agrees to and does hereby grant to the Postal Service the right to require the granting of a license to an applicant under any such Invention:

(i) On a nonexclusive, royalty-free basis, unless the Contractor, his licensee, or his assignee demonstrates to the Postal Service, at its request, that effective steps have been taken within three (3) years after a patent issues on such Invention to bring the Invention to the point of practical application or that the Invention has been made available for licensing royalty-free or on terms that are reasonable in the circumstances, or can show cause why the title should be retained for a further period of time; or

(ii) royalty-free or on terms that are reasonable in the circumstances to the extent that the Invention is required for public use by Postal Service regulations or as may be necessary to fulfill health needs, or for other public purposes stipulated in the Schedule of this contract.

(j) *Right to Disclose Subject Inventions.* The Postal Service may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor pursuant to this Patent Rights clause.

(k) *Forfeiture of Rights in Unreported Subject Inventions.* The Contractor shall forfeit to the Postal Service all rights in any Subject Invention which he fails to report to the Contracting Officer at or prior to the time he (i) files or causes to be filed a United States or foreign application thereon, or (ii) submits the final report required by (c)(iii) of this clause, whichever is later, *provided* that the Contractor shall not forfeit rights in a Subject Invention if (A) contending that the invention is not a Subject Invention, he nevertheless reports the invention and all the facts pertinent to his contention to the Contracting Officer within the time specified in (i) or (ii) above, or (B) he establishes that the failure to report was due entirely to causes beyond his control

and without his fault or negligence. The Contractor shall be deemed to hold any such forfeited Subject Invention, and the patent applications and patents pertaining thereto, in trust for the Postal Service pending written assignment of the Invention. The rights accruing to the Postal Service under this paragraph shall be in addition to and shall not supersede any other rights which the Postal Service may have in relation to unreported Subject Inventions. Nothing contained herein shall be construed to require the Contractor to report any invention which is not in fact a Subject Invention.

(1) *Examination of Records Relating to Inventions.* The Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this contract, have the right to examine any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to compliance by the Contractor with the requirements of this clause.

(b) *Architect-Engineer.* Clause 7 of PS Form 7490 shall be included in every contract, a purpose of which is architect-engineer services. That clause reads as follows:

DRAWINGS AND OTHER DATA TO BECOME PROPERTY OF POSTAL SERVICE (JANUARY 1975)

(a) All designs, drawings, specifications, notes, and other work developed in the performance of this contract shall be and remain the sole property of the Postal Service and may be used on any other work without additional compensation to the Architect-Engineer. With respect thereto, the Architect-Engineer agrees not to assert any rights and not to establish any claim under the design patent or copyright laws. The Architect-Engineer for a period of 3 years after completion of the project agrees to furnish and provide access to all retained materials on the request of the Contracting Officer. Unless otherwise provided in this contract, the Architect-Engineer shall have the right to retain copies of all such materials beyond such period. Prior to final settlement of this contract, a final report shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.

(b) The Postal Service shall have the right to assign this contract or any part hereof, including the transfer of the aforementioned documents. Any such assignment, however, shall not release the Postal Service from any of its obligations under this contract.

(c) *Other Personal or Professional Services.* Except for (a) and (b) above, the following clause shall be included in every contract, a purpose of which is personal or professional services.

INTELLECTUAL PROPERTY RIGHTS (JANUARY 1975)

All intellectual property rights evolving from studies, reports, or other data delivered under this Contract shall be the sole property of the Postal Service. The Contractor agrees to make, execute and deliver to the Postal Service any and all papers or other instruments in such terms and contents as may be required for the filing of any required instrument necessary for preserving an intellectual property right and does hereby assign and transfer to the Postal Service the entire right, title and interest in and to said intellectual property rights. Prior to final settlement of this Contract, a final report shall be submitted on PS Form 7398 or other format acceptable to the Contracting Officer.

(d) *Other Contracts.* One of the foregoing clauses shall be included in all other contracts where a patent rights clause is considered appropriate.

The above amendment is effective immediately.

A Postal Contracting Manual transmittal letter making this change in the pages of the Postal Contracting Manual is in the process of being published and will be transmitted to subscribers automatically as soon as possible. Notice of the issuance of this transmittal letter will be published in the usual manner in the FEDERAL REGISTER, as prescribed in 39 CFR 601.105. (39 U.S.C. 401)

LOUIS A. COX,
General Counsel.

[FR Doc.75-2880 Filed 1-30-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 328-8]

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

Carbofuran

A petition (PP 4F1482) was filed (39 FR 20538) by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl - 3 - hydroxy - 7 - benzofuranyl-*N*-methylcarbamate, and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3 - dihydro - 2,2 - dimethyl - 3,7 - benzofurandiol in or on the raw agricultural commodity strawberries at 0.5 part per million (of which no more than 0.2 part per million is carbamates).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.254 is amended by adding the following new paragraph after the paragraph "1 part per million * * *":

§ 180.254 Carbofuran; tolerances for residues.

* * * * *

0.5 part per million in or on strawberries (of which no more than 0.2 part per million is carbamates).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before March 3, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 31, 1975.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated January 23, 1975.

LOWELL E. MILLER,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2959 Filed 1-30-75;8:45 am]

[FRL 328-7]

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

Desmedipham

A petition (PP 4F1459) was filed (39 FR 11626) by NOR-AM Agricultural Products, Inc., Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the herbicide desmedipham (ethyl-*m*-hydroxycarbanilate carbanilate) in or on the raw agricultural commodity sugar beets (roots and tops) at 0.2 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended by adding the following new section to Subpart C:

§ 180.353 **Desmedipham; tolerances for residues.**

A tolerance of 0.2 part per million is established for negligible residues of the herbicide desmedipham (ethyl-*m*-hydroxycarbanilate carbanilate) in or on the raw agricultural commodity sugar beets (roots and tops).

Any person who will be adversely affected by the foregoing order may at any time on or before March 3, 1975 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW, Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of he order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on January 31, 1975.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated January 23, 1975.

LOWELL E. MILLER,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.75-2958 Filed 1-30-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1043, 5th Rev., Amdt. 3]

PART 1033—CAR SERVICE
Return of Hopper Cars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of January 1975.

Upon further consideration of Fifth Revised Service Order No. 1043 (38 FR 18659, 35001 and 39 FR 24373), and good cause appearing therefor:

It is ordered, That:

§ 1033.1043 S.O. 1043.

Regulations for return of hopper cars. Fifth Revised Service Order No. 1043 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1975.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2953 Filed 1-30-75;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

Fiscal Service

[31 CFR Part 215]

WITHHOLDING OF CITY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES

Notice of Proposed Rulemaking

The Department of the Treasury finds it necessary to promulgate a new regulation to implement Pub. L. 93-340 which added a new section 5520 to title 5 of the United States Code entitled "Withholding of city income or employment taxes," and to implement the authority delegated to the Secretary of the Treasury by section 6 of Executive Order 11833, January 13, 1975, entitled "Withholding of City Income or Employment Taxes by Federal Agencies" (40 FR 2673). The Law and Executive order direct the Secretary of the Treasury to enter into an agreement with a qualified city for the withholding of city income or employment taxes from the compensation of Federal employees subject thereto.

The proposed regulations prescribe the necessary technical provisions. The proposal also sets out the text of a standard form agreement between the Secretary of the Treasury and a qualified city. This Department intends thereby to standardize the agreement form to make it applicable to all qualified cities and to expedite and simplify the process of entering into city tax withholding agreements. The Treasury does not intend to vary the agreement terms except in extraordinary circumstances.

Prior to adoption of the proposed regulations, consideration will be given to views submitted in writing to the Commissioner of the Bureau of Government Financial Operations, U.S. Department of the Treasury, Washington, D.C. 20220, and received not later than March 3, 1975.

Accordingly, notice is hereby given pursuant to 5 U.S.C. 553 that the Secretary of the Treasury is considering the amendment of Subchapter A, Chapter II, Title 31 of the Code of Federal Regulations by the addition of a new part, designated Part 215, to read as follows:

PART 215—WITHHOLDING OF CITY INCOME OR EMPLOYMENT TAXES BY FEDERAL AGENCIES

Subpart A—General Information

Sec.

Subpart B—Procedures

Subpart C—Standard Agreement Text

AUTHORITY: 5 U.S.C. 5520 and section 6 of Executive Order 11833, January 13, 1975 (40 FR 2673), unless otherwise noted.

Subpart A—General Information

§ 215.1 Scope of regulations.

The regulations in this part govern agreements between the Secretary of the Treasury (hereinafter referred to as the Secretary) and qualified cities for the withholding of city income or employment taxes from the compensation of Federal employees subject to those taxes. Subpart A is informational. Subpart B prescribes the procedures to be followed in entering into an agreement for the withholding of such city taxes. Subpart C is the Standard Agreement which the Secretary will enter into with any qualified city. The Department of the Treasury intends to adhere to the Standard Agreement and, thus, will not agree to other provisions which may be proposed by a qualified city unless the city's unique circumstances require such provisions.

§ 215.2 Definitions.

As used in this part:

(a) "Agency" means (1) an Executive agency as defined in section 105 of Title 5 of the United States Code, (2) the judicial branch, and (3) the United States Postal Service;

(b) "Armed Forces" means all regular and reserve components of the Army, Navy, Air Force, Marine Corps, and Coast Guard;

(c) "Employee" as applied to employees of an agency includes officers and means individuals (1) appointed by a Federal officer or employee acting in his official capacity, (2) engaged in the performance of a Federal function under authority of law or an Executive act, and (3) subject to the supervision of the Federal officer or employee in the performance of the duties of his position. The term does not include retired personnel, pensioners, annuitants or similar beneficiaries of the Federal Government who are not performing acts of service, or persons receiving remuneration for services on a contract-fee basis;

(d) "City" means a city which is duly incorporated under the laws of a State, and, on the date of the agreement with the Secretary, has within its political boundaries 500 or more employees who are regularly employed by all agencies of the Federal Government;

(e) "City income or employment taxes" means any form of tax for which, in accordance with an ordinance of the city, collection is provided by imposing on employers generally the duty of withholding sums from the compensation of employees and making returns of the sums to the city, regardless of whether the tax is described as an income, wage, payroll, earnings, occupational license tax, or otherwise;

(f) "Regular place of Federal employment" means the official duty station where an employee regularly reports for duty to actually perform his services, irrespective of his residence, except when such services are performed in a travel or temporary duty status, in which case his "regular place of Federal employment" will be the official duty station to which he will normally be expected to proceed for the purpose of performing further services in connection with his Federal employment on the termination of travel or temporary duty status;

(g) "Compensation" as applied to employees of an agency shall mean "wages" as defined in section 3401(a) of the Internal Revenue Code of 1954, and regulations issued thereunder.

Subpart B—Procedures

§ 215.3 Procedure for standard agreement.

(a) A city which has an ordinance which provides for a city income or employment tax and wishes to enter into the Standard Agreement as set out in Subpart C shall, by a letter addressed to the Fiscal Assistant Secretary, Department of the Treasury, Washington, D.C. 20220, and signed by an appropriate city official, state its agreement to be bound by all of the provisions of the Standard Agreement set forth below. Copies of all applicable city ordinances, regulations, instructions, and forms shall be enclosed. The letter shall also state the title and address of the official whom the agencies may contact to obtain forms and other information necessary to implement withholding.

(b) Within 120 days of the receipt of the letter from the city official, the Fiscal Assistant Secretary or his designee will by letter notify the city either (1) that the Standard Agreement has been entered into as of the date of the Fiscal Assistant Secretary's letter, or (2) that an agreement cannot be entered into with the city and the reasons for that determination.

§ 215.4 Procedure for agreement other than standard agreement.

(a) If a city which has an ordinance which provides for a city income or employment tax proposes an agreement which varies from the Standard Agreement, the city shall follow the procedure in section 215.3, except that its letter shall state which provisions of the Standard Agreement are not acceptable, propose substitute provisions, and give the reasons therefor.

(b) Within 60 days, the Fiscal Assistant Secretary or his designee will notify the city which substitute provisions may be included in the agreement. The city shall, by letter, notify the Fiscal Assistant Secretary if it accepts such an agreement. When accepted by the city, the effective date of that agreement shall be the date such acceptance is received by the Fiscal Assistant Secretary.

Subpart C—Standard Agreement Text

§ 215.5 Parties.

The parties to this agreement are the Secretary of the Treasury, acting through his designee, and the city which has entered into this agreement pursuant to 31 CFR 215.3 or 215.4.

§ 215.6 Compliance by agencies.

Except as otherwise provided in this agreement, the head of each agency of the United States shall comply with all ordinances of the city which provide for a city income or employment tax, and all regulations and procedural instructions issued thereunder, with respect to employees of the agency who are subject to the tax and whose regular place of Federal employment is within the territorial jurisdiction of the city.

§ 215.7 Employee withholding certificates.

Each agency may require its employees to complete a withholding certificate as the basis for calculating the amount to be withheld regularly from each employee's compensation. The agency may rely on the information in the certificate, unless it is contrary to information in the possession of the agency. The agency may use the certificate which the city has prescribed, if any, or any other certificate, approved by the Department of the Treasury, which the agency finds suitable. Copies of such certificates will be provided to cities by agencies upon request.

§ 215.8 Agency withholding procedures.

(a) Where it is the practice of an agency to file returns and make payments of the Federal income tax withheld, on an estimated basis, subject to later adjustments based on audited figures, such practice may be followed in the withholding of city income or employment taxes if the agency has made appropriate arrangements with the city.

(b) In calculating the amount to be withheld from an employee's compensation, each agency shall use the method prescribed by the city, or any percentage or formula method which produces at a minimum approximately the tax required to be withheld by the city ordinance.

(c) Procedures for the withholding, the filing of returns, and the payment of tax to the city shall conform to the usual fiscal practices of agencies.

(d) Federal Form W–2, "Wage and Tax Statement," may be used by agencies for the reporting of withheld taxes to the city.

(e) Agencies shall not withhold the city income or employment tax from the unpaid compensation of a deceased employee.

§ 215.9 Miscellaneous provisions.

(a) This agreement does not (1) allow agencies to collect delinquent city taxes or penalties from Federal employees, (2) apply to pay for service as a member of the Armed Forces, or (3) permit the withholding of city income or employment taxes from the pay of a Federal employee who is not a resident of the State in which the city is located unless the employee consents to the withholding.

(b) Agencies may not accept pay from the city for services performed in withholding the city income or employment tax.

§ 215.10 Amendment; cancellation.

The Secretary of the Treasury or his designee may at any time amend or waive any part of this agreement, which is also subject to the provisions of 5 U.S.C. 5520 and other applicable laws, and any rules or regulations issued thereunder, including amendments to such provisions occurring after the effective date of this agreement. Either the Secretary (or his designee) or the city may cancel this agreement at any time after 30 days written notice to that effect has been given to the other party.

§ 215.11 Effective date; commencement of withholding.

(a) The effective date of this agreement shall be:

(1) In the case of a city accepting all of the provisions of this agreement, the date of the letter to the city from the Fiscal Assistant Secretary of the Treasury, or his designee stating that the agreement has been entered into, or

(2) In the case of an agreement which varies from this Standard Agreement, the date that the Fiscal Assistant Secretary receives the letter from the city accepting the Department's determination as to the inclusion of such variations.

(b) The withholding of the city income or employment tax shall commence within ninety days after the effective date of this agreement.

Dated: January 27, 1975.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.75-2902 Filed 1-30-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

TAKING AND IMPORTING OF MARINE MAMMALS

Proposed Policy on Applications and Restrictions

The Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), expressed the finding of Congress that marine mammals should be protected and encouraged to develop to the greatest extent feasible, commensurate with sound policies of resource management, with the primary object of such management being to maintain the health and stability of the marine ecosystem.

Section 102(b) of the Act (16 U.S.C. 1372(b)), provides in part that, except for scientific purposes, it is unlawful to import a marine mammal into the United States, if such mammal was (1) pregnant at the time of taking; or (2) nursing at the time of taking or less than eight months old, whichever occurs later.

The National Marine Fisheries Service (NMFS) proposes to establish a policy under which the above conditions will also be applied to the taking of marine mammals on the high seas and in waters or on lands subject to the jurisdiction of the United States. This policy will be utilized by the NMFS in considering all permit applications; all applications for a waiver of the moratorium; and foreign programs with respect to taking marine mammals.

Interested persons may submit comments concerning the proposed policy to the Director, National Marine Fisheries Service, NOAA, U.S. Department of Commerce, Washington, D.C. 20235. All material received on or before February 20, 1975, will be considered. All coments in response to this Notice will be available for public inspection during normal business hours at the foregoing address.

The proposed policy is set forth below:

The National Marine Fisheries Service will not determine to be consistent with the purposes and policies of the Marine Mammal Protection Act of 1972 (the Act), nor issue a permit for, any taking of marine mammals which are:

1. Pregnant at the time of taking; or,

2. Nursing at the time of taking, or less than eight months old, whichever occurs later; except in the following situations:

a. Such taking is for the purpose of public display, will further the education of the public, and will not be detrimental to the health and well-being of animals taking into captivity; or

b. Such taking is determined by the Director in consultation with the Marine Mammal Commission to be a part of a resource management program which is consistent with the purposes and policies set forth in Section 2 of the Act; or

c. Such taking is for approved scientific purposes.

For purposes of this policy, and for the purpose of applying restrictions on importation set forth in section 102(b) of the Act, "nursing" means nursing which is obligatory for the health and development of the nursing animal.

Dated: January 28, 1975.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.75-2937 Filed 1-30-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 75-81]

FEDERAL SAVINGS AND LOAN SYSTEM

Amended Proposal Relating to Interest on Escrow Funds

JANUARY 24, 1975.

The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full explanation in the preamble and to the specific provisions of the regulations.

I. *Maximum amount to be held in escrow account.* A. Under present regulation—one-twelfth of estimated charge for all escrow accounts

B. Under present proposal—limits on escrow accounts for loans secured by single-family owner-occupied dwellings: detailed provisions taken from the new Real Estate Settlement Procedures Act, basically one-twelfth of estimated charges plus any amount accrued between last payment and settlement date

II. *Interest on escrow accounts.* A. Under present regulation—no provision.

B. Under earlier proposal—only if contracted for by Federal association and borrower

C. Under present new proposal. (1) Only if contracted for by Federal association and borrower, except if the loan:

(a) is made on a single-family dwelling to be occupied by borrower,

(b) the dwelling is located in a State where State-chartered thrift institutions generally are so required, and

(c) the loan is made on or after the effective date of the regulation (except for loans made pursuant to commitments outstanding before the effective date)

(2) If interest payment required, payment shall be at not less than State rate but not in excess of passbook rate.

The Federal Home Loan Bank Board on October 24, 1974, proposed an amendment to § 545.6-11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-11) for the purpose of making clear that the amount of escrowed funds may not exceed an amount, calculated on a reasonable basis, necessary to assure payment of charges on the real estate security, and that payment of interest on such escrowed funds is a matter of contract between a Federal association and the borrowers therefrom. (Board Resolution No. 74-1111, October 24, 1974; FR Doc. No. 27684, November 27, 1974; 30 FR 41386). The comment period for submission of views by interested persons closed on December 31, 1974. In view of the enactment on December 22, 1974, of the Real Estate Settlement Procedures Act of 1974, and in light of the Board's consideration of comments received on the proposal, the Board considers it desirable to withdraw the proposal as originally drawn and to propose new amendments to § 545.6-11, as described below.

The present proposal would group the provisions of § 545.6-11 into three paragraphs. The first paragraph, entitled "Required and authorized provisions," would contain all of the existing language of § 545.6-11 with the exception of the fifth sentence, which would be omitted. The second paragraph would be entitled "Escrow accounts" and would authorize Federal associations to require certain advance payments of charges on the property; the third paragraph would set out provisions regarding payment of interest on such accounts.

Present § 545.6-11 requires that loan contracts shall provide full protection to Federal associations. In particular, § 545.6-11 requires that the loan contract shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs. In that regard, § 545.6-11 permits Federal associations to require borrowers to pay in advance the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security to enable the association to pay such charges as they become due from the funds so received. Federal associations are permitted but not required to establish escrow accounts in connection with such advance payments.

Paragraph (b) of the present proposal would continue to allow Federal associations to establish escrow accounts for any loan, but for loans secured by homes (1-4 family dwellings) the amount of the escrow could not exceed the limitations established by section 10 of the Real Estate Settlement Procedures Act of 1974 (Pub. L. 93-533; December 22, 1974). Basically, section 10 limits the advance payment of charges to those payable or accrued at the time of the loan settlement plus one-twelfth of the estimated amount of such charges as will become payable during the 12-month period following the loan settlement date.

Present § 545.6-11 does not contain a specific reference to payment of interest on escrow accounts which a Federal association might choose to establish. The previous proposal would have provided that such payment in all cases would depend upon the provisions contained in the mortgage contract. Paragraph (c) of the present proposal would continue to look to the agreement of the parties, except that a requirement to pay interest on escrow would be imposed if: (1) the security property is located in a State which has in effect a specific statutory provision or provisions by or under which all State-chartered thrift institutions are generally required to pay interest on escrow accounts, including payment of interest on escrow accounts if mortgage interest rates exceed certain percentages; (2) the security property is a single-family dwelling to be occupied by the borrower; and (3) the loan is made by the Federal association on or after the effective date of the final regulation (unless the loan is made on or after that date pursuant to a bona fide commitment outstanding before that date).

The formula for payment of interest on escrow accounts, when such payment is required by the proposed regulation, is set out in paragraph (c)(2) of the proposal: the interest rate shall be not less than the rate required to be paid by State-chartered institutions, but not to exceed the passbook rate.

Accordingly, the Board hereby proposes to amend § 545.6-11 to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by March 4, 1975, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 05.6).

§ 545.6-11 Loan contract.

(a) *Required and authorized provisions.* Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful and appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate; such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regulations, and the Federal association's charter.

(b) *Escrow accounts.* A Federal association may require that all or any por-

tion of the estimated annual taxes, assessments, insurance premiums, and other charges on any loan, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. With regard to any loan on the security of a home made in whole or in part by the association, the association shall not require that the borrower:

(1) deposit in any escrow account which may be established in connection with such loan for the purpose of assuring payment of taxes, assessments, insurance premiums, and other charges with respect to the property, prior to or upon the date of settlement, an aggregate sum for such purpose in excess of:

(i) in any jurisdiction where such charges are postpaid, the total amount of such charges which will actually be due and payable on the date of settlement and the pro rata portion thereof which has accrued, plus one-twelfth of the estimated total amount of such charges which will become due and payable during the twelve-month period beginning on the date of settlement, or

(ii) in any jurisdiction where such charges are prepaid, a pro rata portion of the estimated charges corresponding to the number of months from the last date of payment to the date of settlement, plus one-twelfth of the estimated total amount of such charges which will become due and payable during the twelve-month period beginning on the date of settlement; or

(2) deposit in any such escrow account in any month beginning after the date of settlement a sum (for the purpose of assuring payment of such charges) in excess of one-twelfth of the total amount of the estimated charges which will become due and payable during the twelve-month period beginning on the first day of such month, except that in the event the association determines there will be a deficiency on the due date it shall not be prohibited from requiring additional monthly deposits in such escrow account of pro rata portions of the deficiency corresponding to the number of months from the date of the association's determination of such deficiency to the date upon which such charges become due and payable.

(c) *Payment of interest on escrow accounts.* A Federal association may pay interest on escrow accounts solely as a matter of contract between the association and borrowers therefrom, except that, on or after [effective date of regulation], an association which makes a loan on the security of a single-family dwelling occupied or to be occupied by the borrower (except such a loan for which a bona fide commitment was made before that date) shall pay interest on any escrow account maintained in connection with such a loan (1) if there is in effect a specific statutory provision or provisions of the State in which such dwelling is located by or under which State-chartered savings and loan associations, mutual savings banks and similar institutions are generally required to pay interest on such escrow accounts, and (2) at not less than the rate required to be paid by such State-chartered institutions but not to exceed the rate being paid by the Federal association on its regular accounts (as defined in § 526.1 of this chapter).

(Sec. 5, 48 Stat., 132, as amended (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.75-2946 Filed 1-30-75;8:45 am]

notices

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

DEPARTMENT OF STATE

[Public Notice CM-5/10]

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Notice of Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Advisory Committee on the Law of the Sea will hold both closed and open meetings on Friday, February 28 and Saturday, March 1, 1975, in the International Conference Room, Room 1309, U.S. Department of State, Washington, D.C. The open session of the meeting will take place on Saturday, March 1, 1975, at 2:00 p.m.

The purpose of the closed meeting is to discuss specific conference issues and formal planning and policy preparations for the U.S. Delegation to the 1975 Geneva Session of the Third United Nations Conference on the Law of the Sea. During these closed sessions, documents classified under the provisions of Executive Order 11652 will be discussed.

These documents, which contain new substantive proposals as well as revisions of earlier policy statements, relate to the issues which the United States will be negotiating at the Conference. The documents are exempt under 5 USC 552 (b)(1), and are required to be withheld from disclosure in the public interest.

The issues cover such subjects as freedom of navigation on the high seas and in international straits, the establishment of a deep seabeds mining regime, the breadth of the continental margin, the juridical content of the economic zone, and other related topics involving U.S. national security matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The open session of the Advisory Committee meeting will discuss all principal agenda issues to be considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the proposals which will come before the Conference.

Dated: January 20, 1975.

OTHO E. ESKIN,
Staff Director, NSC Interagency Task Force on the Law of the Sea.

[FR Doc.75-2931 Filed 1-30-75;8:45 am]

DEPARTMENT OF THE TREASURY

CUSTOMS SERVICE

[T.D. 75-33]

Preclearance Operations

REIMBURSABLE EXCESS COSTS

JANUARY 24, 1975.

Notice is hereby given that pursuant to § 24.18(d), Customs regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning February 16, 1975.

Installation:	*Biweekly excess cost*
Montreal, Canada	$8,538
Toronto, Canada	16,125
Kindley Field, Bermuda	5,662
Nassau, Bahama Islands	7,703
Vancouver, Canada	1,446
Winnipeg, Canada	1,386

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.75-2945 Filed 1-30-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "SYSTEMS VULNERABILITY"

Advisory Committee Meeting

A Defense Science Board Task Force on "Systems Vulnerability" will meet in closed session on 18-19 February 1975 at the Air Force Weapons Laboratory, Albuquerque, New Mexico.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The Task Force will provide an assessment of current and future EMP simulators and the impact these simulators will have upon strategic systems.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in Section 522(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

JANUARY 28, 1975.

[FR Doc.75-2942 Filed 1-30-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR) Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will hold meetings on February 18 and February 25, 1975, at 10:30 a.m. in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida.

The meetings will be open to the public and a brief period will be set aside at each meeting for public comments and questions. The agenda of each meeting includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to each meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: January 28, 1975.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.75-2949 Filed 1-30-75;8:45 am]

Forest Service

EAGLE CREEK PLANNING UNIT, MT. HOOD NATIONAL FOREST, OREG.

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Eagle Creek Planning Unit, Mt. Hood National Forest, Oregon: USDA-FS-FES-(Adm)-74-60.

This statement proposes a management plan for approximately 75,260 acres of National Forest land in Multnomah and Hood River Counties, Oregon. This proposal includes allocation of 40,900 acres as a New Study Area, to be studied for wilderness suitability, and 26,940 acres to be classified as a Special Interest Zone-Scenic. An additional 2,910 acres would be managed in conformance with Special Interest Zone-Scenic management direction for ten years, and 4,510 acres would be managed under the Landscape Management Zone concept. The proposed allocation of a New Study Area and classification as a Special Interest Zone-Scenic Area would replace the past administrative classifications of Columbia Gorge Park Division and Eagle Creek Limited Area.

This final environmental statement was transmitted to CEQ on January 24, 1975.

Copies are available for inspection at all local universities, colleges and public libraries, and during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA Forest Service
Pacific Northwest Region
319 S.W. Pine
Portland, Oregon 97204

Mt. Hood National Forest
2440 S.E. 195th Ave.
Portland, Oregon 97233

Columbia Gorge Ranger Station
Route 3, Box 44A
Troutdale, Oregon 97060

Hood River Valley Ranger Station
Route 1, Box 573
Parkdale, Oregon 97047

A limited number of single copies are available upon request to Wright T. Mallery, Supervisor, Mt. Hood National Forest, 2440 S.E. 195th Ave., Portland, Oregon 97233.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

WRIGHT T. MALLERY,
Forest Supervisor,
Mt. Hood National Forest.

JANUARY 24, 1975.

[FR Doc.75-2874 Filed 1-30-75;8:45 am]

Packers and Stockyards Administration

ARIZONA LIVESTOCK AUCTION, INC., PHOENIX, ARIZONA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, location of stockyard, and date of posting

AZ-100 Arizona Livestock Auction, Inc., Phoenix, Ariz., Nov. 5, 1957.
KS-154 Leavenworth Livestock Auction Co., Leavenworth, Kans., July 22, 1968.
KS-198 Arkansas Valley Community Sale, Wichita, Kans., Mar. 22, 1973.
MS-105 Clarksdale Livestock Sales Co., Clarksdale, Miss., Jan. 13, 1959.
MO-169 Farmers Auction Company, Mountain View, Mo., May 21, 1959.
OH-139 Tiffin Livestock, Tiffin, Ohio, Mar. 20, 1964.
TN-147 Union Stock Yards, Nashville, Tenn., Nov. 1, 1921.
VA-102 Bedford Livestock Market, Inc., Bedford, Va., Mar. 11, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective January 31, 1975.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.)

Done at Washington, D.C., this 27th day of January, 1975.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.75-2905 Filed 1-30-75;8:45 am]

Rural Electrification Administration

BIG RIVERS ELECTRIC CORP.

Draft Environmental Impact Statement

On October 9, 1974 the Rural Electrification Administration announced its intent to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for a loan guarantee for Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420, "which will provide for the installation of new generation facilities and possibly some transmission and terminal facilities." (FEDERAL REGISTER, Vol. 39, No. 197-Wednesday, October 9, 1974).

Subsequent to October 9, 1974 as a result of studies it was determined that additional transmission facilities would be required consisting of approximately 50 miles of 161 kV transmission line originating at the proposed location for the new generating units at the site of the existing Robert Reid Station 2.5 miles northeast of Sebree, Kentucky, and terminating at the existing Kenneth C. Coleman Station located in Hancock County, four miles downstream from Hawesville, Kentucky. The proposed transmission line and related terminal facilities will be located in McLean, Daviess, and Hancock Counties.

The Rural Electrification Administration intends to include these transmission facilities in the Environmental Impact Statement that is being prepared for the proposed generation facilities.

Additional information may be obtained at the borrower's office during regular business hours.

Interested parties are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator-Electric Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address is given.

Dated at Washington, D.C., this 24th day of January.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.75-2906 Filed 1-30-75;8:45 am]

Office of the Secretary

AGRICULTURAL RESEARCH POLICY ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Agricultural Research Policy Advisory Committee (ARPAC) will be held at 9 a.m. on Wednesday, March 19, 1975 in Room 218-A of the USDA Administration Building, Independence Avenue between 12th and 14th Streets, SW., Washington, D.C.

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

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, general relationships between USDA and university research agencies, activities by other or-

ganizations of interest to ARPAC, and future ARPAC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307–A, USDA, Washington, D.C. 20250—Telephone 202–447–3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: January 28, 1975.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.75–2950 Filed 1–30–75;8:45 am]

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 9 a.m., February 20, 1975, in Room 509A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting, a written statement concerning the matters to be discussed. Persons who wish to file written statements may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307–A, USDA, Washington, D.C. 20250—Telephone 202–447–3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: January 28, 1975.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.75–2951 Filed 1–30–75;8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN STATISTICAL ASSOCIATION

Notice of Public Meetings

The Census Advisory Committee of the American Statistical Association will convene on March 6 and 7, 1975 at 9:00 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919 to advise the Director, Bureau of the Census in all aspects of the Bureau's statistical programs, and to respond to the Bureau's requests for opinions and judgments in the whole area of its operations.

The Committee is composed of 14 members appointed by the President of the American Statistical Association.

The agenda for the March 6 meeting is: 1) Topics of current Census Bureau interests including: major budget program developments, status of Black and Spanish Advisory Committees, National Academy of Science studies on confidentiality, survey on business use of statistics, and the year 2000 planning program, 2) The statistical system planning process, including 1975 program planning for 1977 and interagency task forces on technical problems in statistics, 3) Planning for long-range computer needs, 4) Current technical issues, and 5) Current status and proposed improvements in the Manufactures, Shipments, Inventories and Orders Survey.

The agenda for the March 7 meeting, which will adjourn at 12:30 p.m., is: 1) Overview of Demographic Surveys, 2) Overview of Economic Surveys, and 3) Discussion of future agenda items.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside on March 7 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. James L. O'Brien, Assistant Chief, Statistical Research Division, Bureau of the Census, Room 3581, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301–763–7134.

Dated: January 28, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75–2971 Filed 1–30–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

OFFICE OF CAREER EDUCATION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) Section 2–B, Organization and Functions, of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to attain the purposes of the Education Amendments of 1974, section 406, by establishing an Office of Career Education. Therefore previously published statements in the FEDERAL REGISTER are hereby amended as follows:

The statement published in the FEDERAL REGISTER on November 21, 1973 at 38 FR 32154 is amended by addition of a new statement after the statement following the Office of the Commissioner, Right to Read Program, to read as follows:

OFFICE OF CAREER EDUCATION

Plans, develops and coordinates all career education conceptualization, policy formulation and program activity within the Office of Education designed to improve the prospects of all Americans to have a successful life by enhancing the educational experience with career options. Develops objectives and plans for career education activities, coordinates activities that implement and support those efforts and administers assigned programs of grants and contracts.

The statement published in the FEDERAL REGISTER on April 26, 1974 at 39 FR 14738 is amended by deletion of the words "career education" from the statement immediately following the heading Bureau of Occupational and Adult Education. Also, the heading Bureau of Occupational and Adult Education, Division of Career Education Programs and the statement following immediately thereafter are deleted in their entirety.

Dated: January 24, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75–2939 Filed 1–30–75;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION VI, DALLAS, TEXAS

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Office of the Secretary is amended to delete Sections 1E (35 FR 13546), 8/25/70, and 1E8109 (39 FR 20713), 6/13/74. Section 1E80, Assistant Regional Director for Human

Development (38 FR 17262), 6/29/73, is retained and redesignated 1R95. New Sections are added for the several regions. Section 1E86.10 reflects the official organization of the Office of the Regional Director, Region VI, whose headquarters is Dallas, Texas. The new chapter reads as follows:

Section 1E86.00 Mission. The Regional Director represents the Secretary in his Region. Under his direction, the Office of the Regional Director provides leadership and coordination in various Department programs and activities within the Region and represents the Department in direct official dealings with State and other governmental units, representatives of the Congress, and the general public.

Section 1E86.10 Organization. The Office of the Regional Director, Region VI, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary, and consists of the following:

Office of the Regional Director
Regional Director
Deputy Regional Director
Executive Secretariat
Assistant Regional Director/Administration and Management
  Surplus Property Division
  Facilities Engineering and Construction Division
Assistant Regional Director/Financial Management
Assistant Regional Director/Program Coordination
Assistant Regional Director/Intergovernmental Operations
  Special Assistant to Regional Director for Regional Council
Assistant Regional Director/Public Affairs
Assistant Regional Director/Human Development
Office of the Regional Attorney
Office of Audit Agency
Office for Civil Rights
Office of Long Term Care Standards Enforcement
Equal Employment Opportunity/FWPC/Spanish-speaking

Section 1E86.20 Functions. A. Regional Director (1E86101).

The functions of the Regional Director are:

1. Serves as the Secretary's representative in direct official dealings with State and other governmental units, and evaluates Regional, State, and local activities related to the Department's programs.

2. Develops regional priorities which emphasize the Department goals and highlight areas of particular needs or opportunities in the region, so that efforts and resources may be brought to bear on them. Formulates regional plans for each priority and assures that regional agency heads achieve all their objectives in accordance with their plans. Conducts formalized planning conferences with regional representatives to assure a complete exchange of significant management information.

3. Exercises general coordination and supervision of personnel and activities in the region to ensure proper execution of policies, regulations, and instructions applicable to the Department as a whole. Recognizes interprogram disparities, exercises leadership to keep these disparities within constructive limits to assure effective, efficient, and responsive actions in the interest of total service to the public.

4. Assures that staff offices provide full support to agency operating programs.

5. Provides coordination of the activities of the principal representatives of the principal operating components who are stationed in or detailed to the region, including determination of regional program priorities and official communications with representatives of State or other Federal agencies.

6. Through coordination and supervision, exercises leadership in bringing about necessary awareness of the status of other programs of the Regional Office, and fosters cooperative relationships among program and staff representatives in seeing that plans are effectively made, operations are smoothly carried out, and performance is adequately evaluated.

7. Promotes general public understanding of the programs, policies, and objectives of the Department, and participates in the development and carrying out of a Regionwide information and public information program.

8. Establishes and maintains working relationships with Governors and key State and local officials; furnishes advice and assistance and strives to develop a mutually beneficial Federal-State-local partnership. Provides guidance to regional staff members on the priorities, emphases, and merits of various requirements based on expressions of need and analyses by governors, mayors, and other key officials.

9. Maintains working relationships with private agencies and institutions; develops ways in which their plans and programs and those of the Department can actively complement each other.

10. Develops continuing cooperative relationships with officials of the Federal agencies in the Region; through the medium of Regional Councils seeks ways in which interdepartmental delivery of program services can be made more effective.

11. In accordance with regulations and guidelines established at headquarters, administers the child development programs in the region, including the Head Start program. Makes certain Head Start grants and takes other grants actions, as required.

12. Through liaison, periodic conferences, and other means, takes action to coordinate and integrate activities which are not directly associated with the regional office with regional office activities.

13. Develops plans for emergency preparedness and directs all Department activities necessary to ensure continuity of essential functions within the Region in case of an emergency due to enemy action; maintains a written plan for regional emergency operations; maintains liaison with all Federal authorities engaged in mobilization planning; acts in cooperation with them in an emergency situation; directs on behalf of The Secretary all Department activities in the Region if communications with national headquarters are cut off.

14. Directs regional activities for assistance and alleviation of distress within the region resulting from natural disasters, including major disasters under Public Law 865; takes all necessary and appropriate action in connection with disaster situations and reports thereon.

15. In accordance with regulations and guidelines established at headquarters, administers, through the Office of Long Term Care Standards Enforcement, activities as herein described relating to the approval and termination of agreements with skilled nursing facilities for the purpose of participation in either the Medicare (Title XVIII) or in both the Medicare and Medicaid (Title XIX) programs.

B. Deputy Regional Director (1E86102). Serves as Acting Regional Director in the absence or disability of the Regional Director or in the event of a vacancy in the Office of the Regional Director. The Deputy Regional Director performs other duties and functions at the request of the Regional Director.

C. Executive Secretariat (1E86105). Monitors the decision-making process for the Regional Director and facilitates the internal processes of coordination and communication, as follows:

1. Screens Regional Director's correspondence and filters out those items which require immediate attention by the Regional Director and Regional Director's staff, as well as the assignment of time deadlines for Regional Director's action items. Takes appropriate action to clarify issues and instructions before a request for information is forwarded to the appropriate action office. Provides current and consolidated information or indicates where such information may be obtained for all policy issues and projects in the Region.

2. Operates a comprehensive system for tracking action items and ensures that the Regional Director has timely and quality input from all appropriate offices on which to base his decisions. Assures that all outgoing correspondence are quality products that represent the best possible presentation of the Regional Director's views; synthesizes detailed responses from various offices into a single document for outgoing correspondence going to the Secretary and other Headquarters units, and for Regional Director's decision memoranda.

3. Provides for feedback to the Regional Director on the impact of his decisions. By obtaining periodic status reports on selected key issues and projects, ensures proper compliance with past decisions, highlights problem areas for renewed Regional Director's attention, and develops an ever current supply of data for management conferences and for responding to incoming requests from the Secretary, various elected officials, and regional staff.

D. Office of the Regional Attorney (1E86103). The functions of the Office of the Regional Attorney are as follows:

1. Advises and counsels the Regional Director and operating program personnel on legal issues relating to their responsibilities with the region; on all matters within the competence of the legal profession the Regional Attorney is subject to the supervision of the General Counsel; on all other matters he is subject to the supervision of the Regional Director;

2. As requested by the Regional Director, assists in legal aspects of program development and of policy problem solutions;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports and interpretative analyses;

4. Represents or counsels the Regional Director in negotiations to resolve actual and potential problems of a legal nature;

5. Provides appropriate legal assistance to state agencies and officials in connection with DHEW programs, as requested by the Regional Director;

6. As requested by the General Counsel, prepares for and conducts administrative hearings, aids the U.S. attorney in preparation for and conduct of litigation, and performs such other duties as may be requested by the General Counsel;

7. Seeks to so order his time and workload priorities as to meet the needs of the Regional Office as determined by the Regional Director;

8. Subject to final approval by the Regional Director, selects, promotes, and takes all personnel actions with respect to his professional and clerical staff, in accordance with the personnel policies of the Office of the General Counsel.

E. Office of Equal Opportunity (1E86104). Serves as the Regional Director's staff for the establishment and maintenance of a positive program of non-discrimination in Departmental employment in the Region. Has responsibility for the Regional HEW Federal

Women's Program and the Regional Spanish-Surnamed Program. Monitors the OS EEO complaint system and issues proposed dispositions on all OS formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. Office of Long Term Care Standards Enforcement (1E86171). Performs these functions as follows:

1. Provides recommendations to the Regional Director on administrative actions necessary to carry out those portions of Titles XVIII and XIX of the Social Security Act related to the certification by State agencies of skilled nursing facilities (SNFs) for participation in the Medicare and Medicaid programs. Those activities, within the region, which pertain to Title XVIII and the Title XIX certification include: the issuance of Title XVIII or under both Titles XVIII and XIX, the approval of corrective plans of action for deficiencies in SNFs which participate either as components of larger institutions or as free standing units; granting waivers of provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) or provisions of Standard No. A117.1 of the American National Standards Institute, and waivers of certain other provisions of physical environment standards as they pertain to SNFs; public disclosure of State agency reports of deficiencies in SNF compliance with standards in accordance with section 1864(a) of the Social Security Act; approval of State fire codes in lieu of the Life Safety Code; and granting waivers, under specified circumstances, of the requirement that an SNF have on duty more than one registered nurse more than 40 hours per week.

2. Establish and maintain close working relationships with administrators of State health, welfare, and other departments involved under established agreements in the certification of and assistance to SNFs and ICFs. Perform evaluations of: State agency performance with respect to enforcing health and safety standards for SNFs and ICFs; and the State agencies' recommendations for waivers of provisions of the 1967 Life Safety Code with respect to SNFs and ICFs. Monitor States' implementation of the ICF regulations.

3. Participate in the negotiations of budgets with State survey agencies for their services and review those portions of the State agency budget relative to SNF/ICF certification and the provision of state consultative services to SNFs and ICFs and recommend to the Social Security Administration (SSA), Regional Commissioner and to the Social and Rehabilitation Service (SRS), Regional Commissioner, amounts that should be approved for SNF and ICF certification and certification-related activities.

4. Participate with other appropriate Federal programs in evaluations of State agency certification operations which are designed to assess State survey agency performance in program management, in applying established health, safety, and Life Safety Code standards and in evaluating quality of care (e.g., participates in SSA's comprehensive program reviews of State survey agency performance and in SRS's program reviews of the Title XIX single state agency).

5. Develop and implement procedures to assure the timely and effective conduct of the following: (a) State surveys of individual SNFs and ICFs, (b) Federal review and processing of State agency certifications and documentation pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal direct validation surveys of selected SNF and ICF facilities.

6. Provide technical assistance for the professional training of State agency personnel on their duties in survey/certification and evaluation of the functional performance of SNFs and ICFs with respect to the quality of health care delivered.

7. Assist State agencies to develop their capabilities for the provision of specialized technical assistance to SNFs and ICFs on highly complex aspects of the survey requirements and on the development of acceptable plans of corrective action for overcoming deficiencies.

8. Assist States, provider organizations, and educational institutions in the stimulation, development, and implementation of training opportunities for SNF and ICF personnel in order to correct deficiencies and upgrade the quality of care offered, including mental health aspects of long term care.

9. Review complaints received by the Regional Directors concerning State agency and SNF/ICF activities and initiate appropriate action for investigation and resolution.

10. With SSA, SRS and the Public Health Service (PHS), as appropriate provide information and interpretations concerning standards for the delivery of SNF and ICF services to media, consumer and provider groups, professional health associations, and other health and welfare groups.

11. Based on regional conditions and trends related to SNFs and ICFs, make recommendations to the Office of Nursing Home Affairs (ONHA) or through ONHA, to the headquarters components of SSA, PHS and SRS, as appropriate, on revisions to present program policies criteria, standards or procedures.

12. Provide data and reports to ONHA on SNF/ICF survey/certification activities on SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health service utilization and on the impact of certification and assessment procedures on the delivery of SNF and ICF health services. Provide reports to SSA, SRS, and PHS on the status of SNF and ICF facility compliance in the region.

13. Work with and provide information as requested to, the Social Security Administration, on the following SNF related activities:

a. Utilization review processes of SNFs;

b. Change of provider status in the Medicare program (e.g., change of ownership, termination because of failure to provide proper financial information or because of requests for payment substantially in excess of costs or for improper or unnecessary services, or withdrawal from program);

c. Certification of SNF's as a "distinct part" of another facility; and

d. Requests for hearings on terminated SNFs participating in Medicare.

14. Work with, and provide information as requested to, the Social and Rehabilitation Service, on the following SNF and ICF related activities:

a. Utilization and periodic medical review procedures for SNFs;

b. Utilization and independent professional review procedures for ICFs;

c. Level of care determinations;

d. Recipient eligibility issues; and

e. Cost-sharing requirements.

15. Work with, and provide information as requested to, the Public Health Service on the following SNF and ICF related activities:

a. Health care standards development efforts of the Bureau of Quality Assurance;

b. Utilization review determinations under Professional Standards Review Organizations;

c. Provider improvement program initiatives of the Health Resources Administration;

d. Comprehensive health planning determinations under section 1122 of the Social Security Act; and

e. Other relevant SNF and ICF program activities conducted by the Health Resources Administration, Health Services Administration, Alcohol, Drug Abuse, and Mental Health Administration, National Institutes of Health, Center for Disease Control, and the Food and Drug Administration.

16. Coordinate with the Office of Human Development in the areas of their delegated responsibilities for, and concern with, the mentally retarded and aging.

17. Coordinate, under the Office for Civil Rights in monitoring the implementation of Title VI of the Civil Rights Act of 1964 with respect to SNFs and ICFs.

18. Coordinate, under the direction of the Regional Director, with regional personnel of the Office of Facilities Engineering and Property Management on matters relating to the interpretation and enforcement of provisions of the Life Safety Code.

19. Coordinate with the Department of Housing and Urban Development in implementation of Public Law 93-204.

G. Office of the Assistant Regional Director for Public Affairs (1E86151). 1. Serves as the principal advisor to the Regional Director in the formulation of policies, approaches, and procedures in the field of public information and in the formulation of approaches to major policy issues, and has a broad range of responsibility in developing overall strategies and techniques for long range Public Affairs activities, in line with the Secretary's policy and the trend toward inter-agency coordination and decentralization.

2. Advises key officials of the Regional Office, including the Regional Director and agency representatives on public information, public reporting, and related aspects of program matters.

3. Serves as a central point of communication with all news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and effect within the Region of national news issued by Departmental headquarters.

4. Is responsible for the overall program supervision of the Regional Office's total public information program. Coordinates and exercises functional supervision over information services and all other activities of the Regional Office related to publications, public reports, and other informational and public affairs matters. Is responsible for the clearance of all information for public distribution before its release and certification as to the necessity for illustrations and related materials.

5. Provides briefings for field trips by the President, Vice President, Secretary and Under Secretary, and as appropriate, for Members of Congress.

6. Administers the Freedom of Information Act and under Departmental Regulations is the only official on the Regional level with authority to deny requests for information.

7. Maintains liaison with governors' offices, appropriate state agencies, regional governmental entities and national, regional, state and local non-governmental organizations as a means of communication to assure a broad scope of mutual exchange concerning Departmental policies, programs and procedures.

8. As prescribed in the Departmental Public Affairs Manual, sets procedures for planning, production, clearance, release, and distribution of all material prepared within the Region for release through Government channels.

9. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

10. Performs other duties and responsibilities as outlined in the Departmental Public Affairs Manual.

H. Office of the Assistant Regional Director for Planning and Evaluation (Program Coordination) (1E86161).

(Reserved)

I. Office of the Assistant Regional Director for Intergovernmental Affairs (Intergovernmental Operations) (1E86141).

(Reserved)

J. Office of the Assistant Regional Director for Financial Management. (1E86121)

1. Provides financial management support to the Regional Director and regional agency heads for decentralized programs and activities. Under policies and procedures established by the Office of the Assistant Secretary, Comptroller, supervises the performance of the following financial management functions: accounting and financial reporting, budget formulation and execution, and work with State and local government and HEW grantees to include indirect cost negotiation, single letter-of-credit implementation, technical assistance, and audit follow-up.

2. On behalf of the Regional Director, provides coordination and liaison with the HEW Audit Agency, the Treasury Department, the General Services Administration, and the General Accounting Office on financial management matters.

3. Is responsible for the financial administration and management of allotments or allowances which are issued to the Regional Director.

4. Performs regional accounting and reporting activities: accounting, controlling, fiscal services, and reporting for all HEW activities for which the Regional Director is delegated the authority to provide such services.

5. Performs budget activities as follows: Prepares the regional budget for activities for which the Regional Director has delegated authority and assists other regional staffs in developing their budgets; prepares consolidated regional budget estimates and justifications and assists the Regional Director and regional agency heads in advocating program budget priorities for centralized and decentralized programs based on regional needs and characteristics; supervises budget execution in the Region including the recording and distribution of budget resources based on allocations, allotments and allowances for regional activities; prepares recommended allowances and manpower allocations for activities delegated directly to the Regional Director; oversees the development of financial operating plans for other regional activities, reviews these plans, and provides comments to the Regional Director and other regional personnel; develops and implements a budget data system capable of monitoring financial operating plans and maintaining current information of fund availability for regional programs; and receives regional personnel ceiling allowances and monitors recruitment and employment against these allowances.

6. Carries on cost allocation and payment systems activities as follows: Pursuant to delegations of authority from the Regional Director is responsible for indirect cost rate negotiations (including State and local cost allocation plans) based on cost policies and procedures established by the Division of Financial Management Standards and Procedures; provides financial management technical assistance to State and local governments and to other HEW grantees and contractors; assists the Office of the Assistant Secretary, Comptroller to develop the single letter of credit system within the Region; and assists the Regional Director and regional agency heads in assuring effective follow-up of audit findings of major managerial significance as disclosed by reviews of grantees' management systems.

K. Office of the Assistant Regional Director for Administration and Management (1E86111).

1. Serves as the principal adviser to the Regional Director on and directs or participates actively in all aspects of administrative management, including organization, procedures, management systems, delegations of authority, management surveys and studies, and paperwork management.

2. Directs and coordinates the regional activities related to the operation of the Operational Planning System. Assume the effective interphasing of the OPS with related program and budgetary operations.

3. Serves as the principal advisor to the Regional Director on all aspects of personnel management. Administers the regional program, including the classification of positions, the processing of appointments, and selected on-the-job training activities.

4. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

5. Administers the Regional Surplus Property Utilization program.

6. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

7. Conducts periodic inspections of regional space and facilities to assure the application of optimum standards and practices related to physical and personnel safety and security.

8. Provides office services to all activities in and near the regional headquarters location, including mail pick-up and delivery; procurement, stocking, and distribution of common supplies; maintenance of the official regional files; printing and reproduction services, moving and storage services.

9. Assures the delivery of the total architectural/engineering services in support of HEW grant and loan and direct Federal construction programs and of HEW owned and utilized facilities.

L. Office of the Assistant Regional Director for Human Development. (See Chapter 1R95, HEW Organization Manual (38 FR 17262 6/29/73) (formerly numbered as 1E80).)

Section 1E8.30 Relationships to Agency Regional Staffs and Regional Audit and Regional Civil Rights Staff. Agency regional staffs and Regional Civil Rights and Regional Audit staffs are under the line direction and control of their parent headquarters organizations. The regional staffs are subject to the general leadership and coordination of the Regional Director and receive administrative, financial, and other support services from him and his staff. The functional statements for these offices are to be found with the statements of their parent organizations.

Section 1E8.40 Order of Succession. In the absence or disability of the Regional Director, the Deputy Regional Director serves as acting Regional Director. In the event of the absence or disability of both the Regional Director and Deputy Regional Director and where there is a vacancy in both positions, the Secretary or Under Secretary will designate the acting Regional Director. In the temporary short-time absence of the Regional Director and Deputy Regional Director, the Regional Director will designate someone on his staff to serve as the Acting Regional Director.

Section 1E86.50 Delegations of Authority. The delegations of authority of the Regional Directors are:

A. *Surplus Property Utilization*

1. Regional Directors have been delegated certain authority which may not be redelegated as follows.

a. Real property. This delegation relates to the conveyance and utilization of surplus real property and related personal property for educational and public health purposes, pursuant to section 203(k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, consistent with policies and procedures set forth in applicable regulations of the Department is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon, or in modification of previous transfers with respect to land and improvement costs of property was less than $1 million;

(2) To execute all instruments of conveyance or in modification of previous transfers with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing the transaction by the Regional Office; and

(3) To execute all instruments of conveyance relating to the transfer of improvements located outside his jurisdiction and intended for removal to and use within his jurisdiction.

b. Personal property. To act or designate a member of his staff (other than the SPU Regional Representative) to act as reviewing officer to approve or disapprove determinations by the Regional Representative authorizing State Agencies to abandon or destroy surplus personal property having a line item acquisition cost of $1,000 or more.

2. Regional Directors have been delegated certain authority related to real property which they may redelegate in writing to the SPU Regional Representative as follows:

a. Consistent with policies and procedures set forth in applicable regulations of the Department, to perform or take the actions stated below, with respect to disposal and utilization of surplus real and related personal property.

(1) To request and accept assignments from Federal Agencies of:

(a) Improvements for removal and use away from the site;

(b) Improvements for removal to and use in another regional jurisdiction; and

(c) Land and improvements thereon where the acquisition and improvement cost of the property was less than $1 million.

(2) To make determinations incident to the disposal of assigned property described in a(1)(a) and a(1)(c) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in a(1)(a) and a(1)(c) above;

(4) To execute instruments of transfer relative to property described in a(1)a above; except in those cases provided for in a(1) a(3);

(5) Except for execution of instruments of conveyance or in modification of previous transfers, to take all action with respect to land and improvements thereon where the acquisition and improvement cost was $1 million or more and the Office of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Director; and

(6) Incident to the exercise of the authority hereinbefore provided to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

b. Consistent with the policies and procedures set forth in applicable regulations of the Department, with respect to the disposal of educational and public health purposes of surplus real property improvements and related personal property located outside his jurisdiction, but intended for removal to and use within his jurisdiction, to take actions set forth in a(2), a(3), and a(6) above.

c. Consistent with the policies and procedures set forth in applicable regulations of

the Department, with respect to property within his jurisdiction previously conveyed for educational and public health purposes:

(1) To make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(a) Improvements for removal and use away from the site; and

(b) Land and any improvements thereon regardless of the acquisition and improvement cost;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition costs;

(3) To report to the General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(5) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

d. With respect to the States within the jurisdiction of his region, consistent with the policies and procedures of the Department, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for Surplus Property.

3. Regional Directors may redelegate in writing the following authority related to personal property to the SPU Regional Representative; the latter may likewise redelegate in writing the authority to the Assistant Regional Representative. Regional Representative may also redelegate in writing to his allocator(s) the authority stipulated in a(1)(a), a(1)(b), and a(1)(e), insofar as a(1)(e) pertains to a(1)(a) and a (1)(b):

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To perform or take the actions stated below with respect to the allocation for donation of surplus personal property located within his jurisdiction for educational, health, or civil defense purposes.

(a) To make determinations concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(b) To allocate surplus personal property and to take all actions necessary to accomplish donation, or transfer of property so allocated;

(c) To make determinations of eligibility of educational and public health donees to acquire donable property;

(d) To designate individuals recommended by State Agencies as State representatives for the purpose of inspecting and screening surplus personal property; and

(e) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(2) To allocate property within his jurisdiction and to take the actions set forth in (1)(b) above in connection with such out-of-region allocation.

(3) To take the actions set forth in (1)(b), (c) and (e) above in connection with any property that is available for transfer to his jurisdiction from another region.

(4) With respect to personal property located within his jurisdiction and in possession of State agencies for subsequent donation for education, public health, and civil defense purposes;

(a) To effect redistribution of usable and needed property to other State Agencies;

(b) To authorize and execute instruments necessary to carry out cannibalization, secondary utilization, and revision of acquisition cost of property;

(c) To recommend to GSA for disposal, property excess to the needs of State Agencies; and

(5) With respect to personal property located within his jurisdiction previously donated for educational and public health purposes;

(a) To make determinations and take actions appropriate thereto concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(b) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in (a) above;

(c) To recommend to GSA for disposal, property excess to the needs of donees, except boats over 50 feet in length and aircraft;

(d) Incident to the exercise of the authority delegated in this paragraph, to request refunds or payments; and

(e) To authorize and execute instruments necessary to carry out sales, abrogations, revision of the period of restriction, secondary utilization or cannibalization, revision of acquisition cost, trade-in of an item on a similar replacement, and destruction or abandonment of property in the custody of donees.

(6) With respect to the States within the jurisdiction of his region, to approve State plans of operation and amendments thereto submitted by State Agencies for surplus property: Provided, however, that disapproval of a State plan in whole or in part is concurred in by the Director, Office of Surplus Property Utilization.

(7) With respect to the States within the jurisdiction of his region, to enter into cooperative agreements, under section 203(n) of the Act, with State Agencies for surplus property of such States, either individually or collectively.

4. Regional Representatives have been delegated certain authority related to personal property directly by the Director of the Office of Surplus Property Utilization; the authority may be redelegated in writing to the Assistant Regional Representative;

a. Consistent with policies set forth in applicable regulations and procedures of the Department.

(1) To authorize destruction or abandonment by a determination in writing that the property has no commercial value, subject, however, to approval of such determination in the case of property having a line item acquisition cost of $1,000 or more, by a reviewing officer before authorization to destroy or abandon is given to the State Agency.

B. *Human Development*

1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under Section 222(a)(1) of the Economic Opportunity Act of 1964 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make, amend, suspend, and cancel the grants and contracts authorized in "a." and "b." above and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

C. *Long Term Care Standards Enforcement*

1. Regional Directors have been delegated the following authorities under Title XVIII of the Social Security Act, as amended, which pertain to skilled nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. To approve or disapprove certifications made by State Agencies under the provisions of section 1864(a), that a health care institution is or is not a skilled nursing facility as defined in section 1861(j);

b. To enter into agreements with skilled nursing facilities as provided in Section 1866(a), including authority to determine the term of such agreements;

c. To terminate agreements, under the provisions of section 1866(b)(2)(B), with skilled nursing facilities where such facilities no longer substantially meet the requirements of section 1861(j);

d. To waive, for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13);

e. To determine, in accordance with section 1861(j)(13), that the Life Safety Code of the National Fire Protection Association (21st edition, 1967) is not applicable in a State because a fire and safety code, imposed by State law, adequately protects patients in skilled nursing facilities;

f. To waive the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in Section 1861(j)(15);

g. To waive in accordance with 20 CFR 405.1134(c), for such periods as are deemed appropriate, specific provisions of American National Standards Institute Standard No. A117.1, American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped;

h. To waive, based on regulations, 20 CFR 405.1134(e), requirements relating to the number of beds per room and the minimum size for rooms in skilled nursing facilities; and

i. To determine, under the provisions of section 1864(a) that State Agency survey reports (including reports of followup reviews), and statements of deficiencies based upon official survey reports, relating to the certification of skilled nursing facilities for compliance with the applicable provisions of Section 1861 are final and official. This includes the authority to: (1) assure that references to internal tolerance rules and practices are excluded from such reports or deficiency statements; (2) determine that such reports and deficiency statements have not identified individual patients, physicians, other practitioners, or individuals; (3) determine that involved skilled nursing facilities have been afforded a reasonable opportunty to offer comments; and (4) make final and official reports and deficiency statements available to the public in readily accessible form and place, along with any pertinent written statements submitted by skilled nursing facilities.

2. Regional Directors have been delegated the following authorities under Title XIX of the Social Security Act, as amended, which

pertain to nursing facility standards enforcement and which may be redelegated only to the Director, Office of Long Term Care Standards Enforcement:

a. Authority under the provisions of section 1910(b) to notify the State agency administering the Title XIX State plan of the approval or disapproval of any institution which has applied for certification under Title XVIII, and the term of such approval.

b. Authority to waive, for Title XIX skilled nursing facilities for such periods as are deemed appropriate, specific provisions of the Life Safety Code of the National Fire Protection Association (21st edition, 1967) as provided in section 1861(j)(13) of the Social Security Act.

c. Authority to waive for Title XIX skilled nursing facilities the requirement that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 1861(j)(15) of the Social Security Act.

d. Authority vested in the Secretary under section 1905(c) of the Social Security Act to certify intermediate care facilities located on Indian reservations.

e. Authority vested in the Secretary under section 1905(b) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

Dated: January 24, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-2938 Filed 1-30-75;8:45 am]

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended) is hereby further amended to reflect the reorganization of the Medical Services Administration. For such purposes, section 5-B is amended as follows:

By striking out all that follows under the heading "Medical Services Administration" and inserting in lieu thereof the following:

"The mission of the Medical Services Administration is to provide leadership in the planning, development, coordination, and administration of the programs under title XIX of the Social Security Act, as amended.

Office of the Commissioner—5301. The Commissioner, directs the planning, coordination, and development of the programs under title XIX of the Social Security Act, as amended, and the coordination between these programs and other federally supported health and health related programs.

Within broad Department of Health, Education, and Welfare and Social and Rehabilitation Service policy and guidelines and subject to the health policy direction and other authority of the Assistant Secretary for Health, the Medical Services Administration establishes program goals and objectives; develops policies, standards, and guidelines to accomplish stated goals; provides program management guidance to the regional office staffs and coordinates with the Regions on individual State problems; develops modifications and innovations in program and in administration; works with and coordinates with other Social and Rehabilitation Service organizations and related health components of the Department to organize training programs to promote and provide skilled medical and medically related manpower to better assist the needy; obtains, analyzes, and provides information related to medical asssitance; maintains relationships with a variety of governmental and non-governmental organizations which have an interest in the health and welfare of the Nation and which have an impact on Medical Services Administration programs; evaluates progress in administration of the title XIX programs and takes required action to direct or redirect efforts to achieve program objectives; proposes legislation to provide for changing needs of program directions and for financing of better health care to program recipients; promotes experimental programs in financing of health delivery systems; provides administrative management services; conducts program and administrative budget activities; and coordinates its activities and programs with other concerned SRS organizations.

Division of Program Planning and Evaluation—5321. Develops policies and plans for the administration and coordination of financing aspects of the Federal/State medical care programs for persons eligible under applicable titles of the Social Security Act. Determines statistical data to be collected. Develops the program budget for title XIX programs. Conducts studies of the economy with emphasis on areas relating to the medical aspects of the title XIX programs. Coordinates with all other health-related Department of Health, Education, and Welfare policymaking agencies and other governmental and nongovernmental organizations interested in health care for the poor. Develops legislative proposals for improvements in medical assistance to the needy; serves as the focus in Medical Services Administration for activities related to support of the Department's legislative objectives. Develops objectives and goals for Medical Services Administration; guides program and administrative planning; reviews total program effort and prepares appraisal of programs of national impact; serves as a focus for Medical Services Administration research and evaluation activities.

Division of Policy and Standards—5315. Develops and prepares policies, standards and guides for program participation, operations, and administration relating to amount, duration, and scope of services; assures that program policies, standards, and other issuances are consistent with others such as those of the Health Services Administration and with the Social Security Administration; develops reimbursement standards for skilled nursing facilities, hospitals, and other providers of medical care under title XIX programs; coordinates with Regions on individual State problems.

Division of Long-Term Care—5318. Develops and prepares in coordination with the Office of Nursing Home Affairs standards and guides for program participation, operations, and administration relating to long-term care, which includes skilled nursing facilities, intermediate care facilities, home health care and licensure of nursing home administrators; provides technical assistance and consultation to the Regions on individual State problems; proposes legislation to provide for changing needs in long-term care; participates in manpower development and training programs relating to long-term care.

Division of Program Monitoring—5317. Provides technical assistance, instruction and guidance to regions in monitoring and review of State administration of the Medicaid program; analyzes the adequacy of Medicaid monitoring and reporting activities; acts as the focal point in the Medical Services Administration for HEW and General Accounting Office audits and assures that corrective action is carried out; participates with other SRS and HEW elements in developing principles and guidelines for combined health program monitoring systems and audits.

Division of Early and Periodic Screening, Diagnosis and Treatment—5319. Directs the planning and implementation of the national effort on Early and Periodic Screening, Diagnosis and Treatment (EPSDT); advises on major developments and problems; works closely with SRS Regional Offices in interpretation of regulations and development and implementation of Regional work plans; directs the development of program goals, regulations and guidelines; develops overall strategy and monitors implementation of the enforcement of the EPSDT penalty regulations; serves as liaison with other SRS offices, with other HEW agencies and assists SRS Regional Commissioners in their coordination with other HEW Regional Office agencies; acts as focal point in contact with State and professional organizations on EPSDT related matters.

Division of Utilization Control—5320. Directs the planning and implementation of Federal initiatives for improving utilization of services of the Federal-State medical assistance program. Responsible for the development and preparation of utilization review and control policies standards and guidelines to accomplish program goals and objectives. Provides program management guidance to the Regional Offices and coordinates with the Regions on individual State problems relating to Utilization Control (UC). Responsible for consultation and technical assistance to the Regional Offices on UC. Develops plans and policies to assure compatability of State Utilization Review (UR) and UC activities with PSRO functions. Represents SRS in inter-agency relationships regarding the PSRO program. Responsible for development, testing, technical advice and consultation to the Regional Offices on the surveillance and utilization review and management and administrative re-

porting subsystems of the Medicaid Management Information System. Maintains liaison with other related SRS activities and other DHEW agencies concerned with utilization control activities.

Dated: January 24, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-2940 Filed 1-30-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

TRUCKS ON INTERSTATE SYSTEM HIGHWAYS

Maximum Weight; Interpretation

Correction

In FR Doc. 1820, appearing at page 3329 in the issue of Tuesday, January 21, 1975, make these changes:

On page 3330, below the signature, the following material at the beginning of the first paragraph and the end of the second and third paragraphs should be italicized:

Construction of the "Grandfather Clause" in 23 U.S.C. 127 As Amended by Section 106(b) of the Federal-Aid Highway Amendments of 1974.

* * * * *

** * * except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974, * * **

* * * * *

** * * except in the case of the overall gross weight of any group of two or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974.*

* * * * *

Federal Highway Administration

OUTDOOR ADVERTISING AND JUNKYARD CONTROL PROGRAMS

Federal-Aid Highway Amendments of 1974

1. *Purpose.* The FHWA hereby gives notice of amendments to the Highway Beautification Act of 1965 regarding compliance with the outdoor advertising and junkyard control programs and indicates interim changes in existing FHWA procedures necessitated thereby, pending the publication of revised rules.

2. *Background.* The Federal-Aid Highway Amendments of 1974 include the following amendments to the Highway Beautification Act of 1965 relating to outdoor advertising and junkyard control:

a. *Outdoor Advertising Control.* (i). Section 131(b) of Title 23, U.S.C., is amended by inserting after "main traveled way of the system" the following:

and Federal-aid highway funds apportioned on or after January 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way. * * *

This language was originally proposed by the House Committee on Public Works. In explaining this amendment, the House report [H.R. No. 93-1567, 93d Cong., 2d Sess. 4 (1974)] states:

Extending controls to include such signs outside of urban areas is necessary to prevent the mushrooming of giant billboards which are being erected beyond the present 660 feet limit to circumvent the intention of the Beautification Act. In determining whether State controls over signs located beyond 660 feet from the right-of-way are in compliance with the requirements of this bill the Committee believes that the Secretary should be able to exercise a certain amount of discretion and flexibility. For instance, he might approve a State law which extended controls to a specified distance beyond 660 feet, if it could be demonstrated that such a limit, combined with restrictions on the size of signs, would in effect eliminate the possibility of signs being visible, and erected with the purpose of being read, from the main-traveled ways of the controlled roadway.

The effect of this amendment is that the States do not have to literally track the language of the Federal amendment to comply as long as the intent of the legislation is achieved.

An "urban area" as defined in Section 101 of Title 23, U.S.C., is governing for the purpose of this amendment.

(ii) Section 131(c) has similarly been amended to extend control beyond 660 feet by the following language:

and, on or after July 1, 1975, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, located outside of urban areas, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way.

Thus, the States will have until July 1, 1975, or the end of the next legislative session commenced after the effective date of the Federal-Aid Highway Amendments of 1974 (January 4, 1975), whichever is later, to adopt controls for signs which fall into the new category.

(iii) Section 131(c) is further amended to add the following category of permitted signs:

(4) Signs lawfully in existence on October 22, 1965, determined by the State, subject to approval of the Secretary, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance the preservation of which would be consistent with the purpose of this section.

This language was originally proposed by the Senate Committee on Public Works. In explaining this amendment, the Senate Report [S. 93-1111, 93d Cong., 2d Sess. 14 (1974)] states:

While a major objective of the highway beautification program is the control of outdoor advertising; including the removal of billboards, there are some types of outdoor advertising of a unique character that justify preservation. Some firms advertise their products or services exclusively with signs painted on the sides of rural barns. Others have their messages displayed on rocks in natural settings. Some of this advertising has been utilized for many years and has become a part of the American folk heritage.

Under the Highway Beautification Act, signs of a particular artistic or historic character, including those of such character on barns and natural surfaces, are not differentiated from the majority of outdoor advertising which the Act is intended to control. The bill, therefore, authorizes the Secretary to exempt from removal those types of signs if they were erected before October 22, 1965.

(iv) Section 131(g) is amended by striking out the first sentence and inserting the following:

Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law.

This language was proposed by both the House and Senate Public Works Committees except that the Senate bill would have been limited to signs lawfully erected under State law "prior to the date of enactment of the Federal-Aid Highway Amendments of 1974." Both the House and the Senate reports explain this amendment. The House report states:

Third, subsection (g) of section 131 would be amended to assure that just compensation will be paid for all signs required to be removed which were lawfully erected under State law. This amendment would eliminate the previous ambiguities by assuring that all lawfully erected signs will be treated alike.

The Senate report states in further detail:

Another significant provision of the Committee bill would provide compensation for those signs lawfully erected under State law after October 22, 1965, and before January 1, 1968. This is the so-called 'hiatus period' in the beautification program, which has resulted in some severe hardship to the States and to sign owners.

Present law limits signs eligible for Federal participation in compensation payments to those lawfully in existence on October 22, 1965, or which were lawfully erected after January 1, 1968. A problem has risen because of a misunderstanding over the meaning of the term 'lawfully erected.' The Committee feels that fairness requires that the test of whether a sign was 'lawfully erected' after October 22, 1965, and prior to the enactment of this Act is State, not Federal law, and if signs were lawful under State law during this period, just compensation should be paid for them.

Unless Federal participation is available to help compensate for removal of these signs, some States could be faced with an unduly heavy burden of paying 100 percent of the cost of removal of signs erected after 1965. In other States, signs erected after 1965 may not be removed because the State law provides that no sign need be removed to comply with the Highway Beautification Act of 1965 unless Federal participation is available for compensation for removal.

The effect of this amendment is to provide just compensation for all signs which become nonconforming and subject to removal under State law enacted for the purpose of complying with the

Highway Beautification Act. It does not provide compensation for signs which are illegal under State law.

(v) Originally the House and Senate bills had proposed amendment to section 131(d) to cover the extended control area. The Conference Report on S. 3934 [H.R. 93–1622, 93rd Cong. 2d Sess. 21 (1974)] states that the House amendment would have amended section 131 (d) "* * * to assure that outdoor advertising in areas zoned industrial or commercial will be permitted in the extended control zone."

It is significant to note that section 131(d) was not amended. Therefore, signs may continue to be permitted in zoned and unzoned commercial and industrial areas within 660 feet of the nearest edge of the right-of-way adjacent to Interstate and Primary Systems. However, signs may not be permitted in commercial and industrial areas in the extended control area beyond 660 feet outside of urban areas. As a result, no State/Federal agreement executed pursuant to Section 131(d) will require amendment.

b. *Junkyard Control.* Section 136(j) of Title 23, U.S.C., is amended by striking out the first sentence and inserting in lieu thereof the following:

(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law.

The effect of this amendment is to remove the so-called "hiatus period" in the same manner as the corresponding amendment to section 131(g) on outdoor advertising control.

c. *Authorization for Appropriations.* The Act authorized the appropriation of $50 million for outdoor advertising control, $15 million for junkyard control, and $10 million for landscaping and scenic enhancement for fiscal year 1975 out of general funds in the Treasury.

These funds are available under the same rules as Federal-aid primary highway funds which means that they continue to be available for a period of 2 years after the close of the fiscal year for which they are authorized.

3. *Action.* a. Guidelines and other changes required by the 1974 amendments will be incorporated in revised directives.

b. Landmark signs are permitted provided they were lawfully in existence on October 22, 1965. States electing to permit this type of sign by appropriately amending State legislation or State rules and regulations may submit a one-time list to FHWA for approval. The list shall identify the sign as being in the 1966 inventory. In the event a sign was omitted in the 1966 inventory, the State may submit other evidence to support a determination that the sign was in existence on October 22, 1965. States not electing to permit this type of sign are requested to submit a negative statement.

c. A majority of States will require amended State legislation to comply with the Federal-Aid Highway Amendments of 1974. Each State is urged to seek amendments, if needed, in the following areas during the 1975 regular legislative session:

(i). Control beyond 660 feet,

(ii). Removal and compensation authority for signs and junkyards lawfully erected or established after October 22, 1965, and before January 1, 1968, or the effective date of State compliance legislation, whichever was later,

(iii). Removal and compensation authority for signs lawfully erected beyond 660 feet outside of urban areas,

(iv). Authority to allow landmark signs to remain provided they were lawfully in existence on October 22, 1965.

d. Each State is requested to update its 1966 sign inventory and cost estimate and advise FHWA no later than May 31, 1975. The data should be broken down into the following categories:

(i). Number of and cost to remove remaining nonconforming signs in the State prior to the 1974 amendments.

(ii). Number of and cost to remove signs erected in the so-called "hiatus period."

(iii). Number of and cost to remove signs erected beyond 660 feet outside of urban areas.

The cost of the above-mentioned inventory is eligible for Federal reimbursement. Illegal signs should not be included. Detailed data which parallels the 1966 inventory and identifies the signs covered above should be retained in the division office and State files. It is suggested that each State which does not presently control signs beyond 660 feet outside of urban areas develop a reporting system to identify signs erected in such areas in the interim period between this inventory and the passage of amendatory State legislation.

Signs erected by a sign owner before the passage of a State amendment and after January 5, 1975, beyond 660 feet, are deemed to be erected with the knowledge that the law will require removal after July 1, 1975, or the end of the next State legislative session after January 4, 1975. These signs will be considered on the basis that the owner knew and expected this change in the legality of the site for outdoor advertising purposes and may not have acted in good faith.

e. Upon receipt of additional fiscal year 1975 obligational authority from OMB, funds will be allocated and obligational authority released to the States in accordance with existing procedures on State requests for funds.

Effective date. This notice will become effective on the date it is issued.

Issued on: JANUARY 23, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-2876 Filed 1-30-75;8:45 am]

APPLICATION OF AIR QUALITY GUIDELINES FOR USE IN FEDERAL-AID HIGHWAY PROGRAMS

Indirect Source Review

On December 30, 1974 (39 FR 45014) the Environmental Protection Agency (EPA) amended its regulation relating to the review of indirect sources contained in 40 CFR 52.22(b). 40 CFR 52.22 (b) establishes Federal indirect source review regulations that are applicable in those States that have failed to develop their own indirect source review procedures, as required by 40 CFR 51.18.

The amendment suspended implementation of the Federal indirect source review requirements in § 52.22(b) pending further notice. It also provided that an indirect source that commences modification or construction prior to July 1, 1975, is not subject to the Federal indirect source review requirements.

Federal Highway Administration Air Quality Guidelines, 23 CFR Part 770, provide that preferred project alternatives shall be submitted to the appropriate indirect source review agency for review and approval where required by EPA regulations, 40 CFR 51.18. Until Federal indirect source review requirements are promulgated by EPA, the provisions of the Federal Highway Administration Air Quality Guidelines relating to review and approval by indirect source review agencies can only be applied in States that have their own approved indirect source review regulations. Currently, these States include Alabama, Florida, North Carolina, Kentucky, Washington, and the territory of Guam.

Issued on: January 23, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-2877 Filed 1-30-75;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Joint Meeting of Highway Environment and Vehicle Subcommittees

On February 18 and 19, 1975 the Highway Environment and Vehicle Subcommittees of the National Highway Safety Advisory Committee will hold open meetings at the DOT Headquarters Building, 400 Seventh Street, SW, Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

On February 18 at 9 a.m. in room 4234 of the DOT Headquarters Building the Highway Environment and Vehicle Subcommittees will meet with the following agenda:

Roadside Safety Projects as a Public Works Program
Improving Roadside Safety Before Expanding New Highway Construction
Briefing on "The Yellow Book Road" Report on Implementation of Roadside Safety Programs
Briefings and Reports on Large Truck Safety Research and Statistics
Discussion of Proposed Legislation to Delete Increase in Truck Weights Allowed by Federal-Aid Highway Amendments of 1974
Discussion of National Uniform Limits for Truck Size and Weight

On February 19 beginning at 9 a.m. in room 4234 the Highway Environment and Vehicle Subcommittees will meet with the following agenda:

Overview of Federal Highway Administration's Three Plus Highway Safety Standards and Possible Modification Thereof:
Identification and Surveillance of Accident Locations;
Highway Design, Construction and Maintenance;
Traffic Engineering Services; and
The Engineering and Traffic Control Devices Portions of the Pedestrian Safety Standard
Old Business/New Business

The above meetings are subject to the approval of the Secretary.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW, Washington, D.C. 20590, telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: January 28, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75-3018 Filed 1-30-75;8:45 am]

National Highway Traffic Safety Administration

EFFECTIVE DATE OF HYDRAULIC BRAKE SYSTEMS STANDARD

Notice of Public Meeting

This notice announces that the National Highway Traffic Safety Administration will hold a public meeting to permit interested persons to present oral and written views on petitions for postponement of the September 1, 1975, effectiveness of Standard No. 105–75, *Hydraulic brake systems.*

Standard No. 105–75 was published as a final rule on September 2, 1972 (37 FR 17970), to upgrade passenger car braking performance and to establish minimum braking performance standards for multipurpose passenger vehicles, trucks, and buses. Several amendments of the standard have been made since that date in response to petitions and comments of interested parties.

The NHTSA has now received petitions for delay or revocation of the standard from Chrysler Corporation, General Motors Corporation, the American Trucking Associations, Ford Motor Company, International Harvester, and Midland-Ross Corporation. These petitions raise issues of the standard's reasonableness, its possible inflationary effects, and added vehicle weight in the heavier vehicle categories. These petitions appear in the Public Docket, Room 5108, 400 Seventh Street SW., Washington, D.C. In the interest of furthering the prompt resolution of these petitions, the NHTSA has scheduled a public meeting at which the issues raised by these petitions and other issues that bear on the advisability of delay or cancellation of the standard can be addressed.

Interested persons are invited to attend the meeting. Persons who desire to make a formal presentation should contact Mr. Vern Bloom, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (telephone 202–426–2153), before February 10, 1975, so that limitations (if necessary) and the need for any special equipment, such as projectors, can be discussed and final arrangements can be made. A general outline of the planned presentation should also be submitted at this time. Persons whose presentations include slides, motion pictures, or other visual aids should plan to submit copies of them for the record at the meeting.

An agenda will be available at the meeting. A transcript of the meeting will be made, and will be available for examination in the Docket Section, Room 5108, 400 Seventh Street SW., Washington, D.C., approximately 3 days after the meeting.

The meeting will be held at the Departmental Auditorium, Constitution Avenue NW. (between 12th and 14th Streets), Washington, D.C. The meeting will be in session from 8:30 a.m. to 5 p.m. on February 11, 1975, and, depending on the requests for time, during the same hours on February 12, 1975.

The Department of Transportation regrets the administrative delays which resulted in less than the usual 15 days notice for this meeting.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on January 29, 1975.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.75-3086 Filed 1-30-75;8:36 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26348; Order 75–1–35]

INSTITUTIONAL CONTROL OF AIR CARRIERS

Procedures for Investigation

Correction

In FR Doc. 75–1322 appearing at page 2745 in the issue for Wednesday, January 15, 1975, add the following phrase to the second line of the first paragraph: ", on the ninth day of January, 1975."

[Docket No. 26494; Order 75–1–67]

JOINT TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to South Pacific Air Fares Agreement

Correction

In FR Doc. 75–1769 appearing at page 3330 in the issue for January 21, 1975, the following statement should appear at the beginning of the text: "Issued under delegated authority January 14, 1975."

[Docket Nos. 25280, 25513, 26494; Agreements C.A.B. 24008 R–15, 24024 R–5, 24233 R–6, 24265 R–5; Order 75–1–104]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Currency Matters Over and Within North/Central Pacific; Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 27th day of January, 1975.

By a petition filed December 19, 1974, Japan Air Lines Company, Ltd. (JAL) requests reconsideration of Order 74–11–153 (November 29, 1974), which disapproved several agreements among the carrier members of the International Air Transport Association (IATA) providing for a 3 percent surcharge on westbound North/Central Pacific passenger fares and cargo rates paid in United States dollars.[1]

In support of its petition, JAL contends that the Board used an arbitrary yen/dollar exchange rate (October 12, 1974) as the current exchange rate for comparison with the monthly average exchange rate from January 1, 1972 through February 12, 1973, whereas the current average exchange rate since the 1973 devaluation should be used as long as the rate continues to fluctuate since the impact of devaluation is felt over time and not on a single day; that the Board has drawn erroneous conclusions from data previously submitted by JAL in support of the surcharge; and that a correct interpretation of JAL's position demonstrates that the surcharge is still warranted. JAL states that its previous submissions reflected revenues and expenses only from passenger service and all-cargo operations, and excluded belly cargo carried in combination service. JAL's total revenues earned in the United States from April 1973 through March 1974 were $116,612,000 while expenses were $75,252,000, for a margin of $41,360,000 or 12,489,000,000 yen at the predevaluation exchange rate of 301.96 yen=$1.00.[2] At the post-devaluation rate

[1] The Flying Tiger Line Inc. filed an answer in support of JAL's petition on December 31, 1974.

[2] Monthly average of the official Rate of Exchange from January 1, 1972 through February 12, 1973.

of 279.528 yen=$1.00,[3] this margin was reduced to 11,561,000,000 yen, for a net decline in JAL's profit position of 927,000,000 yen. This would require $3,320,000 in additional revenue at the average post-devaluation exchange rate. The three percent surcharge produces $3,382,000 in additional revenue, only $62,000 in excess of that required to offset the effects of devaluation. JAL contends that a slight fluctuation in revenues, costs, or exchange rates could easily erase that excess.[4]

Upon full consideration of JAL's petition, and all other relevant factors, the Board has concluded to deny the petition. The Board is unable to concur in JAL's exclusive use of monthly averages of the yen/dollar exchange rate. The currency surcharges in various world areas were adopted by IATA as a direct result of the February 1973 devaluation of the U.S. dollar, at a time when the dollar was worth considerably less relative to most other currrencies than before devaluation. Accordingly, more dollars were necessary to purchase the same transportation value. The surcharges were approved by the Board on this basis. When current exchange rates indicate that the dollar has regained most of its previous value vis-a-vis a particular foreign currency, there is no longer justification for continuing a surcharge on dollar fares from the U.S. to that country. This is now the case with Japan.

Even accepting, arguendo, JAL's use of average exchange rates for the years preceding and following devaluation, its revenues and expenses from April 1973 through March 1974 indicate that it has already more than recouped through the surcharge the decline in its annual yen profit attributable to devaluation. Based on current exchange rates the windfall to JAL would be even greater. Moreover, JAL has apparently ignored the effects of the recently approved four percent increase in yen fares and rates from Japan to the U.S., adopted as a result of the recent depreciation of the yen.[5]

Accordingly, it is ordered, That:

The petition of Japan Air Lines Company, Ltd. for reconsideration of Order 74–11–153 be and hereby is denied.

[3] Monthly average of the official Rate of Exchange from February 13, 1973 through October 1974.

[4] In further support of its petition, JAL reiterates arguments advanced in a previous motion to stay the effectiveness of Order 74–11–153. These points have been adequately dealt with in Order 74–12–51 (December 13, 1974) denying JAL's motion to stay, and will not be treated herein.

[5] As noted in Order 74–11–153 approving the four percent increase from Japan, the second-round fuel-related increase in North/Central Pacific fares was limited to three percent to/from Japan because of the currency situation at that time, while other fares were increased by seven percent. Thus, the four percent increase in yen fares realigned yen fares with the general level of Pacific fares based on current exchange relationships.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75–2943 Filed 1–30–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

TEXAS STATE ADVISORY COMMITTEE

Meeting; Change of Date and Place

The meeting of the Texas State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for February 1–2, 1975 has been changed to February 2, 1975 and at the Villa Capri changed to the Sheraton-Crest Inn Room 206, 111 East First Street, Austin, Texas 78701. The notice referred to was previously published on page 3033 in the FEDERAL REGISTER on Friday, January 17, 1975 (39 FR Doc. 75–1623).

Dated at Washington, D.C. on January 28, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–3028 Filed 1–30–75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Additions

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on December 24, 1974 (39 FR 44485).

Pursuant to the above notice the following commodities are added to the Procurement List.

Pen, Stick-Type, Ballpoint with Imprinting (IB)		Price
RAD 19019	doz	$0.74
RAD 19022	do	0.74

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.75–2926 Filed 1–30–75;8:45 am]

PROCUREMENT LIST 1975

Additions

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on December 10, 1974 (39 FR 43102).

Pursuant to the above notice the following commodities are added to the Procurement List.

Strap, Tie, Mail Carrier's, Nylon (IB)		Price
D–1216AX	Each	$0.392
D–1216BX	do	0.415
D–1216CX	do	0.515

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–2927 Filed 1–30–75;8:45 am]

PROCUREMENT LIST 1975

Deletions

Notice of proposed deletion from Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on November 22, 1974 (39 FR 40973).

Pursuant to the above notice the following commodities and service are deleted from the Procurement List.

CLASS 7210

MATTRESS (IB)
Cotton-Felt
7210–00–205–3574
7210–00–205–3575
7210–00–205–3576
7210–00–205–3579
7210–00–252–9628
7210–00–274–3780
7210–00–205–3581
7210–00–531–6477
7210–00–205–3906
7210–00–205–3907
7210–00–253–4649
7210–00–253–4648
7210–00–205–3904
7210–00–205–3905
7210–00–205–3902
7210–00–205–3900
Innerspring
7210–00–205–3535
7210–00–551–5497
7210–00–205–3488
7210–00–205–3489
7210–00–205–3490
7210–00–205–3893
7210–00–680–0938
7210–00–205–3894
7210–00–205–3889
7210–00–716–0500
7210–00–274–7001
7210–00–205–3485
7210–00–531–6480
7210–00–205–3532
7210–00–205–3454
7210–00–205–3455
7210–00–269–9198
7210–00–205–3915
7210–00–205–3916
7210–00–205–3913
7210–00–205–3896

INDUSTRIAL CLASS 8231

Lending Library (CP)
50 States, Washington, D.C., and the Commonwealth of Puerto Rico (Domestic Portion Only)

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75–2925 Filed 1–30–75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from January 20 through Janu-

ary 24, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (March 17, 1975) The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Final

Proposed Land Exchange, Superior N.F., St. Louis, Lake, and Cook Counties, Minn., January 23: Proposed is an exchange of lands between the Inland Steel Company and the Federal government. Inland Steel would receive 3,080 acres of National Forest lands, which would be used for overburden waste dumps and a tailings basin for its taconite mining operation. The Forest Service would receive 6,500 acres, which will aid in Forest consolidation (81 pages). Comments made by: DOT, EPA, ISDA, and state agencies. (ELR Order No. 50110.)

SOIL CONSERVATION SERVICE

Draft

Twenty-five Mile Stream Watershed Project, several counties in Maine, January 20: The statement refers to watershed protection and flood prevention in Waldo, Kennebec, Penobscot and Somerset Counties, Maine. The project provides for accelerating the installation of land treatment measures, the construction of structural measures, and channel enlargement and realignment. The project will reduce flood frequency and lower ground water table on about 800 acres of wetland. (ELR Order No. 50102.)

Final

Indian Creek Watershed, Lapeer, Saniiac, and Tuscola Counties, Mich., January 24: The statement refers to a project which is intended to provide watershed protection, flood prevention, and improved drainage on lands of the Indian Creek Watershed. Project measures will include land treatment and multiple—purpose channel work. Impact will include the conversion of 220 acres of grassland—brushland wildlife habitat to cropland, and the conversion of 17.1 acres of forest to grassland (117 pages). Comments made by: COE, HEW, DOI, DOT, EPA, AHP, FPC, GLBC, and one state agency. (ELR Order No. 50114.)

Chicod Creek Watershed (2), Pitt, and Beaufort Counties, N.C., January 20: The revised statement refers to a watershed protection project on the Chicod Creek Watershed. Project measures will include land treatment; 66 miles of stream channel work; two wildlife wetland preservation areas; one warmwater impoundment; eleven rock structures; 30 watercontrol structures; and 10 sediment traps. Adverse impact will include the commitment of 76 acres of cropland, 140 acres of upland forest; and 360 acres of hardwood wildlife habitat to project measures; and the reduction of carrying capacity on 657 acres of wetland habitat and 14 miles of stream fishery (four volumes). Comments made by: DOC, HEW, COE, USCG, EPA, DOI, and state and local agencies and concerned citizens. (ELR Order No. 50099.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967-4335.

Draft

Proposed NOAA Western Regional Headquarters, King County, Wash., January 22: The National Oceanic and Atmospheric Administration (NOAA) proposes to construct a Western Regional Headquarters facility on a 100-acre site in the northwest portion of the 312-acre former Sand Point Naval Air Station, Seattle. Facilities would include research laboratories, administrative offices, storage facilities, a Weather Service forcast office, a cafeteria and auditorium. Approximately 1,100 parking spaces will be needed. Adverse impacts will result from dredging and construction activities (86 pages). (ELR Order No. 50109.)

Interim Convention on Conservation of N. Pacific Fur Seals, January 24: The statement refers to the renegotiation of the present Interim Convention on Conservation of North Pacific Fur Seals. The United States intends to negotiate a new convention which will essentially continue the present management arrangements and amend the management objectives, as stated in the Convention, to provide for the maintenance of the health and stability of the marine ecosystem and in other ways bring the language of the Convention into conformity with the Marine Mammal Protection Act of 1972. (ELR Order No. 50130.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, (202) 693-7168.

Draft

Provincetown Harbor Permit Application, Massachusetts, January 22: The statement refers to the reinstatement of a suspended permit to the Cee-Jay Corporation for the construction and maintenance of a steel sheet pile, solid fill pier, floats, mooring piles and floating breakwater. An irregularly shaped area 1400'×530' will be dredged to a depth of 14.0 MLW. The production of the marine organisms in the area to be dredged (17 acres) will be altered and will be eliminated in the fill area (3.5 acres). Structures on the marina will pose an aesthetic change to the waterfront area (Waltham District). (ELR Order No. 50106.)

Freeport Harbor Maintenance Dredging, Brazoria County, Tex., January 20: Proposed is the widening and deepening of Freeport Harbor, Texas, by periodic removal of shoal deposits from the harbor. Dredge material will be deposited in leveed land areas and in the Gulf of Mexico. Adverse impacts include removal of bottom dwelling organisms, destruction of vegetation used for fishery resource habitat, high localized turbidity, and objectionable odors from land disposal operations (Galveston District). (ELR Order No. 50103.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Earnest E. Sligh, Director, Environmental Impact Division, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C., (202) 961-6214.

Draft

Coal Conversion Program, January 24: The statement analyses FEA's proposed strategy for the implementation of the Energy Supply and Environmental Coordination Act of 1974. The eis presents the methodology by which major fuel burning installations will be selected to receive an order prohibiting the use of natural gas or petroleum products as the primary energy source. The procedures which may be used are described, along with the impacts associated with differing degrees of program implementation. Impacts of the proposal include those generally associated with coal burning, and vary in degree from site to site: 1) temporary increases in air pollution emissions; 2) increases in solid waste generation; 3) potential increases in land requirements; 4) increases in water pollution; 5) increases in coal mining, processing, and transport. The statement deals with the overall program impacts rather than those of specific sites. In order to give the agency more time to review comments received on the draft, and in order to meet the statutory deadline for agency action by June 30, 1975, the Council has granted the agency's request for a waiver of a portion of the thirty day waiting period on the final statement. The waiting period after the final statement will be twenty rather than thirty days. (ELR Order No. 50116.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, (202) 343-4161.

Draft

Alabama Army Ammunition Plant Disposal, Talladega County, Ala., January 21: Proposed is the disposal of 1354 acres of land at the Alabama Army Ammunition Plant, Childersburg, Alabama. Disposal will be by negotiated sale to the Kimberly-Clark Company. The statement indicates that conveyance of the property would result in significant lessening of the impacts on the area with respect to air and water pollution. (ELR Order No. 50105.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240 (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Final

Livestock Grazing on National Resource Lands January 23: The statement analyzes the livestock grazing management program on lands administered by the BLM. The analysis includes the improvement of rangeland conditions for watersheds and wildlife habitat, and provision of a sustained yield of livestock forage consistent with environmental protection and enhancement. About 20,000 livestock operations and 13 million animal unit months annually are involved. Among the impacts of the program are continued competition for forage among livestock, wildlife, and wild horses and burros; and the effects of fence, water facility, and land treatment developments (3 volumes). Comments made by: USDA, EPA, AEC, DOI, and state agencies. (ELR Order No. 50108.)

Phoenix-Tucson Transmission Lines, Maricopa, Pinal, and Pima Counties, Ariz., January 20: The statement refers to the proposed granting of rights-of-ways across Federal and Indian lands for the purpose of constructing two 345 kV transmission lines from Phoenix to Tucson. The lines would extend the power distribution system from the

Navajo Generating Plant. Impacts of the action would include intrusion into a wild area; possible loss or degradation of archeological artifacts; and intrusion and possible negative effects to Indian cultural values (241 pages). Comments made by: DOI, USDA, DOT, COE, USCG, HEW, FPC, HUD, AHP, EPA, and state and local agencies. (ELR Order No. 50104.)

Fort Mohave Land Transfer, Clark County, Nev., January 24: The statement refers to the proposed transfer of 9,000 acres of public domain adjacent to the Colorado River to the Colorado River Commission of Nevada. Several alternative uses of the land are evaluated, including high and low density development, retention of the flood plain in public ownership, and no action, among others (280 pages). Comments made by: DOI, AEC, EPA, DOC, and state and local agencies and concerned citizens. (ELR Order No. 50111.)

BUREAU OF RECLAMATION

Final

Unit 2, Huntington Canyon, and Transmission Line, Emery County, Utah, January 24: Proposed is Federal approval, (because of the terms of a water sale contract), for the addition of a 415 MW coal burning generating unit to the Utah Power & Light Co.'s Huntington Station. There will also be 75 miles of 345 kV transmission line constructed in conjunction with the plant. Operation of the unit would require an additional 1.4 million tons of coal annually from Deer Creek Mine. There will be emissions of particulates, sulfur dioxide. The transmission lines will interfere with deer and elk range lands. Comments made by: AHP, USDA, DOC, EPA, FPC, DOI, DOT, AEC, HEW, TVA, and state agencies and concerned citizens. (ELR Order No. 50113.)

NUCLEAR REGULATORY COMMISSION

Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, NRC, Washington, D.C. 20545, (301) 973-7373.

Draft

Skagit Nuclear Project, Units 1 and 2, Skagit County, Wash., January 22: Proposed is the issuance of construction permits to four power utilities for the joint construction of a two unit plant. Each unit will employ a boiling water nuclear reactor with maximum expected thermal power levels of 4100 MWt. At the initial 3800 MWt power level, the net electrical capacity of each unit will be 1288 MWe. Exhaust steam will be cooled by hyperbolic-natural draft towers, with makeup water drawn from the Skagit River. Approximately 1750 acres of forested and agricultural land will be removed from production; 380 acres of this land will be diverted to industrial use. (ELR Order No. 50107.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Final

Chesapeake Municipal Airport, Virginia, January 20: The statement refers to the construction of a new general aviation airport to serve the city of Chesapeake and other Tidewater communities. First-stage construction consists of a paved runway and parallel taxiway, paved apron, hangar space, and medium intensity lighting. Adverse impacts are increased noise pollution, some displacement of wildlife from the 140 acres to be cleared, and lowering of the ground water tables. Comments made by: EPA, DOI, DOT, DOC, HEW, and State agencies. (ELR Order No. 50100.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-88, Schenectady and Albany Counties, Supplement, Schenectady and Albany Counties, N.Y., January 24: The statement is a draft supplement to a final statement submitted to CEQ June 26, 1972. Proposed is the construction of an 18-mile segment of I-88 from the Schoharie-Schenectady County line to the New York State Thruway (I-90). The number of families and businesses displaced varies with alternative. 4(f) determinations are necessary concerning the Duane Mansion, the Dellamont-Wemple House, and Quaker Street Hamlet (3 volumes). (ELR Order No. 50115.)

Final

Tehama Bridge, Aramayo Way, F.A.S. 1079, Tehama County, Calif., January 24: Proposed is the replacement of the Tehama Bridge on Aramayo Way, F.A.S. Route 1079. Depending upon the alternative chosen, the project will require between one and seven acres of right of way, and the displacement of a small number of mobile homes. Between 0.42 and 1.56 miles of new roadway would be constructed. Comments made by: USDA, DOI, and state and local agencies and concerned citizens. (ELR Order No. 50112.)

Monroe Bypass, STH 11, Green County, Wis., January 20: The project involves the completion of a northerly bypass of the city of Monroe in Green County. The project length is 4.8 miles. Adverse impacts include the use of 226 acres of land, temporary stream sedimentation, increased air pollution, and normal negative impacts, associated with construction (64 pages). Comments made by: DOI, EPA, HEW, and state agencies. (ELR Order No. 50101.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-2922 Filed 1-30-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 329-1]

AMERICAN CYANAMID CO.

Extension of Temporary Tolerances

American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, was granted temporary tolerances for residues of the herbicide difenzoquat methyl sulfate (1,2-dimethyl-3,5-diphenyl - 1*H* - pyrazolium methyl sulfate) (formerly 1,2-dimethyl-3,5-diphenylpyrazolium methyl sulfate) in or on the raw agricultural commodities barley straw at 0.5 part per million and in or on barley grain and in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million (negligible residue) on May 8, 1974, in connection with Pesticide Petition No. 4G1453 (notice was published in the FEDERAL REGISTER of May 15, 1974 (39 FR 17346)). These temporary tolerances expire May 8, 1975.

The company has requested a 1-year extension of the temporary tolerances for residues of the herbicide in meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million (negligible residue) and at higher levels of 20 parts per million in or on barley straw and 0.2 part per million in or on barley grain to obtain additional experimental data.

It is concluded that such extension of the temporary tolerances will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the American Cyanamid Co. name.

These temporary tolerances expire January 24, 1976. Residues remaining in or on the above raw agricultural commodity after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term, and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: January 24, 1975.

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

[FR Doc.75-2964 Filed 1-30-75;8:45 am]

[FRL 329-4]

DIAMOND SHAMROCK CHEMICAL CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1572) has been filed by Diamond Shamrock Chemical Co., 1100 Superior Avenue, Cleveland, OH 44114, proposing establishment of tolerances (40 CFR Part 180) for the combined residues of the herbicide cisanilide (*cis*-2,5-dimethyl-*N*-phenyl-1-pyrrolidinecarboxamide) and its phenyl urea-containing metabolites (calculated as cisanilide) in or on the raw agricultural commodities field corn fodder and forage at 1.0 part per million; field corn grain at 0.1 part per million (negligible residue); and in eggs; milk; and meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure in which aniline is derivatized with trichloroacetyl chloride to trichloroacetylaniline, which is determined by an electron-capture detector.

Dated: January 27, 1975.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.75-2962 Filed 1-30-75;8:45 am]

[FRL 329-3]

NATIONAL CANNERS ASSOCIATION

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409

(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5072) has been filed by the National Canners Association, 1133 20th Street, NW., Washington, DC 20036, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide toxaphene (chlorinated camphene containing 67–69 percent chlorine) in dried tomato pomace for livestock feed at 100 parts per million when present therein as a result of application of the fungicide to tomatoes.

Dated: January 27, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75–2963 Filed 1–30–75;8:45 am]

[FRL 321–7]

RENEWAL OF ADVISORY COMMITTEES SCHEDULED TO TERMINATE JANUARY 5, 1975

Certification Notice

Pursuant to section 7(a) of OMB Circular No. A–63, Transmittal Memorandum No. 1, dated July 19, 1974, it is hereby determined that renewal of the following nonstatutory advisory committees is in the public interest in connection with the performance of duties imposed on the U.S. Environmental Protection Agency by law. Charters are on file at the Library of Congress continuing these committees for the periods indicated below, unless otherwise sooner terminated.

Air Pollution Chemistry and Physics Advisory Committee (2 years)
Environmental Radiation Exposure Advisory Committee (2 years)
National Air Pollution Manpower Development Advisory Committee (1 year)
President's Advisory Committee on the Environmental Merit Awards Program (2 years)

RUSSELL E. TRAIN,
Administrator.

JANUARY 27, 1975.

[FR Doc.75–2966 Filed 1–30–75;8:45 am]

[FRL 329–2]

VOLUNTARY SELF-CERTIFICATION PROGRAM FOR CERTAIN AFTERMARKET PARTS

Extension of Comment Period on Advance Notice of Proposed Guidelines

Several requests for an extension of comment period for the proposed self-certification program for automotive after-market parts (39 FR 40192 (1974)) have been received by the Agency. In view of the importance of this program to the automotive industry and the relatively short original comment period, this request has been viewed favorably. Therefore, the comment period for the proposed program is hereby extended two (2) months from the original January 31, 1975, deadline.

Additional comments received from persons who have previously submitted comments will be treated as being supplementary to or superseding earlier comments, as desired by the person commenting. Comments should be addressed to: Mobile Source Enforcement Division (EG–340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. They should reach the Agency no later than March 31, 1975.

Dated: January 27, 1975.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.75–2965 Filed 1–30–75;8:45 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD. AND EVERETT ORIENT LINE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 25, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

D. J. Morris
Assistant Director of Pricing
American President Lines
601 California Street
San Francisco, California 94108

Agreement No. 10094–1, between American President Lines, Ltd. and Everett Orient Line, modifies Article 1 of the basic agreement by adding Singapore as a transshipment port.

By Order of the Federal Maritime Commission.

Dated: January 28, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2935 Filed 1–30–75;8:45 am]

NEW ZEALAND RATE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before February 10, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street, NW
Washington, D.C. 20036

Agreement No. 9831–2, among the member lines of the New Zealand Rate Agreement, modifies the approved basic agreement by expanding the ports of discharge under the agreement to include ports in Puerto Rico and the Virgin Islands either direct or via transshipment, and to provide that whenever the term "United States" is used in the agreement it shall include Puerto Rico and the Virgin Islands.

By Order of the Federal Maritime Commission.

Dated: January 28, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75–2934 Filed 1–30–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Business Advisory Council on Federal Reports to be held in Room 10103, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on February 27, 1975, at 9:30 a.m.

The purpose of the meeting is to conduct Council business such as the Treasurer's Report, Membership Committee Report, and Council budget; to hear remarks from the Deputy Associate Director for Statistical Policy; and to receive reports of recent actions by the Office of Management and Budget which affect the burden on business firms of reporting to Federal agencies. The meeting will be open to public observation and participation.

Anyone wishing to participate should contact the Deputy Associate Director for Statistical Policy, Room 10202, New Executive Office Building, Washington, D.C. 20503, Telephone (202) 395–3730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.75–2930 Filed 1–30–75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI75–102, RI75–103]

SOUTHERN UNION PRODUCTION CO. AND AUSTRAL OIL CO., INC.

Order on Proposed Rate Changes [1]

JANUARY 23, 1975.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf [1]		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI75–102	Southern Union Production Co.	3	34	Southern Union Gathering Co. (Rocky Mountain Area).	$16,050	12–27–74		6–27–75	[2] [4] 24.98	[3] [4] 25.48	RI74–151.
RI75–103	Austral Oil Co., Inc.	21	10	Northwest Pipeline Corp. (Rocky Mountain Area).	699	12–30–74		6–30–75	[3] 24.9907	[3] 25.5007	
	do	22	8	do	4,623	12–30–74		6–30–75	[3] 24.9907	[3] 25.5007	
	do	24	9	El Paso Natural Gas Co. (Rocky Mountain Area).	1,748	12–30–74		6–30–75	[3] 24.9907	[3] 25.5007	
	do	[5] 36	9	Northwest Pipeline Corp. (Rocky Mountain Area).		12–30–74		6–30–75	[3] 24.9907	[3] 25.5007	
	do	26	12	El Paso Natural Gas Co. (Rocky Mountain Area).	405	12–30–74		6–30–75	[3] 24.9907	[3] 25.5007	
	do	[5] 37	12	Northwest Pipeline Corp. (Rocky Mountain Area).		12–30–74		6–30–75	[3] 24.9907	[3] 25.5007	

[1] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[2] Rate suspended in Docket No. RI75–16.
[3] Base rate—subject to applicable taxes and Btu adjustment.
[4] Excludes production under supplemental agreement dated Dec. 2, 1968, and filed as Supplement No. 26.
[5] Rate schedule established by Commission order issued Dec. 31, 1974, in Docket No. G–4547, et al., Atlantic Richfield Co., et al.

The proposed rate increases of Southern Union and Austral Oil exceed the applicable area ceiling rate in Opinion No. 658 and are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699–H, issued December 4, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699–H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75–2758 Filed 1–30–75;8:45 am]

[Docket No. E–9046]

MONTAUP ELECTRIC CO.

Refiling of Agreement

JANUARY 28, 1975.

Take notice that on January 17, 1975, Montaup Electric Company (Montaup) retendered for filing, appurtenant to an Application for Rehearing, amendments to a rate schedule for service to the Narragansett Electric Company (Narragansett). The amendments, originally filed on October 1, 1974, were rejected as being contractually barred [1] by Commission Order dated December 18, 1974 in

[1] *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

the above-referenced docket. Montaup states that in the event its Application for Rehearing on the Mobile-Sierra issue is denied, the above-mentioned rate schedule (contract) will nevertheless terminate on April 30, 1975 pursuant to contractual notice (dated October 29, 1974), and that Montaup seeks, by this filing, to have the revised rates for service to Narragansett that it originally proposed, made effective subject to refund on May 19, 1975, the same date the rates to other customers filed in this proceeding will become effective subject to refund. Montaup further states that in addition to its retender for filing of the amendatory agreement as previously tendered, it has added a supplement expressly permitting changes in rates by unilateral filing in accordance with Section 205 of the Federal Power Act.

Montaup requests that the requirements of § 35.3(a) of the Commission's regulations be waived so as to allow this filing to be tendered more than ninety days before its proposed effective date.

Montaup states that copies of this filing have been sent to Narragansett, the Massachusetts Department of Public Utilities, and the Rhode Island Public Utilities 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 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 5, 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.75-2878 Filed 1-28-75;11:13 am]

[Docket Nos. RP75-16-13 [1] etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND SOUTH JERSEY GAS CO. ET AL.

Notice of Motions and Petitions

In the matter of Transcontinental Gas Pipe Line Corp. and South Jersey Gas Co., Eastern Shore Natural Gas Company and Stauffer Chemical Company (Docket Nos. RP75-16-1, RP75-17-1); Penn Fuel Gas, Inc. and New Jersey Zinc Company (Docket No. RP75-16-4); City of Linden, Alabama, Marengo Corporation, and Gulf States Paper Corporation (Docket No. RP75-16-5); City of Danville, Virginia (Docket No. RP75-16-6); The Commission of Public Works of the City of Laurens, South Carolina (Docket No. RP75-16-7); North Carolina Natural Gas Company and Farmers Chemical Association, Inc. (Docket No. RP75-16-8).

MOTIONS TO REINSTATE PROCEEDING AND TO CONSOLIDATE AND PETITIONS TO INTERVENE OUT OF TIME

JANUARY 27, 1975.

Take notice that on January 17, 1975, South Jersey Gas Company (South Jersey) filed in Docket No. RP75-16-13, pursuant to §§ 1.7, 1.8, and 1.11 of the Commission's rules of practice and procedure (18 CFR 1.7, 1.8, 1.11), a motion to reinstate South Jersey's petition for extraordinary relief and to consolidate that petition with those petitions for extraordinary relief in Docket Nos. RP75-16-1, et al., and to grant South Jersey's petition to intervene out of time in Docket No. RP75-16-1, et al., so that it is made a party in that proceeding, with full rights to have notice of and participate in hearings, to present evidence, cross-examine witnesses, file briefs and participate in oral argument, if any, all as more fully set forth in the motion in this proceeding which is on file with the Commission and open to public inspection.

On October 17, 1974, South Jersey filed a petition for extraordinary relief on behalf of nineteen large firm industrial customers and on November 25, 1974, moved that it be granted interim extraordinary relief pendente lite. On December 23, 1974, interim relief was denied and the case was set for hearing on January 21, 1975. South Jersey states that subsequent to the issuance of the Commission's order, it was able to arrange for the procurement of synthetic natural gas (SNG) and propane-air from three other New Jersey utilities to offset the projected shortfall between its winter supply and its essential firm requirements caused by the greatly increasing curtailments by Transcontinental Gas Pipe Line Corporation (Transco). South Jersey states that the price for such relief was dear but that since it has sufficient gas to meet the firm requirements of its industrial customers and prevent widespread unemployment in its service area, it filed a notice of withdrawal of its petition for extraordinary relief in Docket No. RP75-16-3. By order of January 16, 1975, the Commission stated that this withdrawal would become effective February 6, 1975, and cancelled the hearing thereon.

South Jersey asserts that in withdrawing its petition for extraordinary relief, it believed that if a petitioner could receive natural gas, no matter what the price, it would be ineligible to receive extraordinary relief from curtailment under § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78). However, South Jersey alleges that it now appears that the Commission is willing to consider petitions for extraordinary relief where SNG and other high-priced alternative supplies are available, on the basis that it is unconomical for a petitioner to purchase such supplies.[2] South Jersey submits that the SNG and propane-air which it must purchase during the winter season to offset Transco's curtailment are also extremely uneconomical and will place a tremendous financial strain upon its customers and that since this SNG and propane-air amount to nearly one-seventh of its entire winter sendout, it will increase its systemwide cost of service by $1.05 per Mcf. South Jersey further alleges that while it is not certain at this time how this greatly increased cost will be passed through to its consumers, these purchases of SNG and propane-air may result in residential consumers' paying an increased rate of up to $71 on an average bill over a four-month period.

South Jersey further states that in his initial remarks in Docket No. RP75-16-1, et al., the Presiding Judge stated that it was his tentative disposition to grant extraordinary relief pendente lite to all petitioners, but on condition that all grantees of extraordinary relief pay for the SNG available on a pro rata basis. South Jersey asserts that since it purchased 2.32 million Mcf of SNG and propane-air to avoid extraordinary relief, the issue of whether these other grantees should be forced to pay their pro rata share of South Jersey's cost of these purchases should also be considered in these proceedings. South Jersey avers that since the issue of whether extraordinary relief from Transco's curtailment plan is necessary because the purchase of SNG or propane air would be uneconomical to the ultimate end-user is common to South Jersey's petition and the petitions in Docket No. RP75-16-1, et al., and since the issue of whether grantees of extraodinary relief should pay on a pro rata basis for all SNG available to avoid extraordinary relief are common issues to both South Jersey's petition and the other mentioned petitions, it is appropriate to consolidate these proceedings.

South Jersey states that it is aware that the proceedings are already under way in Docket No. RP75-16-1, et al., but that it has been advised that they will go on for several more days. South Jersey is willing to present testimony and evidence in support of its position after other petitioners have presented their cases. Therefore, South Jersey requests an immediate hearing, at least as to its request for relief pendente lite, so that an initial decision could still be issued within the same timetable set for the Presiding Judge's decision in Docket No. RP75-16-1, et al. South Jersey states that in view of the common facts and issues involved in all of these petitions for extraordinary relief, it submits that such a procedure is in keeping with administrative common sense and at the same time could provide expeditious relief to all petitioners, including South Jersey.

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[1] South Jersey Gas Company's motion and petition were filed originally in Docket No. RP75-16-3; however, said motion and petition have been given the new docket number RP75-16-13.

[2] South Jersey cites the Commission's order issued January 9, 1975, in Docket No. RP75-16-1, *et al.*

Further, South Jersey states that since any grant of extraordinary relief to the petitioners in Docket No. RP75–16–1, et al., may adversely affect South Jersey's gas supply, South Jersey has a vital interest in these proceedings which cannot be adequately represented by any other party. South Jersey states that it is willing to take the record as it stands in this case and submits that its participation herein will not unduly delay or hinder these proceedings.

Take further notice that on January 20, 1975, Kerr Glass Manufacturing Corporation, Certain-Teed Products Corporation, Owens-Illinois, Inc., Star City Glass Company, Anchor Hocking Corporation, and Johns-Manville Fiber Glass, Inc., each being customers of South Jersey, filed in Docket No. RP75–16–13, pursuant to §§ 1.7, 1.8, and 1.11 of the Commission's rules of practice and procedure (18 CFR 1.7, 1.8, 1.11), motions to reinstate South Jersey's petition for extraordinary relief and to consolidate that petition with those petitions for extraordinary relief in Docket No. RP75–16–1, et al., and to grant each company's petition to intervene out of time in Docket No. RP75–16–1, et al., all as more fully set forth in the motions in this proceeding which are on file with the Commission and open to public inspection. Each company essentially asserts the same allegations set forth in South Jersey's motion.

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 make any protest with reference to said motions should on or before February 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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. Persons who have heretofore filed petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2879 Filed 1–28–75;11:13 am]

FEDERAL POWER COMMISSION

[Docket No. CP73–30]

LONE STAR GAS CO.

Order to Answer Complaint

JANUARY 21, 1975.

By order of November 2, 1973, the Commission granted, pursuant to section 7(b) of the Natural Gas Act, permission for and approval of the abandonment of certain facilities in the Aylesworth Southeast Field Area, Bryan County, Oklahoma, as sought by Lone Star Gas Company (Lone Star) in its application in Docket No. CP73–30. Lone Star proposed in its application to abandon by sale to Pioneer Gas Products Company (Pioneer) approximately 3.56 miles of 6-inch transmission line and approximately 0.25 mile of 3-inch and 4-inch transmission line. Lone Star also proposed to abandon by removal and salvage approximately 3.74 miles of 10-inch pipeline.

The Commission received on November 5, 1974, a complain from Mr. and Mrs. Robert J. Davis, et al. (Davis),[1] in the form of a letter to the Commission's Secretary dated October 29, 1974, with supporting documents, alleging that they are customers whose service will be terminated by Lone Star under authorizations granted in Docket No. CP73–30. Davis states that there are seven customers on the lines to be abandoned by Lone Star, but that Lone Star's application stated that no consumer would be affected. According to the complaint, five consumers are connected to a pipeline that Lone Star intends to remove and salvage and two customers are on a small spur of that pipeline, thus making service to them impossible. In light of the alleged intended removal of the pipeline, Davis questions the statement by Lone Star in its application that under its agreement with Pioneer, Pioneer will process gas and sell it back to Lone Star for resale to the same customers now receiving that gas.

Davis further states that one of the complainants, Alpha Lamar, was told by Lone Star that the spur which services his house will be used to carry sour gas. The complainants conclude from this that domestic service will cease when the pipeline begins to carry sour gas. Davis also alleges that Alpha Lamar has been told by Lone Star that Lone Star does not own the portion of the pipeline to which Lamar's house is connected although he is billed by Lone Star for gas.

Divid states that Lone Star has told them that through Lone Star's contract with Stone Propane Company, propane is available to the complainants at approximately the same cost as natural gas. The Davis complaint doubts the availability of the supply of propane as well as the price compared with natural gas.

Davis concludes by contending that the FPC order granting permission for and approval of the abandonment in Docket No. CP73–30 was obtained by Lone Star under a false premise and further that Lone Star made deliberate misrepresentation of the status of its pipelines to prevent the affected customers from being heard by the FPC. The complaint asks the Commission to order Lone Star to cease and desist the alleged harassment of the complainants.

The Commission by this order directs Lone Star to provide written answer to the Davis complaint as provided for in § 1.6(a) of the Commission's rules of practice and procedure (18 CFR 1.6(a)). In its answer, Lone Star should supply information to the Commission concerning ownership of the pipelines in question, the exact location of the pipelines, whether those pipelines are the same as those authorized to be abandoned in Docket No. CP73–30, whether the pipelines have in fact been abandoned as authorized by sale or removal, and whether the complaining customers are affected customers whose service will be terminated under authorizations granted in Docket No. CP73–30 and who therefore should have been referred to in Lone Star's application in that Docket. Lone Star should give its reasons for the omission of such affected customers from its application. Each of the other allegations as discussed above and set forth more fully in the complaint should be answered and supporting information and explanations should be supplied to the Commission.

The Commission finds. It is necessary and proper in the public interest to require that Lone Star answer the complaint filed by Davis.

The Commission orders. On or before March 3, 1975, Lone Star is hereby directed to file a written answer to the attached Davis complaint and supporting documents answering the allegations as discussed above and set forth more fully in the complaint, in accordance with § 1.6(a) of the Commission's rules of practice and procedure (18 CFR 1.6(a)).

By the Commission.[2]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2889 Filed 1–30–75;8:45 am]

[1] The other complainants are Elmer Nelson, Mr. and Mrs. Sam Goodwin, Roy Cox, Alpha Lamar, and Lloyd Lamar.

[2] Complainants statements filed as part of the original document.

[Docket No. E–8721]

NEVADA POWER CO.

Order Granting Interventions

JANUARY 24, 1975.

On April 9, 1974, the Nevada Power Company (Nevada) tendered for filing a proposed change in rate schedule for California-Pacific Utilities Company.

Nevada's filing was noticed by the Commission on April 9, 1974, with protests and petitions to intervene due on or before April 29, 1974.

An untimely notice of intervention was filed by the Public Utilities Commission of the State of California.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious position of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2890 Filed 1-30-75;8:45 am]

[Docket No. E-9204]

NIAGARA MOHAWK POWER CORP.

Notice of Cancellation

JANUARY 21, 1975.

Take notice that Niagara Mohawk Power Corporation, on January 2, 1975, tendered for filing proposed changes in its FPC Electric Service Tariff, No. 78. The proposed change is the cancellation of the transmission agreement between Niagara Mohawk Power Corporation and Consolidated Edison Company of New York, Inc. for the transmission of up to 480 Mw of Consolidated Edison Company of New York, Inc.'s proportionate power interests in the Roseton Electric Generating Plant between Niagara Mohawk Power Corporation's Leeds Substation connection with the Roseton Electric Generating Plant and Niagara Mohawk Power Corporation's transmission interconnections with Consolidated Edison Company of New York, Inc.'s Pleasant Valley Substation.

The transmission agreement between Niagara Mohawk Power Corporation and Consolidated Edison Company of New York, Inc. was effective on September 14, 1974 and terminated November 25, 1974.

Copies of the filing were served upon Consolidated Edison Company of New York, Inc.

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 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2891 Filed 1-30-75;8:45 am]

[Docket Nos. RP74-91-15, etc.]

TENNESSEE GAS PIPELINE CO. AND EAST TENNESSEE NATURAL GAS CO.

Order Consolidating Proceedings, Modifying Previous Order, Denying Interim Relief Pendente Lite, Denying Motion and Granting Interventions

JANUARY 24, 1975.

By order issued January 17, 1975,[1] the Commission, inter alia, consolidated Docket Nos. RP74-91-16, RP74-91-17, RP74-91-18, RP75-41-1, RP75-41-2, RP75-41-3, and RP75-41-4, ordered a formal hearing to convene on January 28, 1975, and prescribed procedures to be followed therein. This action was taken in response to the many petitions filed with this Commission seeking extraordinary relief from the curtailments imposed by Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) and its subsidiary, East Tennessee Natural Gas Company (East Tennessee). To date, petitions seeking relief from the curtailment imposed by Tennessee have been filed by Humphrey's County Utility District of Tennessee (Humphrey's County), East Tennessee, Pennsylvania Gas and Water Company (Penn Gas) and Kerr-McGee Chemical Corporation (Kerr-McGee). Since East Tennessee is totally dependent on Tennessee for its supply of natural gas, the initiation of curtailment by Tennessee has required East Tennessee to curtail deliveries to its customers. The following customers of East Tennessee have filed petitions requesting extraordinary relief from curtailment: Natural Gas Utilities District of Hawkins County (Hawkins County), Colonial Natural Gas Company (Colonial), the Atomic Energy Commission (AEC), the Aluminum Company of America (Alcoa), and the East Tennessee Group.

By order of January 2, 1975, in Docket No. RP74-91-15, the Commission granted Kerr-McGee, Tennessee's sole direct industrial customer, temporary extraordinary relief, ordered a formal hearing to convene on February 12, 1975, and granted interventions. Since the issues of law and fact raised by Kerr-McGee's petition are similar to the petitions filed in the aforementioned consolidated proceedings, we shall, as hereinafter ordered, consolidate Kerr-McGee's petition with those listed above, and further modify the procedural dates in our January 2, 1975, order to conform to those as set forth in our January 17, 1975, order.

Subsequent to the issuance of the Commission's January 17, 1975 order (see footnote 1, supra), the East Tennessee Group,[2] filed on January 20, 1975, in Docket No. RP75-41-5, a petition requesting extraordinary relief from the curtailment imposed by their sole supplier of natural gas, East Tennessee. The East Tennessee Group states in its petition that East Tennessee informed it on December 13, 1975, that effective December 16, 1975, new curtailment period quantity entitlements (CPQE's) would be in effect until April 1, 1975. The East Tennessee Group states that the new CPQE's have eliminated all interruptible sales for the December 16, 1974—April 1, 1975, period and have impaired deliveries to firm residential, commercial and industrial customers. Accordingly, the East Tennessee Group requests the Commission grant it extraordinary relief from curtailment and interim relief pendente lite for eighteen (18) of its members totalling 897, 688 Mcf for the December 16, 1974—April 1, 1975, curtailment period. (See Appendix A). We shall deny, without prejudice, the East Tennessee Group's request for interim relief pendente lite, since it failed to provide the information required by Order No. 467-C (18 CFR 2.78(k)). We note, however, that the issues raised by the East Tennessee Group's petition for extraordinary relief are similar to those raised in the above referenced dockets. We shall, therefore, consolidate the East Tennessee Group's filing for permanent extraordinary relief in Docket No. RP75-41-5 with the filings in Docket Nos. RP74-91-16, et al.

On January 17, 1975, Holliston Mills, Inc., and Kingsport Press, Inc., filed a Motion for Consolidation and Motion for Postponement of Hearing. Holliston and Kingsport requested that the Commission consolidate the proceedings in Docket Nos. RP75-41-1, RP75-41-2, RP75-41-3, and RP75-41-4, since such action would ". . . eliminate unnecessary and time-consuming evidentiary duplication . . ." Holliston's and Kings-

[1] Order Granting Motion for Consolidation of Proceedings, Consolidating Proceedings, Modifying Previous Order, Granting Temporary Relief, Setting Formal Hearing, Establishing Procedures, Permitting Interventions, and Denying Request for Rehearing of Notice, Docket No. RP74-91-16, et al.

[2] East Tennessee Group is comprised of twenty-two (22) private and municipal gas companies as follows: Athens Utilities Board, Citizens Gas Utility District, Cookeville Gas Department, The Elk River Public Utility District, Etowah Utilities Department, Fayetteville Gas System, Gallatin Natural Gas System, Harriman Utility Board, Knoxville Utilities Board, Lenoir City Utilities Board, Lewisburg Gas Department, Loudon Utilities Board, Madisonville Gas System, First Utility District of Maury County, Middle Tennessee Utility District, Rockwood Natural Gas Company, Marion Natural Gas System, Sweetwater Board of Public Utilities, Jefferson Cocke County Utility District, Sevier-County Utility District, Volunteer Natural Gas Company, and United Cities Gas Company. Citizens Gas, Cookeville Gas, Elk River, and United Cities are not seeking relief at this time, but join in seeking the relief requested by various parties under the conditions prescribed herein. Hawkins County Utility District, another member of the Group, has already filed a request for emergency relief in Docket No. RP75-41-1.

port's motion has been mooted by our order of January 17, 1975, and need not be considered further.

On January 17, 1975, Holliston Mills and Kingsport Press also filed a Motion for Postponement of the hearing scheduled for January 28, 1975. The motion is hereby denied, since its primary goal, the avoidance of a piecemeal view and approach to the problem, has, in our view, been resolved by our January 17, 1975, order.

Petitions to intervene in one or more of these consolidated proceedings were filed by:

Gould, Incorporated
Consolidated Edison Company of New York, Inc.
The Secretary of the Army
Holliston Mills, Inc.
Chattanooga Gas Company
General Shale Products Corporation
White Motor Corporation
The Commonwealth of Virginia
Columbia Gas Transmission Corporation
Lynchburg Foundry Company
Corning Glass Works
Aluminum Company of America
Natural Gas Utilities District of Hawkins County
Kingsport Press, Inc.
Westinghouse Electric Corporation
Knoxville Utilities Board, et al.[3]
Burlington Industries, Inc.
ASG Industries, Inc.
Schott Optical Glass, Inc.
Congressman Joseph McDade
Corning Glass Works
Texas Gas Transmission Corporation

A statement in support of Colonial Natural Gas Company's petition for emergency relief (Docket No. RP75–41–2) was filed by Sundstrand Corporation, and shall be treated as a petition to intervene.

A notice of intention was filed by the State Corporation Commission of the Commonwealth of Virginia.

The Commission finds. (1) The participation of the above-named persons who filed petitions to intervene may be in the public interest.

(2) The proceedings involved in Docket Nos. RP74–91–15 and RP75–41–5, contain common questions of law and fact with the proceedings in Docket Nos. RP74–91–16, et al., consequently, good cause exists to consolidate these proceedings and to set that consolidated proceedings for formal hearing to convene on January 28, 1975.

(3) Good cause exists to deny without prejudice the East Tennessee Group's petition for interim relief, pendente lite.

(4) Good cause exists to modify the procedural dates set forth in the Commission's Order of January 2, 1975, in Docket No. RP74–91–15.

(5) Good cause exists to deny Holliston Mills, Inc., and Kingsport Press, Inc.'s motion to postpone the January 28, 1975, hearing.

[3] See footnote 2, supra, for a listing of the customers comprising Knoxville Utilities Board, et al.

The Commission orders. (A) The above-named parties are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* That participation of such petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene and *Provided further,* that the admission of such petitioners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings. Parties who filed petitions or notices of intervention in one or more of the instant docketed proceedings are deemed to be interveners in all of the consolidated proceedings.

(B) The proceedings involved in Docket Nos. RP74–91–15 and RP75–41–5 are hereby consolidated with the proceedings in Docket Nos. RP74–91–16, et al., for purposes of hearing and decision.

(C) The procedural dates set forth in our order of January 2, 1975, in Docket No. RP74–91–15 are hereby modified; Kerr-McGee and the East Tennessee Group shall file and serve their evidence on all parties including Commission Staff at the start of the hearing on January 28, 1975, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(D) The East Tennessee Group's petition for interim relief pendente lite is hereby denied.

(E) The motion of Holliston Mills, Inc., and Kingsport Press, Inc. to postpone the January 28, 1975, hearing in the instant proceeding, is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A.—*Quantity of gas required by East Tennessee Group—Gas available and deficiency for curtailment period Dec. 16, 1974, through Mar. 31, 1975*

Customers	Test period requirement for firm customers (thousands of cubic feet)	CPQE for period of Dec. 16, 1974, through Mar. 31, 1975 (thousands of cubic feet)	Deficiency (thousands of cubic feet)
1	2	3	4
Athens Utilities Board	266,597	242,902	23,695
Etowah Utilities Department	83,000	73,419	9,581
Fayetteville Gas System	164,750	157,637	7,113
Gallatin Natural Gas System	291,521	241,172	50,349
Harriman Utility Board	180,841	147,987	32,854
Knoxville Utilities Board	2,765,550	2,490,552	274,998
Lenoir City Utilities Board	145,750	115,092	30,658
Lewisburg Gas Department	175,504	145,849	29,655
London Utilities Board	106,346	87,715	18,631
Madisonville Gas System	43,901	41,581	2,320
First Utility District of Maury County	46,079	43,731	2,348
Middle Tennessee Utility District	913,148	826,923	86,225
Rockwood Natural Gas Co	110,439	86,345	24,094
Marion Natural Gas System	199,674	151,987	47,687
Sweetwater Board of Public Utilities	107,703	95,634	12,069
Jefferson-Cocke County Utility District	315,551	275,388	40,163
Sevier County Utility District	123,068	118,697	4,371
Volunteer Natural Gas Co	1,029,948	829,071	200,877
Total	7,069,370	6,171,682	897,688

[FR Doc.75–2899 Filed 1–30–75;8:45 am]

[Docket Nos. RP71–131 and RP72–61]

ALGONQUIN GAS TRANSMISSION CO.

Extension of Time

JANUARY 17, 1975.

On January 14, 1975, Algonquin Gas Transmission Company filed a motion to extend the date for filing briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued December 4, 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 date for filing briefs on exceptions is extended to and including February 3, 1975.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–2881 Filed 1–30–75;8:45 am]

[Docket No. E–8953]

SUPERIOR WATER, LIGHT AND POWER CO.

Order Granting Late Intervention

JANUARY 24, 1975.

On August 2, 1974, Superior Water, Light and Power Co. (SWL&P) tendered for filing a proposed rate increase[1] for electric service to Dahlberg Light and Power Co. Notice of SWL&P's filing was issued on August 12, 1974, with comments or protests and petitions to intervene due on or before August 23, 1974. An untimely notice of intervention was filed by the Public Service Commission of the State of Wisconsin.

[1] Superior Water, Light & Power Company, Supplement No. 2 to Rate Schedule FPC No. 12 (Supersedes Supplement No. 1 to Rate Schedule FPC No. 12).

The Commission finds. It is desirable and in the public interest to allow the above-named petitioner to intervene.

The Commission orders. (A) The above-named petitioner is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the notice of intervention; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2896 Filed 1-30-75;8:45 am]

[Docket No. RM74-8]

TIDAL TRANSMISSION CO.

Request for Waiver of Requirement; Findings and Order

JANUARY 24, 1975.

The Commission's Order No. 498, Docket No. RM74-8, issued on December 21, 1973, requires all Class A and B pipelines to report on January 1 and July 1 each year on what actions have been taken by them and their customers to conserve natural gas, the quantities of natural gas estimated to be conserved by such actions during the 12 months following the report date, and an estimate of the volume of gas actually conserved during the 12 months prior to the report date.

Tidal Transmission Co. (Tidal), a Class B pipeline, has requested by letter dated September 30, 1974, that it be granted a waiver of the reporting requirement of Order No. 498. Tidal acts solely as a gas transporter for its only customer Natural Gas Pipeline Co. of America; Tidal does not own, purchase or sell natural gas in interstate commerce. In conformance with the reporting requirement Tidal submits that 1) it presently has no non-essential uses of gas in company facilities nor does it operate any gas-driven facilities, 2) it has had no pipeline leaks or losses and has an ongoing preventative maintenance program to prevent the same, 3) it neither owns nor leases company buildings other than home office space, which is well insulated, and 4) it has no gas lights on company property. Tidal requests waiver with respect to future reports on the grounds that its operations are not of the magnitude evidently contemplated by Order No. 498.

Order No. 498 was promulgated to focus attention on the need for gas conservation in this period of gas shortage and to enlist the assistance of all Class A and B pipelines to that end. No distinction was made in that order as to the size of the responding pipeline operations. Other pipelines with operations similar to those of Tidal have reported conservation measures of the type envisioned by Order No. 498, such as increased efforts to detect and eliminate pipeline leaks, improved maintenance techniques, and minimization of the amount of gas wasted in blowing down lines. We believe Tidal should continue to comply with the reporting requirements of Order No. 498.

The Commission finds:

Tidal has failed to demonstrate good cause for waiver of the reporting requirement under Order No. 498 to file semi-annual reports on conservation measures.

The Commission orders:

The request by Tidal for waiver of the reporting requirement under Order No. 498 is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2901 Filed 1-30-75;8:45 am]

[Docket No. E-9223]

IDAHO POWER CO.

Filing of Amendatory Agreement

JANUARY 24, 1975.

Take notice that on January 20, 1975, the Idaho Power Company (Idaho) tendered for filing an Amendatory Agreement dated January 13, 1975 between it and the City of Weiser, Idaho. Idaho states that this agreement amends the agreement between parties dated April 4, 1963, as amended January 19, 1971 and identified as Rate Schedule FPC No. 42 and Supplement No. 1 thereto.

Idaho states that the rate in the existing contract has remained in effect since April 10, 1971. Proposed new and additional facilities, referred to in the Company's filing letter dated February 5, 1971, required to provide the electric service requirements of the City, have now been installed. The added investment for these plant additions amounted to approximately $89,400. Idaho also states that further changes in the substation facilities will be required and are proposed in 1975 and 1976.

Idaho states that the increase for the twelve months preceding the proposed effective date is $14,638 (6.7%) and the estimated increase for the twelve months succeeding the effective date is $15,734 (7.0%). The rate proposed is a special rate arrived at through negotiations. Idaho states that they do not have a similar wholesale service rate providing for deliveries of power at distribution voltage.

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 13, 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.75-2888 Filed 1-30-75;8:45 am]

[Docket No. E-9222]

GULF STATES UTILITIES CO.

Filing of an Agreement for Wholesale Electric Service

JANUARY 24, 1975.

Take notice that on January 20, 1975, the Gulf States Utilities Company (GSU) tendered for filing an Agreement for Wholesale Electric Service with the Town of Gueydan, Louisiana. The contract is for a three year period to continue thereafter on a year to year basis. The rate schedules included in this agreement are the schedules currently being considered in FPC Docket No. E-8721 and thus subject to be changed as a result of such proceeding. GSU states that the new contract form contains the same language as the agreement with Kirbyville Light and Power Company (FPC Schedule 110) which was accepted for filing by the Commission by letter dated July 1, 1974 under Docket No. E-8817.

GSU requests that the current agreement dated February 3, 1959, be cancelled concurrently with the acceptance of the agreement herein submitted.

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 13, 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.75-2887 Filed 1-30-75;8:45 am]

[Docket No. E-8170, etc.]

GEORGIA POWER CO.

Denial of Waiver and Omission of Intermediate Decision Procedure

JANUARY 24, 1975.

On January 16, 1975, the Presiding Administrative Law Judge filed, pursuant to § 1.30(c) of the Commission's rules of practice and procedure, a motion made at the close of the hearing, and supported by all parties, to waive and omit the intermediate decision procedure in the above-designated matter.

Notice is hereby given that the motion for waiver and omission of the intermediate decision is denied.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2886 Filed 1-30-75;8:45 am]

[Docket No. RP72-89]

COLUMBIA GAS TRANSMISSION CORP.

Order Setting Hearing

JANUARY 24, 1975.

On November 18, 1974, Washington Gas Light Company (WGLC) filed a "Petition for Reconsideration and Complaint". Reconsideration was asked of the Commission order in this proceeding. That order granted the motion of Columbia Gas Transmission Corporation (Columbia) to extend its interim curtailment plan until April 30, 1975, or such earlier date as the Commission shall make final decision upon a permanent curtailment plan.[1] The WGLC filing also constituted a complaint under Section 5(a) of the Natural Gas Act. On November 22, 1974, Delegate Walter Fauntroy petitioned to intervene out of time. Answers in opposition to WGLC's petition were filed on November 25, 1974, by UGI Corporation (UGI), on December 4, 1974, by New York State Electric and Gas Corporation (NYSEG), on December 16, 1974, by Roanoke Gas Company (Roanoke), on December 17, 1974, by Columbia Gas Distribution Companies (Distribution), and on December 18, 1974, by Baltimore Gas and Electric Company (BG&E), Orange and Rockland Utilities, Inc. (O&R), Columbia and (jointly) by The Cincinnati Gas & Electric Company and The Union Light, Heat and Power Company (Cinncinnati and Union). Answers in support of the petition were filed December 18, 1974, by The Apartment and Office Building Association of Metropolitan Washington, Inc. (Association), Cities of Charlotte and Richmond (Cities), and Felmont Oil Corporation (Felmont),[2] and on December 19, 1974, by the Public Service Commission of the District of Columbia (PSC).

WGLC and PSC contend that in its order in *Transcontinental Gas Pipe Line Corporation* (*Transco*), Docket No. RP72-99, issued on November 12, 1974, this Commission found that a plan paralleling that of Columbia was unlawful. Transco's existing interim plan provides for 50 percent end use and 50 percent pro rata curtailment with exemptions to meet firm service. A company taking exemption gas pays either 50 cents or 75 cents per Mcf (depending on circumstances) and a company releasing exemption gas receives a corresponding credit. The Commission found that this was unlawful in the absence of a filing under Section 4 of the Natural Gas Act, and that any customer engaging in such a transaction would have to first obtain a certificate under Section 7(c) of the Act.

Columbia's interim curtailment plan is a pro rata plan curtailing each Columbia customer proportionately but with a provision for exemptions by distribution companies which need gas to serve residential and commercial loads. A company taking such exemptions must pay compensation of $1.65 for each Mcf of exemption gas. This is credited to other customers who sustain curtailment in excess of their pro rata curtailment as a result of exemption gas being taken.

WGLC and PSC also state curtailment projections have increased from 8.1 percent estimated at the time of the June 6 order to 18.5 percent now and between 24 and 25 percent by April 1, and that this constitutes a change of circumstances necessitating relief to Columbia's customers. They ask that an end use plan in accordance with the priorities established in Order No. 467-B be substituted for the present pro rata plan.

UGI agrues that the June 6 order is final, rehearing was not sought, and the present petition is a collateral attack on the prior order seeking relief WGLC has no standing to seek or the Commission to grant. UGI also attempts to distinguish the Transco plan.

NYSEG and O&R state that WGLC's petition is in effect a complaint under Section 5 of the Act, and relief cannot be granted until a full hearing has been had and the existing plan found to be unjust and unreasonable, citing State of Louisiana v. F.P.C., —— F.2d—— (CA5, November 8, 1974). O&R points out the Commission has twice approved the Columbia plan. NYSEG also attempts to distinguish the Transco plan.

Distribution and Columbia repeat the arguments of UGI and NYSEG. BG&E adopts UGI's answer in principle. BG&E adds that the record shows cost and market value of supplemental sources and peaking gas far exceeds the $1.65 per Mcf which the Columbia interim plan provides as compensation to those whose allotments are taken by others. BG&E also contends reallocation of gas without compensation to customers disproportionately curtailed is in violation of the Natural Gas Act and the due process clause, and is discriminatory.

Roanoke also argues that reallocation without compensation violates the Act and the due process clause, and that the Commission has no statutory or inherent authority to indirectly exercise the power of eminent domain without just compensation. Roanoke also states that the Commission should review the justness and adequacy of the $1.65 per Mcf compensation, since peaking gas and supplemental sources cost far more. Roanoke states it now purchases SNG from a Columbia affiliate at $4.05 per Mcf, and liquifies pipeline natural gas at a cost and market value above $1.65 per Mcf.

Roanoke also states that a change to the 467-B type plan would require implementation on the basis of Exhibit 18 in these proceedings, but that exhibit has not been admitted in evidence, is not sponsored by any witness yet, and is based on "untested and admittedly inaccurate information". Cincinnati and Union also use this argument. They state they would both be less curtailed under a 467-B type plan than the existing interim plan, but still oppose WGLC's petition. They state that the interim plan is not unlawful. They say it has been in effect for some time and all customers have pegged their operations to the allocations made by the plan. "Any adverse curtailment effects can be foreseen in advance and steps can be taken early enough to alleviate the problems". (p. 2) They add that WGLC's concern with the added expense of serving exemption gas could be taken care of by a purchased gas adjustment clause.

The Association, supporting WGLC's petition, states that as of December 16, 1974, WGLC will cease gas service to interruptible customers, even though they use gas for human needs (apartment and office heating). While the interruptible customers have alternative fuels capability, the Association says such alternative fuels cannot always be utilized, because of non-availability or high pollution characteristics. Under the interim pro rata plan, the Association and PSC say some industrial interruptible customers elsewhere will receive gas, while human needs interruptible customers served by WGLC get none.

Felmont is a manufacturer of anhydrous ammonia at Olean, New York, using gas as feedstock. It takes over 50 per cent of the industrial sales by Columbia Gas of New York, Inc., which receives its gas from Columbia. A curtailment of 18.5 per cent on the Columbia system resulted, Felmont says, in a 50 per cent curtailment for industrial customers of Columbia of New York. The projected curtailment of 23 per cent will result in a 75 per cent curtailment of Felmont in January 1975. Felmont says it has a minimum turndown range precluding operations below 60 per cent of capacity. It has maintained operations by drawing gas from its storage field, but that is designed only to help out on peak cold days, not for an entire winter. Felmont says it accounted for 23 per cent of nitrogen used by farmers

[1] The interim plan had previously been approved by the Commission by order of September 29, 1972.

[2] Felmont petitioned on November 12, 1974, for leave to intervene in this proceeding.

in the northeast in the year ending June 30, 1974. It asks that a 467–B plan be substituted for the Columbia pro rata plan so it can continue operations. Columbia of New York has informed Felmont "its commitment to the present pro rata precludes it from requesting a deviation from this plan by filing of a petition for extraordinary relief . . . to maintain Felmont's ammonia production".

The applications to intervene of Delegate Fauntroy and Felmont will be granted.

Pursuant to the provision of Section 5(a) of the Natural Gas Act that the Commission may act thereunder only after hearing to change any rate, charge or classification, a hearing will be ordered. The Administrative Law Judge presiding is directed to require the utmost expedition of all participants, and to conclude the hearing as rapidly as possible. The initial decision shall be waived.

The Commission concluded in Transco, in its orders of November 12, 1974, and January 10, 1975, that a compensation plan similar to the one now before us was unacceptable as a matter of law because it is discriminatory, fixes rates unrelated to costs, and does not comply with the filing reqirements of Sections 4 and 7 of the Natural Gas Act because the transfers would involve sales. It was further concluded that the compensation plan was unacceptable as a matter of policy because of its inherent inequity. The Commission recognized, however, that its position was subject to judicial review, and provided that notwithstanding the Commission's views as to unlawfulness the plan should remain in effect as provided by the Court of Appeals pending further order. Pending hearing and final decision, no change in Columbia's rates shall be effective, nor any transfer of entitlements among Columbia's customers be effectuated unless and until appropriate certificate and rate filings have been made and approved in accord with Sections 4 and 7 of the Act.

The Commission orders:

(A) The applications to intervene of Delegate Fauntroy and Felmont are granted.

(B) Hearing shall be held upon the complaint of WGLC at the Federal Power Commission, 825 North Capitol Street, Washington, D.C. on February 28, 1975.

(C) Direct evidence shall be served and filed with the Commission not later than February 14, 1975.

(D) The initial decision shall be waived.

(E) Briefs shall be served not more than seven days from the conclusion of the hearing, and reply briefs not more than ten days after such service.

By the Commission.*

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2885 Filed 1–30–75;8:45 am]

*Commissioner Brooke's dissenting statement filed as part of the original document.

[Docket No. RP75–32]

ARKANSAS LOUISIANA GAS CO.
Tender of Revised Tariff Sheet

JANUARY 24, 1975.

Take notice that on January 14, 1975, Arkansas Louisiana Gas Co. (Arkla) tendered for filing copies of First Revised Sheet No. 5, superseding Original Sheet No. 5 of Arkla's FPC Gas Tariff, First Revised Volume No. 2. Said revised sheet is applicable solely to transportation of gas by Arkla for Reynolds Metals Company (Reynolds). This revised sheet contains an increased transportation charge from $0.045 per Mcf to $0.1895 per Mcf.

According to Arkla, the Company filed on November 5, 1974, a notice of change in Rate Schedule XT–17 to reflect provisions of the modified contract with Reynolds executed on July 1, 1974. Said modified contract extended the term of the contracted transportation service at a higher transportation charge and on a slightly modified basis, and specified an effective date of January 1, 1975. Arkla states that the Commission rejected Arkla's November 5 filing "because the amendment of July 1, 1974 included references to conditions of service in addition to the rate increase . . ." Therefore, says Arkla, the instant filing covers only the per Mcf rate increase in order that it can be placed into effect as soon as possible. Arkla states that "Just as soon as an application can be prepared and filed, Arkla will file an application for an appropriate order relating to the conditions of service referred to in the Commission's rejection letter of December 31, 1974."

Arkla has requested waiver of the 30 day notice requirement to permit the tendered revised tariff sheet to be made effective retroactively to January 1, 1975, consistent with the terms of the contract executed with Reynolds, as well as Arkla's request in the November 5 filing.

Arkla states that a copy of the filing has been mailed to Reynolds.

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.75–2883 Filed 1–30–75;8:45 am]

[Docket No. RP74–92]

ALGONQUIN GAS TRANSMISSION CO.
Rate Change Pursuant to Purchaed Gas Cost Adjustment Provision

JANUARY 24, 1975.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on January 8, 1975 tendered for filing Third Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate change is being filed to reflect higher purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), on February 1, 1975. Algonquin Gas requests that the Commission waive the requisite notice and grant special permission to permit such Third Revised Sheet No. 10 to become effective on February 1, 1975, which will synchronize Algonquin Gas' rates with those of Texas Eastern.

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, DC. 20426, in accordance with §§ 1.8, 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.75–2882 Filed 1–30–75;8:45 am]

[Docket No. CP75–85]

NORTHWEST PIPELINE CORP.
Order Granting Late Intervention

JANUARY 24, 1975.

On September 17, 1974, Northwest Pipeline Corp. (Northwest) filed an application pursuant to Section 7 of the Natural Gas Act for permission and approval to partially abandon the sale and delivery of natural gas to Utah Gas Service Co. (Utah) at Vernal, Utah, and for a certificate of public convenience and necessity authorizing the sale and delivery of said volumes of natural gas to Utah for delivery to Rio Algom Corp. and to Wyoming Industrial Gas Co. Northwest's filing was noticed by the Commission on September 25, 1974, with protests or petitions to intervene due on or before October 17, 1974.

A late petition to intervene in the above docket was filed by Rio Algom Corp. on January 7, 1975. Having re-

viewed the above petition to intervene, we believe that the petitioner has sufficient interest in the proceedings to warrant intervention.

The Commission finds. (1) Since participation by the aforesaid petitioner will not delay the instant proceeding, good cause exists for accepting its late petition to intervene.

(2) Participation by the aforesaid petitioner may be in the public interest.

The Commission orders. (A) The above-named petitioner, Rio Algom Corporation, is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervener shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding; and *Provided, further,* That participation by such intervener shall not serve as justification for modifying the procedural schedule already established in this proceeding.

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2893 Filed 1-30-75;8:45 am]

[Docket No. RP74-49]

NORTHWEST PIPELINE CORP.

Order Disapproving Settlement and Granting Intervention

JANUARY 23, 1975.

Pending determination as to a permanent curtailment plan Northwest Pipeline Corp. (Northwest) (as successor to El Paso Natural Gas Co.) filed an interim curtailment plan. After hearing on the interim plan commenced before Administrative Law Judge Martin E. Rendelman, a proposed settlement agreement was received. All parties approved (or did not oppose) the settlement except Reichhold Chemical, Inc. (Reichhold) and Midland-Ross Corp. (Midland) both of whom have petitioned for intervention, and Staff, which approved subject to adoption of Amendment Two described hereafter. Judge Rendelman certified the matter to the Commission November 11, 1974.

The original interim plan is not ripe for consideration, as the hearing thereon has not been completed. We are concerned here only with the interim plan set forth in the settlement.

The settlement plan proposes:

(1) No curtailment of DS-1 (small volume distribution customers) and SG-1 (storage service).

(2) Initial pro rata curtailment of interruptible customers.

(3) Thereafter, pro rata curtailment of firm customers, except for the exemptions in (4).

(4) Any resale customer, except two partial requirements customers, may request exemption from curtailment to service, in the order named, (a) residential and small commercial uses, (b) large commercial uses for plant protection, feedstock and process needs, and storage injection, and (c) other firm industrial uses except boiler fuel above 15,000 therms a day. No curtailments are to be imposed until all resale customers entitled to exemptions have requested them for priority 1 or 2 uses. Exemption volumes must be repaid, and no interruptible sales may be made by a customer prior to such repayment.

(5) For exemption gas, in addition to returning it, the taker must pay 30 cents per therm ($3.11 per Mcf) above the regular rate to be credited to customers losing the gas. Staff, saying this is illegal under the Commission order of November 12, 1974, in Transcontinental Gas Pipeline Corp., Docket No. RP72-99, put in an alternative (Amendment 2) that Northwest's customers undertake between themselves sales at 30 cents per therm pursuant to § 2.68 of the Commission's General Policy and Interpretations.

Midland says it manufactures in Portland highly metalized iron pellets, used as raw material for special steel in the Alaska Pipeline and for air defense contracts. It uses gas as a feedstock and says it cannot operate without it, but it will have to shut down if it must pay exemption gas costs. It argues that the payment is illegal and would allot gas on the ability to pay rather than on the basis of priorities. It says the Transcontinental order held these payments illegal under either alternative.

Northwest first construed [1] its proposed scheme of compensation as a "buy-and-sell arrangement(s)" but stated that it did not constitute a sale or exchange in interstate commerce between its customers. Yet, as we stated in our order of November 12, 1974, Transcontinental Gas Pipeline Corp., Docket No. RP72-99, such compensation schemes result in the brokering of contract entitlements between customers of a pipeline with a resulting change in jurisdictional rates and, in our judgment, such interstate brokering of contractual entitlements is, in economic effect, a sale for resale of natural gas in interstate commerce." As such we held that a customer who engaged in such a transaction would be required to obtain prior certificate authority under Section 7(c) of the Act.[2]

Following our November 12, 1974 order Northwest argued [3] that its proposed compensation scheme would not result in a wholesale brokering of contractual entitlements but instead is merely a billing arrangement which is similar to a peak shaving arrangement. We disagree. Our reason for our opposition to compensation schemes of this type is that they are not just billing arrangements but constitute sales of gas between customers on a pipeline. Indeed, Northwest, prior to our November 12, 1974 order in Transcontinental, supra, termed its compensation scheme "buy and sell arrangements." To now allege, as does Northwest, that such a scheme is merely a billing arrangement overlooks the very nature and result of the proposed transactions that would occur as a result of its implementation. In fact, the result of the proposed compensation scheme would be that one customer would purchase from another customer volumes of gas at an agreed upon price and such sale could take place in interstate commerce without certificate or rate approval by the Commission.

In sum we find Northwest's attempt to distinguish Transcontinental, supra, unsuccessful. Our orders of November 12, 1974, and January 10, 1975, clearly rejected any such compensation arrangements as part of any curtailment plans. For the reasons there stated, the similar provisions of the settlement plan must be rejected and the proposed settlement should not be approved.

Northwest has moved to eliminate the price term from Alternative 2, leaving the parties free to negotiate as to price. This motion was opposed by the Oregon Public Utilities Commissioner who noted that any sales between customers were made in interstate commerce and, therefore, subject to Commission jurisdiction. Northwest's motion, if granted, would not eliminate the impropriety of the proposed sales between Northwest's customers. The issue, therefore, is moot.

The rejection of the settlement curtailment plan leaves in effect the curtailment plan embodied in the existing tariff. It is appropriate to reiterate the statement at page 3 of the order of January 18, 1974, in this proceeding:

> It should be noted that the Commission interprets the provisions of the existing tariff, particularly Section 13.3 *Curtailment Procedures,* of the *General Terms and Conditions,* to require Northwest to insure the maintenance of high priority service (i.e. priority 1 and 2) within the limits of available supply.

The petitions to intervene of Reichhold and Midland will be granted.

The Commission finds. The proposed interim curtailment plan settlement contains provisions both unlawful and contrary to the public interest, and should be disapproved.

The Commission orders. (A) The petitions to intervene of Reichhold and Midland are granted.

(B) The proposed settlement is disapproved.

By the Commission.[4]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-2892 Filed 1-30-75;8:45 am]

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[1] See Stipulation And Agreement As To Curtailment Rules Of Northwest Pipeline Corporation, Docket No. RP74-49, filed November 7, 1974.

[2] 15 U.S.C. § 717f(c).

[3] See Comments Of Northwest Pipeline Corporation In Support Of Interim Settlement Agreement, Docket No. RP74-49, filed December 4, 1974.

[4] Commissioner Brooke's dissenting, statement filed as part of the original document.

[Docket No. E-8928]

PACIFIC GAS AND ELECTRIC CO.

Extension of Procedural Dates

JANUARY 24, 1975.

On January 16, 1975, The Northern California Power Agency and the Cities of Alameda, Lodi, Lompoc, Santa Clara, and Ukiah, California collectively filed a motion to extend the procedural dates fixed by order issued August 22, 1974, as most recently modified by notice issued November 26, 1974, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Testimony, March 4, 1975.
Service of Co. Rebuttal, April 1, 1975.
Hearing, April 22, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-2894 Filed 1-30-75;8:45 am]

[Docket Nos. RP71-119; RP74-31-24]

PANHANDLE EASTERN PIPE LINE CO.

Order Granting Temporary Extraordinary Relief, Consolidating Proceedings, Setting Hearing, Interventions and Prescribing Procedures

JANUARY 24, 1975.

On December 12, 1974, Anchor Hocking Corp. (Anchor Hocking) filed a petition pursuant to § 1.7(b) of the Commission's Rules for temporary and permanent extraordinary relief from the natural gas curtailments imposed upon the natural gas deliveries to its Winchester, Indiana plant under the presently effective 467-B interim curtailment plan filed by Panhandle Eastern Pipe Line Co. (Panhandle) on November 6, 1973.

Anchor Hocking requests that it be afforded immediate temporary relief pending hearing in order to avoid irreparable injury. It asserts in its petition that the relief sought is limited to the volume of gas needed for certain essential process operations which require gas as a fuel and for which there is no alternate fuel. It requests that it be afforded 790 Mcf of gas on an average day for these essential process operations and up to 875 Mcf on a peak day.

Anchor Hocking contends in its petition that it is evident that curtailments will deepen this winter on the Panhandle system and that less than the average of 790 Mcf per day it requires to maintain operations at its Winchester, Indiana plant will be made available to it.[1]

Anchor Hocking asserts that it employs some 1,084 persons at its Winchester plant which has an annual payroll of about $11,200,000. It urges that its ability to stay in operation is of paramount importance in the town of Winchester which has a population of about 5,500. It stresses that in addition to the adverse economic impact that a loss of employment would have on the town itself it would also anticipate extensive injury and food spoilage due to the unavailability of glass containers, on a dependable basis, by the food processing industry.

Anchor Hocking further indicates in this petition that it would be willing to repay such gas that it might receive under its curtailment entitlements from time to time from Panhandle in excess of this essential 790 Mcf per day in order to offset any relief from Panhandle's interim curtailment plan made available to it by the Commission.

Several petitions to intervene in the matter relating to Anchor Hocking's petition for extraordinary relief in Docket No. RP74-31-24 have been filed with the Commission.[2]

Michigan Gas Storage Co. also filed a protest to Anchor Hocking's petition for extraordinary relief in which it voiced its opposition to any grant of relief to that company either on a temporary or permanent basis. Michigan Consolidated Gas Co. in its petition to interevene also urged that Anchor Hocking's motion for temporary relief, pendente lite, was unnecessary since it had obtained emergency relief from Panhandle. The latter company further requests that if such relief is granted it should only be afforded with a condition requiring full repayment of all volumes taken above curtailed entitlements.

The request for interim relief is justified as hereinafter conditioned. The grant of emergency relief provided by Panhandle to Anchor Hocking was for a 60 day period commening on December 1, 1974. Subsequent to that time, Anchor Hocking will not be receiving further emergency relief from Panhandle. Under the projected curtailment levels for this period of time it will probably be forced to shut down, at least in part, if the requested volumes are not made available to it.

The petitions to intervene filed in this proceeding raise legal and factual issues that require development in an evidentiary proceeding. We will, therefore, set the petition for extraordinary relief for formal hearing.

The petitioners seeking intervention have already been permitted to intervene in the proceeding relating to a permanent curtailment plan for Panhandle in Docket No. RP71-119. Since many of the parties in the latter docket may also wish to participate herein, they shall also be deemed parties in Docket No. RP74-31-24 with all of the attendant rights attached thereto. However, in order to maintain orderly procedures any intervener desiring to record objections and protests to the requested relief must file a formal protest to the notice of the petition stating with particularity the nature of its objections.

The Commission orders. (A) The petition for extraordinary relief filed by Anchor Hocking is granted to the extent indicated above, on a temporary basis, pending notice and hearing.

(B) The grant of temporary relief in ordering paragraph (A) is conditioned as follows:

(1) That Anchor Hocking shall be required to repay any volumes of gas taken under this grant as may be determined appropriate in any final determination rendered by the Commission in this proceeding.

(2) Anchor Hocking's usage of the gas granted hereunder shall be considered as Category 2 and shall be subject to curtailment along with other Category 2 requirements.

(3) This grant shall be effective until a final curtailment plan is established for Panhandle Eastern Pipeline Company in Docket No. RP71-119.

(4) This grant shall be effective as long as the volumes provided for herein are delivered to Anchor Hocking.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, particularly Sections 4, 5, 15, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held commencing March 4, 1975, at 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, concerning the application for interim and permanent extraordinary relief filed in this proceeding by Anchor Hocking.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose [see Delegation of Authority, 18 CFR § 3.4(d)] shall preside at the hearings in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(E) All parties including interveners and staff will file and serve on all other parties their direct evidence and testimony on or before February 25, 1975.

(F) Cross-examination shall commence on March 4, 1975.

(G) Petitioners seeking permission to intervene in the proceeding entitled Panhandle Eastern Pipeline Company (Anchor Hocking Corporation) in Docket No. RP74-31-24 along with all other parties previously granted intervention in the proceeding entitled Panhandle Eastern Pipeline Co. in Docket No. RP71-119 are permitted to intervene in and participate in the above styled-proceeding relating to the petition for extraordinary relief filed by Anchor Hocking Corpora-

[1] Panhandle's most recent projections indicate curtailment into Category 2 of 40.9 percent in January; 18.8 percent in February and 7.7 percent in March. The facts reflected in Anchor Hocking's petition tend to support the proposition that under the current projected curtailment levels it will be forced to shut down, at least in part, its Winchester, Indiana plant unless afforded temporary relief pending hearing.

[2] Petitions to intervene in this proceeding have been filed by Central Illinois Public Service Company, Central Indiana Gas Company, Inc., City of Indianapolis, Indiana, Columbia Gas Transmission Corporation, General Motors Corporation, Michigan Consolidated Gas Company, Michigan Gas Storage Company, Michigan Gas Utilities Company, Missouri Public Service Company, and Ohio Valley Gas Corporation.

tion in Docket No. RP74–31–24 subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene: *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that subject intervener might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–2895 Filed 1–30–75;8:45 am]

[Docket No. CP75–207]

UNION GAS SYSTEM, INC. AND CITIES SERVICE GAS CO.

Application

JANUARY 24, 1975.

Take notice that on January 17, 1975, Union Gas System, Inc. (Applicant), P.O. Box 347, Independence, Kansas 67301, filed in Docket No. CP75–207 an application pursuant to Section 7(a) of the Natural Gas Act for an order of the Commission directing Cities Service Gas Company (Respondent) to connect its facilities with those of Applicant to sell and deliver to Applicant 1,560 Mcf of natural gas per day at a point on Respondent's 12-inch transmission line in Chautauqua County, Kansas, and 480 Mcf of gas per day at a point on Respondent's 26-inch transmission line in Montgomery County, Kansas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that the subject interconnections are required to improve Applicant's deliverability and service to its customers and to meet declining local production, but that no additional gas will be purchased from Respondent. Peak day and annual requirements for each of the first three years of service at the Chautauqua County delivery point are estimated to be 1,560 Mcf and 127,855 Mcf of gas, respectively. Peak day requirements for each of the first three years of service at the Montgomery County delivery point are estimated to be 480 Mcf of gas and annual requirements at that delivery point for the first year of service are estimated to be 40,880 Mcf of gas. The application indicates that the gas will be used to serve residential and small commercial consumers.

Applicant estimates the cost of plant and equipment to provide service for customers connected to its distribution system at $38,023, to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 14, 1975, file with the Federal Power Commission, Washington, DC. 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 156.9). 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.75–2884 Filed 1–30–75;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST ALABAMA BANCSHARES, INC.

Proposed Acquisition of First Alabama Life Insurance Company

First Alabama Bancshares, Inc., Montgomery, Alabama, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First Alabama Life Insurance Company, Phoenix, Arizona. Notice of the application was published on December 24, 1974 in The Alabama Journal, a newspaper circulated in Montgomery, Alabama, and on December 20, 1974, in The Phoenix Gazette, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance which is directly related to extensions of credit by its bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 22, 1975.

Board of Governors of the Federal Reserve System, January 22, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75–2932 Filed 1–30–75;8:45 am]

FOREIGN CLAIMS SETTLEMENT COMMISSION

CLAIMS AGAINST THE GERMAN DEMOCRATIC REPUBLIC BY NATIONALS OF THE UNITED STATES

Notice of Registration

Notice is hereby given that the Foreign Claims Settlement Commission of the United States is conducting a registration of claims against the German Democratic Republic for property losses including the nationalization, confiscation, or other taking of property of nationals of the United States which occurred prior to or after 1945 in the territory of the German Democratic Republic, commonly referred to as East Germany. The period for this registration begins on February 1, 1975, and ends on July 1, 1975.

This registration is being conducted at the request of the United States Department of State for the purpose of obtaining information for use in negotiations with representatives of the German Democratic Republic for the settlement of property claims as agreed to during discussions preceding the recent establishment of diplomatic relations between the two Governments.

The registration of a claim at this time will not constitute the filing of a formal claim against the German Democratic Republic nor will it ensure that such a claim will be covered by any future agreement. However, failure to register will preclude the presentation of full information in any negotiation.

All interested parties are urged to register their claims on or before the deadline, July 1, 1975. Registration forms and additional information may be obtained by contacting directly the Foreign Claims Settlement Commission, Washington, D.C. 20579.

WAYLAND D. MCCLELLAN,
General Counsel.

[FR Doc.75–1922 Filed 1–30–75;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

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 27, 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 18, 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.

CONSUMER PRODUCT SAFETY COMMISSION

Request for review and clearance of a new single time form to be used by trained consumer volunteers to conduct a survey of child resistant closures on products containing sodium and/or potassium hydroxide (oven cleaners, drain cleaners and toilet bowl cleaners) at the retail level. The purpose of this survey is to determine the degree of compliance with Poison Prevention Packaging Regulations and Federal Hazardous Substances Regulations which pertain to these products. The survey will focus on retail outlets which are most likely to be stocking these products, i.e. supermarkets, grocery stores, drug stores, variety department stores. 1500 retail store managers, the respondents in this program, will provide only minimal information in order for the Consumer Deputy Report to be completed. An estimated .25 man-hours are required per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–2947 Filed 1–30–75;8:45 am]

REGULATORY REPORTS REVIEW

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 23, 1975. See 44 U.S.C. 3512(c) & (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 18, 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.

FEDERAL COMMUNICATIONS COMMISSION

Request for review and clearance of a new FCC reporting requirement under FCC Rules (Section 15.34)-Certification of Low Power Communication Devices. It is now required that low power communication devices be submitted to the FCC for certification prior to marketing of such devices. A grant of certification will be based on a review of test data and other relevant information as required by FCC Rules (Section 15.34). FCC Form 722, Application for Equipment Certification, must be submitted to the Commission as part of the certification reporting requirements for the certification of low power communication devices as required by FCC Rules (Section 15.34). This certification requirement is mandatory under the Communications Act of 1934 as amended (47 USC 302). Frequency of reporting is on occasion. For each different piece of equipment to be certificated, a separate application must be submitted. FCC estimates 500 applications will be submitted for a one-year period. Potential respondents are manufacturers of low power communication devices and respondent burden is estimated to average 16 man-hours per response.

FEDERAL TRADE COMMISSION

Request for review and clearance of a new single time statistical survey—Corporate Patterns Report Forms S, 1 and 2. The survey will principally collect data on value of shipments in manufacturing by 5-digit product class, sales in nonmanufacturing activities by Standard Industrial Classification, ownership interests of reporting companies in majority-owner companies and minority-interests in domestic manufacturing companies; interests in and activities of joint ventures engaged in domestic manufacturing activities. Reporting is mandatory under the authority of the Federal Trade Commission Act (15 U.S.C. 46). Potential respondents are 1200 companies with largest domestic manufacturing activities during 1972, plus approximately 75 companies which were among the 1,000 largest manufacturing companies of 1950 but no longer ranked among the 1,000 largest companies during 1972. A screening form will also be sent to as many as 300 manufacturing companies and 100 nonmanufacturing companies to determine whether any of these companies were large enough manufacturers in 1972 to have ranked among the 1,000 largest companies. Respondent burden is positively related to the size, industrial diversification, and complexity of corporate structure of the reporting company. FTC estimates that some companies may require as few as four to six man-hours to complete CPR Forms 1 and 2. These would be companies with activities in only two or three product classes in manufacturing and relatively simple corporate structures. At the opposite extreme, some companies may require as many as 100 man-hours to complete the survey form. FTC pledges confidentiality until January 1, 1976.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75–2948 Filed 1–30–75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[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 Atomic Energy 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]

[Docket No. 70-1701]

NUCLEAR FUEL SERVICES, INC. (UF_6 PLANT)

Availability of Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Nuclear Fuel Services, Inc., has filed an environmental report, docketed October 24, 1974, in support of their application to construct and operate the UF_6 Plant to be located in Ashford Town, Cattaraugus County, New York. The report, which discusses environmental considerations related to the construction and operation of the proposed plant, is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20555. Copies of the report are also available for public inspection in the local public document rooms established at the Memorial Library of Little Valley, Main Street, Little Valley, New York, and at the Town of Concord Public Library, 23 N. Buffalo Street, Springville, New York, and at the following clearinghouses: State Clearinghouse, New York State Office of Planning Services, 488 Broadway, Albany, New York; and the Regional Clearinghouse, Southern Tier West Regional Planning Board, 15 Main Street, Salamanca, New York.

After the environmental report has been analyzed by the Nuclear Regulatory Commission's staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies, and state and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 24th day of January, 1975.

For the Nuclear Regulatory Commission.

RICHARD B. CHITWOOD,
Chief, Technical Support Branch, Office of Nuclear Material Safety and Safeguards.

[FR Doc.75-2835 Filed 1-30-75;8:45 am]

[Docket No. P-351-A]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Receipt of Partial Application for Construction Permits and Facility Licenses: Time for Submission of Views on Antitrust Matters

Public Service Company of Oklahoma (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed one part of an application, dated November 20, 1974, in connection with its plans to construct and operate two boiling water reactors in Rogers County, Oklahoma, near the town of Inola. The portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR Part 50, Appendix L.

The remaining portion of the application consisting of a Preliminary Safety Analysis Report accompanied by an Environmental Report pursuant to § 2.101 of Part 2, is expected to be filed during August 1975. Upon receipt of the remaining portions of the application dealing with radiological health and safety and environmental matters, separate notices of receipt will be published by the Commission including an appropriate notice of hearing.

A copy of the partial application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the Local Public Document Room, Tulsa City—County Library, Tulsa, Oklahoma 74102. Docket No. P-351-A has been assigned to the applica-

tion and it should be referenced in any correspondence relating to it.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before March 18, 1975.

Dated at Bethesda, Maryland, this 9th day of January, 1975.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Branch 1-2, Directorate of Licensing.

[FR Doc.75-1355 Filed 1-16-75;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Nuclear Regulatory Commission has issued three new guides in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations, and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.70.19, "Information for Safety Analysis Reports—Steam Generators;" Regulatory Guide 1.70.20, "Information for Safety Analysis Reports—Reactor Coolant Pressure Boundary Materials and Inservice Inspection;" and Regulatory Guide 1.70.21, "Information for Safety Analysis Reports—Reactor Vessels," identify information that is needed in safety analysis reports at the construction permit and operating license stages of review.

These guides are three of a number being issued in the 1.70.X series to identify information that has often been mising from applicants' safety analysis reports or to present revisions necessary to make a portion of the "Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants," Revision 1, October 1972 (Regulatory Guide 1.70), consistent with the appropriate Standard Review Plan. Standard Review Plans (SRPs) are being prepared by the NRC staff for the guidance of staff reviewers who perform the detailed safety review of applications to construct or operate nuclear power plants. A primary purpose of SRPs is to improve the quality and uniformity of staff reviews and to provide a well-defined base from which to evaluate proposed changes in the scope and requirements of reviews. A complete Revision 2 of the Standard Format incorporating the changes presented in this 1.70.X series will be issued following completion of publication of the SRPs.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time. Public comments on Regulatory Guides 1.70.19, 1.70.20, and 1.70.21 will, however, be particularly useful in developing the forthcoming revision of the Standard Format if received by March 31, 1975.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Md. this 23rd day of January 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Acting Director of Standards Development.

[FR Doc.75-2944 Filed 1-30-75;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEES

Charter Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), the Veterans Administration announces the renewal by the Administrator of Veterans Affairs the following committees for an additional period of two years.

Name of committee	Original expiration date	New expiration date
Education and Training Review Panel.	Dec. 31, 1974	Dec. 31, 1976
Career Development Committee.	Jan. 4, 1975	Jan. 4, 1977

Dated: January 24, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-2933 Filed 1-30-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

MEXICAN FM RADIO

Official List of Stations Within 200 Miles of Mexican-U.S.A. Border

JANUARY 15, 1975.

An official list of Mexican FM Radio Stations within 200 miles of the Mexican-U.S.A. border, has been issued by the FCC. Compiled from information supplied by the Department of Radio Frequencies of Mexico, the list reflects all additions, changes, corrections, and deletions made up to September 1, 1974.

Further additions, changes, corrections, and deletions will be issued as reported to the Commission by the Mexican Department of Radio Frequencies.

Copies of the list may be obtained from ABS Duplicators, Inc., 1732 Eye Street, NW, Washington, D.C. 20006, Telephone (202) 298-5537.

The attached list of Mexican FM Radio Station Assignments contains details supplied by the Department of Radio Frequencies of Mexico in accordance with Sections B and C, Article 12, Part VI of the Agreement between the Mexican United States and the United States of America, concerning frequency modulation broadcasting in the 88 to 108 MHz band.

The list reflects all the additions, changes, corrections and deletions notified to the Commission up to the above date and supersedes the previous Initial List which is included in the Agreement. Further additions, changes, corrections and deletions will be issued as reported to the Commission by the Mexican Department of Radio Frequencies.

Official list of assignments in Mexico, in accordance with sections B and C, Article 12, Part VI, of the agreement between the Mexican United States and the United States of America, concerning frequency modulation broadcasting in the 88 to 108 MHZ band, signed in Washington, D.C., November 9, 1972.

MHz—Megahertz
kW—Kilowatt
ERP—Effective radiated power
H—Horizontal polarization
V—Vertical polarization
AHAAT—Height of the radiation center of the antenna above average terrain (2-10 miles)
MSL—Height of the radiation center of the antenna above mean sea level
ND—Omnidirectional or nondirectional antenna
DA—Directional antenna
PO—Present operation
PN—Previously notified but not implemented
VIDE—See the assignment on

MEXICAN FM RADIO ASSIGNMENT: WITHIN 200 MILES OF THE UNITED STATES

(Listed by Channel)
List Number 1:
SEPTEMBER 1, 1974.

Call sign	Location	Antenna: Effective radiated power (kW)	Class	Directivity	Height above m.s.l. (feet)	Height above terrain (feet)	Expected commencement date of operation
		CHANNEL No. 210 (89.9 MHz)					
XHFE-FM	Mexicali, B.C., N. 32°40'02", W. 115°26'58"	0.9 (H+V)	B	ND	111.59	111.59	Feb. 5, 1975.
		CHANNEL No. 211 (90.1 MHz)					
XHXL-FM	Monterrey, N.L., N. 25°38'10", W. 100°19'16"	1.632 (H+V)	A	ND	2,011.87	−246.15	Now in operation.
		CHANNEL No. 212 (90.3 MHz)					
XHIS-FM	Tijuana, B.C., N. 32°34'24.6", W. 117°00'35.2"	93.12 (H+V)	C	DA	876.29	456.20	Do.
		CHANNEL No. 216 (91.1 MHz)					
XETRA-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	100 (H)	C	DA	1,982.33	805.73	Do.
		CHANNEL No. 218 (91.5 MHz)					
XHJC-FM	Mexicali, B.C., N. 32°40'00", W. 115°27'00"	9.393 (H+V)	B	ND	130.62	104.37	Jan. 10, 1975.
		CHANNEL No. 220 (91.9 MHz)					
XHEC-FM	Sabinas, Coah., N. 27°50'34", W. 100°59'22"	4 (H+V)	B	ND	1,247.16	101.74	Now in operation.
		CHANNEL No. 222 (92.3 MHz)					
XHMMF-FM	Mexicali, B.C., N. 32°40'00", W. 115°27'00"	18.45 (H+V)	B	ND	164.1	70.89	June 3, 1975.
		CHANNEL No. 223 (92.5 MHz)					
XHRM-FM	Tijuana, B.C., N. 32°31'25", W. 117°03'56"	4.6 (H+V)	B	ND	549.74	203.48	Now in operation.
XHSRO-FM	Monterrey, N.L., N. 25°40'33", W. 100°18'32"	6.5 (H+V)	B	ND	1,906.68	−121.96	Do.
		CHANNEL No. 227 (93.3 MHz)					
XHQQ-FM	Monterrey, N.L., N. 25°36'00", W. 100°18'00"	2.4 (H+V)	B	ND	3,807.12	518.56	Do.
		CHANNEL No. 231 (94.1 MHz)					
XET-FM	Monterrey, N.L., N. 25°41'14.7", W. 100°18'49.4"	1.9475 (H) 1.994 (V)	B	ND	2,231.76	79.75	Do.
XHNOE-FM	Nuevo Laredo, Tams., N. 27°29'14", W. 99°30'01"	0.890 (H+V)	A	ND	502.15	100.10	Do.
		CHANNEL No. 233 (94.5 MHz)					
XHTY-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	3.3	A2	ND	597.32	182.97	Feb. 15, 1975.
XHTA-FM	Piedras Negras, Coah., N. 28°42'35", W. 100°31'05"	0.885	A	ND	833.63	111.59	July 10, 1975.
		CHANNEL No. 234 (94.7 MHz)					
XHRP-FM	Saltillo, Coah., N. 25°26'37", W. 100°59'22"	2.964 (H+V)	A	ND	5,375.92	−558.46	Now in operation.
		CHANNEL No. 235 (94.9 MHz)					
XHNL-FM	Monterrey, N.L., N. 25°40'11", W. 100°18'26"	6.685 (H+V)	A	ND	1,620.98	−394.36	Mar. 15, 1975.
		CHANNEL No. 238 (95.5 MHz)					
XHRG-FM	Cd. Acuna, Coah., N. 29°13'23", W. 100°55'51"	3.690 (H+V)	B	ND	1,099.47	156.58	Jan. 1, 1975.
		CHANNEL No. 239 (95.7 MHz)					
XHRK-FM	Monterrey, N.L., N. 25°40'11", W. 100°18'26"	0.850 (H)	B	ND	1,764.07	−567.79	Now in operation.
XHQS-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	2.82 (H+V)	A	ND	731.89	295.38	Feb. 2, 1975.
		CHANNEL No. 247 (97.3 MHz)					
XHSR-FM	Monterrey, N.L., N. 25°40'11", W. 100°18'26"	18.860 (H+V)	B	ND	1,822.89	−345.59	Jan. 15, 1975.
		CHANNEL No. 251 (98.1 MHz)					
XHRL-FM	Monterrey, N.L., N. 25°39'03", W. 100°18'38"	10 (H+V)	A	ND	2,536.0	−469.33	Now in operation.
		CHANNEL No. 252 (98.3 MHz)					
XHPX-FM	Cd. Juarez, Chih., N. 28°38'12", W. 106°04'40"	4.09 (H+V)	C	ND	3,810.40	−101.74	Do.
		CHANNEL No. 255 (98.9 MHz)					
XHQF-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	3.625 (H+V)	A	ND	293.90	115.76	Feb. 15, 1975.
XHJD-FM	Monterrey, N.L., N. 25°40'11", W. 100°18'26"	3.45 (H+V)	B	ND	2,500.13	−135.32	June 15, 1975.
		CHANNEL No. 256 (99.1 MHz)					
XHSL-FM	Piedras Negras, Coah., N. 28°42'26", W. 100°31'07"	0.969 (H+V)	A	ND	862.51	107.32	Jan. 2, 1975.
		CHANNEL No. 257 (99.3 MHz)					
XHNK-FM	Nuevo Laredo, Tams., N. 27°29'34", W. 99°30'29"	0.850 (H+V)	BI	ND	564.50	147.69	Now in operation.
		CHANNEL No. 258 (99.5 MHz)					
XHMS-FM	Monclova, Coah., N. 26°54'14" W. 101°25'08"	0.383 (H+V)	B	ND	2,034.84	−200.20	Do.

Call sign	Location	Antenna					
		Effective radiated power (kW)	Class	Directivity	Height above m.s.l. (feet)	Height above terrain (feet)	Expected commencement date of operation
		CHANNEL No. 259 (99.7 MHz)					
XHPL-FM	Cd. Acuna, Coah., N. 29°19'33", W. 100°55'51"	0.823 (H+V)	A	ND	722.04	70.07	Do.
XHSP-FM	Monterrey, N.L., N. 25°40'01", W. 100°18'55"	1.800 (H+V)	B	ND	1,919.97	−400.83	Do.
		CHANNEL No. 260 (99.9 MHz)					
XHSG-FM	Piedras Negras, Coah., N. 28°42'26", W. 100°31'07"	0.302 (H+V)	A	ND	853.32	132.92	Apr. 10, 1975.
		CHANNEL No. 262 (100.3 MHz)					
XHTF-FM	Monclova, Coah., N. 26°54'14", W. 101°25'08"	0.362 (H+V)	A	ND	2,166.12	−152.28	Now in operation.
		CHANNEL No. 263 (100.5 MHz)					
XHMG-FM	Monterrey, N.L., N. 25°40'04", W. 100°18'31"	3.813 (H+V)	A	ND	1,785.08	−394.36	Do.
		CHANNEL No. 264 (100.7 MHz)					
XHH-FM	Cd. Juarez, Chih., N. 31°57'18", W. 106°28'11"	0.286 (H+V)	C	ND	3,774.3	−137.52	Do.
		CHANNEL No. 267 (101.3 MHz)					
XHHL-FM	Monterrey, N.L., N. 25°40'38", W. 100°19'24"	3.824 (H+V)	B	ND	1,806.74	−431.58	Feb. 20, 1975.
		CHANNEL No. 268 (101.5 MHz)					
XHMLS-FM	Matamoros, Tams., N. 25°52'45", W. 97°31'09"	3.348 (H+V)	A	ND	208.51	170.95	Now in operation.
		CHANNEL No. 270 (101.9 MHz)					
XHPF-FM	Mexicali, B.C., N. 32°40'00", W. 115°27'02"	1. (H+V)	B	ND	147.60	147.03	June 15, 1975.
		CHANNEL No. 274 (102.7 MHz)					
XHQT-FM	Nogales, Son., N. 31°19'50", W. 110°56'40"	4.0 (H+V)	B	ND	4,086.09	−278.97	Feb. 2, 1975.
		CHANNEL No. 277 (103.3 MHz)					
XHVG-FM	Mexicali, B.C., N. 32°40'00", W. 115°27'00"	9.568 (H+V)	B	ND	158.95	138.80	Now in operation.
		CHANNEL No. 278 (103.5 MHz)					
XHEM-FM	Cd. Juarez, Chih., N. 31°44'19", W. 106°29'12"	2.302 (H+V)	A	ND	3,918.38	−17.36	Do.
XHRZ-FM	Nogales, Son., N. 31°19'28", W. 110°56'47"	0.940 (H+V)	B	ND	4,078.87	−93.14	Do.
		CHANNEL No. 282 (104.3 MHz)					
XHTO-FM	Cd. Juarez, Chih., N. 31°44'19", W. 106°29'15"	9.460 (H+V)	B	ND	607.99	−117.17	Do.
		CHANNEL No. 283 (104.5 MHz)					
XHERS-FM	Tijuana, B.C., N. 32°34'24.6", W. 117°00'35.2"	57.295 (H+V)	B1	ND	790.47	351.17	Do.
		CHANNEL No. 285 (104.9 MHz)					
XHMC-FM	Mexicali, B.C., N. 32°40'02", W. 115°26'58"	.970 (H+V)	A	ND	213.33	180.51	Jan. 15, 1975.
		CHANNEL No. 286 (105.1 MHz)					
XHIM-FM	Cd. Juarez, Chih., N. 31°44'19", W. 106°29'15"	0.94 (H+V)	A	ND	3,931.51	−17.36	May 15, 1975.
		CHANNEL No. 288 (105.5 MHz)					
XHRE-FM	Piedras Negras, Coah., N. 28°42'24", W. 100°31'00"	1.888 (H+V)	B	ND	853.32	106.99	Now in operation.
		CHANNEL No. 290 (105.9 MHz)					
XHGH-FM	Cd. Juarez, Chih., N. 31°44'19", W. 106°29'15"	3.396 (H+V)	B	ND	3,872.76	−223.18	Feb. 10, 1975.
		CHANNEL No. 291 (106.1 MHz)					
XHSU-FM	Chihuahua, Chih., N. 28°38'10", W. 106°04'25"	0.956 (H+V)	C	ND	4,793.13	−99.90	Now in operation.
		CHANNEL No. 295 (106.9 MHz)					
XHPJ-FM	Monterrey, N.L., N. 25°40'40", W. 100°17'11"	0.850 (H+V)	B	ND	1,764.07	−567.79	May 2, 1975.
		CHANNEL No. 297 (107.3 MHz)					
XHFG-FM	Tijuana, B.C., N. 32°31'37", W. 117°02'24"	4.550 (H+V)	A	ND	1,411.26	984.6	Mar. 1, 1975.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.75-2797 Filed 1-30-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 686]

ASSIGNMENT OF HEARINGS

JANUARY 28, 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 the date of this publication.

MC 3647 Sub 448, Transport of New Jersey, now being assigned continued hearing March 19, 1975 (2 days), at Newark, N.J.; in a hearing room to be designated later.

MC 127274 Sub 44, Sherwood Trucking, Inc., now being assigned March 24, 1975 (1 day), at Chicago, Illinois; in a hearing room to be designated later.

MC 128375 Sub 112, Crete Carrier Corp., now being assigned March 25, 1975 (2 days), at Chicago, Illinois; in a hearing room to be designated later.

MC 119656 Sub 27, North Express, Inc., now being assigned March 27, 1975 (2 days), at Chicago, Illinois; in a hearing room to be designated later.

MC 109533 (Sub-No. 60), Overnite Transportation Company, now being assigned March 10, 1975, at Hagerstown, Maryland, at The Venus Motel, 431 Dual Highway.

FF-347 (Sub-No. 1), Sal, Inc., now assigned February 4, 1975, at Chicago, Ill., postponed indefinitely.

MC 52709 Sub 324, Ringsby Truck Lines, Inc., now assigned February 5, 1975, at Denver, Colo., is postponed to March 17, 1975 (1 week), at Denver, Colo.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2952 Filed 1-30-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 28, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42930—*Joint Water-Rail Container Rates—Seatrain International, S. A.* Filed by Seatrain International, S. A. (No. 14), for itself and interested rail carriers. Rates on general commodities, between rail terminals on the U.S. Pacific, Gulf, and Atlantic Coasts, and ports in the United Kingdom, Continental Europe, Japan, and Taiwan.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S. A., tariffs I.C.C. Nos. 3, 16, and 17; also I.C.C. No. 2 (Seatrain Pacific S. A. Series).

Rates are published to become effective on February 16, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-2957 Filed 1-30-75;8:45 am]

[No. 36108]

LOUISIANA INTRASTATE RAIL FREIGHT Rates and Charges, 1974

JANUARY 28, 1975.

By a joint petition authorized under section 13(3) of the Interstate Commerce Act, filed December 17, 1974, petitioners, sixteen common carriers by railroad [1] subject to Part I of the Interstate Commerce Act and also operating in intrastate commerce in the State of Louisiana, request that this Commission institute an investigation of their Louisiana intrastate freight rates and charges on bagasse, raw sugar and sugar cane under sections 13 and 15a of the Interstate Commerce Act, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 295, Increased Freight Rates and Charges, 1973, 344 I.C.C. 589 (1973).

On March 13, 1974, the Louisiana Public Service Commission approved an increase on Louisiana intrastate rail freight rates and charges corresponding to the increases approved for interstate application in Ex Parte No. 295, except on the commodities of bagasse, raw sugar and sugar cane.

Under section 13(4) of the Interstate Commerce Act and judicial authority [2] this Commission is directed to institute an investigation of the lawfulness of intrastate rail freight rates and charges upon the filing of a petition by the carrier concerned pursuant to section 13(3) of the Interstate Commerce Act, regardless of the prior or pending consideration of such rate and charges by any State agency.

Petitioners contend that the Louisiana intrastate freight rates and charges on bagasse, raw sugar and sugar cane do not and will not contribute their fair share of revenues required by the carriers to meet increased expenses and costs incurred in handling all traffic and cause unjust discrimination against and an undue burden on interstate commerce, in violation of section 13 of the Interstate Commerce Act, to the extent those rates and charges do not include the increases authorized in Ex Parte No. 295 on the involved commodities.

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is hereby, granted; and that an investigation, under sections 13 and 15a of the Interstate Commerce Act, be, and it is hereby, instituted to determine whether the Louisiana intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference or prejudice as between persons and localities in intrastate commerce and those in intrastate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the increases on bagasse, raw sugar and sugar cane authorized for interstate application by this Commission in Ex Parte No. 295; and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden or other violation of the law found to exist.

It is further ordered, That all carriers by railroad operating in the State of Louisiana, subject to the jurisdiction of this Commission, be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the Federal Register publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

[1] Alabama Great Southern Railroad; Arkansas & Louisiana Missouri Railway Company; Chicago, Rock Island & Pacific Railroad Company; Atchison, Topeka and Santa Fe Railway Company; Illinois Central Gulf Railroad Company; Kansas City Southern Railway Company; Louisiana & Arkansas Railway Company; Louisiana Southern Railway Company; Louisville and Nashville Railroad Company; Missouri Pacific Railroad Company; New Orleans & Lower Coast Railroad Company; New Orleans Terminal Company; St. Louis Southwestern Railway Company; Southern Pacific Transportation Company; The Texas & Pacific Railway Company; and Tremont & Gulf Railway Company.

[2] See Intrastate Freight Rates and Charges, 1969, 339 I.C.C. 670 (1971) affm'd sub nom. State of N.C. ex rel. North Carolina Utilities Com'n. v. I.C.C., 347 F. Supp. 103 (E.D.N.C., 1972), affm'd sub nom. North Carolina Utilities Commission et al. v. Interstate Commerce Commission, et al. 410 U.S. 919 (1973).

And it is further ordered, That a copy of this order be served upon each of the petitioners herein; that the State of Louisiana be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Louisiana and the Louisiana Public Service Commission, Baton Rouge, Louisiana; and that further notice of this proceeding be given to the public by deposting a copy of this order in the office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2956 Filed 1–30–75;8:45 am]

[Ex Parte 299]

INCREASE IN FREIGHT RATES AND CHARGES TO OFFSET RETIREMENT TAX INCREASES, 1973

Order

JANUARY 28, 1975.

It appearing, That pursuant to section 15a (4) (b) of the Interstate Commerce Act, the Commission has approved an interim increase of 2.8 percent in the railroad petitioners' general level of rates and charges to offset increased expenses experience as a result of the Railroad Retirement Amendments of 1973, Pub. L. 93–69, 87 Stat. 162;

It further appearing, That the order served January 8, 1975, in this proceeding, the Class I line haul railroad petitioners were directed to file by February 10, 1975, certain data and information relating to the said increases in rates and charges;

And it further appearing, That on January 13, 1975, the railroads filed a request for extension of time, partial grant of which is justified, due to the filing dates for source materials from which the required data will be obtained;

Wherefore, and for good cause:

It is ordered, That the Class I line-haul railroad petitioners are directed to file, by March 14, 1975, the data and information required in the first ordering paragraph of the said order served January 8, 1975.

And it is further ordered, That notice of the entry of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission and by filing a copy with the Office of the Federal Register for publication therein.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (See Environmental Threshold Assessment Survey issued in this proceeding and Ex Parte No. 303 Increased Freight Rates and Charges, 1974, Nationwide, on December 3, 1974, and attached as an appendix to our order in Ex Parte No. 303 served December 4, 1974). Nor will the proposed action, limited as it is to the application of the Railroad Retirement Amendments of 1973, Pub. L. 93–69, 87 Stat. 162, serve as a precedent for Commission action not directly related to the Railroad Retirement Amendments of 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2955 Filed 1–30–75;8:45 am]

[Ex Parte No. 279]

PUBLIC OFFERINGS

Securities Regulations; Correction

JANUARY 21, 1975.

The Report of the Commission on Reconsideration decided August 6, 1974, and reported at 347 I.C.C. 443, was published with several inadvertent omissions and typographical errors. The correct text is set forth below with appropriate item references and pages of the printed report.

1. Item 7(d)(1), page 477, should read:

The financial representations contained in the offering circular should conform to generally accepted principles of accounting. The form and content of the financial representations shall conform to Regulation S–X and the Accounting Series Releases of the Securities and Exchange Commission, unless the Commission has published a ruling making Regulation S–X or the Accounting Series Releases inapplicable to all or part of the financial representations in the offering circular. Where generally accepted accounting principles permit the presentation of an item using alternative methods of computation, and one of such alternatives is prescribed by the Commission's Uniform System of Accounts, 49 CFR 1200–1219, the item should be computed in accordance with the Uniform System of Accounts. Where there is a dissimilarity between a figure included in the offering circular which is accounted for pursuant to generally accepted accounting principles and the figure which would be produced under the Uniform System of Accounts, the difference should be explained by footnoting the item under consideration. The footnote should fully disclose the effect of the use of generally accepted accounting principles rather than the Uniform System of Accounts, with each individual item affected, including net income, computed in accordance with the Uniform System of Accounts. Any such footnote should be in language which adequately explains the reason for the difference.

2. The word "registered" in the third sentence of item XII.3., page 486, line 13, should be changed to "issued".

3. The words "to item" should be inserted in item XVIII(b), page 492, line 5, in order to read: "(b) Any security holder named in answer to item XVII (a); or".

4. The first paragraph of item XIX, page 493, should read:

XIX. OTHER FINANCIAL STATEMENTS

These instructions specify the financial statements required to be filed as a part of the offering circular. The financial statements should also conform to the instructions in item 7(d)(1). If the profit and loss statements and retained earnings statements required below are included in their entirety in the summary of earnings required by item XII hereof, the statements so included need not be otherwise included in the offering circular.

5. Item XIX.A.2., page 493, should read:

2. Profit and loss statements of the applicant.—The applicant shall file in columnar form a profit and loss statement for each of the 3 fiscal years preceding the date of the latest balance sheet filed, and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements shall be certified up to the date of the latest certified balance sheet filed.

6. The following paragraph should be inserted after item XIX.A.3. and before item XIX.B., page 494:

4. Source and application of funds statement of the applicant.—The applicant shall file in columnar form a source and application of funds statement for each of the 3 fiscal years preceding the date of the latest balance sheet filed, and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements shall be certified up to the date of the latest certified balance sheet filed.

7. Item XIX.D.16., page 496, should read:

16. Filing of other statements in certain cases.—The Commission may, upon the request of the applicant, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Commission may also require the filing of other statements in addition to, or in substitution for the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75–2954 Filed 1–30–75;8:45 am]