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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Defense

Section 213.3306 is amended to show that one position of Private Secretary to the Assistant to the Secretary and Deputy Secretary of Defense is excepted under Schedule C.

Effective on January 9, 1975, §213.3306(a)(14) is added as set out below.

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* * * *

(14) One Private Secretary to the Assistant to the Secretary and Deputy Secretary of Defense.

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

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

[FR Doc.75-781 Filed 1-8-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to reflect the following title change from: One Confidential Assistant (Administrative Assistant) to the Assistant Secretary—Congressional and Public Affairs, to One Confidential Assistant (Administrative Assistant) to the Assistant Secretary—Congressional and Legislative Affairs.

Effective on January 9, 1975, § 213.3312(a)(5) is revised as set out below.

§ 213.3312 Department of Interior.

(a) *Office of the Secretary.* * * *

(5) Three Special Assistants to the Assistant Secretary for Fish and Wildlife and Parks and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Energy and Minerals, Land and Water Resources, Fish and Wildlife and Parks, and Congressional and Legislative Affairs.

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

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

[FR Doc.75-783 Filed 1-8-75;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Navy; Correction

In the FEDERAL REGISTER (FR Doc. 73-16521) of December 11, 1973, on page 34103, one position of Special Assistant to the Military Assistant to the President was revoked in error.

Effective on January 9, 1975, § 213.3308(a)(9) is amended as set out below.

§ 213.3308 Department of the Navy.

(a) *Office of the Secretary.* * * *

(9) Three Special Assistants to the Military Assistant to the President.

((5 U.S.C. 3301, 3302), E.O. 10577 3 CFR 1954–58 comp. p. 128)

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

[FR Doc.75-784 Filed 1-8-75;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Confidential Secretary (Stenography) is excepted under Schedule C.

Effective on January 9, 1975, § 213.3388(e)(2) is added as set out below.

§ 213.3388 Federal Energy Administration.

* * * * *

(e) *Office of the General Counsel.* * * *

(2) One Confidential Secretary (Stenography) to the General Counsel.

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

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

[FR Doc. 75-782 Filed 1-8-75; 8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z]

PART 226—TRUTH IN LENDING

Daily Periodic Rates Imposed on Daily Balances in Open End Credit

This amended interpretation of § 226.7(b)(8) is rewritten to clarify the disclosure requirements when the finance charge in an open end credit account is computed by the imposition of more than one daily periodic rate on a daily balance or balances. For example, some creditors impose one daily periodic rate (corresponding to one annual percentage rate) for balances up to a specified amount, and a lower daily periodic rate (corresponding to a lower annual rate) for that portion of balances above the specified amount.

§ 226.703 Finance charge based on average daily balance or daily balances in open end credit accounts.

(a) Section 226.7(b)(8) requires that periodic statements for open end accounts shall disclose, among other things, "The balance on which the finance charge was computed, and a statement of how that balance was determined." In some instances, creditors compute a finance charge on the average daily balance by application of a monthly periodic rate or rates. In such case, this information is adequately disclosed if the statement gives the amount of the average daily balance on which the finance charge was computed, and also states how the balance is determined.

(b) In other instances, the finance charge is computed on the balance each day by application of one or more daily periodic rates, and the question arises as to how the balance on which the finance charge was computed should be disclosed in such circumstances.

(c) If a single daily periodic rate is imposed, the balance to which it is applicable may be stated in any of the following ways:

(1) A balance for each day in the billing cycle; or

(2) A balance for each day in the billing cycle on which the balance in the account changes; or

(3) The sum of the daily balances during the billing cycle; or

(4) The average daily balance during the billing cycle, in which case the creditor shall state (on the face of the periodic statement, on its reverse side, or on an enclosed supplement) wording to the effect that the average daily balance is or can be multiplied by the number of days in the billing cycle and the periodic rate applied to the product to determine the amount of the finance charge.

(d) If two or more daily periodic rates may be imposed, the balances to which the rates are applicable may be stated in accordance with paragraphs (c)(1) or

(2) of this section or as two or more average daily balances, each applicable to the daily periodic rates imposed. For example, if the creditor imposes one daily periodic rate on balances up to $500 and another daily periodic rate on balances over $500, the creditor would show average daily balances of $500 and $200 in an account which had a $700 balance for the entire billing cycle. If the average daily balances are stated, the creditor shall state (on the face of the periodic statement, on its reverse side, or on an enclosed supplement) wording to the effect that the finance charge is or may be determined by (1) multiplying each of the average daily balances by the number of days in the billing cycle, (2) multiplying each of the results by the applicable daily periodic rate, and (3) adding these products together.

(Interprets and applies 12 CFR 226.7)

By order of the Board of Governors, December 27, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-740 Filed 1-8-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 2]

PART 120—LOAN POLICY

Interpretation of Preference Restriction

A long standing policy of the Small Business Administration in § 120.2(b)(3) has prohibited "preferences" in favor of participating lending institutions. This policy limitation has been interpreted and applied to varied factual situations. The purpose of this amendment is to illustrate the interpretation of this policy by setting forth certain examples immediately following the policy statement in § 120.2(b)(3).

Since this amendment 2 to revision 6 of Part 120 provides interpretation of an established policy, and neither changes nor revises said policy, it is not necessary to invite public comment prior to adoption of the amendment. However, any comments on this amendment may be submitted to David A. Wollard, Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW, Washington, D.C. 20416.

Therefore, § 120.2(b)(3) is hereby revised to read as follows:

§ 120.2 Business Loans and Guarantees.

* * * * *

(b) * * *

(3) No agreement to extend financial assistance under the Small Business Act shall establish any preferences in favor of a bank or other lending institution. "Preferences" as used herein shall include, but shall not be limited to, (i) any arrangement whereby a participating lender obtains a preferred position over the position of SBA in the repayment of any SBA participation loan, or in any collateral or any guaranty for said loan; (ii) any requirement for a separate or companion loan to the borrower which results in a preferred position to the participating lender in the repayment or in the securing of repayment of the participation loan; or (iii) any requirement that a borrower purchase a certificate of deposit or maintain a compensating balance which is not under the unrestricted control of the borrower.

* * * * *

Dated: December 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-768 Filed 1-8-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NE-61; Amdt. 39-2063]

PART 39—AIRWORTHINESS DIRECTIVE

Avco Lycoming Aircraft Engines

There have been impeller vane failures of centrifugal compressor impeller assemblies on Avco Lycoming T5313B turboshaft engines due to fatigue which have resulted in performance deterioration and partial or complete power loss. Since this condition is likely to exist or develop in other engines of the same model, an Airworthiness Directive is being issued to require the removal of the centrifugal compressor impeller assemblies and replacement with new improved centrifugal compressor impeller assemblies.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (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:

AVCO LYCOMING.—Applies to all Avco Lycoming T5313B turboshaft engines.

Compliance required, unless already accomplished, prior to the accumulation of 100 hours in service after the effective date of this AD.

To prevent possible centrifugal compressor impeller assembly vane failures leading to performance deterioration and partial or complete power loss, remove centrifugal compressor impeller assemblies, part numbers 1-100-078-03, 1-100-078-04, and 1-100-078-10 and replace with centrifugal compressor impeller assembly part number 1-100-078-08.

Equivalent methods of compliance must be approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region.

NOTE. (Avco Lycoming Service Bulletin Number 0042 pertains to this subject.)

This amendment becomes effective January 17, 1975.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (40 U.S.C. 1354(a), 1421, 1428), and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on December 27, 1974.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-760 Filed 1-8-75;8:45 am]

[Airspace Docket No. 74-NE-37]

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

Alteration of Transition Areas

On Page 38238 of the FEDERAL REGISTER dated October 30, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would alter the North Conway, New Hampshire, 700-foot and 1200-foot Transition Areas.

Interested parties were given thirty (30) days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 28, 1975.

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

Issued in Burlington, Massachusetts, on December 23, 1974.

WILLIAM E. CROSBY,
Acting Director, ANE-1.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by amending the existing description of the North Conway, New Hampshire, transition areas by deleting the words "This transition area is effective from sunrise to sunset daily."

[FR Doc.75-673 Filed 1-8-75;8:45 am]

[Airspace Docket No. 74-NE-40]

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

Designation of Transition Area

On Page 40960 of the FEDERAL REGISTER dated November 22, 1974, the Federal Aviation Administration published a Notice of Proposed Rule Making which would designate a 700-foot Transition Area at Frenchville, Maine.

Interested parties were given thirty (30) days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., March 27, 1975.

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

Issued in Burlington, Massachusetts, on December 24, 1974.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

Amend § 71.181 (38 FR 569) of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

FRENCHVILLE, MAINE

That airspace extending upwards from 700 feet above the surface within a 6-mile radius of the center of the Northern Aroostook Regional Airport (latitude 47°17'15'' N., longitude 68°19' 00'' W.) and within 5 miles each side of the 115° bearing of the Frenchville (FVE) NDB (latitude 47°16'05'' N., longitude 68°15'26'' W.) extending from the six-mile radius to 11.5 miles southeast of the NDB, excluding the airspace within Canada.

[FR Doc.75-672 Filed 1-8-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PART 923—COASTAL ZONE MANAGEMENT PROGRAM APPROVAL REGULATIONS

The National Oceanic and Atmospheric Administration (NOAA) on August 21, 1974, proposed guidelines (originally published as 15 CFR Part 923), pursuant to the Coastal Zone Management Act of 1972 (Pub. L. 92-583, 86 Stat. 1280), hereinafter referred to as the "Act," for the purpose of defining the procedures by which States can qualify to receive administrative grants under the Act.

Written comments were to be submitted to the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, before November 22, 1974, and consideration has been given these comments.

The Act recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation. Present State and institutional arrangements for planning and regulating land and water uses in the coastal zone are often inadequate to deal with the competing demands and the urgent need to protect natural systems in the ecologically fragile area. Section 305 of the Act authorizes annual grants to any coastal State for the purpose of assisting the State in the development of a management program for the land and water resources of its coastal zone (development grant). Once a coastal State has developed a management program, it is submitted to the Secretary of Commerce for approval and, if approved, the State is then eligible under Section 306 to receive annual grants for administering its management program (administrative grants).

The regulations below set forth (a) criteria and procedures to be utilized in reviewing and approving coastal zone management programs pursuant to section 306 of the Act, and (b) procedures by which coastal States may apply to receive administrative grants under section 306(a) of the Act. The criteria and procedures under (a) constitute the "guidelines for section 306" referred to in 15 CFR 920.

The National Oceanic and Atmospheric Administration is publishing herewith the final regulations describing procedures for applications to receive administrative grants under section 306 of the Act. The final regulations and criteria published herewith were revised from the proposed guidelines based on the comments received. A total of thirty-two (32) States, agencies, organizations and individuals submitted responses to the proposed section 306 guidelines published in the FEDERAL REGISTER on August 21, 1974. Of those responses received, nine (9) were wholly favorable as to the nature and content of the guidelines as they appeared in the FEDERAL REGISTER on August 21, 1974. Twenty-three (23) commentators submitted suggestions concerning the proposed Section 306 guidelines.

The following analysis summarizes key comments received on various sections of the draft regulations and presents a rationale for the changes made:

1. Several commentators asserted that the guidelines did not adequately reflect the environmental considerations contained in the Act. No changes were made in response to these comments since the guidelines more than adequately reflect the environmental concerns in the legislation as evidenced in part by the comment section under § 923.4:

> Management programs will be evaluated in the light of the Congressional findings and policies as contained in Section 302 and Section 303 of the Act. These sections make it clear that Congress, in enacting the legislation, was concerned about the environmental degradation, damage to natural and scenic areas, loss of living marine resources and wildlife, decreasing open space for public use and shoreline erosion being brought about by population growth and economic development. The Act thus has a strong environmental thrust, stressing the 'urgent need to protect and to give high priority to natural systems in the coastal zone.

2. Several comments were received on the necessity of the Secretary of Commerce preparing and circulating an environmental impact statement on each individual State application as required by § 923.5. The National Environmental Policy Act, 42 USC 4332, and implementing regulations, 38 FR 20562, August 1, 1973, require an environmental impact statement be prepared and circulated on each individual State's application. An environmental impact statement shall be prepared on each individual State's application by the Secretary, primarily on the basis of an environmental assessment, and other relevant data, prepared and submitted by the individual States. This section was amended to reflect the requirement of the National Environmental Policy Act environmental impact statement requirements.

3. Several comments indicated that the States did not have a clear understanding as to what was meant under § 923.11 (b)(4) which refers to Federal lands subject solely to the discretion of, or which is held in trust by, the Federal government, its officers and agents. This section has been amended in order to provide a procedure for identifying those lands which are within the framework of this section.

4. Several commentators indicated that there was uncertainty as to what the requirements of the national interest were pursuant to § 923.15. This section has been amended in order to more succinctly state what the requirements are pursuant to this section and how a State must meet these requirements during the development and administration of its coastal zone management program. At the request of several commentators, several additions have been made to the list of requirements which are other than local in nature.

5. Several commentators indicated that § 923.26, which pertains to the degree of State control needed to implement a coastal zone management program, did not offer sufficient guidance in interpreting the legislation. In response to these comments, § 923.26 has been expanded to include specific examples of how a State may implement this section.

6. Comments received indicate there was some misunderstanding in interpreting § 923.43, which deals with geographical segmentation. This section has been substantially amended in order to indicate that the segmentation issue refers to geographical segmentation of a State's coastal zone management program. The requirements for a State to receive approval on a segmented basis are clearly set forth in the amendment to the regulations.

7. Extensive discussions have taken place with various elements of the U.S. Environmental Protection Agency (EPA) concerning the applicability of air and water pollution requirements to the development, approval and implementation of State management programs pursuant to § 923.44 of the proposed regulations. State coastal zone management programs have also been surveyed in order to determine current and anticipated problems, issues and opportunities associated with carrying out the requirements of section 307(f) of the Coastal Zone Management Act, and § 923.44 of the draft approval regulations. Consolidated EPA comments have been received, together with State reviews, and one comment from the private sector. Specific clarifications and changes as a result of these reviews are contained in §§ 923.4, 923.12, 923.32 and § 923.44 of these regulations.

8. One commentator objected to the amount of detail required in section 306 applications and the undue administrative burden proposed pursuant to Sub-

part F of the proposed regulations. The revisions attempt to both clarify and reduce those requirements, while still requiring sufficient information for the Office of Coastal Zone Management to approve management programs and make sound funding decisions.

Accordingly, having considered the comments and other relevant information, the Administrator concludes by adopting the final regulations describing the procedure for application to receive administrative grants under section 306 of the Act, as modified and set forth below.

Effective date: January 8, 1975.

Dated: January 6, 1975.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

Subpart A—General

AUTHORITY: 86 Stat. 1280 (16 U.S.C. 1451–1464).

Subpart A—General

§ 923.1 Purpose.

(a) This part establishes criteria and procedures to be employed in reviewing and approving coastal zone management programs submitted by coastal States and for the awarding of grants under Section 306 of the Act.

(b) The Act sets forth in sections 305, 306 and 307 a number of specific requirements which a management program must fulfill as a condition for approval by the Secretary. These requirements are linked together as indicated in the subparts which follow. Presentation of the State management program in a similar format is encouraged since it will enable more prompt and systematic review by the Secretary. However, there is no requirement that a State present its management program in the format which corresponds exactly to the listing of categories below. The broad categories are: Land and Water Uses, Subpart B; Authorities and Organization, Subpart C; Coordination, Subpart D; and Miscellaneous, Subpart E. Subpart F, Applications for Administrative Grants, deals with applications for administrative grants upon approval of State coastal zone management programs which will be subject to periodic review by the Secretary in accordance with Section 309 of the Act. In addition to providing criteria against which State coastal zone management programs can be consistently and uniformly judged in the approval process and establishing procedures for the application by States for administrative grants, it is the intent of this part to provide guidance to coastal States in the development of management programs. Therefore, many of the sections dealing with approval requirement in the subparts are followed by a "comment" which refers to a section or sections of the Act and indicates the interpretation placed upon the requirements of the Act or the regulation by the Secretary.

§ 923.2 Definitions.

In addition to the terms defined in the Act and 15 CFR 920.2, the following terms shall have the meanings indicated below:

"Final approval" means, with respect to a coastal zone management program, approval of a program which terminates the eligibility of the State for grants under Section 305 of the Act and makes the State eligible for grants under Section 306 of the Act. In cases where a State has elected to follow the geographical segmentation option pursuant to § 923.43, final approval will apply only to that specific geographical segment. The State will continue to remain eligible for development grants pursuant to Section 305 of the Act for the remainder of the State's coastal zone.

"Preliminary approval" means, with respect to a coastal zone management program, approval of a program which does not terminate the eligibility of the State for further grants under Section 305 of the Act, and which does not make the State eligible for grants under Section 306 of the Act.

"Use of regional benefit" means a land or water use that typically provides benefits to a significant area beyond the boundaries of a single unit of the lowest level of local, general-purpose government.

§ 923.3 Submission of management programs.

(a) Upon completion of the development of its management program, a State shall submit the program to the Secretary for review and final approval in accordance with the provisions of these regulations. A program submitted for final approval must comply with all of the provisions set forth in Subparts A–E of this part, including, in particular, Subpart C, which requires that certain authorities and plans of organization be in effect at the time of the submission.

(b) Optionally, the State may submit for the preliminary approval of the Secretary a program complying with the substantive requirements of this part, but for which the proposed authorities and organization complying with the provisions of Subpart C are not yet legally effective. In reviewing a program submitted for preliminary approval, the Secretary may grant such approval subject to establishment of a legal regime providing the authorities and organization called for in the program. If the State elects this option, it shall continue to be eligible for funding under Section 305 but it shall not yet be eligible for funding under Section 306 of the Act until such time as its program is finally approved. Upon a showing by the State that authorities and organization necessary to implement the program which has received preliminary approval are in effect, final approval shall be granted.

Comment. The purpose of the optional procedure is to provide a State with an opportunity for Secretarial review of its program before State legislation is enacted to put the program into legal effect. Some States may prefer not to utilize the optional procedure, especially those which have legislative authority enabling the coastal zone agency of the State to put the program into effect by administrative action. In any event, the Office of Coastal Zone Management will be available for consultation during all phases of development of the program.

(c) States completing the requirements set forth in Subpart B—Land and Water Uses, and Subpart D—Coordination, will be deemed to have fulfilled the statutory requirements associated with each criteria. If, however, a State chooses to adopt alternative methods and procedures, which are at least as comprehensive as the procedures set forth below, for fulfilling those statutory requirements contained in Subparts B and D, they may do so upon prior written approval of the Secretary. The States are encouraged to consult with the Office of Coastal Zone Management as early as possible.

Comment. The thrust of the Act is to encourage coastal States to exercise their full

authority over the lands and waters in the coastal zone by developing land and water use programs for the zone, including unified policies, criteria, standards, methods and processes for dealing with land and water uses of more than local significance. While the Act mandates a State to meet specific statutory requirements in order for the State to be eligible for administrative grants, it does not require the State to follow specific processes in meeting those requirements. The Secretary will review any State management program that meets the requirements contained in Subparts B and D in addition to the other subparts contained herein.

§ 923.4 Evaluation of management programs—general.

(a) In reviewing management programs submitted by a coastal State pursuant to § 923.3, the Secretary will evaluate not only all of the individual program elements required by the Act and set forth in Subparts B–E of this part, but the objectives and policies of the State program as well to assure that they are consistent with national policies declared in Section 303 of the Act.

(b) Each program submitted for approval shall contain a statement of problems and issues, and objectives and policies. The statements shall address:

(1) Major problems and issues, both within and affecting the State's coastal zone;

(2) Objectives to be attained in interagency and intergovernmental cooperation, coordination and institutional arrangements; and enhancing management capability involving issues and problem identification, conflict resolution, regulation and administrative efficiency at the State and local level;

(3) Objectives of the program in preservation, protection, development, restoration and enhancement of the State's coastal zone;

(4) Policies for the protection and conservation of coastal zone natural systems, cultural, historic and scenic areas, renewable and non-renewable resources, and the preservation, restoration and economic development of selected coastal zone areas.

(c) The Secretary will review the management program for the adequacy of State procedures utilized in its development and will consider the extent to which its various elements have been integrated into a balanced and comprehensive program designed to achieve the above objectives and policies.

Comment. Evaluation of the statutory requirements established in this subpart will concentrate primarily upon the adequacy of State processes in dealing with key coastal problems and issues. It will not, in general, deal with the wisdom of specific land and water use decisions, but rather with a determination that in addressing those problems and issues, the State is aware of the full range of present and potential needs and uses of the coastal zone, and has developed procedures, based upon scientific knowledge, public participation and unified governmental policies, for making reasoned choices and decisions.

Management programs will be evaluated in the light of the Congressional findings and policies as contained in Sections 302 and 303 of the Act. These sections make it clear that Congress, in enacting the legislation, was concerned about the environmental degradation, damage to natural and scenic areas, loss of living marine resources and wildlife, decreasing open space for public use and shoreline erosion being brought about by population growth and economic development. The Act thus has a strong environmental thrust, stressing the "urgent need to protect and to give high priority to natural systems in the coastal zone." A close working relationship between the agency responsible for the coastal zone management program and the agencies responsible for environmental protection is vital in carrying out this legislative intent. States are encouraged by the Act to take into account ecological, cultural, historic and esthetic values as well as the need for economic development in preparing and implementing management programs through which the States, with the participation of all affected interests and levels of government, exercise their full authority over coastal lands and waters.

Further assistance in meeting the intent of the Act may be found in the Congressional Committee Reports associated with the passage of the legislation (Senate Report 92–753 and House Report 92–1049). It is clear from these reports that Congress intended management programs to be comprehensive and that a State must consider all subject areas which are pertinent to the particular circumstances which prevail in the State. A comprehensive program should have considered at least the following representative elements:

(1) Present laws, regulations, and applicable programs for attainment of air and water quality standards, on land and water uses, and on environmental management by all levels of government;

(2) Present ownership patterns of the land and water resources, including administration of publicly owned properties;

(3) Present populations and future trends, including assessments of the impact of population growth on the coastal zone and estuarine environments;

(4) Present uses, known proposals for changes and long-term requirements of the coastal zone;

(5) Energy generation and transmission;

(6) Estuarine habitats of fish, shellfish and wildlife;

(7) Industrial needs;

(8) Housing requirements;

(9) Recreation, including beaches, parks, wildlife preserves, sport fishing, swimming and pleasure boating;

(10) Open space, including educational and natural preserves, scenic beauty, and public access, both visual and physical, to coastlines and coastal estuarine areas;

(11) Mineral resources requirements;

(12) Transportation and navigation needs;

(13) Floods and flood damage prevention, erosion (including the effect of tides and currents upon beaches and other shoreline areas), land stability, climatology and meteorology;

(14) Communication facilities;

(15) Commercial fishing; and

(16) Requirements for protecting water quality and other important natural resources.

The list of considerations is not meant to be exclusive, nor does it mean that each consideration must be given equal weight. State initiative to determine other relevant factors and consider them in the program is essential to the management of the coastal zone as envisioned by Congress.

In assessing programs submitted for approval, the Secretary, in consultation with other concerned Federal agencies, will examine such programs to determine that the full range of public problems and issues affecting the coastal zone have been identified and considered. In this connection, developments outside the coastal zone may often have a significant impact within the coastal zone and create a range of public problems and issues which must be dealt with in the coastal zone management program.

The Secretary encourages the States to develop objectives toward which progress can be measured and will review program submissions in this light. While it is recognized that many essential coastal zone management objectives are not quantifiable (e.g. public aspirations, "quality of life"), others are, and should be set forth in measurable terms where feasible (e.g. shore erosion, beach access, recreational demand, energy facility requirements). Identifying and analyzing problems and issues in measurable terms during the program development phase will facilitate the formulation of measurable objectives as part of the approval submission.

§ 923.5 Environmental impact assessment.

Individual environmental impact statements will be prepared and circulated by NOAA as an integral part of the review and approval process for State coastal zone management programs pursuant to the National Environmental Policy Act (Pub. L. 91–190, 42 USC 4321 et seq) and its implementing regulations. The Administrator of NOAA will circulate an environmental impact statement prepared primarily on the basis of an environmental impact assessment and other relevant data submitted by the individual applicant States.

Subpart B—Land and Water Uses

§ 923.10 General.

(a) This subpart deals with land and water uses in the coastal zone which are subject to the management program.

(b) In order to provide a relatively simple framework upon which discussion of the specific requirements associated with this subpart may proceed, it may be helpful to categorize the various types of land and water uses which the Act envisions.

(1) The statutory definition of the landward portion of the coastal zone states that it "extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." Thus, the coastal zone will include those lands and only those lands where any existing, projected or potential use will have a "direct and significant impact on the coastal waters." Any such use will be subject to the terms of the management program, pursuant to Section 305(b)(2).

(2) There may well be uses of certain lands included within the coastal zone which will not have such "direct and significant impact." Such uses may be subject to regulation by local units of government within the framework of the management program.

(3) The Act also requires that management programs contain a method of assuring that "local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit." This requirement is described more fully in § 923.17.

(c) As part of the State's management program, it must address and exercise authority over the following:

(1) *Land and water uses which have a direct and significant impact upon coastal waters.* These uses are described more fully in § 923.12.

(2) *Areas of particular concern.* Section 305(b)(3) specifies that the management program include an inventory and designation of areas of particular concern within the coastal zone. Section 923.13 deals more thoroughly with this statutory requirement. Such areas must be considered of Statewide concern and must be addressed in the management program.

(3) *Siting of facilities necessary to meet requirements which are other than local in nature.* The management program must take "adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature" (Section 306(c)(8)). This requirement is more fully discussed in § 923.15.

§ 923.11 Boundaries of the coastal zone.

(a) *Requirement.* In order to fulfill the requirement contained in Section 305(b)(1), the management program must show evidence that the State has developed and applied a procedure for identifying the boundary of the State's coastal zone meeting the statutory definition of the coastal zone contained in Section 304(a). At a minimum this procedure should result in:

(1) A determination of the inland boundary required to control, through the management program, shorelands the uses of which have direct and significant impacts upon coastal waters,

(2) A determination of the extent of the territorial sea, or where applicable, of State waters in the Great Lakes,

(3) An identification of transitional and intertidal areas, salt marshes, wetlands and beaches,

(4) An identification of all Federally owned lands, or lands which are held in trust by the Federal government, its officers and agents in the coastal zone and over which a State does not exercise any control as to use.

(b) *Comment.* Statutory citation: Section 305(b)(1):

> Such management program shall include * * * an identification of the boundaries of the coastal zone subject to the management programs.

Useful background information concerning this requirement appears in Part 920.11, which is incorporated into this part by reference.

(1) The key to successful completion of this requirement lies in the development and use of a procedure designed to identify the landward extent of the coastal zone. Included in this procedure must be a method for determining those "shorelands, the uses of which have a direct and significant impact upon the coastal waters." These uses shall be considered the same as the "land and water uses" described in § 923.12, reflecting the requirements of Section 305(b)(2) of the Act regardless of whether those uses are found, upon analysis, to be "permissible." The coastal zone must include within it those lands which have any existing, projected or potential uses which have a direct and significant impact upon the coastal waters and over which the terms of the management program will be exercised. In some States, existing regulations controlling shoreland uses apply only in a strip of land of uniform depth (e.g. 250 feet, 1,000 yards, etc.) behind the shoreline. Such a boundary will be acceptable if it approximates a boundary developed according to the procedure outlined above and extends inland sufficiently for the management program to control lands the uses of which have a direct and significant impact upon coastal waters. States may wish, for administrative convenience, to designate political boundaries, cultural features, property lines or existing designated planning and environmental control areas, as boundaries of the coastal zone. While the Secretary will take into account the desirability of identifying a coastal zone which is easily regulated as a whole, the selection of the boundaries of the coastal zone must bear a reasonable relationship to the statutory requirement. Nothing in this part shall preclude a State from exercising the terms of the management program in a landward area more extensive than the coastal zone called for in this part. If such a course is selected, the boundaries of the coastal zone must nevertheless be identified as above and the provisions of the Act will be exercised only in the defined coastal zone. It should be borne in mind that the boundary should include lands and waters which are subject to the management program. This means that the policies, objectives and controls called for in the management program must be capable of being applied consistently within the area. The area must not be so extensive that a fair application of the management program becomes difficult or capricious, nor so limited that lands strongly influenced by coastal waters and over which the management program should reasonably apply, are excluded.

(2) Inasmuch as the seaward boundary of the coastal zone is established in the Act, the States will be required to utilize the statutory boundary, i.e. in the Great Lakes, the international boundary between the United States and Canada, and elsewhere the outer limits of the United States territorial sea. At present, this limit is three nautical miles from the appropriate baselines recognized by international law and defined precisely by the United States. In the event of a statutory change in the boundary of the territorial sea, the question of whether a corresponding change in coastal zone boundaries must be made, or will be made by operation of law, will depend on the specific terms of the statutory change and cannot be resolved in advance. In the waters of Lake Michigan, the boundary shall extend to the recognized boundaries with adjacent States.

(3) A State's coastal zone must include transitional and intertidal areas, salt marshes, wetlands and beaches. Hence the boundary determination procedure must include a method of identifying such coastal features. In no case, however, will a State's landward coastal zone boundary include only such areas in the absence of application of the procedure called for herein or in § 923.43.

(4) Since the coastal zone excludes lands the use of which is by law subject solely to the discretion of, or which is held in trust by the Federal government, its officers and agents, the coastal zone boundary must identify such lands which are excluded from the coastal zone. In order to complete this requirement, the State should indicate those Federally owned lands, or lands held in trust by the Federal government, *and* over which the State does not exercise jurisdiction as to use. In the event that a State fails to identify lands held by an agency of the Federal government as excluded lands, and the agency, after review of the program under Section 307(b), is of the opinion that such lands should be excluded, the disagreement will be subject to the mediation process set forth in said section.

§ 923.12 Permissible land and water uses.

(a) *Requirement.* In order to fulfill the requirements contained in Section 305(b)(2), the management must show evidence that the State has developed and applied a procedure for defining "permissible land and water uses within the coastal zone which have a direct and significant impact upon the coastal waters," which includes, at a minimum;

(1) a method for relating various specific land and water uses to impact upon coastal waters, including utilization of an operational definition of "direct and significant impact,"

(2) an inventory of natural and manmade coastal resources,

(3) an analysis or establishment of a method for analysis of the capability and suitability for each type of resource and application to existing, projected or potential uses.

(4) an analysis or establishment of a method for analysis of the environmental impact of reasonable resource utilizations.

(b) *Comment.* Statutory citation: Section 305(b)(2):

> Such management program shall include * * * a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact upon the coastal waters.

Useful background information concerning this requirement appears in 15 CFR 920.12, which is incorporated into this part by reference. Completion of this requirement should be divided into two distinct elements: a determination of those land and water uses having a direct and significant impact upon coastal waters, and an identification of such uses which the State deems permissible.

(1) *Section 305(b)(4).* In identifying those uses which have a "direct and sig-

nificant impact," the State should define that phrase in operational terms that can be applied uniformly and consistently, and should develop a method for relating various uses to impacts upon coastal waters. Existing, projected and potential uses should be analyzed as to the level and extent of their impact, be it adverse, benign or beneficial, intrastate or interstate. These impacts should then be assessed to determine whether they meet the definition of "direct and significant impact upon coastal waters." (These are the ones by which the boundaries of the coastal zone are defined.) Those uses meeting that definition are automatically subject to control by the management program.

(2) In determining which land and water uses may be deemed permissible, a State should develop a method for assuring that such decisions are made in an objective manner, based upon evaluation of the best available information concerning land and water capability and suitability. This method should include at a minimum:

(i) An inventory of significant natural and man-made coastal resources, including but not limited to, shorelands, beaches, dunes, wetlands, uplands, barrier islands, waters, bays, estuaries, harbors and their associated facilities. This should not be construed as requiring long-term, continuing research and baseline studies, but rather as providing the basic information and data critical to successful completion of a number of required management program elements. States are encouraged, however, to continue research and studies as necessary to detect early warnings of changes to coastal zone resources. It is recognized that in some States a complete and detailed inventory of such resources may be expensive and time consuming in relation to the value of information gathered in the development of the management program. Much information, of course, already exists and should be integrated into the inventory. The Secretary, in reviewing this particular requirement, will take into account the nature and extent of the State's coastline, the funding available and existing data sources.

(ii) An analysis or establishment of a method for analysis of the capabilities of each resource for supporting various types of uses (including the capability for sustained and undiminished yield of renewable resources), as well as of the suitability for such resource utilization when evaluated in conjunction with other local, regional and State resources and uses. Resource capability analysis should include physical, biological and chemical parameters as necessary.

(iii) An analysis or establishment of a method for analysis of the impact of various resource uses upon the natural environment (air, land and water). Based upon these analyses and applicable Federal, State and local policies and standards, the State should define permissible uses as those which can be reasonably and safely supported by the resource, which are compatible with surrounding resource utilization and which will have a tolerable impact upon the environment. These analyses, in part, will be provided through existing information on environmental protection programs, and should be supplemented to the extent necessary for determining the relationship between land uses and environmental quality. Where a State prohibits a use within the coastal zone, or a portion thereof, it should identify the reasons for the prohibition, citing evidence developed in the above analyses. It should be pointed out that uses which may have a direct and significant impact on coastal waters when conducted close to the shoreline may not have a direct and significant impact when conducted further inland. Similarly, uses which may be permissible in a highly industrialized area may not be permissible in a pristine marshland. Accordingly, the definition may also be correlated with the nature (including current uses) and location of the land on which the use is to take place. The analyses which the State will undertake pursuant to this section should also be useful in satisfying the requirements of § 923.13 through § 923.17.

§ 923.13 Areas of particular concern.

(a) *Requirement.* In order to fulfill the requirements contained in Section 305 (b)(3), the management program must show evidence that the State has made an inventory and designation of areas of particular concern within the coastal zone. Such designations shall be based upon a review of natural and man-made coastal zone resources and uses, and upon consideration of State-established criteria which include, at a minimum, those factors contained in 15 CFR 920.13, namely:

(1) Areas of unique, scarce, fragile or vulnerable natural habitat, physical feature, historical significance, cultural value and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive;

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.; and

(8) Areas needed to protect, maintain or replenish coastal lands or resources, including coastal flood plains, aquifer recharge areas, sand dunes, coral and other reefs, beaches, offshore sand deposits and mangrove stands.

(b) *Comment.* Statutory citation: Section 305(b)(3).

> Such management program shall include * * * an inventory and designation of areas of particular concern within the coastal zone.

Useful background information concerning the requirement appears in 15 CFR 920.13, which is incorporated here by reference. It should be emphasized that the basic purpose of inventorying and designating areas of particular concern within the coastal zone is to express some measure of Statewide concern about them and to include them within the purview of the management program. Therefore, particular attention in reviewing the management program will be directed toward development by the State of implementing policies or actions to manage the designated areas of particular concern.

§ 923.14 Guidelines on priority of uses.

(a) *Requirement.* The management program shall include broad policies or guidelines governing the relative priorities which will be accorded in particular areas to at least those permissible land and water uses identified pursuant to § 923.12. The priorities will be based upon an analysis of State and local needs as well as the effect of the uses on the area. Uses of lowest priority will be specifically stated for each type of area.

(b) *Comment.* Statutory citation: Section 305(b)(5)

> Such management program shall include * * * broad guidelines on priority of uses in particular areas, including specifically those uses of lowest priority.

As pointed out in 15 CFR 920.15, the priority guidelines will set forth the degree of State interest in the preservation, conservation and orderly development of specific areas including at least those areas of particular concern identified in § 923.13 within the coastal zone, and thus provide the basis for regulating land and water uses in the coastal zone, as well as a common reference point for resolving conflicts. Such priority guidelines will be the core of a successful management program since they will provide a framework within which the State, its agencies, local governments and regional bodies can deal with specific proposals for development activities in various areas of the coastal zone. In order to develop such broad guidelines, the management program shall indicate that a method has been developed and applied for (1) analyzing State needs which can be met most effectively and efficiently through land and water uses in the coastal zone, and (2) determining the capability and suitability of meeting these needs in specific locations in the coastal zone. In analyzing the States' needs, there should be a determination made of those requirements and uses which have Statewide, as opposed to local, significance. Section 302(h) of the Act states in part that land and water use programs for the coastal zone should include "unified policies, criteria, standards, methods and processes for dealing with land and water use decisions of more than local significance." The inventory and analyses of coastal resources and uses called for in § 923.12 will provide the State with most of the basic data needed to determine the specific locations where coastal resources are capable and suitable for meeting State-

wide needs. In addition, these analyses should permit the State to determine possible constraints on development which may be applied by particular uses. The program should establish special procedures for evaluating land use decisions, such as the siting of regional energy facilities, which may have a substantial impact on the environment. In such cases, the program should make provision for the consideration of available alternative sites which will serve the need with a minimum adverse impact. The identifying and ordering of use priorities in specific coastal areas should lead to the development and adoption of State policies or guidelines on land and water use in the coastal zone. Such policies or guidelines should be part of the management program as submitted by the State and should be consistent with the State's specified management program objectives. Particular attention should be given by the State to applying these guidelines on use priorities within those "areas of particular concern" designated pursuant to § 923.13. In addition, States shall indicate within the management program uses of lowest priority in particular areas, including guidelines associated with such uses.

§ 923.15 National interest in the siting of facilities.

(a) *Requirement.* A management program which integrates (through development of a body of information relating to the national interest involved in such siting through consultation with cognizant Federal and regional bodies, as well as adjacent and nearby States) the siting of facilities meeting requirements which are of greater than local concern into the determination of uses and areas of Statewide concern, will meet the requirements of Section 306(c)(8).

(b) *Comment.* Statutory citation: Section 306(c)(8):

> Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the management program provides for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature.

This policy requirement is intended to assure that national concerns over facility siting are expressed and dealt with in the development and implementation of State coastal zone management programs. The requirement should not be construed as compelling the States to propose a program which accommodates certain types of facilities, but to assure that such national concerns are included at an early stage in the State's planning activities and that such facilities not be arbitrarily excluded or unreasonably restricted in the management program without good and sufficient reasons. It is recognized that there may or may not be a national interest associated with the siting of facilities necessary to meet requirements which are other than local in nature. Requirements which are other than local in nature shall be considered those requirements which, when fulfilled, result in the establishment of facilities designed clearly to serve more than one locality (generally, the lowest unit of local, general-purpose government, excluding situations such as with cities and counties which exercise concurrent jurisdiction for the same geographic areas). In order to provide assistance to the States in completing this requirement, a listing is presented below which identifies those requirements which are both (1) other than local in nature, and (2) possess siting characteristics in which, in the opinion of the Secretary, there may be a clear national interest. For each such need, there is a listing of associated facilities. In addition, the principal cognizant Federal agencies concerned with these facilities are also listed. This list must not be considered inclusive, but the State should consider each requirement and facility type in the development of its management program. Consideration of these requirements and facilities need not be seen as a separate and distinct element of the management program, and the listing is provided to assure that the siting of such facilities is not overlooked or ignored. As part of its determination of permissible uses in the coastal zone (§ 923.12), as well as of priority of uses (§ 923.14), the State will have developed a procedure for inventorying coastal resources and identifying their existing or potential utilization for various purposes based upon capability, suitability and impact analyses. The process for responding to the requirements of Section 306(c)(8) should be identical to, and part of, the same procedure. No separate national interest "test" need be applied and submitted other than evidence that the listed national interest facilities have been considered in a manner similar to all other uses, and that appropriate consultation with the Federal agencies listed has been conducted. As a preliminary to adequate consideration of the national interest, the State must determine the needs for such facilities. Management programs must recognize the need of local as well as regional and national populations for goods and services which can be supplied only through the use of facilities in the coastal zone in order to make reasonable provision for such facilities in light of the size and population of the State, the length and characteristics of its coast and the contribution such State is already making to regional and national needs. This will require the State to enter into discussions with appropriate Federal agencies and agencies of other States in the region, a process which should begin early in the development of the management program so that the full dimensions of the national interest may be considered as the State develops its program (§ 923.31 and §923.32). The management program should make reference to the views of cognizant Federal agencies as to how these national needs may be met in the coastal zone of that particular State. States should actively seek such guidance from these Federal agencies, particularly in view of the fact that all management programs will be reviewed with the opportunity for full comment by all affected Federal agencies prior to approval. It is recognized that Federal agencies will differ markedly in their abilities to articulate policies regarding utilization of individual State's coastal zones. NOAA's Office of Coastal Zone Management will encourage Federal agencies to develop policy statements regarding their perception of the national interest in the coastal zone and make these available to the States. The States should also consult with adjacent and nearby States which share similar or common coastal resources or with regional interstate bodies to determine how regional needs may be met in siting facilities. Specific arrangements of "tradeoffs" of coastal resource utilization should be documented with appropriate supporting evidence. The importance of this type of interstate consultation and cooperation in planning cannot be overemphasized for it offers the States the opportunity of resolving significant national problems on a regional scale without Federal intervention.

Requirements which are other than local in nature and in the siting of which there may be a clear national interest (with associated facilities and cognizant Federal agencies)

Requirements	Associated facilities	Cognizant Federal Agencies
1. Energy production and transmission.	Oil and gas wells; storage and distribution facilities; refineries; nuclear, conventional, and hydroelectric powerplants; deepwater ports.	Federal Energy Administration, Federal Power Commission, Bureau of Land Management, Atomic Energy Commission, Maritime Administration, Geological Survey, Department of Transportation, Corps of Engineers.
2. Recreation (of an interstate nature)	National seashores, parks, forests; large and outstanding beaches and recreational waterfronts; wildlife reserves.	National Park Service, Forest Service, Bureau of Outdoor Recreation.
3. Interstate transportation	Interstate highways, airports, aids to navigation; ports and harbors, railroads.	Federal Highway Administration, Federal Aviation Administration, Coast Guard, Corps of Engineers, Maritime Administration, Interstate Commerce Commission.
4. Production of food and fiber	Prime agricultural land and facilities; forests; mariculture facilities; fisheries.	Soil Conservation Service, Forest Service, Fish and Wildlife Service, National Marine Fisheries Service.
5. Preservation of life and property	Flood and storm protection facilities; disaster warning facilities.	Corps of Engineers, Federal Insurance Administration, NOAA, Soil Conservation Service.
6. National defense and aerospace	Military installations; defense manufacturing facilities; aerospace launching and tracking facilities.	Department of Defense, NASA.
7. Historic, cultural, esthetic and conservation values.	Historic sites; natural areas; areas of unique cultural significance; wildlife refuges; areas of species and habitat preservation.	National Register of Historic Places, National Park Service, Fish and Wildlife Service, National Marine Fisheries Service.
8. Mineral resources	Mineral extraction facilities needed to directly support activity.	Bureau of Mines, Geological Survey.

§ 923.16 Area designation for preservation and restoration.

(a) *Requirement.* In order to fulfill the requirement contained in Section 306(c)(9), the management program must show evidence that the State has developed and applied standards and criteria for the designation of areas of conservation, recreational, ecological or esthetic values for the purpose of preserving and restoring them.

(b) *Comment.* Statutory citation: Section 306(c)(9):

> Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the management program makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreation, ecological or esthetic values.

(1) This requirement is closely linked to that contained in § 923.13, dealing with designation of areas of particular concern. Unless the State can make a compelling case to the contrary, all areas designated according to the methods called for in this part shall also be considered as areas of particular concern.

(2) This requirement is reasonably self-explanatory. The State must develop procedures for the designation of areas with certain characteristics. The State, in doing so, must:

(i) Establish standards and criteria for the possible designation of coastal areas intended for preservation or restoration because of their conservation, recreational, ecological or esthetic values, and

(ii) Apply those standards and criteria to the State's coastal resources. (In this, the inventory associated with the requirement of § 923.13 will be most helpful.)

(3) The requirement of the statute goes to the procedures rather than substance; the fact that a State may be unable to move rapidly ahead with a program of preservation or restoration will not prevent the program from being approved. The State should also rank in order of relative priority areas of its coastal zone which have been designated for the purposes set forth in this section. As funds become available, such a ranking will provide a set of priorities for selecting areas to be preserved or restored.

§ 923.17 Local regulations and uses of regional benefit.

(a) *Requirement.* In order to fulfill the requirement contained in Section 306(e)(2), the management program must show evidence that the State has developed and applied a method for determining uses of regional benefit, and that it has established a method for assuring that local land and water use controls in the coastal zone do not unreasonably or arbitrarily restrict or exclude those uses of regional benefit.

(b) *Comment.* Statutory citation: Section 306(e)(2):

> Prior to granting approval, the Secretary shall also find that the program provides * * * for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit.

This requirement is intended to prevent local land and water use decisions from arbitrarily excluding certain land and water uses which are deemed of importance to more than a single unit of local government. For the purposes of this requirement, a use of regional benefit will be one which provides services or other benefits to citizens of more than one unit of local, general-purpose government (excluding situations such as in cities and counties which exercise jurisdiction over the same geographic areas). In order to assure that arbitrary exclusion does not occur, the State must first identify those uses which it perceives will affect or produce some regional benefit. This designation would normally be derived from the inventory and analysis of the uses contained in § 923.12. In any event, however, these uses should include those contained in the table of § 923.15. In addition, the State may determine that certain land and water uses may be of regional benefit under certain sets of circumstances; the State should then establish standards and criteria for determining when such conditions exist. There should be no blanket exclusion or restrictions of these uses in areas of the coastal zone by local regulation unless it can be shown that the exclusion or restriction is based upon reasonable considerations of the suitability of the area for the uses or the carrying capacity of the area. The requirement of this section does not exclude the possibility that in specific areas certain uses of regional benefit may be prohibited. However, such exclusions may not be capricious. The method by which the management program will assure that such unreasonable restrictions or exclusion not occur in local land and water use decisions will, of course, be up to the State, but it should include the preparation of standards and criteria relating to State interpretation of "unreasonable restriction or exclusion", as well as the establishment of a continuing mechanisms for such determination.

Subpart C—Authorities and Organization

§ 923.20 General.

This subpart deals with requirements that the State possess necessary authorities to control land and water uses and that it be organized to implement the management. It should be emphasized that before final approval of a coastal zone management program can be given by the Secretary of Commerce, the authorities and organizational structure called for in the management program must be in place. Preliminary approval, however, can be given to a proposal which will require subsequent legislative or executive action for implementation and eligibility for administrative grants under Section 306.

§ 923.21 Means of exerting State control over land and water uses.

(a) *Requirement.* In order to fulfill the requirements contained in Sections 305(b)(4) and 306(c)(7), the management program must show evidence that the State has identified a means for controlling each permissible land and water use specified in § 923.12, and for precluding land and water uses in the coastal zone which are not permissible. The management program should contain a list of relevant constitutional provisions, legislative enactments, regulations, judicial decisions and other appropriate official documents or actions which establish the legal basis for such controls, as well as documentation by the Governor or his designated legal officer that the State actually has and is prepared to implement the authorities, including those contained in Section 306(d), required to implement the objectives, policies and individual components of the program.

(b) *Comment.* Statutory citation: Section 305(b)(4):

> Such management program shall include * * * an identification of the means by which the State proposes to exert control over the land and water uses referred to in paragraph (2) of this subsection, including a listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions;

Statutory citation: Section 306(c)(7):

> Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the State has the authorities necessary to implement the program, including the authority required under subsection (d) of this section.

Useful information concerning this requirement appears in 15 CFR 920.14, which is incorporated into this part by reference. The key words in this requirement are, "to exert control over the land and water uses." This reflects the Congressional finding that the "key to more effective protection and use of the land and water resources of the coastal zone is to encourage the States to exercise their full authority over the lands and waters in the coastal zone * * *." It is not the intent of this part to specify for the States the "means" of control; this is a State responsibility. The State must, however, describe in the management program its rationale for developing and deciding upon such "means." The "means" must be capable of actually implementing the objectives, policies and individual components of the management program. As such, requirements shall be reviewed in close conjunction with § 923.24, 923.25 and § 923.26, relating to actual authorities which the State must possess. The management program should also indicate those specific land and water uses over which authority, jurisdiction or control will be exercised concurrently by both State and Federal agencies, particularly those uses affecting water resources, submerged lands and navigable waters. The management program must provide for control of land and water uses in the coastal zone, although the exercise of control may be vested in, or delegated to, various agencies or local government. As part of the approval of a management program, the Secretary must find that the means for controlling land and water uses identified in § 923.21 are established and in place, and that the means include the

authorities contained in § 923.24 and § 923.25. This finding will be based upon documentation by the Governor of the coastal State or his designated legal officer that the State possesses and is prepared to implement the requisite authorities.

§ 923.22 Organizational structure to implement the management program.

(a) *Requirement.* In order to fulfill the requirement contained in Section 305(b)(6), the management program must contain a description of how the State is organized to implement the authorities identified in § 923.21. In addition, the management program must contain a certification by the Governor of the State or his designated legal officer that the State has established its organizational structure to implement the management program.

(b) *Comment.* Statutory citation: Section 305(b)(6):

> Such management program shall include * * * a description of the organizational structure proposed to implement the management program, including the responsibilities and interrelationships of local, areawide, State, regional and interstate agencies in the management process.

Statutory citation: Section 306(c)(6):

> Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the State is organized to implement the management program required under paragraph (1) of this subsection.

Useful background information and guidance concerning this requirement appears in 15 CFR 920.16, which is incorporated into this part by reference. The legislative history of the Act makes it clear that the States should be accorded maximum flexibility in organizing for implementation of their coastal zone management programs. Thus, neither the Act nor this part provide an organizational model which must be followed. While individual State programs may have a wide range of interstate, State, local or areawide agency roles to play, the program will be reviewed closely for assurance that it constitutes an organized and unified program. Consistent with this principle, there must be a clear point of responsibility for the program, although program implementation may be undertaken by several State entities. In those cases, where a complex interagency and intergovernmental process is established, the State must submit a description of roles and responsibilities of each of the participants and how such roles and responsibilities contribute to a unified coastal zone management program. This description should be sufficiently detailed to demonstrate that a coherent program structure has been proposed by the State and the State is prepared to act in accordance with the objectives of the management program. Although the Act does not prescribe the creation of a central management agency at the State level, it envisions the creation of a coastal zone management entity that has adequate legislative and/or executive authority to implement the policies and requirements mandated in the Act. Review of the management program for compliance with this requirement will be undertaken as a single review with review of the requirements contained in § 923.31, full participation by interested bodies in adoption of management programs, and § 923.23, designation of a single State agency.

§ 923.23 Designation of a single agency.

(a) *Requirement.* In order to fulfill the requirement of Section 306(c)(5), the management program must contain appropriate documentation that the Governor of the coastal State has designated a single agency to be responsible for receiving and administering grants under Section 306 for implementing an approved management program.

(b) *Comment.* Statutory citation: Section 306(c)(5):

> Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the Governor of the State has designated a single agency to receive and administer the grants for implementing the management program required under paragraph (1) of this subsection.

This requirement is closely related to that contained in § 923.22, relating to a description of the organizational structure which will implement the management program. While this requirement is self-explanatory, it should be pointed out that States will undoubtedly come forward with a wide variety of organizational structures to implement approved management programs. Some will probably be quite complex, utilizing a variety of control techniques at a number of governmental levels. Nothing in this part should be construed as limiting the options available to a State for implementing its program. The purpose of the requirement is simply to identify a single agency which will be fiscally and programmatically responsible for receiving and administering the grants under Section 306 to implement the approved management program.

§ 923.24 Authorities to administer land and water uses, control development and resolve conflicts.

(a) *Requirement.* (1) The management program must contain documentation by the Governor or his designated legal officer that the agencies and governments chosen by the State to administer the management program have the authority to administer land and water regulations, control development in accordance with the management program and to resolve use conflicts.

(b) *Comment.* Statutory citation: Section 306(d)(1):

> Prior to granting approval of the management program, the Secretary shall find that the State, acting through its chosen agency or agencies, including local governments, areawide agencies designated under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power * * * to administer land and water use regulations, control development in order to ensure compliance with the management program and to resolve conflicts among competing uses * * *.

This requirement shall be reviewed in close conjunction with that of §§ 923.21, 923.25 and § 923.26, dealing with authorities which the State's organizational structure must possess in order to ensure implementation of the management program. The language of this requirement makes it clear that the State may choose to administer its program using a variety of levels of governments and agencies, but that if it does, the State must have available to it the authorities specified.

§ 932.25 Authorities for property acquisition.

(a) *Requirement.* The management program shall contain documentation by the Governor or his designated legal officer that the agency or agencies, including local governments, areawide agencies, regional or interstate agencies, responsible for implementation of the management program have available the power to acquire fee simple and less than fee simple interests in lands, waters and other property through condemnation or other means where necessary to achieve conformance with the management program. Where the power includes condemnation, the State shall so indicate. Where the power includes other means, the State shall specifically identify such means.

(b) *Comment.* Statutory citation: Section 306(d)(2):

> Prior to granting approval of the management program, the Secretary shall find that the State, acting through its chosen agency or agencies, including local governments, areawide agencies designated under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies or interstate agencies, has authority for the management of the coastal zone in accordance with the management program. Such authority shall include power * * * to acquire fee simple and less than fee simple interests in lands, waters and other property through condemnation or other means when necessary to achieve conformance with the management program * * *.

In most cases, it will not be necessary to acquire fee simple ownership. Normally, appropriate use restrictions will be adequate to achieve conformance with the program. In other cases, an easement may be necessary to achieve conformance with the management program. Where acquisition is necessary, this section contemplates acquisition by condemnation or through other means. However, the mere authority to acquire an interest in lands or waters by purchase from a willing vendor will not be sufficient in cases where the acquisition of interests in real property is a necessary and integral part of the program. In such cases, the power of condemnation need be no broader than necessary to achieve conformance with the program. For example, if a State's program includes provisions expressly requiring that power transmission lines and pipelines be located in specified energy and transportation corridors to minimize environmental impact, and for State ac-

quisition of such transportation corridors, then the State should have the power to acquire corridors for such purposes through condemnation. It is not necessary that the power to acquire real property be held by any one particular agency involved in implementing the management program. The authority must, however, be held by one or more agencies or local governments with a statutory responsibility to exercise the authority without undue delay when necessary to achieve conformance with the management program.

§ 923.26 Techniques for control of land and water uses.

(a) *Requirement.* The management program must contain documentation by the Governor or his designated legal officer that all existing, projected and potential land and water uses within the coastal zone may be controlled by any one or a combination of the techniques specified in Section 306(e)(1).

(b) *Comment.* Statutory citation: Section 306(e)(1):

> Prior to granting approval, the Secretary shall also find that the program provides * * * for any one or a combination of the following general techniques for control of land and water uses within the coastal zone:

(1) Section 306(e)(1)(A) "State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance." This option requires the State to establish general criteria and standards within the framework of the coastal zone program for implementation by local government. Such criteria and standards would provide for application of criteria and standards to specific local conditions. Implementation by a local unit of government would consist of adoption of a suitable local zoning ordinance or regulation, and enforcement on a continuing basis. Administrative review at the State level requires provision for review of local ordinances and regulations and local enforcement activity for consistency with the criteria and standards as well as programs, not review of specific cases on the merits. In the event of deficiencies either in regulation or local enforcement, State enforcement of compliance would require either appropriate changes in local regulation or enforcement or direct State intervention.

(2) Section 306(e)(1)(B) "Direct State land and water use planning and regulation." Under this option the State would become directly involved in the establishment of detailed land and water use regulations and would apply these regulations to individual cases. Initial determinations regarding land and water use in the coastal zone would be made at the State level. This option preempts the traditional role of local government in the zoning process involving lands or waters within the coastal zone.

(3) Section 306(e)(1)(C) "State administrative review for consistency with the management program of all development plans, projects, or land and water regulations, including exceptions and variances thereto proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings." This option leaves the local unit of government free to adopt zoning ordinances or regulations without State criteria and standards other than the program itself, but subjects certain actions by the local unit of government to automatic State review, including public notice and a hearing when requested by a party. Such actions include:

(i) Adoption of land and water use regulations, ordinarily in the form of a zoning ordinance or regulation.

(ii) Granting of an exception or variance to a zoning ordinance or regulation.

(iii) Approval of a development plan or project proposed by a private developer. This may be defined to exclude approval of minor projects, such as small residences or commercial establishments, or those which do not have a significant impact.

(4) It should be noted that State review is for consistency with the management program, not of the merits or of the facts on which the local decision is based.

(5) The State may choose to utilize only one of the specified techniques, or more than one, or a combination of them in different locations or at different times. Within the parameters set forth in the requirement, there is a large variety of tools which the management program could adopt for controlling land and water uses. The program should identify the techniques for control of land and water uses which it intends to use for existing, projected and potential uses within the coastal zone. This requirement will be reviewed in close conjunction with those contained in §§ 923.21, 923.24 and 923.25, dealing with State authorities to implement the management program.

Subpart D—Coordination

§ 923.30 General.

One of the most critical aspects of the development of State coastal zone management programs will be the ability of the States to deal fully with the network of public, quasi-public and private bodies which can assist in the development process and which may be significantly impacted by the implementation of the program. Each State will have to develop its own methods for accommodating, as appropriate, the varying, often conflicting interests of local governments, water and air pollution control agencies, regional agencies, other State agencies and bodies, interstate organizations, commissions and compacts, the Federal government and interested private bodies. It is the intent of these requirements for coordination with governmental and private bodies to assure that the State, in developing its management program, is aware of the full array of interests represented by such organizations, that opportunity for participation was provided, and that adequate consultation and cooperation with such bodies has taken place and will continue in the future.

§ 923.31 Full participation by relevant bodies in the adoption of management programs.

(a) *Requirement.* In order to fulfill the requirement contained in section 306(c)(1), the management program must show evidence that:

(1) The management program has been formally adopted in accordance with State law or, in its absence, administrative regulations;

(2) The State has notified and provided an opportunity for full participation in the development of its management program to all public and private agencies and organizations which are liable to be affected by, or may have a direct interest in, the management program. The submission of the management program shall be accompanied by a list identifying the agencies and organizations referred to in paragraph (a)(2) of this section, the nature of their interest, and the opportunities afforded such agencies and organizations to participate in the development of the management program. These organizations should include those identified pursuant to § 923.32, which have developed local, areawide or interstate plans applicable to an area within the coastal zone of the State as of January 1 of the year in which the management program is submitted for approval; and

(3) The management program will carry out the policies enumerated in section 303 of the Act.

(b) *Comment.* Statutory citation: Section 306(c)(1):

> Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * (t)he State has developed and adopted a management program for its coastal zone in accordance with rules and regulations promulgated by the Secretary, after notice, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private, which is adequate to carry out the purposes of this title and is consistent with the policy declared in section 303 of this title.

This requirement embodies the actual approval by the Secretary of Commerce of a State's coastal zone management program pursuant to all of the terms of the Act, plus associated administrative rules and regulations. As the operative section, it subsumes all of the requirements included in this part, which shall be considered the "rules and regulations promulgated by the Secretary" mentioned in section 306(c)(1). The citation, however, also includes some specific additional requirements, for which guidance and performance criteria are necessary. These additional requirements include:

(1) Adoption of the management program by the State. The management program must demonstrate that it represents the official policy and objectives of the State. In general, this will require

documentation in the management program that the State management entity has formally adopted the management program in accordance with either the rules and procedures established by statute, or in the absence of such law, administrative regulations.

(2) Opportunity for full participation by relevant Federal agencies, State agencies, local governments, regional organizations, port authorities, and other interested parties, public and private. A major thrust of the Act is its concern for full participation and cooperation in the development and implementation of management programs by all inferested and affected agencies; organizations and individuals. This is specifically included in the statement of national policy in section 303(c). The State must provide evidence that the listed agencies and parties were, in fact, provided with an opportunity for full participation. It will be left to the States to determine the method and form of such evidence, but it should contain at a minimum:

(i) A listing, as comprehensive as possible, of all Federal and State agencies, local governments, regional organizations, port authorities and public and private organizations which are likely to be affected by, or have a direct interest in, the development and implementation of a management program (including those identified in § 923.32), and

(ii) A listing of the specific interests of such organizations in the development of the management program, as well as an identification of the efforts made to involve such bodies in the development process.

(*a*) "Opportunity for full participation" is interpreted as requiring participation at all appropriate stages of management program development. The assistance which can be provided by these public and private organizations can often be significant, and therefore contact with them should be viewed not only as a requirement for approval, but as an opportunity for tapping available sources of information for program development. Early and continuing contact with these agencies and organizations is both desirable and necessary. In many cases it may be difficult or impossible to identify all interested parties early in the development of the State's program. However, the public hearing requirement of § 923.41 should afford an opportunity to participate to interested persons and organizations whose interest was not initially noted.

(3) Consistency with the policy declared in section 303 of the Act. In order to facilitate this review, the State's management program must indicate specifically how the program will carry out the policies enumerated in section 303.

§ 923.32 Consultation and coordination with other planning.

(a) *Requirement.* In order to fulfill the requirements contained in section 306(c)(2), the management program must include:

(1) An identification of those entities mentioned which have plans in effect on January 1 of the year submitted,

(2) A listing of the specific contacts made with all such entities in order to coordinate the management program with their plans,

(3) An identification of the conflicts with those plans which have not been resolved through coordination, and continuing actions contemplated to attempt to resolve them, and

(4) Indication that a regular consultive mechanism has been established and is active, to undertake coordination between the single State agency designated pursuant to § 923.23, and the entities in paragraph (B) of Section 306(c)(2).

(b) *Comment.* Statutory citation: Section 306(c)(2):

"Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find * * * that the State has:

(A) Coordinated its program with local, areawide and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the State's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(B) Established an effective mechanism for continuing consultation and coordination between the management agency designated pursuant to paragraph (5) of this subsection and with local governments, interstate agencies, regional agencies and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this title."

Relevant background information on this requirement appears in 15 CFR 920.45(f), and is incorporated by reference herein. While the State will exercise its authority over land and water uses of Statewide significance in the coastal zone by one or more of the techniques set forth in § 923.28, the State management program must be coordinated with existing plans applicable to portions of the coastal zone. It should be noted that this section does not demand compliance of the State program with local plans, but the process envisioned should enable a State not only to avoid conflicts and ambiguities among plans and proposals, but to draw upon the planning capabilities of a wide variety of governments and agencies. Coordination implies a high degree of cooperation and consultation among agencies, as well as a mutual willingness on the part of the participants to accommodate their activities to the needs of the others in order to carry out the public interest. Perceptions of the public good will differ and it is recognized that not all real or potential conflicts can be resolved by this process. Nevertheless, it is a necessary step. Effective cooperation and consultation must continue as the management program is put into operation so that local governments, interstate, regional and areawide agencies can continue to participate in the carrying out of the management program. The "plans" referred to in (A) shall be considered those which have been officially adopted by the entity which developed them, or which are commonly recognized by the entity as a guide for action. The list of relevant agencies required under § 923.31 will be of use in meeting this requirement. It will enable the State to identify those entities mentioned in (A) which have such plans and to provide evidence that coordination with them has taken place. The process envisioned should not only enable a State to avoid conflicts between its program and other plans applying within its coastal zone, but to draw upon the planning capabilities of a wide variety of local governments and other agencies. In developing and implementing those portions of the program dealing with power transmission lines, pipelines, interstate transportation facilities and other facilities which will significantly impact on neighboring States of a region, particular attention should be paid to the requirements of this section.

Subpart E—Miscellaneous

§ 923.40 General.

The requirements in this subpart do not fall readily into any of the above categories but deal with several important elements of an approvable management program. They deal with public hearings in development of the management program, gubernatorial review and approval, segmentation of State programs and applicability of water and air pollution control requirements.

§ 923.41 Public hearings.

(a) *Requirements.* In order to fulfill the requirement contained in section 306(c)(3), the management program must show evidence that the State has held public hearings during the development of the management program following not less than 30 days notification, that all documents associated with the hearings are conveniently available to the public for review and study at least 30 days prior to the hearing, that the hearings are held in places and at times convenient to affected populations, that all citizens of the State have an opportunity to comment on the total management program and that a report on each hearing be prepared and made available to the public within 45 days.

(b) *Comment.* Statutory citation: Section 306(c)(3):

Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * (t)he State has held public hearings on the development of the management program.

Extensive discussion and statements of policy regarding this requirement appears in §§ 920.30, 920.31 and 920.32, which is incorporated herein by reference.

§ 923.42 Gubernatorial review and approval.

(a) *Requirement.* In order to fulfill the requirement contained in section 306(c)(4), the management program must contain a certification signed by the Governor of the coastal State to the effect that he has reviewed and approved the management program and any amendments thereto. Certification may be omitted in

the case of a program submitted for preliminary approval.

(b) *Comment.* Statutory citation: Section 306(c)(4):

> Prior to granting approval of a management program submitted by a coastal State, the Secretary shall find that * * * the management program and any changes thereto have been reviewed and approved by the Governor.

This requirement is self-explanatory.

§ 923.43 Segmentation.

(a) *Requirement.* If the State intends to develop and adopt its management program in two or more segments, it shall advise the Secretary as early as practicable stating the reasons why segmentation is appropriate and requesting his approval. Each segment of a management program developed by segments must show evidence (1) that the State will exercise policy control over each of the segmented management programs prior to, and following their integration into a complete State management program, such evidence to include completion of the requirements of § 923.11 (Boundaries of the coastal zone) and § 923.15 (National interest in the siting of facilities) for the State's entire coastal zone, (2) that the segment submitted for approval includes a geographic area on both sides of the coastal land-water interface, and (3) that a timetable and budget have been established for the timely completion of the remaining segments or segment.

(b) *Comment.* Statutory citation: Section 306(h):

> At the discretion of the State and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided,* That, the State adequately provides for the ultimate coordination of the various segments of the management program into a single, unified program, and that the unified program will be completed as soon as reasonably practicable.

(1) This section of the Act reflects a recognition that it may be desirable for a State to develop and adopt its management program in segments rather than all at once because of a relatively long coastline, developmental pressures or public support in specific areas, or earlier regional management programs developed and adopted. It is important to note, however, that the ultimate objective of segmentation is completion of a management program for the coastal zone of the entire State in a timely fashion. Segmentation is at the State's option, but requires the approval of the Secretary. States should notify the Secretary at as early a date as possible regarding intention to prepare a management program in segments.

(2) Continuing involvement at the State as well as local level in the development and implementation of segmented programs is essential. This emphasis on State participation and coordination with the program as a whole should be reflected in the individual segments of a management program. Regional agencies and local governments may play a large role in developing and carrying out such segmented programs, but there must be a continuing State voice throughout this process. This State involvement shall be expressed in the first segment of the management program in the form of evidence that (i) the boundaries of the coastal zone for the entire State have been defined (pursuant to § 923.11) and (ii) there has been adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature (pursuant to § 923.15) for the State's entire coastal zone. These requirements are designed to assure that the development of a Statewide coastal zone management program proceeds in an orderly fashion and that segmented programs reflect accurately the needs and capabilities of the State's entire coastal zone which are represented in that particular segment.

(3) The Act's intent of encouraging and assisting State governments to develop a comprehensive program for the control of land and water uses in the coastal zone is clear. This intent should therefore apply to segments as well, and segmented management programs should be comprehensive in nature and deal with the relationship between and among land and water uses. No absolute minimum or maximum geographic size limitations will be established for the area of coverage of a segment. On the one hand, segments should include an area large enough to permit comprehensive analyses of the attributes and limitations of coastal resources within the segment of State needs for the utilization or protection of these resources and of the interrelationships of such utilizations. On the other hand, it is not contemplated that a segmented management program will be developed solely for the purpose of protecting or controlling a single coastal resource or use, however desirable that may be.

(4) One of the distinguishing features of a coastal zone management program is its recognition of the relationship between land uses and their effect upon coastal waters, and vice versa. Segments should likewise recognize this relationship between land and water by including at least the dividing line between them, plus the lands or waters on either side which are mutually affected. In the case of a segment which is predominantly land, the boundaries shall include those waters which are directly and significantly impacted by land uses in the segment. Where the predominant part of the segment is water, the boundaries shall include the adjacent shorelands strongly influenced by the waters, including at least transitional and inter-tidal areas, salt marshes, wetlands and beaches (or similar such areas in Great Lake States).

(5) Segmented management programs submitted for approval will be reviewed and approved in exactly the same manner as programs for complete coastal zones, utilizing the same approval criteria, plus those of this section.

§ 923.44 Applicability of air and water pollution control requirements.

(a) *Requirement.* In order to fulfill the requirements contained in Section 307(f) of the Act the management program must be developed in close coordination with the planning and regulatory systems being implemented under the Federal Water Pollution Control Act and Clean Air Act, as amended, and be consistent with applicable State or Federal water and air pollution control standards in the coastal zone. Documentation by the official or officials responsible for State implementation of air and water pollution control activities that those requirements have been incorporated into the body of the coastal zone management program should accompany submission of the management program.

(b) *Comment:* Statutory citation: Section 307(f):

> Notwithstanding any other provision of this title, nothing in this title shall in any way affect any requirement (1) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (2) established by the Federal government, or any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to this title, and shall be the water pollution control requirements and air pollution control requirements applicable to such program.

(1) The basic purpose of this requirement is to ensure that the management program does not conflict with the national and State policies, plans and regulations mandated by the Federal Water Pollution Control Act, as amended, and the Clean Air Act as amended. The policies and standards adopted pursuant to these Acts should be considered essential baselines against which the overall management program is developed. This is a specific statutory requirement that reflects the overall coastal zone management objective of unified state management of environmental laws, regulations and applicable standards. To this end, management programs should provide for continuing coordination and cooperation with air and water programs during subsequent administration of the approved management program.

(2) There are also significant opportunities for developing working relationships between air and water quality agencies and coastal zone management programs. These opportunities include such activities as joint development of Section 208 areawide waste treatment management planning and coastal zone management programs; consolidation and/or incorporation of various planning and regulatory elements into these closely related programs; coordination of monitoring and evaluation activities; increased management attention being accorded specifically to the coastal waters; consultation concerning the desirability of adjusting state water quality standards and criteria to complement coastal zone management policies; and designation of areas of particular concern or priority uses.

Subpart F—Applications for Administrative Grants

§ 923.50 General.

The primary purpose of administrative grants made under section 306 of the Act is to assist the States to implement coastal zone management programs following their approval by the Secretary of Commerce. The purpose of these guidelines is to define clearly the processes by which grantees apply for and administer grants under the Act. These guidelines shall be used and interpreted in conjunction with the Grants Management Manual for Grants under the Coastal Zone Management Act, hereinafter referred to as the "Manual." This Manual contains procedures and guidelines for the administration of all grants covered under the Coastal Zone Management Act of 1972. It has been designed as a tool for grantees, although it addresses the responsibilities of the National Oceanic and Atmospheric Administration and its Office of Coastal Zone Management, which is responsible for administering programs under the Act. The Manual incorporates a wide range of Federal requirements, including those established by the Office of Management and Budget, the General Services Administration, the Department of the Treasury, the General Accounting Office and the Department of Commerce. In addition to specific policy requirements of these agencies, the Manual includes recommended policies and procedures for grantees to use in submitting a grant application. Inclusion of recommended policies and procedures for grantees does not limit the choice of grantees in selecting those most useful and applicable to local requirements and conditions.

§ 923.51 Administration of the program.

The Congress assigned the responsibility for the administration of the Coastal Zone Management Act of 1972 to the Secretary of Commerce, who has designated the National Oceanic and Atmospheric Administration (NOAA) as the agency in the Department of Commerce to manage the program. NOAA has established the Office of Coastal Zone Management for this purpose. Requests for information on grant applications and the applications themselves should be directed to:

Director, Office of Coastal Zone Management (OCZM)
National Oceanic and Atmospheric Administration,
U.S. Department of Commerce
Rockville, Maryland 20852

§ 923.52 State responsibility.

(a) The application shall contain a designation by the Governor of a coastal State of a single agency to receive and have fiscal and programmatic responsibility for administering grants to implement the approved management program.

(b) A single State application will cover all program management elements, whether carried out by State agencies, areawide/regional agencies, local governments, interstate or other entities.

§ 923.53 Allocation.

Section 306(f) allows a State to allocate a portion of its administrative grant to sub-State or multi-State entities if the work to result from the allocation contributes to the effective implementation of the State's approved coastal zone management program. The requirements for identifying such allocations are set forth in § 923.55(e).

§ 923.54 Geographical segmentation.

Authority is provided in the Act for a State's management program to be developed and adopted in segments. Additional criteria for the approval of a segmented management program are set forth in Subpart E § 923.43. Application procedures for an administrative grant to assist in administering an approved segmented management program will be the same as set forth in this subpart for applications to administer an approved management program for the entire coastal zone of a State.

§ 923.55 Application for the initial administrative grant.

(a) The Form CD–288, Preapplication for Federal Assistance, required only for the initial grant, must be submitted 120 days prior to the beginning date of the requested grant. The preapplication shall include documentation, signed by the Governor, designating the State office, agency or entity to apply for and administer the grant. Copies of the approved management program are not required. The preapplication form may be submitted prior to the Secretary's approval of the applicant's management program provided, after consultation with OCZM, approval is anticipated within 60 days of submittal of the preapplication.

(b) All applications are subject to the provisions of OMB Circular A–95 (revised). The Form CD–288, Preapplication for Federal Assistance, will be transmitted to the appropriate clearinghouses at the time it is submitted to the Office of Coastal Zone Management (OCZM). If the application is determined to be Statewide or broader in nature, a statement to that effect shall be attached to the Preapplication form submitted to OCZM. Such a determination does not preclude the State clearinghouse from involving areawide clearinghouses in the review. In any event, whether the application is considered to be Statewide or not, the Preapplication form shall include an attachment indicating the date copies of the Preapplication form were transmitted to the State clearinghouse and if applicable, the identity of the areawide clearinghouse(s) receiving copies of the Preapplication form and the date(s) transmitted. The Preapplication form may be used to meet the project notification and review requirements of OMB Circular A–95 with the concurrence of the appropriate clearinghouses. In the absence of such concurrence the project notification and review procedures, established State and areawide clearinghouses, should be implemented simultaneously with the distribution of the preapplication form.

(c) Costs claimed as charges to the grant project must be beneficial and necessary to the objectives of the grant project. The allowability of costs will be determined in accordance with the provisions of FMC 74–4. Administrative grants made under section 306(a) of the Act are clearly intended to assist the States in administering their approved management programs. Such intent precludes tasks and related costs for long range research and studies. Nevertheless it is recognized that the coastal zone and its management is a dynamic and evolving process wherein experience may reveal the need for specially focused, short-term studies, leading to improved management processes and techniques. The OCZM will consider such tasks and their costs, based upon demonstrated need and expected contribution to more effective management programs.

(d) The Form CD–292, Application for Federal Assistance (Non-Construction Programs), constitutes the formal application and must be submitted 60 days prior to the desired grant beginning date. The application must be accompanied by evidence of compliance with A–95 requirements including the resolution of any problems raised by the proposed project. The OCZM will not accept applications substantially deficient in adherence to A–95 requirements.

(e) The State's work program implementing the approved management program is to be set forth in Part IV, Program Narrative, of the Form CD–292 and must describe the work to be accomplished during the grant period. The work program should include:

(1) An identification of those elements of the approved management program that are to be supported all or in part by the grant and the matching share, hereinafter called the grant project. In any event, activities related to the establishment and implementation of State responsibilities pursuant to Section 307 (c)(3) and Section 307(d) of the Act, are to be included in the grant project.

(2) A precise statement of the major tasks required to implement each element.

(3) For each task, the following should be specified:

(i) A concise statement of how each task will accomplish all or part of the program element to which it is related. Identify any other State, areawide, regional or interstate agencies or local governments that will be allocated responsibility for carrying out all or portions of the task. Indicate the estimated cost of the subcontract/grant for each allocation.

(ii) For each task indicate the estimated total cost. Also indicate the estimated total man-months, if any, allocated to the task from the applicant's in-house staff.

(iii) For each task, list the estimated cost using the object class categories 6.a. through k., Part III, Section B—Budget Categories of Form CD–292.

(4) The sum of all the task costs in sub-paragraph (3) of this paragraph should equal the total estimated grant project costs.

(5) Using two categories, Professional and Clerical, indicate the total number of personnel in each category on the applicant's in-house staff, that will be assigned to the grant project. Additionally indicate the number assigned full time and the number assigned less than full time in the two categories.

(6) An identification of those management program elements, if any, that will not be supported by the grant project, and how they will be implemented.

§ 923.56 Approval of applications.

(a) The application for an administrative grant of any coastal State with a management program approved by the Secretary of Commerce, which complies with the policies and requirements of the Act and these guidelines, shall be approved by OCZM, assuming available funding.

(b) Should an application be found deficient, OCZM will notify the applicant in writing, setting forth in detail the manner in which the application fails to conform to the requirements of the Act or this subpart. Conferences may be held on these matters. Corrections or adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) OCZM may, upon finding of extenuating circumstances relating to applications for assistance, waive appropriate administrative requirements contained herein.

§ 923.57 Amendments.

Amendments to an approved application must be submitted to, and approved by, the Secretary prior to initiation of the change contemplated. Requests for substantial changes should be discussed with OCZM well in advance. It is recognized that, while all amendments must be approved by OCZM, most such requests will be relatively minor in scope; therefore, approval may be presumed for minor amendments if the State has not been notified of objections within 30 working days of date of postmark of the request.

§ 923.58 Applications for second and subsequent year grants.

(a) Second and subsequent year applications will follow the procedures set forth in this subpart, with the following exceptions:

(1) The preapplication form may be used at the option of the applicant. If used, the procedures set forth in § 923.55 (b) will be followed and the preapplication is to be submitted 120 days prior to the beginning date of the requested grant. If the preapplication form is not used, the A-95 project notification and review procedures established by State and areawide clearinghouses should be followed.

(2) The application must contain a statement by the Governor of the coastal State or his designee that the management program as approved earlier by the Secretary of Commerce, with any approved amendments, is operative and has not been materially altered. This statement will provide the basis for an annual OCZM certification that the approved management program remains in effect, thus fulfilling, in part, the requirements of section 309(a) for a continuing review of management programs.

(3) The Governor's document designating the applicant agency is not required, unless there has been a change of designation.

(4) Copies of the approved management program or approved amendments thereto are not required.

[FR Doc.75-738 Filed 1-8-75;8:45 am]

Title 17—Commodities and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5552, 34-11156]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Gold Offerings

The Securities and Exchange Commission today made public the text of three no-action letters issued by its Division of Corporation Finance with respect to certain proposed arrangements for the sale of gold bullion. Restrictions on the private ownership of gold by United States citizens are due to be terminated on December 31, 1974, and the Commission has received numerous informal inquiries regarding the applicability of the Federal securities laws to various arrangements for the sale of gold to public investors.

There are presently no regular markets in the United States for dealings in gold by ordinary investors nor are there any established procedures or practices for handling such transactions. Consequently, there are great uncertainties about the application of the federal securities laws to gold investment plans. It is not possible to resolve these uncertainties at the present time. And, the Commission is aware that the sale of gold involves questions of national financial and economic policy not presented by the sale of interests in other commodities. These are policies as to which the Commission has no expertise and which it does not wish to disrupt, at least in the absence of further information and experience concerning the needs of investors. There appears, however, to be considerable interest on the part of broker-dealers and others in offering plans for the purchase of gold to investors. Consistent with its intention not to disrupt the establishment of national economic and financial policies, the Commission believes that its staff should provide such guidance as is possible under the circumstances, and, for that purpose, is publishing three no-action letters stating the enforcement position of the staff of the Division of Corporation Finance.

The texts of the letters, with identifying details deleted, are as follows:

LETTER NO. 1

This is with reference to your letter, dated December 17, 1974, requesting, among other things, an interpretation as to the applicability of the Securities Act of 1933 to proposed plans of X National Bank ("X") to sell gold bullion, after December 31, 1974, to individual purchasers.

We understand the facts, which are set forth more fully in your letter, to be as follows. X will sell gold bullion cast in various size ingots and bars at a price equal to X's "asked price" as a gold bullion dealer plus a mark-up which is estimated to be ½ percent for registered broker-dealers and between 2-3 percent for individual purchasers. A buyer from X may either take physical delivery of the gold bullion purchased or may request that such bullion be held for safekeeping and storage in one of X's gold depositories which are expected to be established in the United States and Switzerland. X intends to enter into an agreement with each such depository which will provide either that (i) the depository will hold specifically identified bars or ingots of gold for X, maintain insurance covering such gold at prescribed limits and deliver gold bullion upon request by X or the owner of the gold or (ii) the depository will lease a portion of its vault directly to X which will handle such insurance and delivery functions. If the buyer's gold bullion is to be stored by X at its depositories, X will issue in registered form to the buyer a Gold Bullion Safekeeping Certificate ("Safekeeping Certificate") indicating the number of ounces purchased by the buyer. The buyer will be required to pay in advance the annual storage cost of the buyer's gold bullion plus a fixed fee of $5 per certificate. Upon presentment of the Safekeeping Certificate for delivery of the gold bullion, X will arrange to deliver gold bars or ingots in sizes selected by the Certificate holder.

The holder of a Safekeeping Certificate may demand delivery of the gold bullion represented by such Certificate at any time by (a) presenting the Certificate to X in New York City or to one of X's depositories listed on the Certificate, (b) payment of any unpaid storage charges, (c) payment of a gold bar or ingot fee in accordance with a fixed schedule, (d) payment of any applicable sales taxes and (e) payment of applicable shipping charges. The bar or ingot fees shall be based on the value of gold bullion set at the 3:00 p.m., London "fixing" on the day immediately preceding the day upon which delivery is requested. X and its depositories may not maintain substantial supplies of all sizes of bars and ingots. Accordingly, while it is expected that 400 ounce bars always will be deliverable upon demand, X may reserve the right to make deliveries of other size bars and ingots within several days after demand.

X will have no obligation to repurchase any gold bullion sold by it or any Safekeeping Certificates issued by it. X intends, however, to continue to act as a gold dealer and accordingly expects to continue to make bids on gold bullion offered for sale in the gold market, including offers of gold bullion by holders of Safekeeping Certificates. Such trading activities will be conducted as and to the extent deemed advisable by X in light of existing gold market conditions.

X will act for its own account in all sales of gold bullion, and will either deliver gold

bullion from its gold inventory or will purchase gold in the market within two business days from the time of sale. X does not contemplate providing potential gold purchasers with investment advice or consultation with regard to the advisability of investing in gold, the timing of investment in gold or any other matters regarding the purchase or sale of gold (although advertisements and brochures regarding the availability of X's services will be published). All sales of gold bullion will be made on a cash basis and X does not presently contemplate providing any financing in connection with purchases of gold bullion from it.

X will sell gold bullion to individual purchasers either directly through offices of X or through registered broker-dealers. X presently intends to enter into an agreement with a broker-dealer pursuant to which the broker-dealer will make purchases from X on behalf of its customers. Such agreement may be on an exclusive basis for a limited period of time. It is expected that broker-dealers will charge commissions on sales by them to their customers, but X expects that buyers of gold will pay the same price whether they purchase through broker-dealers or directly from X.

Orders received directly from purchasers of gold will be executed as received, with settlement to be completed by delivery of the gold or the Safekeeping Certificate against payment by the purchaser on the second business day after execution of the order. Similarly, orders received by X from registered broker-dealers will be executed as received, also with two-day settlement. Upon settlement the broker-dealer will deliver to X a check in the aggregate amount due for all of such broker-dealer's orders which are to be settled on such day, and X will (unless otherwise instructed) deliver to the broker-dealer a single Safekeeping Certificate registered in such broker's names which represents the aggregate number of ounces of gold bullion for which settlement has been made. If customers of the broker-dealer request delivery of gold bars, on the settlement day the bars will be shipped directly to the customers. The broker-dealer or its customers may deliver their Safekeeping Certificates to X at any time in order to have the Certificates registered in different names or issued in smaller denominations. X expects to handle the transfer and registration of Safekeeping Certificates through one of its internal bank departments.

While it is not entirely clear from the facts presented, we assume that in every case an investor will be sold either specific identified gold bars or an undivided but specific interest in bars or ingots of gold and that the investor's interest may not be encumbered by action of either the seller or the depository. On that basis and on the basis of the other facts presented, this Division would not recommend any enforcement action to the Commission if X engages in the activities described in your letter without compliance with the registration requirements of the Securities Act of 1933.

LETTER No. 2

This is with reference to your letters of August 28 and December 2, 1974, requesting an interpretation, among other things, of the applicability of the Securities Act of 1933 to the proposed operations of Y, a retail gold dealer.

We understand the facts to be as follows. Y proposes to operate as a retail gold dealer. Y would advertise in newspapers and magazines of general circulation, wherein it would offer to purchase gold on behalf of any member of the public from an exchange, from a wholesale dealer, or from a bank at a price equal to the current price of gold. Y will use its best efforts to purchase and sell gold at least once daily on any day on which an order and payment therefore is received. Purchases and sales by Y will be on a net basis based upon total purchase and sale orders received during that day or during the prior business day. Each initial purchase would be required to be at least $1,000 and all subsequent purchases at least $500.

Y believes that a substantial number of purchasers of gold will not desire actual delivery of gold. Y, therefore, proposes to deposit the gold, which purchasers do not want delivered, in a vault at a major bank or banks and to deliver each such purchaser a gold custody receipt ("Receipt"). Each Receipt would represent an undivided but specific interest in the gold in Troy ounces held for the account of the purchaser. A storage fee would be charged on an annual basis to each purchaser for maintaining his gold.

Receipts would be in non-negotiable form for the protection of purchasers. Receipts could be sold, transferred or assigned only by delivery of the Receipt to Y or a bank serving as Transfer Agent with instructions as to transfer signed by the purchaser with his signature guaranteed. A Receipt could be exchanged at any time for the amount of gold represented by the Receipt less a nominal delivery fee. A purchaser wishing to sell some or all of the gold represented by the Receipt would deliver his Receipt of Y with instructions as to the amount of gold to be sold. As previously stated, Y will purchase or sell gold on a net basis on commodity exchanges or through wholesale dealers at least once daily and the purchaser would receive a dollar amount equal to the price for gold obtained by Y following receipt of the Receipt and the instructions to sell, less a stated commission payable to Y. Y will use its best efforts to sell gold at least once daily on any day on which a properly submitted request to sell is received by Y; however, Y will not guarantee a resale market.

Y would act primarily as an agent in executing purchase and sale orders for gold. It expects that it would maintain a small inventory of gold bullion primarily for the purpose of rounding out orders. Y will not provide gold purchasers with investment advice.

While it is not entirely clear from the facts presented we assume that the undivided but specific interest in gold purchased by the investor may not be encumbered by action of either the seller or the depository. On that basis and on the basis of the other facts presented this Division would not recommend any enforcement action to the Commission if Y engages in the activities described in your letter without compliance with the registration requirements of the Securities Act of 1933.

LETTER No. 3

This is with reference to your letter of December 26, 1974 concerning the intention of Z, a registered broker-dealer and member of the New York Stock Exchange, to sell gold bullion to its customers on or after December 31, 1974, without registration under the Securities Act of 1933.

We understand the facts, which are set forth more fully in your letter, to be as follows. Z, as principal, proposes to offer and sell gold bullion to its customers in minimum quantities of five troy ounces. All such gold bullion transactions will be based upon the opening price of the London Gold Market at 5:30 A.M. EST (the "London Fixing") on the day after the entry of the order by a customer of Z, plus a fixed charge for such purchases or sales.

Z will effect transactions in gold bullion for two types of customers—retail customers who purchase for their own account and wholesale customers who purchase for resale. Z will offer either type of customer the choice of (i) accepting delivery of the gold, or (ii) having the gold held in the customer's account with a reliable custodian in London. Each customer who elects to have his gold held in safekeeping will have an undivided interest, to the extent of the amount of gold he has purchased, in specifically identified gold bars. The gold bars will be stored in bulk segregation for the benefit of Z's customers in a manner so as to assure customers that it is free from the claims of any creditors of the custodian or of Z. Z has represented that a customer's right to obtain delivery of his gold will not depend upon the continued solvency of Z. The gold bars will be insured, and Z's customers will not be charged any custodian or storage fees for gold held in their accounts until after December 31, 1975.

Upon execution of his order, a customer will be sent the same form of confirmation as for any other commodity transaction as well as a disclosure statement for gold purchases as required by the rules of the New York Stock Exchange. The customer will receive no certificate or evidence of ownership other than the Z confirmation, which will describe the details of his particular transaction. A separate monthly or quarterly statement will be issued to those customers who store gold with the custodian. The Z confirmation is not a negotiable document of title.

Z intends to stand ready to repurchase from any customer the same gold purchased by such customer from Z at the London Fixing price on the business day following the entry of the sell order, less Z's applicable charges in effect at the time. The repurchase will be contingent on Z being able to execute the order at the London Fixing price on the business day following its entry, and on the continuing acquiescence in public purchases of gold by the United States Government or governments with jurisdiction over the major market on which public orders can be executed. Z will make no guarantee of the price at which the gold will be repurchased from a customer, or that there will be a market for the gold proposed to be sold. There is no other return or other inducement to a customer in the nature of a separate benefit apart from the ownership of the gold bullion.

Z's only function in connection with gold transactions will be to execute purchase and sale orders as principal at the price previously indicated. However, Z will form an opinion as to whether or not a purchase of gold bullion is suitable for a particular customer in accordance with the requirements of Rule 405 of the New York Stock Exchange. The Z research department will prepare, and continually update, an opinion indicating its views on whether gold will increase or decrease in price in the future. This opinion will be made known to customers, but the choice of when, whether and at what price to purchase or sell gold will be made solely by the individual customer.

On the basis of the facts presented, this Division would not recommend any enforcement action to the Commission if Z engages in the activities described in your letter without compliance with the registration requirements of the Securities Act of 1933.

In determining to take a no-action position with respect to the activities described in the foregoing letters, the Division took note, inter alia, of certain facts common to these proposals.

(1) It does not appear that, in the gold investment program described in these letters, the economic benefits to the purchaser are to be derived from the managerial efforts of the seller, promoter, or a third party.

(2) It does not appear that the services to be offered in connection with these

offers to sell gold rise to the level of being those essential managerial efforts upon which the purchaser must rely in order to make a profit from his purchase. In this regard:

a. The purchaser will pay full value in cash for the gold purchased and purchases will not be made on margin.

b. The depository arrangement is limited to the storage of the gold with a reputable storage facility, insurance against loss or theft from the storage facility, and the issuance of a document which would evidence the right of the purchaser, or his successors and assigns to take possession of the gold; and

c. Neither X, Y, Z, nor anyone acting on their behalf has any obligation to repurchase the gold or ownership documents from the purchaser, nor to sell such gold or ownership documents for the purchaser's account, but they may repurchase the gold at the then prevailing market price.

The arrangements described in the foregoing no-action letters are only three of a number of proposals for the public offering and sale of gold which have been brought to the attention of the Commission. Some of these appear to involve the offering of a security and others do not. This would depend upon all the facts of a particular case, and variations in the facts of such cases may lead to different results. Accordingly, if a company wishes to file a registration statement, the Division will be available to provide assistance on any questions which might arise in connection with the preparation of a registration statement.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

DECEMBER 26, 1974.

[FR Doc.75-733 Filed 1-8-75;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7343]

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

Limitations on Carryovers of Unused Credits and Capital Losses

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Wednesday, October 16, 1974 (39 FR 36968), an amendment to the Income Tax Regulations (26 CFR Part 1) under section 383 of the Internal Revenue Code of 1954 was proposed in order to conform such regulations to the provisions of section 302 of the Revenue Act of 1971 (85 Stat. 521), relating to limitations on the carryover of unused credits and capital losses. On Monday, November 4, 1974 (39 FR 38906) and on Friday, November 8, 1974 (39 FR 39560) notices of correction were published with respect to the notice of proposed rulemaking in order to delete certain material which was erroneously printed and to correct typographical errors. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is adopted by this document without change.

Section 383 provides that the limitations contained in section 382, which apply to the carryover of net operating losses of a corporation, shall also apply to the carryover of any unused investment credit of the corporation which may otherwise be carried forward under section 46(b), any unused work incentive program credit of the corporation which may otherwise be carried forward under section 50A(b), any unused foreign taxes of the corporation which may otherwise be carried forward under section 904(d), and any net capital losses of the corporation which may otherwise be carried forward under section 1212.

Section 382 imposes two separate limitations on the carryover of a corporation's net operating losses. Section 382(a) provides for the complete elimination of all net operating loss carryovers, if at the end of a taxable year, there has been a change in the ownership and business of the corporation occurring in a specified manner. Section 382(b) provides for a percentage reduction of the net operating loss carryovers of a corporation which may otherwise be carried forward to the first taxable year of the acquiring corporation ending after the date of transfer, if, as a result of a reorganization described in section 381(a)(2), the former stockholders of the corporation own, immediately after the reorganization, less than 20 percent of the fair market value of the outstanding stock of the acquiring corporation.

The purpose of the amendment is to provide rules to govern the manner in which the limitations provided in section 382(a) and section 382(b) are to apply to the carryover of the items listed in section 383. The regulations are divided into three sections. The first section (§ 1.383-1) provides general introductory material. The second section (§ 1.383-2) provides rules for applying the limitation provided in section 382(a) to the items listed in section 383, and the last section (§ 1.383-3) provides rules for applying the limitation provided in section 382(b). The regulations are based principally on the regulations under section 382 and incorporate by reference those provisions of the regulations which apply in the same manner to the carryover of the items listed in section 383.

Since the limitation provided in section 382(a) on the carryover of net operating losses applies in the same manner and without need for modification to the carryover of each of the items listed in section 383, the regulations under section 382(a) have been incorporated by reference into the regulations under section 383 to govern the manner in which such limitation is to apply.

The regulations apply the principles of § 1.382(b)-1 (relating to the limitation on the carryover of net operating losses) for purposes of determining the manner in which the limitation provided in section 382(b) is to apply to the carryover of the items listed in section 383, subject however, to the following modifications.

The regulations contain a rule which insures that where carryovers to the first taxable year of the acquiring corporation ending after the date of transfer are reduced under section 382(b), the amount of the reduction will be properly taken into account in computing carryovers to subsequent taxable years. This rule provides that if the limitation of section 382(b) applies, then the amount of the reduction so computed shall be applied against and eliminate the oldest carryovers, whether of the transferor corporation or of the acquiring corporation, which may otherwise be carried to the acquiring corporation's first taxable year ending after the date of transfer.

The regulations contain a special rule in § 1.383-3 which provides that for purposes of applying the limitation of section 382(b) to the carryover of unused foreign taxes, the amount of the reduction shall be computed separately for each group of carryovers which are of the same origin. Also, in the absence of a provision in section 381(c) relating to unused foreign tax carryovers, a provision was added in the regulations (§ 1.383-3(b)(1)) to provide that in determining the amount of unused foreign tax of a transferor corporation which may be taken into account by an acquiring corporation in a reorganization described in section 381(a)(2), the provisions of § 1.381(c)(23)-1 (relating to the carryover of unused investment credits) shall apply.

The regulations provide that the limitation contained in section 382(a) shall apply to the carryover of the items listed in section 383 only in the case of a change in ownership occurring after December 10, 1971, pursuant to a contract entered into on or after September 29, 1971. For purposes of this rule only increases in stock ownership occurring after December 10, 1971, are counted in determining whether a change in ownership has occurred. Similarly, the limitation contained in section 382(b) shall apply only with respect to reorganizations occurring after December 10, 1971, pursuant to a plan of reorganization or a contract entered into on or after September 29, 1971.

ADOPTION OF AMENDMENT TO THE REGULATIONS

On Wednesday, October 16, 1974, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under section 383 of the Internal Revenue Code of 1954, in order to conform such regulations to the provisions of section 302 of the Revenue Act of 1971 (85 Stat. 521), relating to limitations on the carryover of unused credits and capital losses, was published in the FEDERAL REGISTER (39 FR 36968). Notices of correction were published on Monday, November 4, 1974 (39 FR 38906), and on Friday, November 8, 1974 (39 FR 39560). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of

the regulations as proposed is hereby adopted without change.

(This Treasury decision is issued under the authority contained in section 383 (85 Stat. 521; 26 U.S.C. 383) and section 7805 (68A Stat. 917; 26 U.S.C. 7805) of the Internal Revenue Code of 1954).

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

Approved: January 3, 1975.

ERNEST S. CHRISTIAN, Jr.,
Deputy Assistant Secretary of the Treasury.

PARAGRAPH 1. The last sentence of paragraph (a) of § 1.381(a)–1 is revised to read as follows:

§ 1.381(a)–1 General rule relating to carryovers in certain corporate acquisitions.

(a) *Allowance of carryovers.* * * * These items shall be taken into account by the acquiring corporation subject to the conditions and limitations specified in sections 381, 382(b), and 383 and the regulations thereunder.

* * * * *

PAR. 2. There are added immediately after § 1.382(c)–1 the following new sections:

§ 1.383 Statutory provisions; special limitations on carryovers of unused investment credits, work incentive program credits, foreign taxes, and capital losses.

SEC. 383. *Special limitations on carryovers of unused investment credits, work incentive program credits, foreign taxes, and capital losses.* If,

(1) The ownership and business of a corportation are changed in the manner described in section 382(a)(1), or

(2) In the case of a reorganization specified in paragraph (2) of section 381(a), there is a change in ownership described in section 382(b)(1)(B).

then the limitations provided in section 382 in such cases with respect to the carryover of net operating losses shall apply in the same manner, as provided under regulations prescribed by the Secretary or his delegate, with respect to any unused investment credit of the corporation which can otherwise be carried forward under section 46(b), to any unused work incentive program credit of the corporation which can otherwise be carried forward under section 50A(b), to any excess foreign taxes of the corporation which can otherwise be carried forward under section 904(d), and to any net capital loss of the corporation which can otherwise be carried forward under section 1212.

(Sec. 383 as added by sec. 302, Rev. Act 1971 (85 Stat. 521))

§ 1.383–1 Special limitations on carryovers of unused investment credits, work incentive program credits, foreign taxes, and capital losses.

Section 383 provides that if the ownership and business of a corporation are changed in the manner described in section 382(a)(1) or, in the case of a reorganization specified in section 381(a)(2), if there is a change in ownership described in section 382(b)(1)(B), then the limitations provided in section 382 in such cases with respect to the carryover of net operating losses shall apply in the same manner, as provided under regulations prescribed by the Secretary or his delegate, with respect to any unused investment credit of the corporation which can otherwise be carried forward under section 46(b), to any unused work incentive program credit of the corporation which can otherwise be carried forward under section 50A(b), to any unused foreign taxes of the corporation which can otherwise be carried forward under section 904(d), and to any net capital loss of the corporation which can otherwise be carried forward under section 1212. Sections 1.383–2 and 1.383–3 are prescribed pursuant to the authority granted the Secretary or his delegate by section 383 to prescribe regulations governing the manner in which the limitations provided in section 382 shall apply with respect to the above-mentioned items.

§ 1.383–2 Purchase of a corporation and change in its trade or business.

(a) *In general.* If the ownership and business of a corporation are changed in the manner described in section 382(a) and the regulations thereunder, then the limitation applicable in such cases to the carryover of the net operating losses of such corporation shall also apply to the carryover of the unused investment credits of such corporation which could otherwise be carried forward under section 46(b), the unused work incentive program credits of such corporation which could otherwise be carried forward under section 50A(b), the unused foreign taxes of such corporation which could otherwise be carried forward under section 904(d), and the net capital losses of such corporation which could otherwise be carried forward under section 1212. Thus, if the limitation provided in section 382(a) is applicable at the end of a corporation's taxable year, then all investment credit carryovers, all work incentive program credit carryovers, all unused foreign tax carryovers, and all capital loss carryovers from prior taxable years of such corporation are excluded in computing tax liability for such taxable year and for subsequent taxable years.

(b) *Effective date.* (1) The limitation provided in this section shall apply only with respect to changes in ownership occurring after December 10, 1971, pursuant to a contract entered into on or after September 29, 1972.

(2) For purposes of applying section 382(a) in determining whether the limitation provided in this section applies, the beginning of the taxable years specified in clauses (i) and (ii) of section 382(a)(1)(A) shall be the beginning of such taxable years or December 10, 1971, whichever occurs later. Thus, if X Corporation made its returns for 1971 and 1972 on the basis of the calendar year, then in determining whether section 382(a) would apply as of December 31, 1971, the beginning of the taxable years specified in clauses (i) and (ii) of section 382(a)(1)(A) would be December 10, 1971, and in determining whether section 382(a) would apply as of December 31, 1972, the beginning of the taxable year specified in clause (i) of section 382(a)(1)(A) would be January 1, 1972, and the beginning of the taxable year specified in clause (ii) of section 382(a)(1)(A) would be December 10, 1971.

§ 1.383–3 Change in ownership as the result of a reorganization.

(a) *In general.* (1) If, in the case of a reorganization specified in section 381(a)(2), (i) the transferor corporation or the acquiring corporation has an unused investment credit, an unused work incentive program credit, an unused foreign tax or a net capital loss which may be carried forward to the first taxable year of the acquiring corporation ending after the date of transfer, and (ii) as a result of the reorganization there is a change in ownership of such corporation within the meaning of section 382(b)(1)(B), then the limitation applicable in such cases to the carryover of the net operating losses of such corporation shall apply in the manner provided in this section to the carryover of any unused investment credits, any unused work incentive program credits, any unused foreign taxes, and any net capital losses of such corporation. Thus, if the limitation provided in section 382(b)(1) would apply in such a case to the net operating loss carryovers of a corporation (whether or not such corporation has any such carryovers), a similar limitation, computed with the modifications provided in this paragraph, shall apply to the investment credit carryovers, to the work incentive program credit carryovers, to the foreign tax carryovers, and to the capital loss carryovers of such corporation.

(2)(i) If there is a change in ownership of a corporation within the meaning of section 382(b)(1)(B), then the amount of the reduction provided in section 382(b)(1) shall be determined with respect to the total carryovers of such corporation from taxable years ending on or before the date of transfer which may otherwise be carried to the first taxable year of the acquiring corporation ending after such date. In such a case, for purposes of computing carryovers of the transferor and acquiring corporations from taxable years ending on or before the date of transfer to taxable years of the acquiring corporation ending after the date of transfer, the amount of the reduction shall be applied against the earliest carryover, whether a carryover of the transferor corporation or of the acquiring corporation, which may otherwise be carried to the acquiring corporation's first taxable year ending after the date of transfer, then against the next earliest carryover which may otherwise be carried to such first taxable year, etc. To the extent of the amount of the reduction, such carryovers shall be eliminated and shall not be included in computing the total carryover to the acquiring corporation's first taxable year ending after the date of transfer or to subsequent taxable years.

(ii) For purposes of this subparagraph, if the date of transfer is on a day other

than the last day of a taxable year of the acquiring corporation, then the amount of the reduction shall be applied only against the carryovers of the transferor corporation or of the acquiring corporation which may be carried to the acquiring corporation's postacquisition part year under the principles of § 1.381(c)(23)–1(e) (relating to investment credit carryovers).

(iii) For purposes of this subparagraph, a carryover from a taxable year of the transferor corporation ending on or before the last day of a taxable year of the acquiring corporation shall be considered to be a carryover from a taxable year prior to such taxable year of the acquiring corporation.

(3) The provisions of paragraph (a)(2) of this section may be illustrated by the following example dealing with the carryover of unused investment credit:

Example. X Corporation and Y Corporation are organized on January 1, 1970, and each makes its return on the basis of the calendar year. On December 31, 1972, Y acquires the assets of X in a reorganization described in section 381(a)(2). Immediately after the reorganization, those persons who were stockholders of X immediately before the reorganization, as the result of owning stock of X, own 10 percent of the fair market value of the outstanding stock of Y, so that the investment credit carryovers of X as of the close of the date of transfer are reduced under section 382(b)(2) by 50 percent. The investment credit carryovers as of the close of the date of transfer of X Corporation and Y Corporation for taxable years 1970 through 1972 are as follows:

Investment credit carryovers from year(s) of origin

Taxable years	X Corporation (transferor)	Y Corporation (acquiring)
1970	$100	$100
1971	100	100
1972	500	200

For the first taxable year ending after the date of transfer, the acquiring corporation has an excess limitation of $500 (i.e., the excess of the limitation based on the amount of tax for such year over the amount of credit earned for such year). The computation of investment credit carryovers from prior taxable years of the transferor and acquiring corporations to the acquiring corporation's first taxable year ending after the date of transfer and to subsequent taxable years is as follows:

(i) The amount of the reduction computed under subparagraph (1) of this paragraph with respect to the investment credit carryovers from prior taxable years of X Corporation is $350 ($700 x 50%) One hundred dollars of such reduction is first applied against and eliminates X's $100 carryover from 1970; $100 of such reduction is applied against and eliminates Y's $100 carryover from 1970; $100 of such reduction is applied against and eliminates X's $100 carryover from 1971; the remaining $50 of such reduction is applied against Y's $100 carryover from 1971 and reduces such carryover to $50. After the reduction, the total carryover to the first taxable year of the acquiring corporation ending after the date of transfer is $750 (i.e., Y's $50 carryover from 1971, X's $500 carryover from 1972, and Y's $200 carryover from 1972).

(ii) Since the excess limitation for the acquiring corporation's first taxable year ending after the date of transfer is $500, Y's $50 carryover from 1971 and $450 of X's carryover from 1972 may be added to the amount of credit allowed by section 38 for such year. The total carryover to taxable years of the acquiring corporation subsequent to such first taxable year is $250 (i.e., the remainder of X's carryover from 1972, $50, plus Y's $200 carryover from 1972).

(b) *Special rules for foreign tax carryovers.* (1) The amount of unused foreign tax of a transferor corporation which may be carried to taxable years of the acquiring corporation ending after the date of transfer shall be determined under the principles of section 381(c)(23) and the regulations thereunder (relating to the carryover of unused investment credit). Thus, to determine the amount of such carryovers as of the close of the date of transfer, and to integrate them with any carryovers and carrybacks of the acquiring corporation for purposes of determining the amount of credit allowed by section 901 to the acquiring corporation for taxable years ending after the date of transfer, it is necessary to apply the provisions of section 904(d) in accordance with the principles of section 381(c)(23) and the regulations thereunder.

(2) If the limitation provided in section 382(b)(1) applies to the carryover of unused foreign taxes of a corporation, then for purposes of computing the amount of the reduction under paragraph (a) of this section, the following rules shall apply. If all of the unused foreign tax carryovers from prior taxable years of the corporation are of the same origin, the amount of the reduction shall be determined by applying the percentage computed under section 382(b)(2) to the total of such carryovers. If the unused foreign tax carryovers from prior taxable years of the corporation are not of the same origin, that is, where one or more carryovers originated in taxable years to which the per-country limitation applied and one or more carryovers originated in taxable years to which the overall limitation applied, or where, even though all the carryovers originated in per-country limitation years, all of such carryovers are not attributable to taxes paid or accrued to the same foreign country or possession of the United States, the amount of the reduction shall be determined separately with respect to carryovers of the same origin. That is, the percentage computed under section 382(b)(2) shall be applied separately to the total of the carryovers originating in overall limitation years and separately to the total of the carryovers attributable to taxes paid or accrued to each particular country or United States possession in per-country limitation years. Thus, if a corporation has (as of the close of the date of transfer) total unused foreign tax carryovers of $200 attributable to taxes paid or accrued to country X and total unused foreign tax carryovers of $150 attributable to taxes paid or accrued to country Y from one or more taxable years to which the per-country limitation applied, and also has total unused foreign tax carryovers of $100 from taxable years to which the overall limitation applied, and if the percentage computed under section 382(b)(2) is 50 percent, then the amount of reduction in carryovers attributable to taxes paid or accrued to country X is $100, the amount of reduction in carryovers attributable to taxes paid or accrued to country Y is $75, and the amount of reduction in carryovers from taxable years to which the overall limitation applied is $50.

(3) After having determined the reduction or reductions under subparagraph (2) of this paragraph, it is necessary, for purposes of computing unused foreign tax carryovers of the transferor and acquiring corporations from taxable years ending on or before the date of transfer to taxable years of the acquiring corporation ending after the date of transfer, to apply such reduction or reductions against the earliest carryover of the same origin, whether a carryover of the transferor corporation or of the acquiring corporation, which may otherwise be carried to the first taxable year of the acquiring corporation ending after the date of transfer, then against the next earliest carryover of the same origin which may otherwise be carried to such first taxable year, etc. To the extent of the amount of the reduction, such carryovers shall be eliminated and shall not be included in computing the total carryover to the acquiring corporation's first taxable year ending after the date of transfer or to subsequent taxable years.

(4) The provisions of subparagraphs (2) and (3) of this paragraph may be illustrated by the following example:

Example. T, a domestic corporation, and S, a domestic corporation, are organized on January 1, 1970, and each makes its return on the basis of the calender year. On December 31, 1972, S Corporation acquires the assets of T Corporation in a reorganization described in section 381(a)(2). Immediately after the reorganization, those persons who were stockholders of T Corporation immediately before the reorganization, as the result of owning stock of T, own 10 percent of the fair market value of the outstanding stock of S, so that T's foreign tax carryovers as of the close of the date of transfer are reduced by 50 percent. The unused foreign tax carryovers as of the close of the date of transfer of T Corporation and S Corporation for taxable years 1970 through 1972 are as follows:

Unused foreign tax carryovers from year(s) of Origin

Taxable year	T Corporation (transferor)	S Corporation (acquiring)
1970	Per country: Country X—50 Country Y—100 Country Z—100	Per country: Country X—100. Country Y—50.
1971	Per country: Country X—150 Country Y—100	Overall: Aggregate—50.
1972	Overall: Aggregate—200	Overall: Aggregate—100.

For the first taxable year ending after the date of transfer, the acquiring corporation, which has elected the overall limitation, has an excess limitation of $200 (i.e., the excess of the limitation based on amount of tax for such year over the amount of credit earned for such year). The computation of unused foreign tax carryovers from prior taxable years of the transferor and acquiring corporations to the acquiring corporation's first taxable year ending after the date of transfer and to subsequent taxable years is as follows:

(i) *Unused foreign tax carryovers attribut-*

able to country X. The amount of the reduction computed under subparagraph (2) of this paragraph with respect to the total unused foreign tax carryovers from prior taxable years of T Corporation attributable to taxes paid or accrued to country X is $100 ($200 × 50%). Fifty dollars of such reduction is applied against and eliminates T's $50 carryover from 1970. The remaining $50 of such reduction is then applied against S's $100 carryover from 1970 and reduces such carryover to $50. After the reduction, the total carryover to the first taxable year of the acquiring corporation ending after the date of transfer attributable to taxes paid or accrued to country X is $200 (i.e., S's $50 carryover from 1970 and T's $150 carryover from 1971). Since the acquiring corporation has elected the overall limitation for its first taxable year ending after the date of transfer, the carryovers attributable to country X from per-country limitation years may not be applied in such first taxable year and the total $200 is carried to the next succeeding taxable year.

(ii) *Unused foreign tax carryovers attributable to country Y.* The amount of the reduction computed under subparagraph (2) of this paragraph with respect to the total unused foreign tax carryovers from prior taxable years of T Corporation attributable to taxes paid or accrued to country Y is $100 ($200 x 50%). The total $100 reduction is applied against and eliminates T's carryover from 1970. After the reduction, the total carryover to the first taxable year of the acquiring corporation ending after the date of transfer attributable to taxes paid or accrued to country Y is $150 (i.e., S's $50 carryover from 1970 and T's $100 carryover from 1971). Since the acquiring corporation has elected the overall limitation for its first taxable year ending after the date of transfer, the carryovers attributable to country Y from per-country limitation years may not be applied in such first taxable year and the total $150 is carried to the next succeeding taxable year.

(iii) *Unused foreign tax carryovers attributable to country Z.* The amount of reduction computed under subparagraph (2) of this paragraph with respect to the total unused foreign tax carryovers from prior taxable years of T Corporation attributable to taxes paid or accrued to country Z is $50 ($100 x 50%). The total $50 reduction is applied against T's $100 carryover from 1970 and thus reduces such carryover to the first taxable year of the acquiring corporation ending after the date of transfer to $50. Since the acquiring corporation has elected the overall limitation for its first taxable year ending after the date of transfer, the carryover attributable to country Z from the per-country limitation year may not be applied in such first taxable year and the total $50 is carried to the next succeeding taxable year.

(iv) *Unused foreign tax carryovers from overall limitation years.* The amount of the reduction computed under subparagraph (2) of this paragraph with respect to the total unused foreign tax carryovers from prior taxable years of T Corporation to which the overall limitation applied is $100 ($200 × 50%). Fifty dollars of such reduction is applied against and eliminates S's $50 carryover from 1971 and the remaining $50 of such reduction is applied against T's $200 carryover from 1972 and reduces such carryover to $150. After the reduction, the total carryover to the first taxable year of the acquiring corporation ending after the date of transfer attributable to taxes paid or accrued in taxable years to which the overall limitation applied is $250 (i.e., T's $150 carryover from 1972 and S's $100 carryover from 1972). Since for such first taxable year the acquiring corporation has an excess limitation of $200 with respect to carryovers arising in overall limitation years, T's $150 carryover from 1972 and $50 of S's $100 carryover from 1972 may be added to the amount of credit allowed by section 901 for such year. The total carryover to taxable years of the acquiring corporation subsequent to such first taxable year attributable to taxes paid or accrued in overall limitation years is $50 (i.e., the remainder of S's carryover from 1972, $50).

(c) *Effective date.* (1) The limitation provided in this section shall apply only with respect to reorganizations occurring after December 10, 1971, pursuant to a plan of reorganization or a contract entered into on or after September 29, 1971.

(2) For purposes of subparagraph (1) of this paragraph, a reorganization shall be considered to occur on the date of transfer as defined in section 381(b)(2) and § 1.381(b)-1(b).

(3) For purposes of subparagraph (1) of this paragraph, a plan of reorganization or a contract shall be considered to have been entered into on the date on which the duly authorized representatives of the transferor and acquiring corporations enter into an agreement evidencing the plan of reorganization, or on the date on which the plan of reorganization is adopted by the shareholders of the transferor and acquiring corporations, whichever occurs earlier.

(Sec. 383, 85 Stat. 521 (26 U.S.C. 383); sec. 7805, 68A Stat. 917 (26 U.S.C. 7805) of the Internal Revenue Code of 1954)

[FR Doc.75-816 Filed 1-8-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

Two-Tone Attention Signal System; Correction

PART 73—RADIO BROADCAST SERVICES

In the Matter of Amendment of § 73.906 of the Commission's rules to substitute a Two-Tone Attention Signal for the carrier-break and 1000 Hz signal presently in use.

At the request of the FCC, the Office of the Federal Register printed a correction to Order, FCC 74-1285, released December 5, 1974, in the above entitled matter which was published December 12, 1974, at 39 FR 43301. The correction was printed December 24, 1974, at 39 FR 44454. It so happens that the Order as printed on December 12 was correct and the correction published on December 24 is hereby voided. For clarification, § 73.906(a) (the paragraph in question) is reprinted correctly below:

§ 73.906 Attention signal.

* * * * *

(a) Tone frequencies. The two audio signals shall have fundamental frequencies of 853 and 960 hertz and shall not vary over ± 0.5 hertz.

* * * * *

Released: January 6, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

VINCENT J. MULLINS,
Secretary.

[FR Doc74-758 Filed 1-8-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Service Order No. 1205]

PART 1033—CAR SERVICE

Great Plains Railway Co. Authorized To Operate Over Tracks of Union Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of December 1974.

It appearing, That due to deterioration of track facilities the Great Plains Railway Company (GP) has discontinued use of its Sormer crossing over tracks of the Union Pacific Railroad Company (UP), at Davenport, Thayer County, Nebraska; that an alternate facility has been installed in this area to permit the GP to operate over a portion of the UP at a point of connection at UP milepost 191.2 and continuing for approximately 750 feet over UP tracks to a point of connection with the GP; that the UP has consented to use of these tracks by the GP pending disposition of application with the Commission for permanent authority to operate over the aforementioned tracks of the UP; that such operation is necessary to enable the GP to continue line haul service in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1205 S.O. 1205 (Great Plains Railway Company authorized to operate over tracks of Union Pacific Railroad Company).

(a) The Great Plains Railway Company (GP) be, and it is hereby, authorized to operate over a portion of the Union Pacific Railroad Company (UP) at a point of connection at UP milepost 191.2 and continuing for approximately 750 feet over UP tracks to a point of connection with the GP.

(b) Application. The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Nothing herein shall be considered as a pre-judgment of the application of the GP seeking permanent authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 12:01 a.m., December 31, 1974.

(e) *Expiration date.* The provisions of this order shall expire at 12:01 a.m., June 30, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(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 order shall be served upon the Asso-

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-814 Filed 1-8-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Oxbow National Wildlife Refuge, Mass.

The following special regulations are issued and are effective during the period January 1, 1975 through December 31, 1975.

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

MASSACHUSETTS

OXBOW NATIONAL WILDLIFE REFUGE

Entry by foot, bicycle, or motor vehicle is permitted along the tank road. Parking for vehicles is available at designated areas. Foot and bicycle travel is permitted for the purposes of nature study, photography, hiking, and cross-country skiing. Pets are permitted if on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,700 acres, is delineated on a map available at the Jackson Road entrance gate to Fort Devens; the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

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

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

JANUARY 2, 1975.

[FR Doc.75-751 Filed 1-8-75;8:45 am]

PART 33—SPORT FISHING

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period January 1, 1975 through December 31, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing and foot entry for this purpose are permitted in accordance with all applicable State regulations.

Areas open for fishing are delineated on maps available at refuge headquarters, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement regulations which govern sport fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

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

JANUARY 2, 1975.

[FR Doc.75-752 Filed 1-8-75;8:45 am]

PART 33—SPORT FISHING

Mackay Island National Wildlife Refuge, N.C. and Va.

The following special regulations are issued and are effective during the period January 1, 1975 through December 31, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH CAROLINA AND VIRGINIA

MACKAY ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Mackay Island National Wildlife Refuge is permitted only on the areas designated by signs as open to fishing. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season on the refuge extends from April 1 through October 15. Fishing is permitted in Corey's Ditch and in the canal adjacent to the Knotts Island Causeway, on a year-round basis, for bank fishing only.

(2) Fishing is permitted during daylight hours only.

(3) No limitations on size of motors used on boats. Airboats are prohibited.

The refuge, comprising 6,974 acres, is delineated on a map available from the Refuge Manager, Back Bay National Wildlife Refuge, Pembroke #2 Bldg., Suite 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

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

JANUARY 2, 1975.

[FR Doc.75-753 Filed 1-8-75;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for wheat crop insurance for the 1976 crop year.

ARIZONA

Maricopa	Yuma
Pinal	

ARKANSAS

Chicot	Desha
Clay	Greene
Craighead	Mississippi
Crittenden	Poinsett
Cross	St. Francis

CALIFORNIA

Fresno	Merced
Imperial	Modoc
Kern	San Joaquin
Kings	Stanislaus
Madera	Tulare

COLORADO

Adams	Logan
Arapahoe	Morgan
Cheyenne	Phillips
Elbert	Sedgwick
Kit Carson	Washington
Larimer	Weld
Lincoln	Yuma

GEORGIA

Houston	

IDAHO

Ada	Jefferson
Bannock	Jerome
Benewah	Kootenai
Bingham	Latah
Bonneville	Lewis
Camas	Lincoln
Canyon	Madison
Caribou	Minidoka
Cassia	Nez Perce
Franklin	Oneida
Fremont	Power
Gooding	Teton
Idaho	Twin Falls

ILLINOIS

Adams	Douglas
Bond	Edgar
Brown	Effingham
Cass	Fayette
Champaign	Fulton
Christian	Greene
Clark	Hancock
Clay	Iroquois
Clinton	Jasper
Coles	Jefferson
Crawford	Jersey
Cumberland	Kankakee
De Witt	Lawrence

ILLINOIS—Continued

Logan
McDonough
McLean
Macon
Macoupin
Madison
Marion
Mason
Menard
Monroe
Montgomery
Morgan
Moultrie
Piatt
Pike
Randolph
Richland
St. Clair
Sangamon
Schuyler
Scott
Shelby
Tazewell
Vermilion
Washington
Wayne

INDIANA

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson
Knox
Kosciusko
Lagrange
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby
Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

KANSAS

Allen
Anderson
Atchison
Barber
Barton
Bourbon
Brown
Butler
Chase
Chautauqua
Cherokee
Cheyenne
Clark
Clay
Cloud
Coffey
Comanche
Cowley
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Elk
Ellis
Ellsworth
Finney
Ford
Franklin
Geary
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Harvey
Haskell
Hodgeman
Jackson
Jefferson
Jewell
Johnson
Kearny
Kingman
Kiowa
Labette
Lane
Lincoln
Linn
Logan
Lyon
McPherson
Marion
Marshall
Meade
Miami
Mitchell
Montgomery
Morris
Nemaha
Neosho
Ness
Norton
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Rawlins
Reno
Republic
Rice

KANSAS—Continued

Riley
Rooks
Rush
Russell
Saline
Scott
Sedgwick
Seward
Shawnee
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita
Wilson
Woodson

KENTUCKY

Christian

MARYLAND

Caroline
Kent
Queen Annes

MICHIGAN

Bay
Branch
Calhoun
Cass
Clinton
Eaton
Gratiot
Hillsdale
Huron
Ingham
Ionia
Jackson
Kalamazoo
Lenawee
Livingston
Monroe
Saginaw
St. Clair
St. Joseph
Sanilac
Shiawassee
Tuscola
Washtenaw

MINNESOTA

Becker
Big Stone
Blue Earth
Chippewa
Clay
Dakota
Douglas
Faribault
Freeborn
Grant
Kandiyohi
Kittson
Lac qui Parle
Le Sueur
Lincoln
Mahnomen
Marshall
Meeker
Norman
Otter Tail
Pennington
Polk
Pope
Red Lake
Redwood
Renville
Roseau
Stevens
Swift
Traverse
Waseca
Wilkin
Yellow Medicine

MISSISSIPPI

Bolivar
Coahoma
Humphreys
Quitman
Sharkey
Sunflower
Tallahatchie
Tunica
Washington

MISSOURI

Adair
Andrew
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clinton
Cooper
Dade
Daviess
DeKalb
Dunklin
Franklin
Gentry
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon

MONTANA

Big Horn
Blaine
Carbon
Cascade
Chouteau
Custer
Daniels
Dawson
Fallon
Fergus
Glacier
Golden Valley
Hill
Judith Basin
Liberty
McCone
Musselshell
Petroleum
Phillips
Pondera
Prairie
Richland
Roosevelt
Rosebud
Sheridan
Stillwater
Teton
Toole
Treasure
Valley
Wheatland
Wibaux
Yellowstone

NEBRASKA

Adams
Banner
Box Butte
Butler
Cass
Chase
Cheyenne
Clay
Dawes
Deuel
Dodge
Fillmore
Franklin
Frontier
Furnas
Gage
Garden
Gosper
Hall
Hamilton
Harlan
Hayes
Hitchcock
Jefferson
Johnson
Kearney
Keith
Kimball
Lancaster
Lincoln
Merrick
Morrill
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Polk
Red Willow
Richardson
Saline
Saunders
Scotts Bluff
Seward
Sheridan
Thayer
Washington
Webster
York

NEW MEXICO

Curry

NORTH DAKOTA

Adams
Barnes
Benson
Bottineau
Bowman
Burke
Burleigh
Cass
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grand Forks
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
McLean
Mercer
Morton
Mountrail
Nelson
Oliver
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells
Williams

OHIO

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking

OHIO—Continued

Logan	Preble
Lucas	Putnam
Madison	Richland
Marion	Sandusky
Medina	Seneca
Mercer	Shelby
Miami	Union
Montgomery	Van Wert
Morrow	Wayne
Ottawa	Williams
Paulding	Wood
Pickaway	Wyandot

OKLAHOMA

Alfalfa	Jackson
Beaver	Kay
Beckham	Kingfisher
Blaine	Kiowa
Caddo	Logan
Canadian	Major
Comanche	Mayes
Cotton	Noble
Craig	Nowata
Custer	Osage
Delaware	Ottawa
Dewey	Pawnee
Ellis	Payne
Garfield	Texas
Grady	Tillman
Grant	Washington
Greer	Washita
Harmon	Woods
Harper	Woodward

OREGON

Gilliam	Sherman
Jefferson	Umatilla
Klamath	Union
Linn	Wallowa
Malheur	Wasco
Morrow	Wheeler

PENNSYLVANIA

Adams	Lancaster
Chester	Lebanon
Cumberland	Perry
Dauphin	York
Franklin	

SOUTH DAKOTA

Aurora	Hughes
Beadle	Hutchinson
Bennett	Hyde
Bon Homme	Jones
Brown	Kingsbury
Campbell	Lyman
Clark	McPherson
Codington	Marshall
Corson	Melette
Day	Miner
Deuel	Perkins
Dewey	Potter
Douglas	Roberts
Edmunds	Spink
Faulk	Stanley
Grant	Sully
Haakon	Tripp
Hamlin	Walworth
Hand	

TENNESSEE

Dyer	Obion
Lake	Robertson
Lauderdale	

TEXAS

Baylor	Hansford
Carson	Hartley
Castro	Hutchinson
Collin	Jones
Cooke	Knox
Dallam	Lipscomb
Deaf Smith	Moore
Denton	Ochiltree
Fannin	Oldham
Floyd	Parmer
Foard	Randall
Gray	Sherman
Grayson	Swisher
Hale	Wilbarger

UTAH

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

WASHINGTON

Adams	Klickitat
Asotin	Lincoln
Benton	Okanogan
Columbia	Spokane
Douglas	Walla Walla
Franklin	Whitman
Garfield	Yakima
Grant	

WYOMING

Goshen	Platte
Laramie	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Fedcral Crop Insurance Corporation.

[FR Doc. 75-805 Filed 1-8-75; 8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1 39 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, the following counties have been designated for barley crop insurance for the 1976 crop year.

ARIZONA

Maricopa	Yuma
Pinal	

CALIFORNIA

Fresno	Modoc
Kern	San Joaquin
Kings	Stanislaus
Madera	Tulare
Merced	

COLORADO

Boulder	Morgan
Larimer	Weld

IDAHO

Ada	Jerome
Bannock	Kootenai
Benewah	Latah
Bingham	Lewis
Bonneville	Lincoln
Camas	Madison
Canyon	Minidoka
Caribou	Nez Perce
Cassia	Oneida
Franklin	Owyhee
Fremont	Power
Gooding	Teton
Idaho	Twin Falls
Jefferson	

MARYLAND

Caroline	Queen Annes
Kent	

MINNESOTA

Becker	Otter Tail
Big Stone	Pennington
Chippewa	Polk
Clay	Pope
Douglas	Red Lake
Grant	Roseau
Kittson	Stevens
Mahnomen	Swift
Marshall	Traverse
Norman	Wilkin

MONTANA

Big Horn	Carbon
Blaine	Cascade
Chouteau	Pondera
Daniels	Prairie
Dawson	Richland
Fallon	Roosevelt
Fergus	Rosebud
Glacier	Sheridan
Golden Valley	Stillwater
Hill	Teton
Judith Basin	Toole
Liberty	Valley
McCone	Wheatland
Musselshell	Yellowstone
Phillips	

NORTH DAKOTA

Barnes	McLean
Benson	Mercer
Bottineau	Mountrail
Burke	Nelson
Burleigh	Oliver
Cass	Pembina
Cavalier	Pierce
Dickey	Ramsey
Divide	Ransom
Dunn	Renville
Eddy	Richland
Emmons	Rolette
Foster	Sargent
Golden Valley	Sheridan
Grand Forks	Stark
Grant	Steele
Griggs	Stutsman
Hettinger	Towner
Kidder	Traill
La Moure	Walsh
Logan	Ward
McHenry	Wells
McKenzie	Williams

OREGON

Gilliam	Sherman
Jefferson	Umatilla
Klamath	Union
Linn	Wallowa
Malheur	Wasco
Morrow	Wheeler

PENNSYLVANIA

Adams	Franklin
Chester	Lebanon
Cumberland	York
Dauphin	

SOUTH DAKOTA

Beadle	Grant
Brookings	Hamlin
Brown	Kingsbury
Clark	McPherson
Codington	Marshall
Day	Miner
Deuel	Roberts
Edmunds	Spink
Faulk	

UTAH

Cache	Utah
Davis	Weber
Salt Lake	

WASHINGTON

Adams	Klickitat
Asotin	Lincoln
Columbia	Spokane
Franklin	Walla Walla
Garfield	Whitman
Grant	

WYOMING

Big Horn	Park
Goshen	Washakie

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; (7 U.S.C. 1506, 1516))

[SEAL] M. R. PETERSON,
Manager, Federal Corp Insurance Corporation.

[FR Doc.75-804 Filed 1-8-75;8:45 am]

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1975 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

NATIONAL MARKETING QUOTA REFERENDUM RESULT

Section 722.564 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section announces the result of the national marketing quota referendum with respect to the 1975 crop of extra long staple cotton held during the period December 9 to 13, 1974, each inclusive.

Since the only purpose of § 722.564 is to announce the referendum result, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is unnecessary. Accordingly, § 722.564 shall be effective January 8, 1975.

§ 722.564 Result of the national marketing quota referendum for the 1975 crop of extra long staple cotton.

(a) *Referendum period.* The national marketing quota referendum for the 1975 crop of extra long staple cotton was held by mail ballot during the period December 9 to 13, 1974, each inclusive, in accordance with § 722.561 (39 FR 37181) and Part 717 of this chapter.

(b) *Farmers voting.* A total of 1,349 farmers engaged in the production of the 1974 crop of extra long staple cotton voted in the referendum. Of those voting, 1,244 farmers, or 92.2 percent, favored the 1975 national marketing quota, and 105 farmers, or 7.8 percent, opposed the 1975 national marketing quota.

(c) *1975 national marketing quota continues in effect.* The national marketing quota for the 1975 crop of extra long staple cotton of 82,481 bales proclaimed in § 722.526 (39 FR 37181) shall continue in effect since two-thirds or more of the extra long staple cotton farmers voting in the referendum favored the quota.

(Sec. 343, 63 Stat. 670, as amended (7 U.S.C. 1343))

Effective date: January 8, 1975.

Signed at Washington, D.C., on January 6, 1975.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.75-802 Filed 1-8-75;8:45 am]

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

[Navel Orange Regulation 334]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 10–16, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.634 Navel Orange Regulation 334.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues to be slow. Prices f.o.b. averaged $3.56 per carton on a reported sales volume of 787 carlots last week, compared with an average f.o.b. price of $3.64 per carton and sales of 862 carlots a week earlier. Track and rolling supplies at 355 cars were down 28 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 7, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 10, 1975, through January 16, 1975, are hereby fixed as follows:

(i) District 1: 824,000 cartons;
(ii) District 2: 98,826 cartons;
(iii) District 3: 26,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 9, 1975.

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

[FR Doc.75-1000 Filed 1-8-75;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Farm Storage and Drying Equipment Loan Program Regulations, Amdt. 1]

PART 1474—FARM STORAGE FACILITIES

Subpart—Farm Storage and Drying Equipment Loan Program Regulations

The subpart of Part 1474, Title 7, Code of Federal Regulations, published in the FEDERAL REGISTER of November 1, 1974 (39 FR 38632), is amended to effect the change as set forth below.

This amendment removes the requirement that a commodity be eligible for price support before its production can be considered in determining a need for farm storage or drying equipment.

So that the amendment may benefit persons who file loan applications after December 31, 1974, it is hereby found and determined that compliance with the notice of proposed rulemaking procedure provided in the Statement of Policy issued by the Secretary on July 20, 1971 (36 FR 13804), is impracticable and unnecessary.

Section 1474.4 is revised to remove the provision that a commodity be eligible for price support before its production can be considered in determining need for farm storage and drying equipment. The revised section reads as follows:

§ 1474.4 Eligible borrowers.

(a) *Basic requirements.* The term "eligible borrower" means any person who as landowner, landlord, tenant, or sharecropper (1) produces one or more of the following commodities, hereinafter called "eligible commodities": Corn, oats, barley, grain sorghum, wheat, rye, soybeans, flaxseed, rice, dry edible beans, peanuts, and sunflower seed, and (2) needs farm storage and drying equipment for the storage or conditioning of one or more such eligible commodities. If two or more eligible borrowers join together in the purchase and erection, installation, or construction of eligible farm storage or drying equipment, each such borrower shall sign all documents and shall be liable jointly and severally for payment of the loan. The term "person" means any individual or individuals competent to enter into a binding contract, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof.

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however,* That in making this determination (1) one year's estimated production of eligible commodities shall be used in determining whether the proposed drying equipment is needed, (2) the maximum storage space for which a loan may be made shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for storage of eligible commodities is less than the storage capacity necessary to store one year's production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates. If the capacity of the storage to be purchased or erected by the applicant exceeds the need as determined above, the application may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

(Secs. 4 and 5, 62 Stat. 1070, as amended, (15 U.S.C. 714 b and c))

Effective date: This amendment is effective with respect to loan applications filed on or after January 1, 1975.

Signed at Washington, D.C. on: December 31, 1974.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.75-803 Filed 1-8-75;8:45 am]

proposed rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 55, 56, 59, 70]

EGGS AND POULTRY

Federal Grading and Inspection; Miscellaneous Amendments

Notice is hereby given that the U.S. Department of Agriculture is considering amendments to the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55); the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59); and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof, and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70), under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), and the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056).

STATEMENT OF CONSIDERATIONS

A review of the voluntary grading regulations for poultry and eggs, and the mandatory and voluntary regulations for egg products, indicates a need to update these regulations and to provide, in some cases, additional information. The amendments being proposed are designed to accomplish these purposes.

In the mandatory egg and egg products regulations, the definition of "egg product" would be amended to add additional products considered as exempt from being classified as egg products required to be inspected under the mandatory egg products program. Such exempted products would include freeze-dried products, imitation egg products, egg substitutes, and dietary foods. The egg products used in such foods would need to be prepared from inspected egg products.

The proposed amendments would provide information for nutrition labeling of egg products and shell eggs. Such labeling is required for consumer packaged foods that contain added nutrients such as vitamins, minerals, or protein, or for which nutritional claims are made.

The amendments would require that nutrition labeling comply in all respects with the provisions of the Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. Egg products containing added nutrients and shipped in bulk form for use solely in the manufacture of other foods would be exempt from the complete nutrition labeling requirements, but any nutrition statement would have to be truthful. Egg products containing added nutrients or for which a nutritional claim is made on the label, which are supplied for institutional use only, are exempt from nutrition labeling requirements, provided, that the manufacturer or distributor of the product provides the required nutrition information to the institution.

Nutrition labeling would be required on consumer packaged shell eggs when a nutritional claim or information is made on the labeling.

The shell egg portion of the mandatory egg and egg products regulations provides for some exemptions from the provisions of the Egg Products Inspection Act. These exemptions are granted to producers who sell eggs of their own production at the site of production directly to household consumers, or deliver them on a route to household consumers. Eggs packers are also exempt on the sale of eggs at the packing station direct to household consumers. Such sales could include undesirable eggs unless prohibited by State law. To prevent the sale of such eggs, the proposed amendments would prohibit the sale of any eggs containing more leaker or loss eggs than permitted in the official standards for U.S. Consumer Grade B eggs. Also, in the mandatory egg and egg products regulations, the proposed amendments would limit the sale of eggs to household consumers at the site of production, on a delivery route, or at a packing station to 30 dozen restricted eggs. This is a reasonable figure for household consumption and discourages purchase of eggs for the purpose of resale.

Under the proposal, red and brown dyes, meat and fish by-products, and milling by-products would be added to the materials presently approved as denaturants for egg products.

Since the procedures for approving plants for inspection service are the same for the voluntary and the mandatory egg products programs, the voluntary regulations would be amended to reference the requirements contained in the mandatory regulations.

The examples of the inspection shield for egg products and the grade shields for poultry and eggs presently indicate that when such shields are imitated or simulated, it would constitute a representation that the product was officially inspected in the case of egg products, or officially graded in the case of poultry and eggs. The proposed amendments would clarify the fact that this would be true only if the shields contained the letters "USDA."

The regulations for voluntary grading of shell eggs have permitted eggs to be prewetted by submission. Research has proven that soaking of shell eggs considerably increases the bacterial spoilage of eggs. Static water used for washing and prewetting eggs produces more spoilage than running sprayed water. Spray systems for prewetting eggs have proven to be satisfactory. The proposed amendments would prohibit prewetting by submersion for eggs washed under the voluntary grading program.

When the "Nest Run" standards for shell eggs were promulgated, the tolerance for quality of individual cases within a lot was inadvertently omitted. The proposed amendments would provide this tolerance.

In the voluntary poultry grading regulations, the grade standard for oven-ready (pan) raw roasts would be amended to permit the use of up to 8 percent of comminuted (mechanically deboned) meat. Such meat could be substituted in part for skin allowed in the product. This would permit better utilization of poultry meat without affecting the quality of the roast. The proposal would also permit the exposed portion of oven-ready (pan) roasts to be prepared without a skin cover or to be covered with emulsified rather than whole skin. Cooking trials have shown that the quality of the roasts with either whole or emulsified skin was equal. Roasts without skin cover, cooked according to the manufacturing directions, were equal in quality to the covered roasts.

The other proposed changes in the voluntary poultry, shell egg, and egg products regulations are for the most part minor in nature and are of a clarifying or housekeeping nature. Several minor changes are also being proposed for the mandatory egg products regulations solely for the sake of clarification and removal of obsolete material. For example, dates for the implementation of certain requirements for the program have expired, and reference to these dates would be eliminated.

All persons who desire to submit written data, views, or comments in connection with this proposal shall file the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than March 10, 1975.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments are as follows:

PART 55—VOLUNTARY INSPECTION AND GRADING OF EGG PRODUCTS

1. Section 55.140 would be revised to read:

§ 55.140 Application for inspection in official plants; approval.

Any person desiring to process products under inspection service must receive approval of such plant and facilities as an official plant prior to the installation of such service. The initial survey, drawings, and specifications to be submitted, changes and revisions in the official plant, and final survey and procedure for plant approval shall be in accordance with and conform with the applicable provisions of § 59.146 of Part 59 of this chapter, regulations governing the inspection of eggs and egg products.

2. Section 55.300 would be amended to read:

§ 55.300 Approval of official identification.

Labeling procedures, required information on labels, and method of label approval, shall be in accordance with and conform with the applicable provisions of § 59.411 of Part 59 of this chapter, regulations governing the inspection of eggs and egg products, except where "egg product(s)" is used in § 59.411, the word "product(s)" shall be substituted and used for this Part 55.

3. In § 55.310, paragraph (a) and Figure 1 would be revised to read:

§ 55.310 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1, containing the letters "USDA," shall be the official identification symbol for the purposes of this part and, when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected for the purpose of § 55.5.

* * * * *

FIGURE 1

§ 55.330 [Amended]

4. In § 55.330, the first sentence of paragraph (a) would be changed to read: "Containers or labels which bear official identification approved for use pursuant to § 55.300 shall be used only for the purpose for which approved," and in paragraph (c), the last sentence would be changed to read: "The approvals shall be identified by the date of approval, approval number, and the name of the product."

PART 56—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

1. In § 56.1, the definition of "Nest Run eggs" would be amended by adding a period after the word "removed" and deleting the words "at the time of gathering," and a new definition for "Regional director" would be added to read:

§ 56.1 Meaning of words and terms defined.

* * * * *

"Regional director" means any employee of the Department in charge of the shell egg grading service in a designated geographical area.

* * * * *

§ 56.6 [Amended]

2. In § 56.6, the first sentence would be amended to read: "All grading service shall be subject to supervision at all times by the applicable State supervisor, regional director, and national supervisor."

3. Section 56.35 would be revised to read:

§ 56.35 Authority to use, and approval of official identification.

(a) *Authority to use official identification.* Authority to officially identify product graded pursuant to this part is granted only to applicants who make the services of a grader or supervisor of packaging available for use in accordance with this part. Packaging materials bearing official identification marks shall be approved pursuant to §§ 56.35 to 56.39, inclusive, and shall be used only for the purpose for which approved and prescribed by the Administrator. Any unauthorized use or disposition of approved labels or packaging material which bears any official identification may result in cancellation of the approval and denial of the use of labels or packaging material bearing official identification or denial of the benefits of the Act pursuant to the provisions of § 56.31.

(b) *Approval of official identification.* No label, container, or packaging material which bears official identification may contain any statement that is false or misleading. No label, container, or packaging material bearing official identification may be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with the regulations in this part, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations promulgated under these acts. The use of finished labels must be approved as prescribed by the Administrator. A grader may apply official identification stamps to shipping containers if they do not bear any statement that is false or misleading. If the label is printed or otherwise applied directly to the container, the principal display panels of such container shall for this purpose be considered as the label. The label shall contain the name, address, and ZIP Code of the packer or distributor of the product, the name of the product, a statement of the net contents of the container, and the U.S. grademark.

(c) *Nutrition labeling.* Nutrition information may be included on the label of consumer packaged shell eggs, providing, such labeling complies with the provisions of Title 21, Chapter 1, Part 1, Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. Nutrition labeling is required when a nutritional claim or information is presented on the labeling of consumer packages. Labeling will not be approved by the Department without comments from the Food and Drug Administration regarding nutritional claims and test data.

4. In § 56.36, the last sentence of paragraph (b) (2) would be deleted, and paragraph (a) (1) and (2), paragraph (b) (1), and Figure 1 would be revised to read:

§ 56.36 Information required on, and form of grademark.

(a) *Information required on grademark.* (1) Except as otherwise authorized, each grademark provided for in this section shall conspicuously and legibly indicate the letters "USDA" and the U.S. grade of the product it identifies, such as "A Grade" (illustrated in Figure 2). The letters "USDA" shall be printed in a light color on and surrounded by a dark field, and the U.S. grade printed in a dark color on a light field.

(2) The size or weight class of the product such as "Large" and such terms as "Federal-State Graded" or words of similar import may be shown within the grademark, provided, it appears prominformation shall be printed in a dark color on a light field. However, such terms as "Federal-State Graded" need not be shown. The size or weight class of the product may be omitted from the grademark, provided, it appears prominently on the main panel of the carton.

* * * * *

(b) *Form of official identification symbol and grademark.* (1) The shield set forth in Figure 1 containing the letters "USDA" shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with shell eggs, shall be deemed to constitute a representation that the product has been officially graded for the purpose of § 56.2.

FIGURE 1

* * * * *

§ 56.38 [Amended]

5. In § 56.38, the last sentence would be revised to read: "The approvals shall be identified by the date of approval, approval number, and the grade, weight class, and brand name of the product as applicable."

§ 56.43 [Amended]

6. In § 56.43, paragraph (e) would be deleted.

§ 56.64 [Amended]

7. In § 56.64, paragraph (c) would be amended by changing the last sentence to read: "The assignment of the grader(s) who will make the appeal grading requested under § 56.61(b) shall be made by the regional director or the chief of the grading branch."

8. In § 56.76, paragraph (e) would be revised to read:

§ 56.76 Minimum facility and operating requirements for shell egg grading and packing plants.

* * * * *

(e) *Shell egg cleaning operations.* (1) Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently, if necessary.

(2) The temperature of the wash water shall be maintained at 90° F. or higher, and shall be at least 20° F. warmer than the temperature of the eggs to be washed. These temperatures shall be maintained throughout the cleaning cycle.

(3) An approved cleaning compound shall be used in the wash water. (The use of metered equipment for dispensing the compound into solution is recommended.)

(4) Wash water shall be changed approximately every 4 hours or more often if needed to maintain sanitary conditions, and at the end of each shift. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Rinse water, chlorine, or quaternary sanitizing rinse may be used as part of the replacement water, provided, they are compatible with the washing compound. Iodine sanitizing rinse may not be used as part of the replacement water.

(6) Only potable water may be used to wash eggs. Each official plant shall submit certification to the national office stating that their water supply is potable. An analysis of the iron content of the water supply, stated in parts per million, is also required. When the iron content exceeds 2 parts per million, equipment shall be provided to correct the excess iron content. Frequency of testing shall be determined by the Administrator. When the water source is changed, new tests are required.

(7) Waste water from the egg washing operation shall be piped directly to drains.

(8) The washing and drying operation shall be continuous and shall be completed as rapidly as possible. Eggs shall not be allowed to stand or soak in water. Immersion-type washers shall not be used.

(9) Prewetting shell eggs prior to washing may be accomplished by spraying a continuous flow of water over the eggs in a manner which permits the water to drain away or other methods which may be approved by the Administrator. The temperature of the water shall be the same as prescribed in this section.

(10) Washed eggs shall be spray rinsed with warm water containing an approved sanitizer of not less than 50 p/m nor more than 200 p/m of available chlorine or its equivalent.

(11) Test kits shall be provided and used to determine the strength of the sanitizing solution.

(12) During any rest period, eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a buildup of heat.

(13) Washed eggs shall be reasonably dry before cartoning or casing.

(14) When steam or vapors originate from the washing operation, they shall be continuously and directly removed to the outside of the building.

* * * * *

§ 56.230 [Amended]

9. In § 56.230, the following sentence would be added: "No case may contain less than 75 percent A quality and AA quality eggs in any combination."

§ 56.231 [Amended]

10. In § 56.231, Table I would be amended by placing footnote Figure 6 next to the title "A Quality or better," and adding footnote 6 at the bottom of the table to read: "[6] No case may contain less than 75 percent A quality and AA quality eggs in any combination."

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

1. In § 59.5, the second sentence in the definition of "Egg product," and the definition of "Potable water," would be amended and new definitions "Producer-Packer" and "Shell Egg Packer" would be added, to read, respectively:

§ 59.5 Terms defined.

* * * * *

"Egg product" * * * "For the purposes of this part, the following products, among others, are exempted as not being egg products: freeze-dried products, imitation egg products, egg substitutes, dietary foods, dried no-bake custard mixes, egg nog mixes, acidic dressings, noodles, milk and egg dip, cake mixes, French toast, and sandwiches containing eggs or egg products, provided, such products are prepared from inspected egg products or eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. Balut and other similar ethnic delicacies are also exempted from inspection under this part." * * *

* * * * *

"Potable water" means water that has been approved by a State health authority or other agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

* * * * *

"Producer-packer" means any producer who sorts eggs only from his own production and packs them into their various qualities.

* * * * *

"Shell egg packer" (grading station) means any person engaged in the sorting of eggs from sources other than or in addition to his own production into their various qualities, either mechanically or by other means.

* * * * *

§ 59.16 [Deleted]

2. Section 59.16 would be deleted.

3. A new § 59.17 would be added to read:

§ 59.17 Nondiscrimination.

The conduct of all services and the licensing of graders and inspectors under these regulations shall be accomplished without discrimination as to race, color, religion, sex, or national origin.

§ 59.28 [Amended]

4. In § 59.28, paragraph (a)(1) would be amended by inserting the words "and hatcheries," and a comma before the wording "such inspections shall be made each calendar quarter."

§ 59.45 [Amended]

5. In § 59.45, paragraph (b) would be amended by changing the period at the end of the paragraph to a comma and adding the following: "unless they are denatured or decharacterized and identified as required by the regulations in this part."

6. Section 59.100 would be amended by deleting paragraph (i), changing the semicolon at the end of paragraph (c) to a period, and adding the sentence "Each sale of restricted eggs shall be limited to no more than 30 dozen eggs;" and revising the opening text and paragraph (f) to read, respectively:

§ 59.100 Specific exemptions.

The following are exempt to the extent prescribed as to the provisions for control of restricted eggs in section 8(a)(1) and (2) of the Act and the provision for continuous inspection of processing operations in Section 5(a) of the Act: *Provided*, That as to paragraphs (c) through (f) of this section, the exemptions do not apply to restricted eggs when prohibited by State or local law, and the exemptions also do not apply to restricted eggs containing more loss and leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs, and as to paragraph (c) of this section, the sale of eggs to consumers at an established place of business away from the site of production: And provided further, That the sale of "hard-cooked shell eggs" or "peeled hard-cooked shell eggs" prepared from checks is subject to the conditions for exemp-

tion in paragraphs (c), (d) and (f) of this section, and provided further, That the conditions for exemption and provisions of these regulations are met:

* * * * *

(f) The sale of eggs by shell egg packers on the premises where the grading station is located, directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs. Each such sale of "restricted eggs" shall be limited to no more than 30 dozens eggs;

* * * * *

§ 59.105 [Amended]

7. In § 59.105, paragraph (a) would be amended by deleting "or (i)."

§ 59.124 [Amended]

8. Section 59.124 would be amended by changing the phrase "5 days per week" in the first sentence to read: "5 consecutive days per week,"

9. In § 59.160, paragraphs (d) and (e) would be revised to read:

§ 59.160 Refusal, suspension, or withdrawal of service.

* * * * *

(d)(1) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 401(a)(1) of the Federal Water Pollution Control Act, as amended (86 Stat. 816, 33 U.S.C. 1251 et seq.), to provide the Administrator with a certification as prescribed in said subsection that any such discharge will comply with the applicable provisions of sections 301, 302, 306, and 307 of the Act (33 U.S.C. 1311, 1312, 1316, and 1317). No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived, because of failure or refusal of the State, interstate agency, or the Administrator of the Environmental Protection Agency to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request). Further, upon receipt of an application for inspection and a certification as required by 401(a)(1) of the Federal Water Pollution Control Act, the Administrator (as defined in § 59.5) is required by subparagraph (1) of said subsection to notify the Administrator of the Environmental Protection Agency for proceedings in accordance with that subsection. No grant of inspection can be made until the requirements of said subparagraph (1) have been met.

(2) In the case of any activity which will affect water quality, but for which there are no applicable water quality standards, the certification shall so provide, and such grant of inspection will be conditioned upon a requirement of compliance with the purposes of the Federal Water Pollution Control Act as provided in subsection 401(a)(1) of said Act.

(e) Inspection may also be suspended, revoked, or terminated as provided in Section 401(a)(4) and (5) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1341(a)(4) and (5)).

* * * * *

10. Section 59.410 would be revised to read:

§ 59.410 Egg products required to be labeled.

Containers and portable tanks of edible egg products prior to leaving the official plant shall be labeled in accordance with §§ 59.411 through 59.415 and shall bear the official identification shown in Figure 2 of § 59.412 or Figure 3 or 4 of § 59.415. Bulk shipments of pasteurized egg products to nonofficial outlets need not be sealed. Bulk shipments of egg products transported from one official plant to another shall be sealed and accompanied by an official certificate.

11. In § 59.411, the last sentence of paragraph (c)(1) would be deleted, the present paragraph (e) would be redesignated (f), paragraphs (a) and (b) would be revised and a new paragraph (e) would be added to read, respectively:

§ 59.411 Requirement of formulas and approval of labels for use in official egg products plants.

(a) No label, container, or packaging material which bears official identification may bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used, unless it is approved by the Administrator in accordance with paragraph (b) of this section. The use of finished labels must be approved as prescribed by the Administrator. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) No label, container, or packaging material bearing official identification may be printed or prepared for use until the printers' or other final proof has been approved by the Administrator in accordance with the regulations in this part, the Egg Products Inspection Act, the Federal Food, Drug, and Cosmetic Act, the Fair Packaging and Labeling Act, and the regulations promulgated under these acts. Copies of each label submitted for approval shall be accompanied by:

* * * * *

(e) Nutrition information may be included on the label of egg products, providing such labeling complies with the provisions of 21 CFR Part 1, Regulations for the Enforcement of the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act. Since these regulations have different requirements for consumer packaged products than for bulk packaged egg products not for sale or distribution to household consumers, label submission shall be accompanied with information indicating whether the label covers consumer packaged or bulk packaged product. Nutrition labeling is required when nutrients, such as proteins, vitamins, and minerals are added to the product, or when a nutritional claim or information is presented on the labeling, except for the following which are exempt from nutrition labeling requirements:

(1) Egg products shipped in bulk form for use solely in the manufacture of other foods and not for distribution to household consumers in such bulk form or containers.

(2) Products containing an added vitamin, mineral, or protein, or for which a nutritional claim is made on the label, or in advertising, which is supplied for institutional food use only: *Provided*, That the manufacturer or distributor provides the required nutrition information directly to those institutions.

(3) Any nutrient(s) included in product solely for technological purpose may be declared solely in the ingredients statement, without complying with nutrition labeling, if the nutrient(s) is otherwise not referred to in labeling or in advertising. Labels will not be approved by the Department without comments from the Food and Drug Administration regarding nutritional claims, formulation, and test data.

* * * * *

12. In § 59.412, paragraph (a) and Figure 1 would be revised to read:

§ 59.412 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 containing the letters "USDA" shall be the official identification symbol for purposes of this part and, when used, imitated, or simulated in any manner in connection with a product, shall be deemed to constitute a representation that the product has been officially inspected.

* * * * *

FIGURE 1

* * * * *

§ 59.417 [Amended]

13. In § 59.417, the first sentence of paragraph (a) would be changed to read: "Containers or labels which bear official identification approved for use pursuant

to § 59.411 shall be used only for the purpose for which approved.", and in paragraph (c), the last sentence would be changed to read: "The approvals shall be identified by the date of approval, approval number, and the name of the product."

14. In § 59.430, paragraph (b) would be revised to read:

§ 59.430 Limitation on entry of material.

* * * * *

(b) Inedible egg products may be brought into an official plant for storage and reshipment: *Provided*, they are handled in such a manner that adequate segregation and inventory controls are maintained at all times. Inedible egg products may be processed in official plants: *Provided*, that prior approval is obtained from the Administrator and under such conditions and time limitations as the Administrator may specify. The processing of inedible egg products shall be done under conditions which will not affect the processing of edible products, such as processing in separate areas, or at time when no edible product is being processed. All equipment and processing areas must be thoroughly cleaned and sanitized prior to processing any edible product.

§ 59.500 [Amended]

15. In § 59.500, the first sentence of paragraph (h) would be amended by adding the words "pressure and" between the words "adequate facilities."

§ 59.504 [Amended]

16. In § 59.504, the first sentence of paragraph (c) would be revised to read: "All loss and inedible eggs or egg products shall be placed in a container clearly labeled "inedible" and containing a sufficient amount of approved denaturant or decharacterant, such as FD&C red, brown, blue, black, or green colors, meat and fish by-products, grain and milling by-products, or any other substance, as approved by the Administrator, that will accomplish the purposes of this section."

§ 59.510 [Amended]

17. In § 59.510, paragraph (d)(2) would be amended by changing the word "conduct" to "contact."

18. In § 59.515, paragraph (a) would be revised to read:

§ 59.515 Egg cleaning operations.

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently if necessary.

(2) The temperature of the wash water shall be maintained at 90° F. or higher, and shall be at least 20° F. warmer than the temperature of the eggs to be washed. These temperatures shall be maintained throughout the cleaning cycle.

(3) An approved cleaning compound shall be used in the wash water. (The use of metered equipment for dispensing the compound into solution is recommended.)

(4) Wash water shall be changed approximately every 4 hours or more often if needed to maintain sanitary conditions and at the end of each shift. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Rinse water and chlorine sanitizing rinse may be used as part of the replacement water. Iodine sanitizing rinse may not be used as part of the replacement water.

(6) Waste water from the egg washing operation shall be piped directly to drains.

(7) The washing operation shall be continuous and shall be completed as rapidly as possible. Eggs shall not be allowed to stand or soak in water. Immersion-type washers shall not be used.

(8) Prewetting shell eggs prior to washing may be accomplished by spraying a continuous flow of water over the eggs in a manner which permits the water to drain away, or by other methods which may be approved by the Administrator. The temperature of the water shall be the same as prescribed in this section.

(9) Washed eggs shall be spray rinsed with an approved sanitizer of not less than 100 p/m nor more than 200 p/m of available chlorine or its equivalent.

* * * * *

19. In § 59.522, paragraph (o) and paragraph (aa)(3) would be revised to read:

§ 59.522 Breaking room operations.

* * * * *

(o) Test kits shall be provided and used to determine the strength of the sanitizing solution. (See § 59.515(a)(9) and § 59.552.)

* * * * *

(aa) * * *

(3) Mechanical egg breaking equipment shall be clean and sanitized prior to use, and during operations the machines shall be cleaned and sanitized approximately every 4 hours or more often if needed to maintain them in a sanitary condition. This equipment shall be cleaned at the end of each shift.

§ 59.690 [Amended]

20. Section 59.690 would be amended by deleting "prior to July 1, 1972" in the first sentence, and revising the last sentence to read: "Persons as those listed above who are establishing a business will be required to register before they start operations."

§ 59.720 [Amended]

21. In § 59.720, the second sentence of paragraph (a)(4) would be revised to read: "Except that, lots of eggs containing significant percentages of blood spots or meat spots, but no other types of loss or inedible eggs may be shipped directly to official egg products plants, provided they are conspicuously labeled with the name and address of the shipper and the wording "Spots—For Processing Only In Official Egg Products Plants."

§ 59.800 [Amended]

22. Section 59.800 would be amended by adding the following: "When eggs are packed in immediate containers, e.g., cartons, sleeve packs, overwrapped 2½ or 3 dozen packs, etc., for sale to household consumers under the exemptions provided for in § 59.100(c), (d), or (f), they shall be deemed to be satisfactorily identified in accordance with the requirements of this part if such immediate containers bear the packer's name and address and the quality of the eggs. Alternatively, a point of sale sign may be displayed showing the above information.

23. A new § 59.801 would be added to read:

§ 59.801 Nest run or current receipt eggs.

Eggs which are merchandised as they come from the production facilities without washing, grading, or sizing are exempt from the labeling provisions in § 59.800. However, when such eggs are packed and sold to consumers, they may not contain more loss and leakers than allowed in the official standards for U.S. Consumer Grade B shell eggs.

§ 59.930 [Amended]

24. In § 59.930(c), the last paragraph of the "warning notice" would be revised to read: "If the product is found to be acceptable upon inspection, the product may be released to the consignee, or his agent, and this warning notice defaced."

25. Section 59.940 would be revised to read:

§ 59.940 Marking of egg products offered for importation.

Egg products which, upon inspection, are found to be acceptable for importation into the United States, and are properly labeled and bear the inspection mark of the country of origin, need no further identification. However, each shipping container of egg products rejected shall be marked "U.S. Refused Entry."

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF: AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

1. Section 70.90 would be revised to read:

§ 70.90 Approval of official identification and wording on labels.

Any label or packaging material which bears any official grade identification shall be used only in such a manner as the Administrator may prescribe, and such labeling or packaging materials, including the wording used on such materials, shall be approved in accordance with and conform with the provisions of this Part 70 and the applicable provisions of §§ 381.115 through 381.141 of 9 CFR Part 381, Poultry Products Inspection Regulations.

2. In § 70.91, paragraph (b)(1) and Figure 1, would be revised to read:

§ 70.91 Marking graded products.

* * * * *

(b) *Form of official identification symbol and grademark.* (1) The shield set forth in Figure 1 containing the letters "USDA," shall be the official identification symbol for purposes of this part and, when used, imitated, or simulated in any manner in connection with poultry shall be deemed prima facie to constitute a representation that the product has been officially graded for the purposes of § 70.2.

FIGURE 1

* * * * *

3. In § 70.356, the third sentence of paragraph (d) would be deleted and the opening text would be revised and a new paragraph (j) would be added to read, respectively:

§ 70.356 Poultry roast—A Quality.

The standard of quality contained in this section is applicable to raw poultry products labeled in accordance with 9 CFR Part 381 as ready-to-cook "Rolls," "Roasts" or with words of similar import.

* * * * *

(j) Product packaged in an oven-ready container shall meet all the requirements of paragraphs (a) through (i) of this section, except that with respect to skin covering, the exposed surface of the roast need not be covered with skin. If skin is used to cover the exposed surface, it may be whole or emulsified. Additionally, for roasts packaged in oven-ready containers, comminuted (mechanically deboned) meat may be substituted in part for skin, but may not exceed 8 percent of the total weight of the product.

Done at Washington, D.C. this 2nd day of January 1975.

E. L. PETERSON,
Administrator.

[FR Doc.75-655 Filed 1-8-75;8:45 am]

Office of the Secretary

[7 CFR Part 20]

[Amdt. 2]

EXPORT SALES REPORTING REGULATIONS

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-30262 appearing at page 44764 in the issue for Friday, December 27, 1974, the signature in the third column which presently reads "Richard J. Brodner" should read "Richard J. Goodman".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-NE-53]

AIRCRAFT INCORPORATING WHELEN ENGINEERING CO., INCORPORATED A427 STROBE LIGHT FLASH TUBES MANUFACTURED BEFORE NOVEMBER 1, 1974

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to aircraft incorporating Whelen Engineering Company Incorporated A427 strobe light flash tubes manufactured before November 1, 1974. There has been an incident involving an airplane where spilled fuel on the wing tip area is suspected to have been ignited by arcing at the wing tip strobe light. Although the Whelen Engineering Company Incorporated A427 strobe light flash tube was not involved in the cited incident, this flash tube is also susceptible to arcing. Since this situation may exist or develop in aircraft which have the flash tube installed, the proposed airworthiness directive would require the installation of insulating material.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, New England Region, Office of the Regional Counsel, Attention: Rules Docket, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before January 28, 1975, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

WHELEN ENGINEERING COMPANY INCORPORATED. Applies to aircraft incorporating Whelen Engineering Company Incorporated A427 Strobe Light Flash Tubes manufactured before November 1, 1974.

Compliance required within the next 100 hours time in service unless already accomplished.

(a) To preclude possible ignition of flammable fluids or vapors by arcing at the strobe light flash tube, install on the base of Whelen Engineering Company Incorporated A427 flash tubes a pressure sensitive vinyl label conforming to Whelen Engineering Company Incorporated Drawing A-30052, Revision 1, dated October 15, 1974, or later FAA approved revision. Scotch Brand Type 33+ vinyl plastic electrical tape or equivalent tape approved by an FAA Maintenance/Avionics Inspector can be used in lieu of the vinyl label. If vinyl plastic electrical tape is used, it must be formed to cover the rivet at the rear of the flash tube without covering the identifying part number. If the flash tube incorporates a label, the new label or tape may be installed directly over the old label. Install the label or tape only when the label or tape and the flash tube are at a temperature above 50°F.

(b) The installation required by this AD constitutes preventive maintenance and may be performed by persons authorized to perform preventive maintenance under FAR 43.

(c) Upon request with substantiating data submitted through an FAA Maintenance/Avionics Inspector, equivalent methods of compliance with this AD may be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, New England Region.

NOTE: For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent maintenance record, see FAR 91.173.

Issued in Burlington, Massachusetts, on December 27, 1974.

WILLIAM E. CROSBY,
Acting Director,
New England Region.

[FR Doc.75-671 Filed 1-8-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 316-8]

MISSOURI

Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

During May, June, and November 1974, the State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve compliance schedules submitted by the States. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice of public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below under the heading "Final Compliance Date." In all cases, the schedule include incremental steps toward compliance with the

applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do. The "Effective Date" column in the table indicates the date the compliance schedules become effective for purposes of federal enforcement.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before February 10, 1975 will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

This proposed rulemaking is issued under authority of section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5.

Date: December 20, 1974.

CHARLES V. WRIGHT,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart AA—Missouri

1. In § 52.1335, the table in paragraph (a) is amended by adding the following:

§ 52.1335 Compliance schedules.

* * * * *

(a) * * *

Missouri

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
* * *	*	*	*	*	*
Kansas City Power & Light, Hawthorne Plant:					
Units 1 and 2	Kansas City	18.86B [1], 18.87A.	Nov. 19, 1973	Immediately	Nov. 19, 1974
Units 3, 4, and 5	do	18.86B [1], 18.87A.	Nov. 11, 1974	do	July 31, 1975
City of Hannibal: Asphalt Batch Plant.	Hannibal	S-V, S-VII, S-VIII.	Aug. 21, 1974	do	Jan. 1, 1975
Independent Stave Co.:					
Dust Handling Equipment	Lebanon	S-V, S-VII, S-VIII.	do	do	July 1, 1975
Char Fire Stacks and Boiler	do	S-V, S-VII, S-V-III.	do	do	Do.
Armco Steel: Heat Treating Process.	Kansas City	18.87A [1]	June 3, 1974	do	Oct. 1, 1974
Certain-Teed Products: Asphalt Heating and Blowing.	do	18.87A [1]	Apr. 22, 1974	do	Dec. 6, 1974
Kaiser Refractories: Rotary Kiln No. 2.	Mexico	S-V, S-VII, S-VIII.	Aug. 21, 1974	do	Oct. 18, 1974
A. P. Green Refractories: Rotary Calcining Kiln.	do	S-V, S-VII, S-VIII.	do	do	May 31, 1975
W. H. Arnold Log & Lumber Co.: Incinerator.	Hannibal	S-IV	Sept. 25, 1974	do	Do.
C-E Refractories: Rotary Dryer	Vandalia	S-V, S-VII, S-VIII.	do	do	July 1, 1975
Marion County Milling Co.: Alfalfa Dehydrator.	Hannibal	S-VII, S-VIII	do	do	July 31, 1975
Missouri Power & Light: No. 5 and No. 6 Steam Generating Boilers.	Jefferson City	S-VI, S-VIII	Nov. 20, 1974	do	July 28, 1975
National Alfalfa Dehydrating and Milling: Alfalfa Dehydrator.	Henrietta	VI	May 22, 1974	do	Apr. 30, 1975
Allied Chemical Corp.:					
Crushers	Owensville	S-V, S-VIII	Oct. 23, 1974	do	Jan. 1, 1975
Rotary Kiln	do	S-V, S-VIII	do	do	Do.
Rotary Cooler	do	S-V, S-VIII	do	do	Do.

[1] Air pollution control code of Kansas City, Mo.

[FR Doc.75-515 Filed 1-8-75;8:45 am]

[40 CFR, Part 415]

[FRL 315-3]

INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations and Guidelines for Existing Sources; Performance and Pretreatment Standards for New Sources

Notice is hereby given that the Environmental Protection Agency (EPA) is proposing to amend 40 CFR Part 415, Inorganic Chemicals Manufacturing Point Source Category, Subpart H, Hydrofluoric Acid Production Subcategory, §§ 415.81, 415.82, and 415.85, as set forth below. 40 CFR Part 415 was promulgated on March 12, 1974 pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b), and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500 (the Act).

The promulgated effluent guidelines for hydrofluoric acid were challenged by two major producers of this chemical. The original exemplary plant data as supplied to the EPA contractor indicated that hydrofluoric acid manufacturing plants using recycle pond technology could achieve zero discharge for process waste water pollutants. At a meeting with producers representatives and the EPA technical and legal staff, the producers' representatives stated that the data submitted to the contractor was in error and that an effluent stream from hydrofluoric acid manufacture is necessary.

In response to an EPA request for supporting documentation, revised and expanded data from the exemplary plant and data from another plant was received. A technical review committee of the Effluent Guidelines Division evaluated the new data and recommended amendment to the promulgated guidelines. The new data is the basis for this proposed amendment.

A brief summary of the findings and data collected during this investigation will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW, Washington, D.C.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act. All comments received on or before February 10, 1975, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: December 30, 1974.

JOHN QUARLES,
Administrator.

It is proposed to amend Part 415 as follows:

1. Section 415.81 is amended by adding paragraphs (b), (c), (d) and (e) to read as follows:

§ 415.81 Specialized definitions.

* * * * *

(b) The term "product" shall mean hydrofluoric acid as anhydrous hydrofluoric acid.

(c) For all impoundments constructed prior to March 12, 1974 the term "within the impoundment" for purposes of calculating the volume of process waste water which may be discharged, shall

mean the water surface area within the impoundment at maximum capacity plus the area of the inside and outside slopes of the impoundment dam and the surface area between the outside edge of the impoundment dam and an immediately adjacent seepage ditch upon which rain falls and is returned to the impoundment. For the purpose of such calculations, the surface area allowance for external appurtenances to the impoundment shall not be more than 30 percent of the water surface area within the impoundment dam at maximum capacity.

(d) For all new impoundments or new source impoundments constructed on or subsequent to March 12, 1974 the term "within the impoundment" for purposes of calculating the volume of process water which may be discharged shall mean the water surface area within the impoundment at maximum capacity.

(e) The term "pond water surface area" for the purpose of calculating the volume of waste water which may be discharged shall mean the pond water surface area at normal operating level. This surface shall in no case be less than one-third of the surface area within the impoundment dam at maximum capacity.

§ 415.82 [Amended]

2. Section 415.82 (a), (c), and (d) are revised to read as follows:

(a) Subject to the added allowances provided for in paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in process waste water from the production of hydrofluoric acid:

Effluent characteristic	Effluent Limitations: Maximum for any one day	Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed
Metric units (kilograms per 1,000 kg of product)		
Fluoride	0.36	0.18
TSS	0.42	0.21
pH	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lbs of product)		
Fluoride	0.36	0.18
TSS	0.42	0.21
pH	Within the range 6.0 to 9.0.	

* * * * *

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and the evaporation from the pond water surface area for that month, or if greater, a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center).

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent Characteristic	Effluent Limitation: Maximum for any one day	Effluent Limitation: Average of daily values for thirty consecutive days shall not exceed
Metric units (milligrams per liter)		
Fluoride	60	30
TSS	70	35
pH	Within the range 6.0 to 9.0.	
English units (parts per million)		
Fluoride	60	30
TSS	70	35
pH	Within the range 6.0 to 9.0.	

§ 415.83 [Amended]

3. Section 415.83 is amended by revising paragraph (a) and by adding new paragraphs (c) and (d) to read as follows:

(a) Subject to the added allowances provided for in paragraph (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in process waste water from the production of hydrofluoric acid:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
Metric units (kilograms per 1,000 kg of product)		
Fluoride	0.144	0.072
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lbs of product)		
Fluoride	0.144	0.072
TSS	0.18	0.09
pH	Within the range 6.0 to 9.0.	

* * * * *

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the impoundment and the evaporation from the pond water surface area for that month, or if greater, a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center).

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent Limitations: Maximum for any one day	Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed
Metri units (mg/l)		
Fluoride	40	20
TSS	50	25
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
Fluoride	40	20
TSS	50	25
pH	Within the range 6.0 to 9.0.	

§ 415.85 [Amended]

4. Section 415.85 is amended by revising paragraph (a) and by adding new paragraphs (c) and (d) to read as follows:

(a) Subject to the added allowances provided for in paragraphs (b), (c) and (d) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged in process waste water from the production of hydrofluoric acid:

Effluent characteristic	Effluent Limitations: Maximum for any one day	Effluent Limitations: Average of daily values for thirty consecutive days shall not exceed
Metric units (kilograms per 1,000 kg of product)		
Fluoride	0.24	0.12
TSS	0.29	0.145
pH	Within the range 6.0 to 9.0.	
English units (pounds per 1,000 lbs of product)		
Fluoride	0.24	0.12
TSS	0.29	0.145
pH	Within the range 6.0 to 9.0.	

* * * * *

(c) During any calendar month there may be discharged from a process waste water impoundment either a volume of process waste water equal to the difference between the precipitation for that month that falls within the im-

poundment and the evaporation from the pond water surface area for that month, or if greater, a volume of process waste water equal to the difference between the mean precipitation for that month that falls within the impoundment and the mean evaporation from the pond water surface area for that month as established by the National Climatic Center, National Oceanic and Atmospheric Administration, for the area in which such impoundment is located (or as otherwise determined if no monthly data have been established by the National Climatic Center).

(d) Any process waste water discharged pursuant to paragraph (c) of this section shall comply with each of the following requirements:

Effluent characteristic	Effluent limitations: Maximum for any one day	Effluent limitations: Average of daily values for thirty consecutive days shall not exceed
Metric units (mg/l)		
Fluoride	50	25
TSS	60	30
pH	Within the range 6.0 to 9.0.	
English units (ppm)		
Fluoride	50	25
TSS	60	30
pH	Within the range 6.0 to 9.0.	

[FR Doc.75-294 Filed 1-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20312; RM-2230, RM-2315, RM-2231, RM-2320]

FM BROADCAST STATIONS IN ARIZONA; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. Notice of Proposed Rule Making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) as concerns Phoenix, Chandler, Sedona, Scottsdale, and Tolleson, Arizona. As to Phoenix, there are two petitions for rule making (RM's 2315 and 2320) each seeking the assignment of a seventh Class C FM channel to that city. The petitions for channel assignments to Chandler and Sedona (RM's 2230 and 2231) conflict with the petitions for Phoenix. And, on our own motion, we propose the assignment of Channel 264 from Tolleson to Scottsdale to conform the place of assignment to the place where licensed as Station KDOT-FM.

2. In RM-2315, Julia S. Zozaya and Humberto R. Precidao (hereinafter referred to as "Z & P") propose the assignment of Channel 260 to Phoenix, Arizona; this conflicts with the petition of Joseph P. Tabback to assign Channel 261A to Sedona, Arizona (RM-2231), that is, the separation between the reference points is only 102 miles (Section 73.208 (a)(2)). RM's 2230 and 2320 are conflicting proposals to assign Channel 300 to Chandler and Phoenix, Arizona, respectively: the petition in RM-2230 is Ralph L. Borkman, d/b/a Chandler Communications Company ("Borkman" or "CCC"); and the petitioner in RM-2320 is KIFN Radio, Inc. (KIFN), licensee of daytime-only AM Station KIFN, Phoenix, which as pertinent here is the only Spanish language station at Phoenix (see footnote 6 below). In accord with our general practice to consider petitions for rule making to add channels to the same community, RM's 2315 and 2320 are considered together and RM's 2230 and 2231 are part of this proceeding in light of the conflict with the respective Phoenix petitions.

3. Phoenix, population 581,562 [1] is the county seat of Maricopa County (population 967,522, which constitutes the Phoenix SMSA) and the State capital. KIFN says that Phoenix is the dominant—most populous—city in the southwest, west of Ft. Worth-Dallas, south of Denver, and east of Los Angeles. Presently assigned to Phoenix are Channels 233, 238, 245, 254, 268, and 273, respectively occupied by Stations KOOL-FM, KRFM, KMEO-FM, KTAR-FM, KHEP-FM, and KNIX,[2] all of which operate from the Phoenix antenna farm at South Mountain.[3] Chandler, population 13,763, is located 19 miles southeast of Phoenix in Maricopa County. Sedona is an unincorporated community with a population of 2,022 located 102 miles north northeast of Phoenix and 23 miles southwest of Flagstaff and in Coconino and Yavapai Counties (respectively populations 48,326 and 36,733). Both Scottsdale (population 67,823) and Tolleson (population 3,881) are in Maricopa County.

4. RM-2230. Borkman in support of his petition for Channel 300 claims that Chandler merits a local outlet since it is isolated geographically from the other urbanized parts of Maricopa County and it has its own trading area of 35,000 persons including the communities of Gilbert, Higley, Queen Creek, Chandler Heights, Ocotillo, Gila River Indian Reservation, and Williams Air Force Base. CCC claims a present population of between 17,000 and 18,000 with 34,000 and 52,000 population projected for 1980 and 1990. CCC claims that significant growth and expansion in the Chandler area primarily of major subdivisions and planned communities which are under development of which those within a 15 mile radius are projected for a total population of 143,250, nearly 100,000 of which are not within the boundary of another city. We are told that the local economy is agriculture, manufacturing, and tourism. In realization that normally a community the size of Chandler does not merit a Class C channel, Borkman states that a Class A channel could not be found. CCC, however, further asserts entitlement to a channel on the basis that under the population criteria, that is, it adequately qualifies both in population and as to class; it feels that it is significant that Chandler is the only community in Arizona with a population in excess of 10,000 without a local radio outlet.

5. RM-2231. Tabback in support of his petition alleges that Sedona is the commercial and trade center of Oak Creek Canyon, a residential, scenic, and recreational area, the principal attractions for which are camping and recreation. The economy of the area is largely "retirement services, tourism and recreation" and the area is a "major nationally known scenic attraction and art center." Additionally, Tabback urges that Sedona and Oak Creek Canyon are without an FM service and receives only secondary minimal nighttime service. We are also told that the actual population as of the first quarter of 1973 is approximately 6,000.

6. RM-2315 and RM-2320. Z & P and KIFN independently petitioned for the addition of a seventh FM channel at Phoenix. Both petitioners bottom their respective petitions on the need of programming for the Spanish-American population of Phoenix and environs. Z & P, in support of its petition, argues that another channel should be assigned to Phoenix because of its substantial increase in population and the large number of Spanish-Americans in Phoenix and the State of Arizona. As concerns population, it is noted that there was a population gain of 46.1% of the Phoenix SMSA between 1960 and 1970 and that the present population of the Phoenix SMSA is over 1,000,000. As concerns Spanish-American population, reference is made to the Census estimates for the state (18.8%), Maricopa County (14%), and the city of Phoenix (13.9%). KIFN states that this is the most significant minority group living there which special circumstances demonstrates the need for another FM channel at Phoenix. KOOL Radio-Television, Inc., licensee of Stations KOOL, KOOL-FM, and KOOL-TV, filed comments in support of the Z & P petition; a number of informal comments also have been filed in support of the Z & P petition. KIFN also claims that under the population criteria Phoenix is "clearly" * * * *entitled* to the addition of a seventh FM channel assignment" (emphasis added).

7. CCC opposes the KIFN petition on the basis that the Z & P petition already seeks a seventh FM channel at Phoenix and because of the conflict with its own

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

[2] The Phoenix market has 24 aural broadcast stations with total broadcast revenue of $22.4 million and total broadcast income of $2.4 million. AM-FM Broadcast Financial Data—1972. The market includes stations at Glendale, Mesa, Tempe, and Scottsdale, including five operating FM stations (Class C channels).

[3] Two of the stations provide service to 10,480 square miles and 947,696 persons; another two cover 10,980 square miles and 982,121 persons; while the others cover 11,190 and 13,478 square miles and 1,012,496 and 1,219,045, respectively. KIFN plans a station to cover 11,190 square miles and a population of 1,012,496.

petition for the assignment of Channel 300 at Chandler which it claims is the only one available for that city. KIFN filed a reply asking that the Z & P petition to assign Channel 260 to Phoenix (RM–2315), its petition to assign Channel 300 to Phoenix (RM–2320), and CCC's petition to assign Channel 300 to Chandler (RM–2230) be consolidated for consideration. In effect, we are taking this action.

8. We first discuss KIFN's argument that Phoenix is "entitled" to another channel under the population criteria. The population criteria were adopted as a "rule of thumb" to provide a fair, efficient, and equitable distribution of FM broadcast services as required by § 307 (b) of the Communications Act of 1934, as amended. In this respect, we attempted to assign 6 to 10 channels to a city with a population of 250,000 to 1,000,000. See Para. 4 of the Further Notice of Proposed Rule Making in Docket No. 14185 (FCC 62–867), which was incorporated by reference in the Third Report, Memorandum Opinion and Order, 40 F.C.C. 747, 758 (1963), Phoenix (population 439,170, 1960 Census) was assigned six channels; a proposal to assign a seventh channel was denied and the channel was assigned to Mesa (40 F.C.C. at 785).[4] Indeed, we immediately realized that "literal fulfillment of the [population] criteria * * * [is] beyond the realm of reason" (40 F.C.C. at 754). Thus, population is more of a guideline rather than an immutable standard which is subservient to more paramount considerations.[5] In other words a city which reaches a population of 250,000 is not automatically assigned six channels and as its population increases others are added so that when the population reaches 1,000,000 it will have 10 channel assignments. This plainly is not feasible considering the number of channels available and the Nation's population increase. On the other hand, either Channel 260 or 300 may be assigned to Phoenix without any change elsewhere, although there is the question of conflicting petitions for Sedona and Chandler.

9. To the extent that Z & P and KIFN rely on the need of Spanish language programming, we should point out that programming while of some significance is not a substitute for the requirements of § 307(b) of the Communications Act of 1934, as amended, to make a fair, efficient, and equitable number of assignments. See generally Third Report and Order, Memorandum Opinion and Order in Docket No. 19551, adopted December 11, 1974 (FCC 74–1379), ____ F.C.C. 2d _____. In this respect, we note that Phoenix is not only served by its own six FM channels but also by five FM stations at nearby Glendale, Mesa, Scottsdale, and Tempe. Moreover, it would appear that the existing stations have some duty to provide programming to meet the needs of the sizable Spanish-American minority group at Phoenix and environs; see Primer on Ascertainment of Community Needs, 27 F.C.C. 2d 650 (1971).

10. Both Z & P and KIFN refer to our earlier action denying a seventh channel at Phoenix. 8 F.C.C. 2d 391, 393–4 (1967), affirmed on reconsideration, 11 F.C.C. 2d 204 (1968). We do not regard that decision as dispositive. However, in view of the paucity of available channels for assignment in the area, it is best to proceed here on the basis that only one additional assignment might be made to Phoenix, since this would permit assignments at both Sedona and Chandler. More specifically, if Channel 260 is assigned to Phoenix, Channel 261A could be assigned to Sedona, and Channel 300 to Chandler. The conflict between Channel 260 at Phoenix and Channel 261A at Sedona is more apparent than real, inasmuch as the requisite 105 mile adjacent channel separation could be met by judicious siting of the transmitter(s); in this respect, it seems more than likely that a Phoenix station would be at the Phoenix antenna farm at South Mountain (as KIFN proposes) nine miles south of Phoenix which is 107.6 miles from the Sedona reference point.

11. As concerns Sedona, Tabback claims lack of a local service. In this respect, Sedona is the size community which we have said should have two broadcast services but not necessarily a local broadcast outlet. Broadcast Station Assignment Standards, 39 F.C.C. 2d 645, 670 (1973). As concerns FM service, the appropriate test to determine whether there is service is under the Roanoke Rapids, 9 F.C.C. 672 (1967), decision, that is, assuming both existing stations and channel assignments. Tabback should furnish information as to the latter based on the assumption that any Class A channel operates at full height and power and a Class C channel operates with 75 kW power and an antenna height of 500 feet a.a.t. To the extent that Tabback relies on individuality of Sedona and the Oak Creek Canyon and population growth, we should like a more substantial showing. If feasible, we should like population data from a governmental source. Additionally, to the extent that Tabback relies on tourism to the Sedona-Oak Creek Canyon, we should like figures for the year, whether seasonal, and the average number of tourists per week during the year or tourist season whichever is more representative.

12. As concerns a channel assignment at Chandler, we should like fuller information as to the present state of the "planned communities" and a map showing their location in relation to Chandler and the other centers of population. We here are proceeding on the basis that it is feasible to assign a channel to smaller communities in the Phoenix SMSA.[7] Glendale (population 36,228); Mesa (population 62 853); Tempe (population 62,907); and Tolleson (population 3,881), have FM channel assignments. Because of its size (population 67,823), it would appear that Scottsdale should also have a channel assignment; however, in fact, Station KDOT–FM, which operates on Tolleson's Channel 264 is licensed there, and for that reason we here are also proposing reassignment of that channel to conform to actual use.[8]

13. In view of the foregoing, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns the following communities:

City	Channel No.	
	Present	Proposed
Phoenix, Ariz	233, 238, 245, 254, 268, 273.	233, 238, 245, 254, 268, 273, and 260 or 300.
Sedona, Ariz		261A.
Chandler, Ariz		300.
Tolleson, Ariz	264	
Scottsdale, Ariz		264.

Because the cities referred to above are located within the 199-mile border area covered by the United States-Mexico FM Broadcasting Agreement, it will be necessary to obtain the consent of the United Mexican States to the proposed changes.

14. Authority for the action taken herein may be found in sections 4(i), 5(d)(1), 303 (g) and (r), 307(b), and 316 of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations.

15. Showings required. Comments are invited as to the proposals referred to above. The parties are expected to respond to the specific issues which have been raised. Failure to file comments or address the issues raised may result in denial.

16. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

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[4] Seven other cities were assigned six channels; nine were assigned less; seven were assigned seven; five were assigned eight; nine were assigned nine; and the remaining eight, 10 or more. 24 of the 45 cities in this population grouping were assigned only channels for existing stations. The composition of this group and the number of assignments to each has little changed. We have even deleted a channel from a city in this population category in order to make an assignment elsewhere; see, e.g., Cincinnati, 40 F.C.C. 972–977–8 (1965); and St. Louis, 4 F.C.C. 2d 401 (1966).

[5] See, e.g., Colorado Springs, 44 F.C.C. 2d 1047, 1054 (1974); Pensacola 44 F.C.C. 2d 1056, 1061 (1974); Yakima 42 F.C.C. 2d 548–550 (1973); and Fresno, 38 F.C.C. 2d 525, 526 (1973).

[6] KIFN is "programmed for Spanish speaking Mexican-Americans and Latin-Americans" (Standard Rate and Data Service).

[7] See Modesto and Albuquerque, 35 F.C.C. 2d 230, 231–232, 235 (1972); Whaleyville, 28 F.C.C. 2d 641 (1971), on reconsideration, 34 F.C.C. 2d 856 (1973); and compare Wilmington 36 F.C.C. 2d 440 (1972), affirmed, 35 F.C.C. 2d 735, 736 (1972); and Colorado Springs, 44 F.C.C. 2d 1047, 1054 (1974); see also Cayce, 30 F.C.C. 2d 180, 181, 184 (1971).

[8] Since the license of Station KDOT–FM already specifies Scottsdale as the community of license and Channel 264 as the authorized channel, it is unnecessary to issue an order to show cause directed as the licensee of KDOT–FM.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

17. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 14, 1975, and reply comments on or before March 3, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

18. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street NW., Washington, D.C.

19. It is directed, That the Secretary of the Commission send a copy of this Notice certified mail, return receipt requested to Central Arizona Broadcasting Company, 4601 North Scottsdale Road, Scottsdale, Arizona.

Adopted: December 19, 1974.

Released: January 2, 1975.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] PAUL WM. PUTNEY,
Acting Chief,
Broadcast Bureau.

[FR Doc.75-756 Filed 1-8-75;8:45 am]

[47 CFR Part 73]

[Docket No. 20313; RM-2249]

FM BROADCAST STATIONS IN LOUISIANA; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. Notice is hereby given concerning amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with respect to the petition of Stan R. Hagan, proposing the assignment of Channel 261A as the second FM assignment to Bastrop, Louisiana. Petitioner is the principal stockholder of the corporation owning Station KVOB, Bastrop's unlimited-time AM station.

2. Bastrop is the parish (county) seat of predominantly rural Morehouse Parish. Located 25 miles north of Monroe, Louisiana, and 50 miles southeast of El Dorado, Arkansas, Bastrop is the only community in the parish which has a population in excess of 1,000. The 1970 Census figures show that the populations of the community and parish are 14,713 and 32,463 respectively. The population of Bastrop has, according to census data, declined by approximately 4% during the period between the 1960 and 1970 Censuses. Petitioner avers, however, that the actual population is roughly 20,000. He supports this Statement by including a letter from the Morehouse Parish Chamber of Commerce. The Chamber mentions that the 1970 Census figures are incorrect for 88% of the Louisiana cities. In order to arrive at a more accurate population figure the group conducted a survey of the number of utilities connections in the community and multiplied that number by the number of people in the average national household. The racial composition of Bastrop is 67 percent white, 32 percent black and 1 percent other.

3. Bastrop contains one each of high, junior high and private schools and three parochial schools. Forty-eight churches serve the community's population. Additionally, since it is the parish seat, Bastrop contains a number of government offices. Petitioner states that Morehouse Parish contains a number of agriculturally related plants and that since 1970, three industrial plants, employing a total of 600 persons, have situated in Bastrop. One of these recently announced plans to undertake a 60 percent expansion. The above-mentioned Chamber of Commerce letter also indicates a recent increase in Bastrop's retail sales and services facilities. Approximately 18 new businesses have opened and at the time the petition was filed a $2.5 million shopping center was planned for construction. This center would compete with Bastrop's two existing shopping centers.

4. Petitioner presents a table of the number of utility meters to show that Bastrop has grown since 1970. He also states that Bastrop building permits have increased from $463,394 in 1960, to $861,100 in 1970, to approximately $2.3 million in 1973. These figures are not dispositive of the growth issue because we are unable to determine what portion of the increases is attributable to inflation, to the building of residential garages or attics, or to expansion or establishment of income producing businesses. We hope that petitioner addresses this issue in his comments filed in response to this Notice.

5. Bastrop currently has three local broadcast outlets: KTRY-FM (Channel 232A), daytime-only AM Station KTRY, and petitioner's unlimited-time Class IV AM Station, KVOB.

6. With respect to the technical feasibility of an additional Bastrop FM channel assignment, adoption of petitioner's proposal would not affect any existing FM assignments. Petitioner's preclusion study indicates that preclusion would occur only as to the requested channel. Use of the adjacent channels is already precluded by existing stations. The area which would be precluded from using Channel 261A, if that channel were assigned to Bastrop, is an area northwest of Bastrop which petitioner alleges is predominantly rural in character and contains only one community having a population in excess of 1,000, El Dorado, Arkansas (population 25,283). El Dorado currently has the following broadcast services: one television, two FM and two AM stations. Petitioner contends that "Bastrop is in need of a second FM allocation before El Dorado receives its third." He cites several cases for the proposition that this Commission can and has assigned 2 FM channels to a community with a population of less than 20,000.[1] Commission precedent is cited to demonstrate that the facts that a city involved is the largest city in the county and is the county seat are relevant criteria in assigning a second FM channel. Stillwater, Oklahoma, 3 F.C.C. 2d 387, 391 (1956).

7. Although El Dorado is the only community located in the area that would be precluded from using Channel 261A if that channel is assigned to Bastrop, the Commission notes that Farmerville, Louisiana (population 3,416), even though not located in the preclusion area, would also be precluded from using that channel. The reason for this is that Farmerville is situated just outside the southern edge of the preclusion area. It is also slightly less than 105 miles north of Alexandria, Louisiana, where Station KDBS-FM operates on Channel 262. Under the provisions of Section 73.208 (a) (4) of the Commission's Rules, Channel 261A could be used at Farmerville and meet the spacing requirements as to KDBS-FM if a Farmerville transmitter site were located slightly north of the city, namely, just inside the preclusion area. Hence, assignment of Channel 261A to Bastrop would preclude its use at Farmerville. Since Farmerville now has only one aural broadcast outlet, daytime-only AM Station KTDL, and no FM assignment, information is requested concerning the availability of an alternative FM channel assignment for Farmerville should some party later wish to request such an assignment.

8. In view of the foregoing, pursuant to authority found in Sections 4(i), 5 (d) (1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b) (6) of the Commission's Rules and Regulations, it is proposed to amend the FM Table of Assignments, as concerns Bastrop, Louisiana as follows:

City	Channel No.	
	Present	Proposed
Bastrop, La	232A	232A, 261A.

9. Showings required. Comments are invited on the proposal discussed above. Petitioner is expected to answer whatever issues are raised in this Notice. He should also restate his present intention to apply for the channel if it is assigned and if authorized, to build the station promptly. Failure to do so may result in denial of the petition.

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[1] FM Channel Assignments cases at 5 F.C.C. 2d 188 (1966), 6 F.C.C. 2d 239 (1967), 14 R.R. 2d 1582 (1968), 17 F.C.C. 2d 952 (1969), 27 F.C.C. 2d 844 (1971).

10. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

11. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before February 21, 1975, and reply comments on or before March 14, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

12. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

13. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: December 23, 1974.

Released: January 3, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.75-757 Filed 1-8-75;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z]

TRUTH IN LENDING

Miscellaneous Amendments

In order to implement the amendments to the Truth in Lending Act (15 U.S.C. Chapter 41, §§ 1601–1681) included in Title IV of Pub. L. 93–495 (secs. 401–416), the Board proposes to amend Regulation Z. These amendments would provide:

(1) That advertisements concerning extensions of credit repayable in more than four installments and for which there is no finance charge identified shall state that the cost of credit is included in the price of the goods and services.

(2) That credit transactions primarily for agricultural purposes where the amount financed exceeds $25,000 are exempt from the disclosure provisions of the Truth in Lending Act and Regulation Z.

(3) That the right of rescission in residential real property transactions is limited to three years from the date of the consummation of the transaction or the sale of the property, whichever occurs earlier.

(4) That issuers of credit cards and businesses or organizations may contract without regard to the other relevant provisions of Regulation Z regarding the liability for unauthorized use of the cards if (a) the card issuer issues 10 or more cards for use by employees of a single business or organization, and (b) the liability imposed on such employees for unauthorized use does not exceed $50, the amount permitted by Regulation Z.

(5) That any credit transaction involving an agency of a State as creditor is not subject to the right of rescission.

(6) That the creditor of an open end account may allow a longer period than that disclosed to the customer in which to make payment in full and avoid additional finance charges.

(7) For a revised § 226.1(b)(1), which refers to the enforcement of Regulation Z and Chapter 41 of 15 U.S.C., to delete the Interstate Commerce Commission as an enforcing agency and add the Farm Credit Administration.

(8) For a revised § 226.1(c), which refers to statutory civil and criminal penalties, to include provisions for (a) criminal liability for certain fraudulent acts related to credit cards, (b) civil liability in individual or class actions for creditors who fail to comply with Chapter 2 or Chapter 4 (Title III of Pub. L. 93–495) and corresponding provisions of Regulation Z, (c) a creditor's defense for good faith compliance with Regulation Z, (d) single recovery for multiple failures to disclose in a single account, and (e) civil liability of assignees for violations of disclosure requirements where the violation is apparent on the face of the instrument assigned.

Pursuant to the authority granted in 15 U.S.C. 1604 (1970), the Board proposes to amend Regulation Z, 12 CFR Part 226, as follows:

1. To implement secs. 403, 406, 407, 408, 413 and 414, § 226.1(b)(1) and (c) would be revised as follows:

§ 226.1 Authority, scope, purpose, etc.

* * * * *

(b) *Administrative enforcement.* (1) As set forth more fully in section 108 of the Act, administrative enforcement of the Act and this Part with respect to certain creditors and credit card issuers is assigned to the Comptroller of the Currency, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), Administrator of the National Credit Union Administration, Civil Aeronautics Board, Secretary of Agriculture, Farm Credit Administration, and Board of Governors of the Federal Reserve System.

* * * * *

(c) *Penalties and liabilities.* Section 112 of the Act provides criminal liability for willful or knowing failure to comply with any requirement imposed under the Act and this Part. Section 134 provides for criminal liability for certain fraudulent activities related to credit cards. Section 130 provides for civil liability in individual or class actions for any creditor who fails to comply with any requirement imposed under Chapter 2 or Chapter 4 of the Act and the corresponding provisions of this Part, provides a defense for creditors complying in good faith with the provisions of the Part, and provides that a multiple failure to disclose in connection with a single account shall permit but a single recovery. Section 115 provides for civil liability for an assignee of an original creditor where the original creditor has violated the disclosure requirements and such violation is apparent on the face of the instrument assigned, unless the assignment is involuntary. Pursuant to Section 108 of the Act, violations of the Act or this Part constitute violations of other Federal laws which may provide further penalties.

2. To implement sec. 402, § 226.3(e) would be added as follows:

§ 226.3 Exempted transactions.

* * * * *

(e) *Agricultural credit transactions.* Credit transactions primarily for agricultural purposes, including real property transactions, in which the amount financed[1a] exceeds $25,000 or in which the transaction is pursuant to an express written commitment by the creditor to extend credit in excess of $25,000.

3. To implement § 415, § 226.7 (a)(1) and (b)(9) would be revised as follows:

§ 226.7 Open end credit accounts—specific disclosures.

(a) *Opening new account.* * * *

(1) The conditions under which a finance charge may be imposed, including an explanation of the time period, if any, within which any credit extended may be paid without incurring a finance charge, except that the creditor may, at his option and without disclosure, impose no such finance charge if payment is received after the termination of such time period.

* * * * *

(b) *Periodic statements required.* * * *

(9) The closing date of the billing cycle and the outstanding balance in the account on that date, using the term "new balance," accompanied by the statement of the date by which, or the period, if any, within which payment must be made to avoid additional finance charges, except that the creditor may, at his option and without disclosure, impose no such additional finance charges if payment is received after such date or termination of such period.

4. To implement sec. 412, § 226.9 (g)(5) and (h) would be added as follows:

§ 226.9 Right to rescind certain transactions.

* * * * *

[1a] For this purpose, the amount financed is the amount which is required to be disclosed under § 226.8(c)(7), or (d)(1), as applicable, or would be so required if the transaction were subject to this Part 226.

(g) *Exceptions to general rule.* * * *
(5) Any transaction in which an agency of a State is the creditor.

(h) *Time limit for right of rescission.* A customer's right to rescind a transaction pursuant to this section shall expire three years after the date of consummation of the transaction or upon the date that the customer transfers title to the property, whichever occurs earlier, notwithstanding any failure of the creditor to deliver to the customer the disclosures required by this section or the other material disclosures required by this Part 226.

5. To implement sec. 401, § 226.10(f) would be added as follows:

§ 226.10 Advertising credit terms.

* * * * *

(f) *Credit payable in more than four instalments; no identified finance charge.* Any advertisement to aid, promote, or assist directly or indirectly an extension of consumer credit repayable by agreement in more than four instalments shall, unless a specific finance charge is or will be imposed, state clearly and conspicuously: "The cost of credit is included in the price quoted for the goods and services."

6. To implement sec. 410, § 226.13(i) would be added as follows:

§ 226.13 Credit cards—issuance and liability.

* * * * *

(i) *Business use of credit cards.* If 10 or more credit cards are issued by one card issuer for use by the employees of a single business or other organization, nothing in this section prohibits the card issuer from agreeing by contract with such business or other organization as to liability for unauthorized use of any such credit cards without regard to the provisions of this section, but in no case may any business or other organization or card issuer impose liability on any employee of such business or other organization with respect to unauthorized use of such credit card except in accordance with and subject to the other liability limitations of this section.

This notice is published pursuant to section 553(b) of title 5 United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)). To aid in the consideration of these matters by the Board, interested persons are invited to submit relevant data, views, or arguments in writing to the Office of the Secretary, the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 14, 1975. Such material will be made available upon request, except as provided in 12 CFR 261.6(a) of the Board's Rules Regarding Availability of Information.

By order of the Board of Governors, December 27, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-741 Filed 1-8-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1001]

[Ex Parte No. 55 (Sub-No. 11)]

IMPLEMENTATION OF RECENT AMENDMENTS TO THE FREEDOM OF INFORMATION ACT

Notice of Proposed Rules, Making

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 6th day of January, 1975.

It is ordered, That based on the reasons set forth in the attached notice, a proceeding be, and it is hereby, instituted pursuant to 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act), for the purpose of implementing recent amendments to the Freedom of Information Act (5 U.S.C. 552).

It is further ordered, That the attached notice be, and it is hereby, adopted and is incorporated by reference into this order;

And it is further ordered, That notice of the institution of this proceeding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

The Interstate Commerce Commission has always sought to make public information readily available pursuant to the Freedom of Information Act (5 U.S.C. 552). The Congress has recently amended the Freedom of Information Act in an effort better to assure the public of ready access to government records. These amendments require certain modifications in our existing rules (49 CFR Part 1001).

The existing regulation provides that requests to inspect records other than those now deemed to be of a public nature shall be addressed to the Secretary (49 CFR 1001.4). The proposed modification would require the Secretary to decide within 10 days (except Saturdays, Sundays, and legal public holidays) whether a requested record could be made available and would require the Secretary to inform a requesting party in writing of any refusal to provide information with a detailed explanation of why the requested records cannot be made available. If the Secretary rules that records cannot be made available [see 5 U.S.C. 522(a)(3) which provides for exemptions to the Freedom of Information Act], then the existing regulation provides for an appeal to the Chairman whose decision shall be administratively final. The proposed modification would require the filing of such an appeal within 30 days of the date of the Secretary's denial letter and would also require the Chairman to render a decision within 20 days (except Saturdays, Sundays, and legal public holidays) of receipt of any appeal. The Chairman would issue an order explaining the reasons for his decision.

Because this Commission desires to make information readily available to the public, we will waive our right to charge a fee for requests for information. We will, however, be required to continue our practice of charging 25 cents a page to xerox records [49 CFR 1002.1(e)].

Oral hearings do not appear necessary at this time and none is contemplated. Anyone wishing to present views and evidence, either in support of, or in opposition to, the action proposed in this notice may do so by the submission of written data, views, or arguments. An original (and 15 copies whenever possible) of such data, views, or arguments shall be filed with this Commission on or before January 15, 1975. This relatively short comment period is necessitated by the fact that the statutory amendments are due to become effective on February 19, 1975.

All written submissions will be available for public inspection during regular business hours at the offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C.

This notice of proposed rulemaking is issued under the authority of sections 552, 553, and 559 of the Administrative Procedure Act (5 U.S.C. 552, 553, and 559).

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

[SEAL] ROBERT L. OSWALD,
Secretary.

Accordingly, it is proposed to modify 49 CFR 1001.4 so that it would read as follows:

§ 1001.4 Requests to inspect other records not considered public under 5 U.S.C. 552.

Requests to inspect records other than those now deemed to be of a public nature shall be in writing and addressed to the Secretary. The Secreary shall determine within 10 days (excepting Saturdays, Sundays, and legal public holidays) whether a requested record will be made available. If the Secretary determines that a request cannot be honored, he must inform the requesting party in writing of his decision and such letter shall contain a detailed explanation of why the requested material cannot be made available. If the Secretary rules that such records cannot be made available because they are exempt under the provisions of 5 U.S.C. 552(a)(3) (sec. 1, 81 Stat. 54), appeal from such ruling may be addressed to the Chairman whose decision shall be administratively final. Such an appeal must be filed within 30 days of the date of the Secretary's letter. The Chairman shall formally act on such appeals within 20 days (excepting Saturdays, Sundays, and legal public holidays) of receipt of any appeals, unless unusual circumstances require an extension of no more than 10 working days for the proper processing of the particular request.

[FR Doc.75-949 Filed 1-8-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11155; File No. S7-544]

SECURITIES BROKERS AND DEALERS

Proposal To Adopt Fidelity Bonding Requirements for Non-Members of a National Securities Association

The Securities and Exchange Commission has announced a proposal to adopt Rule 15b10-11 under the Securities Exchange Act of 1934 (the "Rule") (17 CFR 240.15b10-11), to establish mandatory fidelity bonding requirements for registered broker-dealers which are not members of a registered national securities association [1] ("SECO broker-dealers"). Section 15(b)(10) of the Securities Exchange Act of 1934 (the "Act") authorizes the Commission to adopt rules for SECO broker-dealers which are designed " * * * to promote just and equitable principles of trade, to promote safeguards against unreasonable profits or unreasonable rates of commission or other charges, and in general to protect investors and the public interest, and to remove impediments to and perfect the mechanism of a free and open market." Moreover, Section 15(c)(3) of the Act authorizes the Commission to adopt rules providing "safeguards with respect to the financial responsibility and related practices of brokers and dealers."

As a result of a request made by the Securities Investor Protection Corporation ("SIPC") in mid-1971 that misappropriation of assets of NASD members through employee theft and dishonesty be excluded from the losses covered by SIPC, the NASD Board of Governors in December of that year established a Committee on Bonding Coverage and instructed it to study the present bonding practices of the exchanges with a view to requiring similar coverage for NASD members. As a result of the NASD Committee's recommendations, the NASD Board of Governors adopted Article III, Section 32 (and Appendix "C" thereto) ("Section 32") of the NASD Rules of Fair Practice. The Commission subsequently considered the NASD rule and did not disapprove it on October 24, 1973 subject to certain conditions which later were satisfied. New Section 32 became effective earlier this year. Proposed Rule 15b10-11 is designed to impose comparable bonding requirements on SECO broker-dealers. Also, as in the case of Section 32, the proposed Commission rule would provide exemptions for those firms which do not have employees as well as firms which are not required to comply with Rule 15c3-1 (17 CFR 240.15c3-1) under the Act,[2] the "net capital" rule, or to be members of SIPC.

[1] The National Association of Securities Dealers, Inc. ("NASD") is the only association so registered.

[2] Members of certain exchanges, the American Stock Exchange, the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Stock Exchange, the PBW Stock Exchange, and the Chicago Board Options Exchange, Inc., are presently exempt from the provisions of Rule 15c3-1 under the Act. However, it should be noted that such members are generally subject to comparable or more stringent bonding requirements except for certain specified classes of members.

DESCRIPTION OF PROPOSED RULE

Proposed Rule 15b10-11 (17 CFR 240.15b10-11) would require that SECO broker-dealers carry a fidelity bond in the form, amount and type of coverage prescribed by the Rule. The bond would be required to contain agreements covering at least the following areas: a "fidelity" insuring clause to indemnify the insured broker-dealer against loss of property through any dishonest or fraudulent acts of employees (this clause also generally covers losses due to "fraudulent trading" by employees); an "on premises" agreement insuring against losses resulting from common law and statutory crimes such as burglary and theft including a "misplacement" clause specifically covering misplacement and "mysterious unexplainable disappearances" of property of the insured (no matter where located); an "in transit" clause indemnifying against losses occurring while property is in transit; a "forgery and alteration" agreement insuring against loss due to forgery or alteration of various kinds of negotiable instruments (including checks); and a "securities loss" clause protecting the insured against losses incurred through forgery and alteration of securities, or written documents relating to securities ownership or conveyance.

In addition, proposed Rule 15b10-11 (17 CFR 240.15b10-11) would require SECO broker-dealers to obtain certain minimum coverages similar to the coverages set forth in the NASD's Section 32. The minimum coverage for any of the insuring agreements described above could not be less than $25,000; however, the required coverage for the "fidelity", "on premises", "in transit", "misplacement", and "forgery and alteration" agreements would increase in proportion to the individual broker-dealer's minimum net capital requirements provided for in Rule 15c3-1 under the Act. The broker-dealer would be required initially to determine minimum required coverage of the bond by reference to the highest net capital required during the continuous 12 month period immediately preceding issuance of the bond. Necessary revisions in the amount of coverage would be determined thereafter in the same fashion, at least annually, on the anniversary date of the bond's issuance. The required coverage would be computed on a percentage basis, i.e., 120% of minimum net capital for individual firms with minimum capital requirements up to $600,000. For firms with minimum capital requirements beyond $600,000, however, coverage would be determined by reference to a table provided in subparagraph (c)(1)(B). The fixed scale of coverage which would be provided in the table is generally comparable to that imposed on member firms by the New York Stock Exchange's ("NYSE") mandatory bonding rule.[3] However, the minimum coverage which would be required under proposed Rule 15b10-11 is, in general, less than that under the NYSE rule in keeping with the somewhat lower net capital requirements and capitalization of SECO broker-dealers. Coverage under the "fraudulent trading" provision would be the greater of $25,000 or 50% of the minimum required with respect to the five categories listed above. The requisite coverage for "securities forgery" would be the greater of $25,000 or 25% of the coverage required for each of the five above mentioned categories.[4]

SECO broker-dealers subject to the proposed Rule would be permitted to have a deductible provision included in the bond of the greater of $5,000 or 10% of their minimum insurance requirement.[5] It appears that this deductible feature enables firms to acquire bonding coverage at a more reasonable cost. In addition, the proposed rule would require notice of any "cancellation, termination or substantial modification" [6] of a fidelity bond to be given by the acting party to the affected party [7] and to the Commission not less than sixty days prior to such cancellation, termination or substantial modification. The bond shall include a cancellation rider which shall make it incumbent on the insurance carrier to comply with the notice requirements, as they apply to the carrier, on a "best efforts" basis. In the event a SECO broker or dealer wishes to terminate his existing bond with a view to acquiring an appropriate substitute bond, however, he may satisfy this reporting oligation by providing the insurance carrier and the Commission with notice of such action no later than ten days before the effective date of termination of the previous bond. Notice to the Commission shall include either a copy of the replacement insurance contract or the binder for such contract.

The Securities and Exchange Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b), 15(c), and 23(a) thereof, and deeming it in the public interest and to aid it in execut-

[3] Cf. NYSE Rule 319 (CCH NYSE Manual, ¶ 2319.)

[4] These special coverages are necessitated by the more limited availability and greater expense of acquiring these indemnifications as compared to the other insuring agreements.

[5] Rule 319 of the NYSE allows members to self-insure to the extent of the greater of $10,000 or 5% of the minimum insurance requirement set by the Exchange.

[6] Paragraph (d) of the proposed Rule defines "substantially modified" or "substantial modification" of a fidelity bond as any change in the "type or amount of fidelity bonding coverage, or in the exclusions to which the bond is subject, or any other change in the bond such that it no longer complies with the requirements of this rule."

[7] Of course, determination of which party (i.e., whether the insurance carrier of the insured broker-dealer) is the "acting" or "affected party" in a given case depends on which party initiates such action on the bond.

ing the functions vested in it, hereby proposes to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.15b10–11 which is set forth below:

§ 240.15b10–11 Fidelity bonds.

(a) Every non-member broker or dealer which is a member of the Securities Investor Protection Corporation, is subject to Rule 15c3–1 under the Act, and has employees shall carry a blanket fidelity bond covering officers and employees of such broker or dealer in the form, amount and type of coverage hereinafter prescribed.

(b) Every non-member broker or dealer subject to the rule must carry either the Stockbroker's Blanket Bond, Standard Form No. 14 of the Surety Association of America with such riders as may be required by this rule, as revised to the effective date of this rule, or an equivalent bond, covering the officers and employees of such broker or dealer, which provides against loss and has insuring agreements covering at least the following:

(1) Fidelity;
(2) On Premises;
(3) In Transit;
(4) Misplacement;
(5) Forgery and Alteration (including check forgery);
(6) Securities Loss (including securities forgery); and
(7) Fraudulent Trading

(c)(1) Minimum monetary coverage for each of the Fidelity, On Premises, In Transit, Misplacement, and Forgery and Alteration insuring agreements shall be the greater of $25,000 or such other amount as shall be determined by reference to minimum required net capital computed under Rule 15c3–1 under the Act as follows:

(i) Each non-member broker or dealer whose required net capital does not exceed $600,000 must maintain minimum coverage of not less than 120 percent of such requirement.

(ii) Each non-member broker or dealer whose required net capital is equal to or exceeds $600,000 must maintain minimum coverage as indicated in the following table:

Net capital requirement under rule 15c3–1	*Minimum coverage*
$600,001 up to $1,000,000	$750,000
Over $1,000,001 up to $2,000,000	1,000,000
Over $2,000,001 up to $3,000,000	1,500,000
Over $3,000,001 up to $4,000,000	2,000,000
Over $4,000,001 up to $6,000,000	3,000,000
Over $6,000,001 up to $12,000,000	4,000,000
Over $12,000,001	5,000,000

(2) Minimum monetary coverage for the Fraudulent Trading insuring agreement shall not be less than $25,000 or 50% of the coverage required in paragraph (c)(1) of this section whichever is greater.

(3) Minimum monetary coverage for the Securities Forgery insuring agreement shall not be less than $25,000 or 25% of the coverage required in paragraph (c)(1) of this section, whichever is greater.

(4) Every non-member broker or dealer subject to this rule may have a deductible provision included in his bond of up to $5,000 or 10 percent of the minimum insurance requirement established hereby, whichever is greater, for any individual loss.

(5) The minimum required coverages prescribed hereinabove shall be determined initially on issuance of the bond by reference to the highest required net capital computed under Rule 15c3–1 under the Act for the 12 month period immediately preceding such issuance or, if the non-member broker or dealer was subject to Rule 15c3–1 for less than 12 months, for such lesser period immediately preceding such issuance as such broker or dealer was subject to that rule. Thereafter, such coverage shall be redetermined annually, as of the anniversary date of the issuance of the bond, by reference to the highest required net capital for the immediately preceding 12 month period, which amount shall be used to determine the minimum required coverage for the succeeding 12 month period. Any necessary adjustments shall be made within 30 days after the anniversary of the bond.

(6) The bond shall provide that it shall not be cancelled, terminated or substantially modified except after written notice given by the acting party to the affected party and to the Commission not less than sixty days prior to the effective date of such cancellation, termination or modification; providing, however, that in the event the non-member broker or dealer elects to cancel, terminate or modify the provisions of the bond upon notice of less than sixty days such non-member broker or dealer may do so on the condition that such non-member broker or dealer shall so notify the Commission not less than ten days prior to the effective date of such notice by providing the Commission with either a copy of the replacement insurance contract or a copy of the binder for such contract. Any bond issued pursuant to this rule shall include a cancellation rider providing that the insurance carrier will use its best efforts to comply with the applicable reporting requirements of this paragraph.

(d) Definitions. For the purpose of this Rule:

(1) The term "non-member broker or dealer" shall mean any broker or dealer registered under Section 15 of the Act which is not a member of a national securities association registered with the Commission under Section 15A of the Act.

(2) The term "substantial modification" or "substantially modified" shall mean any change in the type or amount of fidelity bonding coverage, or in the exclusions to which the bond is subject or any other change in the bond such that it no longer complies with the requirements of this Rule.

All interested persons are invited to submit written comments on the proposed Rule. Written statements of views and comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 on or before February 10, 1975 and should refer to File No. S7–544. All such comments will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 26, 1974.

[FR Doc.75–669 Filed 1–8–75;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 DEFENSE

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING (SABET)

Establishment, Organization and Functions

In accordance with the provisions of Public Law 92–463, Federal Advisory Committee Act notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training (SABET), has been found to be in the public interest in connection with the performance of duties imposed on the Department of Defense by law. The Office of Management and Budget has also reviewed the justification for this advisory committee and concurs with its establishment.

The charter for the Secretary of the Navy's Advisory Board on Education and Training (SABET) is as follows:

The Advisory Board advises the Secretary of the Navy on policy concerning all facets of education and training for Navy and Marine Corps personnel, officer and enlisted, active and inactive. The Board shall review Navy and Marine Corps education and training policy and programs as designated by the Secretary of the Navy or Service representatives to the Board, and shall make appropriate recommendations to the Secretary of the Navy regarding Navy and Marine Corps education and training, and assist the Secretary in formulating policy on new and projected programs of education and training.

MAURICE W. ROCHE,
Directorate for Correspondence and Directives, DASD (Comptroller).

JANUARY 2, 1975.

[FR Doc.75–796 Filed 1–8–75;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92–463, effective January 5, 1973, notice is hereby given that a closed Panel meeting of the DIA Scientific Advisory Committee will be held at the Space and Missiles System Organization, Los Angeles, California on:

Wednesday, 5 February 1975

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in Section 552(b), Title 5 of the U.S. Code, therefore will be closed to the public.

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

JANUARY 6, 1975.

[FR Doc.75–799 Filed 1–8–75;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

PRINCETON UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00075–33–46040. Applicant: Princeton University, Department of Biology, Guyot Hall, Washington Road, Princeton, New Jersey 08540. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in a wide range of research projects some of which include the following: (1) Cell adhesion and cell movement studies; (2) Studies on in vitro assembly of microtubules with high resolution microscopy; (3) Examination of various tissue cultures of Tobacco teratome under conditions of varying sucrose content in order to determine the ultrastructure of the different classes of chloroplasts induced under these conditions; (4) Differentiation in the cellular slime molds; (5) Ultrastructural studies of differentiating plant cells; (6) Development studies in Caulobacter cresentus; (7) Drosophila Y chromosome structure and function. In addition, the article will be used to train personnel in electron microscopy techniques, particularly graduate students engaged in some aspect of research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving power of 3 Angstroms (Å) point to point and is equipped with a high resolution universal top entry goniometer stage with a guaranteed point to point resolution of 5Å. The most closely comparable domestic instrument is the Model EMU–4C electron microscope supplied by the Adam David Company. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 21, 1974 that the characteristics of the foreign article described above are pertinent to the applicants research studies. HEW further advises that the EMU–4C does not have a scientifically equivalent goniometer stage nor resolution. We, therefore, find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75–722 Filed 1–8–75;8:45 am]

UNIVERSITY OF FLORIDA

Decison on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00433–63–46040. Applicant: University of Florida, Institute of Food & Agri. Sciences, Agri. Research Center, 3205 S.W. 70th Avenue, Fort Lauderdale, Florida 33314. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of biological materials. Initially ultra thin sections of diseased palm trees as well as potential insect vectors will be studied during research on Lethal Yellowing Disease of coconuts.

Comments: No comments have been received with respect to this application. Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 74–00097–63–46040 which was denied with-

out prejudice to resubmission on December 20, 1973.

In reply to Question 8 the applicant alleges that the foreign article provides the following characteristics of which are not possessed by the most closely comparable domestic instrument or apparatus:

(1) The EM 201 has highly efficient specimen and camera airlocks.

(2) The EM 201 is equipped with both a plate camera capable of taking 16 exposures with one loading, and a 35MM roll camera capable of taking 40 exposures with one loading. These cameras may be used intermittently without breaking vacuum and without changing film.

(3) The objective lens current of the EM 201 varies automatically with change in magnification and condenser with one control.

(4) The EM 201 is the only high resolution transmission electron microscope commercially available which is small enough to fit in the installation site at this Research Center.

At the time the foreign article was ordered two domestically manufactured electron microscopes were available, the Model ETEM-101 (a relatively simple, easy to operate, low resolution instrument) produced by Elektros Incorporated, and the Model EMU-4C supplied by Adam David Company. The Department of Health, Education, and Welfare (HEW) reviewed this application and found the EMU-4C to be the most closely comparable domestic instrument. In its memorandum dated June 28, 1974, HEW provides the following advice with respect to the characteristics cited above:

Characteristics 1 and 2.—"The EMU-4C has a specimen airlock and 35 mm camera with 30 exposures, or a 70 mm [camera] with 240 exposures, so that a camera airlock is not pertinent. [It is further noted that the EMU-4C's plate camera system permits 18 or more exposures in one loading.]

Characteristics 3 and 4.—"The use [of the article] is in research. . . . The volume of specimens and micrographs will require an experienced operator, therefore, any relative ease of operation is not clearly relevant nor is the article's size."

Accordingly, HEW recommends that the application be denied since the research purposes intended do not establish a pertinent specification of the article, [within the meaning of § 701.2(n) of the regulations], that justifies duty-free entry. Therefore, we find that the Model EMU-4C is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-721 Filed 1-8-75;8:45 am]

UNIVERSITY OF UTAH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00088-33-46040. Applicant: University of Utah, Biology Department, Salt Lake City, Utah 84112. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for high resolution work on the study of the structure and arrangement in situ of the component molecules of associations of Kinetoplast—DNA in Trypanosomes and related organisms being carried out in an attempt to elucidate how this DNA is packaged in the cell and how it replicates. The article will also be used in a study of the form and structure of DNA molecules from Mitochondria, Chloroplasts and the Chromosomes of higher organisms.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (May 10, 1974). Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms (Å). The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope supplied by Adam David. The Model EMU-4C had a specified resolving capability of 5.Å. (Resolving capabiilty bears an inverse relationship to its numerical rating in Å, i.e., the lower the rating, the better the resolving capability.)

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 29, 1974 that the best resolution available is pertinent to the applicant's intended uses of the article, which includes examination of negatively and positively stained DNA in a study to elucidate how DNA is packaged in the cell and how it replicates. HEW further advised that domestic instruments did not offer a guaranteed resolution equivalent to that of the foreign article at the time the article was ordered. We, therefore, find that the EMU-4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Acting Director,
Special Import Programs Division.

[FR Doc.75-723 Filed 1-8-75;8:45 am]

National Bureau of Standards

COLORS FOR MOLDED UREA PLASTICS

Commercial Standard Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 147-47, "Colors for Molded Urea Plastics."

It has been determined that this standard is technically inadequate, no longer used by the industry and that revision would serve no useful purpose. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of November 25, 1974 (39 FR 41191), to withdraw this standard.

The effective date for the withdrawal of this standard will be March 10, 1975. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: January 3, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-735 Filed 1-8-75;8:45 am]

WOOD SHINGLES AND MACHINE-GROOVED SHAKES AND REBUTTED-REJOINTED SHINGLES

Commercial Standards Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standards CS 31-52, "Wood Shingles (Red Cedar, Tidewater Red Cypress, California Redwood)" and CS 199-55, "Machine-Grooved Shakes and Rebutted-Rejointed Shingles."

It has been determined that these standards are technically inadequate, no longer used by the industry and that revision would serve no useful purpose. This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of November 25, 1974 (39 FR 41191), to withdraw these standards.

The effective date for the withdrawal of these standards will be March 10, 1975.

This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

Dated: January 3, 1975.

RICHARD W. ROBERTS,
Director.

[FR Doc.75-736 Filed 1-8-75;8:45 am]

National Oceanic and Atmospheric Administration

NORTHWEST FISHERIES CENTER

Issuance of Marine Mammals and Endangered Species Permits

On November 4, 1974, notice was published in the FEDERAL REGISTER (39 FR 38920), that applications had been filed by the Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112, for permits to take, by marking, marine mammals, and to import marine mammal specimen materials, for the purpose of Scientific Research, under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and for Scientific Purposes, under the Endangered Species Act of 1973 (16 U.S.C. 1531-43).

Notice is hereby given that, on January 3, 1975, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972, and a Scientific Purposes Permit, as authorized by the provisions of the Endangered Species Act of 1973, to the Northwest Fisheries Center, National Marine Fisheries Service, subject to certain conditions set forth therein. Issuance of the Scientific Purposes Permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit (1) was applied for in good faith, (2) if granted and exercised, will not operate to the disadvantage of the endangered species which are the subject of the permit application, and (3) will be consistent with the purposes and policy set forth in Section 2 of the Endangered Species Act of 1973. The Permits authorize the participation in a cooperative U.S./U.S.S.R. whale marking cruise sponsored by the All-Union Research Institute of Marine Fisheries and Oceanography of the Soviet Union. The Permits, under the provisions of the two above cited statutes, authorize the taking, by marking, of the following marine mammals, which are treated as endangered under the Endangered Species Act of 1973:

50 fin whales (*Balaenoptera physalus*).
75 sei whales (*Balaenoptera borealis*).
200 sperm whales (*Physeter catodon*).

and authorize the importation of specimen materials from such whales which are accidentally killed in the course of the marking.

The Scientific Research Permit, under the provisions of the Marine Mammal Protection Act of 1972, also authorizes the taking, by marking, of the following marine mammals, which are not treated as endangered:

50 Bryde's whales (*Balaenoptera edeni*).
100 minke whales (*Balaenoptera acutorostrata*).

and authorizes the importation of specimen materials from such whales which are accidentally killed in the course of the marking.

The Permits are available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Dated: January 3, 1975.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.75-737 Filed 1-8-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 48902]

WYOMING

Notice of Application

JANUARY 2, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Western Oil Transportation Company, Incorporated has applied for an oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 32 N., R. 85 W.,
Sec. 5, SW¼SW¼;
Sec. 8, N½NW¼, SE¼NW¼;
Sec. 15, NW¼SW¼.
T. 33 N., R. 85 W.,
Sec. 31, Lots 3, 4, SE¼SW¼.
T. 32 N., R. 86 W.,
Sec. 1, lot 1.
T. 33 N., R. 86 W.,
Sec. 25, SW¼NW¼, NW¼SW¼, SW¼SE¼;
Sec. 26, N½N½, SE¼NE¼.

The pipeline will convey oil across approximately 3.48 miles of national resource land in Natrona County, Wyoming.

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

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, WY 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-749 Filed 1-8-75;8:45 am]

[Wyoming 48968]

WYOMING

Notice of Application

JANUARY 2, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for natural gas pipelines across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 112 W.,
Sec. 29, Lot 4;
Sec. 30, NE¼NE¼.
T. 28 N., R. 113 W.,
Sec. 32, SE¼NE¼;
Sec. 33, SW¼NW¼;
Sec. 34, NE¼NE¼.

The pipeline will convey natural gas across 0.754 mile of national resource lands in Sublette County, Wyoming.

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

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, WY 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-748 Filed 1-8-75;8:45 am]

Geological Survey

OIL AND GAS WELL COMPLETION AND WORKOVER ORDER, GULF OF MEXICO AREA

Extension of Time for Comments

On December 11, 1974, comments were solicited as to the suggested content of a Proposed OCS Order for Oil and Gas Well Completion and Workover Procedures, Gulf of Mexico Area (39 FR 43234). Comments were to be submitted on or before January 20, 1975. The Geological Survey is now extending the comment period to March 3, 1975 to provide interested parties additional time to submit suggestions regarding the proposed Order.

W. A. RADLINSKI,
Acting Director.

[FR Doc.75-754 Filed 1-8-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DISTRIBUTORS' ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Distributors' Advisory Committee is being renewed for an additional period of 2 years, effective January 5, 1975, under provisions of Pub. L. 92-463.

The purpose of the Distributors' Advisory Committee is to submit its recommendations for regulation of shipments of peaches to the Industry Committee under Federal Marketing Order No. 918 each time the Industry Committee meets.

The Distributors' Advisory Committee represents the Georgia peach industry as prescribed in the order. The three shippers who shipped the largest proportion of peaches shipped during the preceding season are entitled to one member each. The remaining four members are selected from the remaining handlers. Each

district shall be represented by at least one member and one alternate member.

Authority for this Board will expire January 5, 1977, unless it is determined that continuance is in the public interest.

This notice is given in compliance with OMB Circular A–63, Revised.

Dated: January 6, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75–799 Filed 1–8–75;8:45 am]

HOP MARKETING ADVISORY BOARD

Notice of Renewal

Notice is hereby given that the Hop Marketing Advisory Board is being renewed for an additional period of 2 years, effective January 5, 1975, under provisions of Pub. L. 92–463.

The purpose of the Board is to advise the Hop Administrative Committee under Federal Marketing Order No. 991 concerning marketing policy and other operational matters as the Committee requests.

This Board represents handlers of hops. Representation for most is based on the quantities of hops handled; and one representative is for extractors.

Authority for this Board will expire January 5, 1977, unless it is determined that continuance is in the public interest.

This notice is given in compliance with OMB Circular A–63, Revised.

Dated: January 6, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75–798 Filed 1–8–75;8:45 am]

RAISIN ADVISORY BOARD

Notice of Renewal

Notice is hereby given that the Raisin Advisory Board is being renewed for an additional period of 2 years, effective January 5, 1975, under provisions of Pub. L. 92–463.

The purpose of the Board is to advise the Raisin Administrative Committee under Federal Marketing Order No. 989 concerning marketing policies, free and reserve percentages, and other operational matters as the Committee requests.

This Board represents all segments of the raisin industry. Grower representation is based upon the quantity of raisins produced in specified districts in California. Cooperative and independent handlers, dehydrators, processors and producer bargaining associations, are also represented.

Authority for this Board will expire January 5, 1977, unless it is determined that continuance is in the public interest.

This notice is given in compliance with OMB Circular A–63, Revised.

Dated: January 6, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75–800 Filed 1–8–75;8:45 am]

SHIPPERS ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Shippers Advisory Committee is being renewed for an additional period of 2 years, effective January 5, 1975, under provisions of the Federal Advisory Committee Act (86 Stat. 770).

The purpose of the committee is to recommend to the Growers Administrative Committee under Federal Marketing Order No. 905 appropriate regulations for any variety of fruit, covered by the order, during such period or periods as it deems appropriate.

The committee represents the Florida citrus industry as prescribed in the Order. At least three members and their alternates shall be from nominees submitted by bona fide cooperative marketing organizations which are handlers. The remaining members and their alternates shall be from nominees submitted by handlers other than cooperative marketing organizations, with at least three members and their alternates being handlers and likewise producers.

Authority for this committee will expire January 5, 1977, unless it is determined that continuance is in the public interest.

This notice is given in compliance with OMB Circular A–63, Revised.

Dated: January 6, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75–801 Filed 1–8–75;8:45 am]

Farmers Home Administration

[Notice of Designation Number A120]

KANSAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Kansas:

Anderson	Leavenworth
Chase	Osage

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 9 to August 20, 1974.

Therefore, the Sercetary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert B. Docking that such designation be made.

Applications for Emergency loans must be received by this Department no later than February 24, 1975, for physical losses and September 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 3rd day of January, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75–806 Filed 1–8–75;8:45 am]

Forest Service

UMPQUA NATIONAL FOREST, OREGON

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the management of Dumont, Quartz and Last Creek Roadless Areas, Umpqua National Forest, Oregon. USDA–FS–R–6–DES–(Adm)–75–06.

The environmental statement concerns a proposal for management direction of three roadless areas within the Umpqua National Forest, Douglas County, State of Oregon.

This draft environmental statement was transmitted to CEQ on January 3, 1975.

Copies are available for inspection during regular working hours at the following locations:

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

USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oregon 97204

Umpqua National Forest
Federal Office Building
Roseburg, Oregon 97470

A limited number of single copies are available upon request to Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470.

KENT T. CHURCHILL,
Acting Forest Supervisor,
Umpqua National Forest.

[FR Doc.75–734 Filed 1–8–75;8:45 am]

Office of the Secretary

PERISHABLE AGRICULTURAL COMMODITIES ACT–INDUSTRY ADVISORY COMMITTEE

Notice of Renewal

Notice is hereby given that the Secretary of Agriculture has renewed the Perishable Agricultural Commodities Act-Industry Advisory Committee for an additional period of 2 years.

This committee represents all segments of the fruit and vegetable industry and provides advice and counsel in the administration of the Perishable Agricultural Commodities Act.

The Chairman of the committee is Mr. Floyd F. Hedlund, Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250.

Authority for this committee will expire January 3, 1977, unless the Secretary formally determines that continuance is in the public interest.

This notice is given in compliance with Pub. L. 92–463.

Dated: January 6, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75–807 Filed 1–8–75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Alcohol Drug Abuse, and Mental Health Administration announces the establishment by the Secretary, Department of Health, Education, and Welfare, on December 26, 1974, of the following advisory committee:

Designation. National Advisory Council on Drug Abuse.

Purpose. The National Advisory Council on Drug Abuse shall advise, consult with, and make recommendations to the Secretary concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including, but not limited to, the development of new programs and priorities, the efficient administration of programs, and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public. The Council shall also advise and make recommendations to the Secretary concerning policies and priorities respecting grants and contracts in the field of drug abuse and shall perform all statutory required grant and contract review and such other grant and contract review as directed by the Chairman. In carrying out these functions the Council may make recommendations to the Secretary covering policies related to drug abuse education, prevention, training, treatment, rehabilitation, or research.

This charter is effective through December 26, 1976, unless rechartered by the Secretary on or before that date.

Dated: January 6, 1975.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc.75–790 Filed 1–8–75;8:45 am]

Center for Disease Control

SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION; MEDICAL LABORATORY SERVICES ADVISORY COMMITTEE

Notice of Renewals

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), the Center for Disease Control announces the approval of renewals by the Secretary, DHEW, on December 26, 1974, with concurrence by the Office of Management and Budget Committee Management Secretariat, of the following public advisory committees.

Designation: Safety and Occupational Health Section.

Purpose: The Study Section advises and makes recommendations to the Secretary and the Director, National Institute for Occupational Safety and Health, Center for Disease Control, on scientific, research, and training areas in need of special emphasis and on the competency available to meet such needs. It provides scientific and technical review of all research, research training, technical and technological training, and demonstration grant applications, and fellowships in the program areas related to injury prevention and control, occupational health and industrial hygiene; and makes recommendations to appropriate National Advisory Councils as to grant applications which merit support.

Designation: Medical Laboratory Services Advisory Committee.

Purpose: The Committee advises the Secretary and the Director, Center for Disease Control, on various laboratory matters and proposed regulations and evaluates the approaches of the Bureau of Laboratories, Center for Disease Control, and recommends revisions or additions.

Authority for these committees will expire June 30, 1976, unless the Secretary, DHEW, with the concurrence by the Office of Management and Budget Committee Management Secretariat, formally determines that continuance is in the public interest.

Dated: January 3, 1975.

DAVID J. SENCER,
Director, Center for Disease Control.

[FR Doc.75–823 Filed 1–8–75;8:45 am]

Food and Drug Administration

PANEL ON REVIEW OF LAXATIVE, ANTIDIARRHEAL, ANTIEMETIC, AND EMETIC DRUGS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meeting and other required information in accordance with provisions set forth in section 10(a)(1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
Panel on Review of Laxative, Antidiarrheal, Antiemetic, and Emetic Drugs.	Jan. 24 and 25, 9 a.m., Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open January 24, 9 a.m. to 10 a.m., closed after 10 a.m.; closed Jan. 25. John T. McElroy (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, antiemetic, and emetic drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter laxative, antidiarrheal, antiemetic, and emetic drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552 (b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: January 3, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-724 Filed 1-8-75;8:45 am]

Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of February 1975:

Committee name and date/time/place	*Type of meeting and/or contact person*
Cooperative Health Statistics Advisory Committee, Feb. 6-7, 1975—9 a.m., Twin Bridges Marriott, Arlington Room, U.S. 1 and I-95, Washington, D.C. 20001.	Open. Contact: Dr. James Robey, Room 8-11, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., code 301-443-1314.

Purpose: The Committee is to represent the interests of the people of the United States in providing advice and guidance to the Secretary and the National Center for Health Statistics on policies and plans in developing a major new national network of integrated or coordinated subsystems of data collections, processing, and analysis over a wide range of questions relating to general health problems of the population, health care resources, and the utilization of health care services.

Agenda: The Committee will discuss the Budget and Legislative Reports; hear Task Force Reports on Cost Sharing, Communications, Confidentiality, and System Definitions. A report of the Albuquerque Workshop will be presented; recommendation for a technical consultant panel on Hospital Care Statistics will be offered. Also a report on the Transfer of Manpower Projects to NCHS from BHRD, and discussion of other related general matters.

Agenda items are subject to change as priorities dictate.

This meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact the person listed above.

Dated: December 27, 1974.

DANIEL F. WHITESIDE,
Associate Administrator for Operations and Management, Health Resources Administration.

[FR Doc.75-795 Filed 1-8-75;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR, REGION VII, KANSAS CITY, MO.

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 redesigned 1R95. New sections are added for the several regions. Section 1E8 reflects the official organization of the Office of the Regional Director, Region VII, whose headquarters is Kansas City, Missouri. The new Chapter reads as follows:

SECTION *1E87 .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.

SEC. *1E87 .10 Organization.* The Office of the Regional Director, Region VII, is under the direction and control of the Regional Director who reports directly to the Secretary and Under Secretary and consists of the following:

Regional Director.
Deputy Regional Director.
Office of Long Term Care Standards Enforcement.
Office of the Regional Attorney.
Office of Equal Employment Opportunity.
Executive Secretariat.
Congressional Liaison.
Office of the ARD for Public Affairs.
Office of the ARD for Intergovernmental Affairs.
Office of the ARD for Administration and Management.
Office of the ARD for Planning and Evaluation.
Office of the ARD for Financial Management.
Office for Civil Rights.

Office of Audit.
Office of the Regional Commissioner, Social and Rehabilitation Service.
Office of the Regional Commissioner, Office of Education.
Office of the ARD for Human Development.
Office of the Regional Commissioner, Social Security Administration.
Office of the Regional Health Administrator.

SEC. 1E87.20 *Functions.* A. Regional Director, Region VII. 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 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; maintains a plan for regional response to natural disasters, including emergencies and major disasters under the Disaster Relief Act of 1974 Pub. L. 93–288; 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 Region VII. 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 Regional Director. The Deputy Regional Director performs other duties and functions at the request of the Regional Director.

C. Executive Secretariat Region VII. Monitors the decisionmaking process for the Regional Director and facilitates the internal processes of coordination and communication, as follows:

a. 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.

b. Operates a comprehensive system for tracking action items and ensure 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.

c. 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 Region VII. 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 within 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 solution;

3. Provides professional legal services, such as preparation of legal instruments, memoranda, reports, and interpretive 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 Employment Opportunity Region VII. 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 Regional EEO complaint system and issues decisions on all formal complaints. Prepares the Regional Annual Affirmative Action Plan.

F. Office of Long Term Care Standards Enforcement Region VII. 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 time limited agreements; for homes participating under 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 budget 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 evaluation 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 documentations pertaining to SNF compliance, (c) Federal decisions approving agreements, terminations or the granting of waivers to SNFs and (d) Federal Validation surveys of selected SNF and ICF facilities.

6. Provide technical assistance for the professional training of State agency personnel of 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 provisions 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 on 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 on 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 on request 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, Region VII.

1. Provide briefing material and other intelligence for visits to the region by the President, Vice President, the Secretary, the Under Secretary, and other top officials, including members of Congress.

2. Maintain in close liaison with groups outside the Federal Government—national media, publication houses, constitutent agencies in State and local government, major health/education/welfare organizations, Governor's offices, and mayors of various cities.

3. Serves as a 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 interagency coordination and Departmental control.

4. 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.

5. Serves as a central point of communication with the press, radio and TV news media, issuing all news materials originating within the Regional Office and amplifying, clarifying or explaining the impact and affect within the Region of national news issued by Departmental headquarters.

6. Is responsible for 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.

7. Prescribes procedures for planning, production, clearance, release, and distribution of all material prepared within the Region for release through Government channels.

8. Issues policies, standards, and procedures as may be necessary to carry out the public affairs functions and responsibilities of the Regional Office.

9. Serves as the official denial authority for all regional documents requested under the Freedom of Information Act.

H. Office of the Assistant Regional Director for Planning and Evaluation. [Reserved]

I. Office of the Assistant Regional Director for Intergovernmental Affairs. [Reserved]

J. Office of the Assistant Regional Director for Financial Management.

1. Provides financial management support to the Regional Director and Regional program personnel. 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 grantees to include technical assistance, indirect cost negotiation, single letter of credit activities, and audit follow-up.

2. Represents the Department in the Regions with the HEW Audit Agency, GAO, and the Treasury Department.

3. Is responsible for the financial administration and management of OS Departmental Management and Working Capital Fund allotments or allowances which are given to the Regional Director.

4. Performs Regional Accounting and Reporting activities: accounting, controlling, and reporting for all HEW funds in the Region; serves as the focal point for all DHEW and grantee financial information concerning the Region; and maintains status reports on and provides accounting services for single letter of credit activities in the Region.

5. Carries on cost allocation and payment systems activities as follows: Is responsible for all indirect cost rate negotiations (including State and local cost allocation plans) based on cost policies and procedures established by the Division of Cost Policy and Negotiations; provides financial management technical assistance to State and local governments, public welfare agencies and other HEW clientele; develops the single letter of credit system within the Region; and provides assistance in settling audit findings of major managerial significance as disclosed by audit reviews of selected grantees' management systems.

6. Performs budget activities as follows: Prepares consolidated Regional budget estimates and justifications. Acts as advocate for budget priorities based on Regional needs and characteristics. Provides assistance to the Regional planning offices in formulating a Regional plan. Assesses Regional impact of Agency budget proposals for use of the Regional Director in providing comments to the Secretary on the Department budget; supervises budget execution in the Region, including accountability for distribution of budgeted fiscal and manpower resources; prepares recommended allowances and manpower allocations for submission to the Regional Director; implements development of a budget data system capable of maintaining current information of fund and position availability for all Regional programs.

K. Office of the Assistant Regional Director for Administration and Management.

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.

3. Serves as the principal adviser 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. Reviews grants and contracts proposals for general adherence to program goals and management soundness and exercises regional sign-off authority as appropriate.

5. Provides the leadership in the establishment, maintenance, and effective use of management information and the system related thereto.

6. Administers the Regional Surplus Property Utilization program.

7. Establishes a system of effective property management, including the maintenance of item and financial property accounts.

8. 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.

9. 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.

10. 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).)

Sec. 1E87.30 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.

Sec. 1E87.40 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.

Sec. 1E87.50 Delegations of Authority. The delegations of authority of the Regional Director 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 cost 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 determination 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 Ala(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 cost;

(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, 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 to any other regional 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 educational, 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 amend-

ments 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.

Sec. 1E87.50 Delegations of Authority. 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.

Dated: July 6, 1973.

Sec. 1E87.50 Delegations of Authority. 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 requirements that a skilled nursing facility engage the services of a registered professional nurse for more than 40 hours a week as provided in section 861(g)(15);

g. To waive in accordance with 20 CRF 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 follow-up 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 opportunity 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(h) of the Social Security Act to certify skilled nursing facilities located on Indian reservations.

Dated: December 31, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-788 Filed 1-8-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-244; FDAA-453-DR]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated November 26, 1974, is hereby amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of November 26, 1974:

The Counties of:

Dewey
Major
Payne

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: January 2, 1975.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.75-789 Filed 1-8-75;8:45 am]

[Docket No. N–75–259]

ASSISTANT SECRETARY FOR POLICY DEVELOPMENT AND RESEARCH

Notice of Condominium Hearings

Section 821 of the Housing and Community Development Act of 1974 mandated HUD to conduct a full investigation and study of condominiums and cooperatives and to report to Congress before August 22, 1975. Pursuant to this requirement, HUD is conducting a study of condominiums and cooperatives and the alleged problems and abuses involved in these markets that will include:

(a) Current data available on the number, characteristics, location, builders, financers and purchasers of condominums and cooperatives in the United States.

(b) Unit data on new construction and conversions, broken down by characteristics and structure type.

(c) Demographic and market data including prices and marketing trends.

(d) Data analysis to disclose trends, relationships, distributions, multiple correlates and other significant factors which might shed light on the reasons for the increased use of condominium and cooperative forms of tenure and/or the problems or abuses which may arise therefrom.

(e) Documentation and investigation and study of claimed problems, difficulties, abuses and potential abuses applicable to condominium and cooperative housing.

Notice is hereby given that HUD will hold a public hearing for the purpose of obtaining from all interested public and private sources views relating to reported problems and potential problems and abuses involved in condominium and cooperative ownership. Written and oral comments are solicited in connection with, but not limited to the following topics:

(a) The alleged abuses and problems surrounding condominium and cooperative development including issues relating to project development and management, and project conversions.

(b) The need for, scope and potential costs of, legislation to correct whatever problems may exist and the forms it might take.

The public hearing of record on these matters will be held on February 10 at 9 a.m. to end no later than February 12, 1975, at a place to be announced in a subsequent issue of the FEDERAL REGISTER.

Requests to appear and present written comments and any other communications regarding this hearing should be submitted, together with a brief outline of the topics to be presented, no later than January 31, 1975, to the Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, Attention: Condominium Task Force, Room 8110.

Any other written comments and information from parties not wishing to appear at the hearing should be submitted to the same address, preferably prior to the date of the public hearing and in any event no later than February 12, 1975. All comments and information submitted will be available to the public under the provisions of the Freedom of Information Act (Section 552 of Title 5, United States Code).

Dated: January 3, 1975.

MICHAEL MOSKOW,
Assistant Secretary for Policy Development and Research.

[FR Doc.75–725 Filed 1–8–75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 26993; Order 74–12–80]

ALASKA AIRLINES, INC.

Order to Show Cause

Correction

In FR Doc. 74–30105, appearing at page 44797 in the issue for Friday, December 27, make the following changes:

1. The words "on the 20th day of December, 1974," should follow the second line of the first paragraph.

2. In the fourth paragraph, the fifth word should read: "five".

[Dockets 25280, 26494; Agreements C.A.B. 24714 R–4, 24816 R–1 through R–5, 24817 R–1 through R–9; Order 74–12–70]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Cargo Rate, Passenger Fare, and Currency Matters

Correction

In FR Doc. 74–29986, appearing at page 44798 in the issue for Friday, December 27, 1974, make the following change: On page 44799, in the first table, second column, the third entry should read "022i".

[Docket 25940]

AMERICAN AIRLINES, INC. ET AL.

Notice of Reassignment of Proceeding

In the matter of container loading and/or unloading charges proposed by American Airlines, Inc., Braniff Airways, Inc., United Air Lines, Inc.

This proceeding is hereby reassigned from Administrative Law Judge Milton H. Shapiro to Administrative Law Judge Arthur S. Present. Future communications should be addressed to Judge Present.

Dated at Washington, D.C., January 3, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–791 Filed 1–8–75;8:45 am]

[Docket 22162]

COUNTY OF SULLIVAN ET AL. (REMAND)

Notice of Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Milton H. Shapiro to Administrative Law Judge Burton S. Kolko. Future communications should be addressed to Judge Kolko.

Dated at Washington, D.C., January 3, 1975.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.75–792 Filed 1–8–75;8:45 am]

[Docket 26530]

FRONTIER AIRLINES, INC.

Deletion of Columbus, Nebraska; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing will be held in this proceeding on February 5, 1975, at 10 a.m. (local time) in Room 616, Union Pacific Plaza Bldg., 110 North 14th St., Omaha, Neb., before the undersigned.

Dated at Washington, D.C., January 6, 1975.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc.75–793 Filed 1–8–75;8:45 am]

[Docket 25280; Agreement C.A.B. 24851, 24873 R–1 through R–6; Order 75–1–14]

JOINT TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to North and Mid Atlantic Cargo Rates

Issued under delegated authority January 6, 1975.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA).

Agreement C.A.B. 24873, proposed to be effective February 1, 1975 through September 30, 1975 would establish cargo rates over the North Atlantic. In general the agreement would increase all rates, except the 30,000 kilogram rates, 10 cents per kilogram. The scheduled service 30,000 kilogram rates would be increased 15 cents per kilogram with an equivalent increase in minimum cargo charter rates in order to maintain the same differential vis-a-vis the 30,000 kilogram rates. Charges for minimum shipments would remain unchanged and westbound 30,000 kilogram rates from certain European countries would be specified in local currency. Finally Agreement C.A.B. 24851 would increase all general cargo and specific commodity rates between the U.S. Virgin Islands/Puerto Rico and Europe by 5 percent for effect February 1, 1975.

The purpose of this order is to establish dates for the submission of carrier justifications in support of the subject agreements, and comments from other interested persons. The carriers' justifications should include historical data, as reported to the Board in Form 41 reports by functional account, for total transatlantic services for the year ended September 30, 1974, adjusted to exclude scheduled and charter passenger services so as to establish the present economic status of cargo services on the areas covered by the subject agreements.[1] The

[1] A suggested format is shown in the Appendix, which should also be used to set forth historical and forecast information relating to traffic and capacity.

carriers will also be expected to include a forecast of operations for the year ending September 30, 1975 for the affected areas both including and excluding the increased rates for which they seek approval. Although Seaboard World Airlines is not a party to the IATA agreements, we will nevertheless expect it to provide data comparable to that requested from the U.S. IATA members.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transport Association shall file within twenty days after the date of service of this order, full documentation and economic justification (as described above) in support of the subject agreement;

2. Seaboard World Airlines, Inc. shall file within twenty days after the date of service of this order, data similar to that required of the IATA carriers;

3. Comments and/or objections from interested persons shall be submitted within thirty days after the date of service of this order; and

4. Tariffs implementing the subject agreements shall not be filed in advance of Board action on the subject agreements.

This order will be published in the FEDERAL REGISTER.

JAMES L. DEEGAN,
Chief Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Operating Revenues and Expenses International—Atlantic Area

	Historical					Forecast—Year ended Sept. 30, 1975: Total Atlantic scheduled and charter cargo operations	
		Exclusions		Total Atlantic cargo services scheduled and charter [2]			
	Year ended Sept. 30, 1974 [1]	Scheduled passenger and passenger charter services	Other [2]	As reported	Accounting adjustments [4]	At present rates	At proposed rates
Revenues:							
Total passenger revenues (scheduled)							
Express (scheduled)							
Freight (scheduled)							
Mail (scheduled)							
Charter, passenger							
Charter, freight							
Other transport							
Overall transport revenues							
Nontransport revenue							
Overall operating revenues							
Expenses:							
Flying operations—fuel							
Maintenance—direct							
Maintenance—indirect							
Passenger service							
Aircraft and traffic ervieeing							
Promotion and sales							
General and Administrative—Transport related							
Amortization of development and Preop. Exp. etc							
Depreciation, fli tequipment							
Depreciation, other than flight equipment							
Overall operating expenses							
Operating profit (loss)							
Other nonoperating income and expense, net							
Net income before tax							
Income tax at 48 percent							
Special items—net							
Income after tax and special items							
Additional interest expense							
Return element							
Investment							
ROI							

[1] As reported in form 41.
[2] Includes services performed for the military. Pan American is requested to exclude its total intra-German oporations.
[3] Balance belly and all cargo services, including mail.
[4] To include but not limited to an annualization of present revenues and expenses—explain fully.

[FR Doc.75-794 Filed 1-8-75;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Closure of Meetings

On December 5, 1974, it was announced that the meeting of the Federal Employees Pay Council scheduled for January 8, 1975, would be open to the public. On December 13, 1974, it was similarly announced that the meeting of the Federal Employees Pay Council scheduled for January 22, 1975, would be open to the public.

Since these announcements, the Chairman of the Civil Service Commission, who acts for the President's agent in making such determinations under the Federal Advisory Committee Act, has determined that both of these meetings will consist of discussions and exchanges of opinion about the fiscal year 1976 comparability adjustment which, if written, would fall within exemptions (2), (3), or (5) of 5 U.S.C. 552(b).

Therefore, he has determined that, pursuant to section 10(d) of the Federal Advisory Committee Act, both of these meetings shall be closed to the public, and minutes and other papers pertaining to them shall not be available for public inspection or copying.

We regret the necessity to close meetings which had previously been announced as open. We also regret that this determination as to the closure of the meeting of January 8 was not made in time to provide the same 15-day notice which is to be provided when meetings are originally announced.

For the President's agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.75-785 Filed 1-8-75;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF MEETING

JANUARY 3, 1975.

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will meet Thursday and Friday January 16 and 17, 1975, at 9:30 a.m., in Room S–146 of the Capitol.

The purpose of the meeting is to discuss recommendations which may be included in the Commission's Preliminary Report on structure and internal operating procedures of the Federal courts of appeal system. The agenda includes design of a new federal appellate court, devices for managing the large circuit court, and means of assuring adequate judicial manpower in the federal appellate system. Included within the last-mentioned subject are the following specific topics: (1) Mechanisms for creating new judgeships without specific new legislation when caseloads reach a certain level; (2) Mechanisms for "filling" long vacant judgeships on a temporary basis in the absence of Presidential or Congressional action; (3) Appointment of a pool of at-large judges; (4) Encouraging circuit judges to take senior status at an earlier time.

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director.

[FR Doc.75–739 Filed 1–8–75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS
Availability

Environmental impact statements received by the Council on Environmental Quality from December 23 through December 27, 1974. 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 (February 10, 1975). The thirty (30) day period for each final statement begins on the date that the statement is made available to the Council *and* to commenting parties.

Copies of individual statements are 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: Dr. Fred H. Tschirley, 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.

AGRICULTURAL STAB, AND CONSERV. SERVICE

Draft

Rice Act of 1974, December 24: The statement refers to legislation which would result in the establishing of improved programs for the benefit of producers and consumers of rice for the 1975 through 1977 crops. Environmental impacts of the program are related to the use of irrigation, herbicides, pesticides, and fertilizer and other production practices. (ELR Order No. 41929.)

FOREST SERVICE

Draft

Timber Management, Modoc N. F., Modoc, Siskiyou, and Lasseu Counties, California, December 23: The statement refers to the ten year (1975–1984) timber management plan for the Modoc National Forest. The plan proposes a total Potential Yield of 756.4 million board feet and an annual harvest of 62.6 mmbf. The plan also includes construction and reconstruction of roads for timber sales and general public use. Adverse impact includes slight degradation of air and water quality, and temporary aesthetic loss. (ELR Order No. 41922.)

Timber Management, Gunnison N.F., Colorado. December 26: The statement refers to the 10 year (1975–1984) timber management plan for the Gunnison National Forest. Under the plan, 67,000 acres would be subject to silvicultural management that would result in the harvest of 345 thousand cunits of wood products, including 170 million board feet of sawtimber. Also included is the construction of 209 miles of roads and the reforestation of 4,000 acres of "understocked" forest lands. The Gunnison N.F. contains 128,465 acres of unroaded land which will undergo road construction and timber harvest. (ELR Order No. 41931.)

Warren Planning Unit, Payette N.F., Idaho and Valley Counties, Idaho, December 26: The statement refers to a proposed land use plan for the 352,000 Warren Planning Unit of the Payette National Forest. The plan identifies similar units of land and allocates these units to differing intensities of management. The land will be managed for wilderness characteristics, timber production, mineral exploration, domestic livestock grazing, and related objectives. Implementation of the plan would result in the loss of the wilderness option on 132,000 acres of potential wilderness area. The plan retains 35,500 acres to be managed as wilderness; an additional 126,000 acres would remain in primitive status (131 pages). (ELR Order No. 41934.)

Timber Plan, Arapaho N.F., Colorado, December 23: The statement refers to a proposed revised timber plan for the Arapaho National Forest. Under the plan, timber management activities would be applied on from 2,250 to 4,200 acres annually. There will be impact to air, water, soil, and visual qualities from timber harvest and road construction. (ELR Order No. 41911.)

Fall Cankerworm Spraying, Prince William County, Virginia, December 23: Proposed is the suppression of fall cankerworm infestations on 514 acres of wooded residential area in Prince William County, Virginia. The EIS discusses the aerial application of bacterial insecticide Bacillus thuringiensis. Adverse impacts discussed in the EIS include the noise effects from project aircraft and the temporary displacement of wildlife. (ELR Order No. 41915.)

Ruby Mountains, Humboldt N.F., Elko, White, and Pine Counties, Nevada, December 26: The statement refers to a proposed land use plan for the 355,155 acre Ruby Mountains-East Humboldt Planning Unit of the Humboldt National Forest. Land use objectives include watershed protection; maintenance of wildlife habitat; maintenance of livestock grazing; development of winter sports facilities; construction of access roads for mineral development; and related objectives. There will be adverse impact to air, water, and natural landscape qualities. The adverse impacts will result in the loss of wilderness characteristics on 3,603 acres to be committed to the winter sports development. (ELR Order No. 41933.)

SOIL CONSERVATION SERVICE

Draft

West Upper Maple River Watershed, Clinton and Gratiot Counties, Michigan, December 23: Proposed is a watershed protection and flood prevention project for 4,300 acres of the West Upper Maple River Watershed. Project measures include: 9.5 miles of levee; 9.2 miles of collection channels and 2 pumps; 1.8 miles of channel work; land treatment measures; and recreational facilities. Fourteen acres of land will be inundated; 310 acres of wildlife habitat will be converted to crop production. There will be adverse impacts from recreational uses. (ELR Order No. 41924.)

County Line Creek Watershed, Rockingham and Caswell Counties, North Carolina, December 27. (ELR Order No. 41945.)

Elk Creek Watershed, Barbour, Harrison, and Upshur Counties, West Virginia, December 26. (ELR Order No. 41942.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E–201, AEC, Washington, D.C. 20545, (301) 973–4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P–722, AEC, Washington, D.C. 20545, (301) 973–7373.

Draft

Hartsville Nuclear Plants (TVA) Smith and Trousdale Counties, Tennessee, December 26. (ELR Order No. 41941.)

Final

Oyster Creek Nuclear Generating Station, Ocean County, New Jersey, December 26: Proposed is the issuance of a full-term operating license to the Jersey Central Power and Light Company for operation of the 1930 MWt, 620 MWe (net) Station. Exhaust steam is cooled by a once-through flow system with water from Barnegat Bay. Periodic fish kills occur during winter shutdowns of the station. Impingement on intake screens results in the significant annual loss of 32,000 blue crabs and 24,000 winter flounder, in an area heavily used for sport fishing. Comments made by: USDA, COE, DOC, HEW, DOI, DOT, EPA, FPC, State agencies. (ELR Order No. 41936.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967–4335.

Final

U.S.S. Monitor Research Marine Sanctuary, South Carolina, December 27: The statement refers to the proposal to preserve the wreckage of the U.S.S. Monitor for historic and cultural research. The wreck lies in 220 feet of water on a hard and shell bottom 16.10 miles south-southeast of Cape Hatteras. Because of the preservation, fishing activities would be limited to non-trawling types. Comments made by: USN, COE, DOI, STAT, EPA, USCG, AEC, DOC, NSF, State and regional agencies, and concerned citizens. (ELR Order No. 41947.)

DEPARTMENT OF DEFENSE

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, (202) OX 4–4269.

Draft

Blackbird Control, Army Installations, Kentucky and Tennessee, December 23: The statement refers to the proposed reduction of blackbird populations that have established winter roosts at Fort Campbell, Kentucky, and Milan Army Munition Plant, Tennessee. The roosts would be treated with Compound PA–14, Avian Stressing Agent, a biodegradable wetting agent. Operations would be conducted in cooperation with the Department of the Interior. An increase in soil insect populations may result. If the operation is successful, disposal of bird carcasses may be a problem: at Fort Campbell they would be removed to a landfill; at Milan they would be left to decay. Army has requested a waiver of a portion of the commenting period, to be ended January 20, 1975. (ELR Order No. 41917.)

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

Mariner's Island Development, San Mateo County, California, December 26: The statement refers to the regulatory permit application of the Security Savings and Loan Association for the Mariner's Island Development Project. The plan includes the placing of approximately 1,380,000 cubic yards of imported fill on a 190 acre portion of a 207 acre site at Mariner's Island and construction of a 900,000 sq. ft. shopping center, office buildings, multi-family dwellings, automotive sales center research and development center, and satellite commercial development. Adverse impacts include increase in localized noise and traffic and loss of 190 acres of wildlife habitat. (San Francisco District). (ELR Order No. 41932.)

Bayou Barataria-Bayou Perot, Jefferson County, Louisiana, December 26: Proposed is the construction of 5.25 miles of channel to provide a navigation route from the Barataria Bay Waterway at Lafitte to the Gulf Intracoastal Waterway at Bayou Perot. Implementation of the plan involves removal of 5,700,000 cubic yards of material, 3 permanent camps, and relocation of an 8,000-volt submarine cable. Nearly 240 acres of ponds, including their vegetation and aquatic organisms, will be affected. (ELR Order No. 41938.)

Marquette and Presque Isle Harbors, Maintenance, Michigan, December 23: The statement concerns continued maintenance dredging of Marquette Harbor and Presque Isle Harbor in Marquette, Michigan in order to afford continued use of the harbor. Adverse impacts include: air and water contamination, disruption of the benthic habitat, increased turbidity, and in the case of an on-land disposal facility for Presque Harbor, altered land use (St. Paul District) (55 pages). (ELR Order No. 41921.)

Draft

Grand River Basin Water Resources Plan, Michigan, December 23. The statement refers to the Grand River Comprehensive Water Resources Plan which considers the water resources needs of the Basin with respect to water quality, water supply, valley preservation, recreation, fish and wildlife, flood damage reduction, upstream watershed management and land treatment programs, electric power and navigation. The Plan consists largely of non-structural measures except for the construction of wastewater treatment facilities, three impoundments, and channel projects for flood control (Detroit District) (61 pages). (ELR Order No. 41912.)

Saginaw Harbor Confined Disposal Facility, Bay County, Michigan, December 23: Proposed is the construction of a contained disposal facility for polluted dredge materials from Saginaw Bay navigation channel. The project will create 285 acres of upland in the bay, replacing two small islands created by former dredging. An irretreivable loss of approximately 200 acres of Saginaw Bay bottomland and open water, with associated aquatic communities, will occur. Also, a stone facing of the dike provides a stable substrate for nuisance growths (Detroit District) (65 pages). (ELR Order No. 41923.)

Wild Rice River Dam, Minnesota, December 23: Proposed is the construction of an earth-fill dam across the Wild Rice River upstream from Twin Valley. A permanent pool of 7,500 acre-feet would be created, for flood control and recreational benefits. Existing floodplain forest, agricultural, and stream bed ecosystems would be destroyed (St. Paul District). (ELR Order No. 41925.)

County Line Lake, James River Basin (2), Missouri, December 26. (ELR Order No. 41939.)

Final

Fernandina Harbor, Maintenance Dredging, Florida, December 23: The statement refers to the proposed maintenance of the authorized depths of the Fernandina navigation channels. About 1,200,000 cubic yards of material will be removed and placed in upland and open sea disposal areas. Adverse impacts include loss of some benthic organisms, temporary siltation and turbidity caused by dredging, and some loss and temporary displacement of wildlife habitat on the upland disposal areas (Jacksonville District). Comments made by: EPA, DOI, USDA, DOC, State agencies. (ELR Order No. 41913.)

Carlyle Lake, (Kaskaskia Valley), Clinton, Fayette, and Bond Counties, Illinois, December 23: The statement refers to the proposed continuation of operation and maintenance measures of a multi-purpose reservoir which provides flood control for the Kaskaskia Valley. Adverse impact results from water level fluctuations (St. Louis District). Comments made by: USDA, DOI, HUD, DOT, DPA, State agencies, and concerned citizens. (ELR Order No. 41914.)

East Moline Flood Protection System, Illinois, December 23. (ELR Order No. 41948.)

Twin Valley Lake, Minnesota, December 23. (ELR Order No. 41925.)

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.

Final

Disposal of Forbes AFB, Shawnee County, Kansas, December 26: The statement refers to the eventual disposal of the 3,152 acre Forbes AFB. Three parcels (known collectively as the 700 area), totalling 41.78 acres and 15 buildings are studied in this statement. The parcels would be ultimately conveyed or sold to the State of Kansas, for health laboratories, a printing plant, and highway department use. The remainder of the property will ultimately be disposed of for airport, housing, educational, recreational, and defense uses. Comments made by: DOI, EPA, USAF, HEW, DOT, State agencies. (ELR Order No. 41935.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410, (202) 755–5980.

Draft

Niagara Falls Rainbow Center, New York, December 23. (ELR Order No. 41926.)

TENNESSEE VALLEY AUTHORITY

Final

Peaking Plan, Gallatin Steam Plant, December 23. Proposed is the construction and operation of a nominal 300 NW gas turbine peaking plant at the Gallatin Steam Plant. There will be some land disturbance and construction disruption; increases in the discharge of SO_2 and NO_x, and particulates; and possible spillage of oil into Old Hickory Reservoir. Comments made by: EPA, FPC, USDA, DOT, HUD, COE, DOI, State agencies. (ELR Order No. 41927.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, (202) 426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

S.R. 912, Lake County, Indiana, December 23: Proposed is the construction of 5.5 miles of six-lane S.R. 912 from I 80–94 to U.S. 12. An unspecified number of families and businesses would be displaced by the project. (ELR Order No. 41927.)

Guthrie Avenue, Des Moines (Addendum), Iowa, December 24. (ELR Order No. 41930.)

Baltimore City Boulevard Ring, I–395, Baltimore County, Maryland, December 23: The statement is in anticipation of the design and construction of City Boulevard Ring and I–395, Baltimore, Maryland. The roadway will be a variable width Inner City Boulevard Ring, constructed partially on elevated structure and partially at-grade, extending from Russell St. to Battery Ave. The major adverse impact will be the displacement of an unspecified number of families, businesses, and non-profit institutions. (ELR Order No. 41928.)

State Road 283, San Miguel County, New Mexico, December 27. (ELR Order No. 41946.)

U.S. 80, Arlington, Tarrant County, Texas, December 23. (ELR Order No. 41918.)

Draft

City Boulevard from Eutaw St. to Russell St., Baltimore County, Maryland, December 23: Proposed is the construction of a 6-lane section of Baltimore City Boulevard Ring between Eutaw St. and Russell St. The major impact of the project was the displacement of an unspecified number of businesses and non-profit organizations, but over the past five years all the properties have been acquired and the buildings demolished. (ELR Order No. 41916.)

Final

Garden State Parkway, Middlesex County, New Jersey, December 26: Proposed construction of entrance and exit ramps on the Garden State Parkway at Metro Park in Woodbridge. A 4(f) statement will be filed as public park land would be taken by the project. Comments made by: USDA, DOI, HUD, USCG, State and local agencies. (ELR Order No. 41937.)

State Highway 34, Kaufman County, Texas, December 26: Proposed is the construction of a four-lane divided highway through Terrell and the improvement of the existing two lane facility from a point north of Terrell to the Kaufman-Hunt County line. Project length is 9.70 miles, with approximately 2.10 miles requiring new location. One family and two businesses will be displaced (38 pages). Comments made by: DOT, HUD, DOI, EPA, COE, State and local agencies. (ELR Order No. 41940.)

U.S. COAST GUARD

Final

Hillsborough River Bridges, Tampa, Hillsborough County, Florida, December 26: The statement refers to the proposed Coast Guard

approval of location and plans for dual fixed highway bridges and approaches across the Hillsborough River. The bridge project, which includes the construction of 5.2 miles of highway, will be part of the South Crosstown Expressway in Tampa. Adverse impact will include the displacement of 184 residences, 63 businesses, and 40 trailer dwelling sites. Land piers will encroach upon a public park, necessitating a 4(f) determination. Comments made by: DOT, DOI, EPA, State and local agencies, and concerned citizens. (ELR Order No. 41944.)

FAA

Draft

Brookneal Municipal Airport, Virginia, December 23. (ELR Order No. 41920.)

DEPARTMENT OF THE INTERIOR

Draft

OCS Leasing, Central Gulf of Mexico, December 23. (ELR Order No. 41949.)

Final

Klondike Gold Rush National Historical Park, Alaska and Washington, December 26. (ELR Order No. 41943.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-732 Filed 1-8-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP—32000/165; FR 314-7]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency. Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before March 10, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after March 10, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 264-EOE. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. ETHREL PLANT REGULATOR FOR TOBACCO. Active Ingredients: Ethephon [(2-chloroethyl) phosphonic acid] 21.2%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 10088-UE. Athea Laboratories, 4180 N. 1st St., Milwaukee, WI 53212 B1C 2125H 10% LIQUID SANITIZER DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorines. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 662-AR. BASF Wyandotte Corp., Chemical Specialties Div., 1609 Biddle Ave., Wyandotte MI 48192. WYANDOTTE MULTI-CHLOR C. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 14.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1130-I. Burnishine Products Inc., 8140 N. Ridgeway Ave., Skokie IL 60078. BURNISHINE 2 in 1 BAR GLASS WASH & SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; Tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7350-RO. Chaska Chemical, 304 Master Ave., Savage MN 55378. TAC-SAN DISINFECTANT-CLEANER-SANITIZER-FUNGICIDE-DEODORANT. Active Ingredients: n-Alkyl (50% C12, 40% C14, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.3%; Sodium Carbonate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239-EUGR. Chevron Chemical Co., 940 Hensly St., Richmond CA 94804. CHEVRON BOLERO TECHNICAL. Active Ingredients: S-[(4-chlorophenyl)-methyl]diethylcarbamothioate 93%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13898-GT. Contract Packing, Inc., 1505 N. Ave., Norwalk IA 50211. CPI INDOORS-OUTDOORS PLANT SPRAY. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.024%; Other cube resins 0.048%; Petroleum distillate 0.224%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14943-U. Corporate Brands Inc., 9840 S. Dorchester Ave., Chicago IL 60628. CONTROL. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35666-R. M. J. Daly Co., Inc., 38 Elm St., Ludlow KY 41016. DARK CREOSOTE WOOD PRESERVATIVE. Active Ingredients: Coal Tar Creosote 96.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 16158-R. Dernehl-Taylor Co., 304 E. Florida St., Milwaukee WI 53204. DERNEHL'S COLD BRAND. Active Ingredients: Sodium Hypochlorite 5.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 904-EGE. B. G. Pratt Div., Gabriel Chem., Ltd., 204 21st Ave., Paterson NJ 07509. WASP & HORNET SPRAY BASE. Active Ingredients: Pyrethrins 0.103%; Piperonyl Butoxide, Technical 0.206%; N-Octyl bicycloheptene dicarboximide 0.340%; o-Isopropoxyphenyl methylcarbamate 0.500%; Petroleum distillates 86.442%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 904-EGR. B. G. Pratt Div., Gabriel Chem., Ltd. DP-2 SPECIAL INSECT SPRAY CONCENTRATE 10. Active Ingredients: Pyrethrins 1.00%; Technical Piperonyl Butoxide 2.00%; N-Octyl Bicycloheptene Dicarboximide 7.00%; O,O-Diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 5.00%; Petroleum Distillates 84.11%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 904-EGN. B. G. Pratt Div., Gabriel Chem., Ltd. PRATT DP-2 REPACK. Active Ingredients: Pyrethrins 0.100%; Technical Piperonyl Butoxide 0.200%; N-Octyl Bicyclopheptene Dicarboximide 0.700%; O,O-Dicthyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500%; Petroleum Distillates 98.411%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7364-EO. Great Lakes Biochemical Co., Inc., 6120 W. Douglas Ave., Milwaukee WI 53218. GLB BRAND START-UP C. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 49.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 869-RLU. Green Light Co., PO Box 16192, San Antonio TX 78246. SEARS CHELATED B-1 VITAMIN. Active Ingredients: 1-Naphthaleneacetic acid 0.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 869-RLG. Green Light Co., PO Box 16192, San Antonio TX 78246. SEARS LAWN RENOVATOR. Active Ingredients: Sodium Cacodylate 6.74%; Dimethylarsinic Acid (Cacodylic Acid) 1.17%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9931-RA. Hanco Mfg. Co., Inc., PO Box 4476, Memphis TN 38104. HANCO LEMON 980 DISINFECTANT. Active Ingredients: Akyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9931-RL. Hanco Mfg. Co., Inc., PO Box 4476, Memphis TN 38104. HANCO MINT 970 DISINFECTANT. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8901-RA. Kocide Chem. Corp., PO Box 45539, Houston TX 77045. KOCIDE BRAND BASIC COPPER SULFATE. Active Ingredients: Copper 53%.

Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1926-TL. Navy Brand Mfg. Co., 5111 SW. Ave., St. Louis MO 63110. MORTE' DISINFECTANT - SANITIZER - DEODORIZER. Active Ingredients; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 397-RR. Noble Pine Products Co., Centuck Station, Yonkers NY 10710. STERI-FAB II. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% X12, 5% C18) dimethyl benzyl ammonium chlorides 0.05%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.05%; Isopropyl alcohol 58.60%; Technical piperonyl butoxide, pyrethrine (equivalent to 0.48% (butyl carbityl) (6-propylpiperonyl) ether and 0.12% related compounds) 1.60%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1258-OIL. Olin Chemicals, Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. SODIUM CHLORITE TECHNICAL INDUSTRIAL MICROBIOSTAT. Active Ingredients: Sodium Chlorite 79%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 335-ERT. Pennwalt Corp., 3 Parkway, Philadelphia PA 19102. PENNCLOR SANITIZER-GERMICIDE RINSE. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 28%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11715-UR. Speer Products, Inc., PO Box 9383, Memphis TN 38109. SPEER FLEA & TICK SPRAY FOR DOGS & CATS. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RRGR. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66106. T-H DE-FEND-TOX. Active Ingredients: Toxaphene 47.7%; Dimethoate 8.0%; Xylene 23.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8640-L. Truett Laboratories, PO Box 34029, Dallas TX 75234. IODINE (TECHNICAL GRADE). Active Ingredients: Iodine 99.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EUR. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL RAMIK RED. Active Ingredients: Diphacinone (2-Diphenylacetyl-1, 3-Indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EUN. Velsicol Chemical Corp. VELSICOL RAMIK BROWN. Active Ingredients: Diphacinone (2-Diphenylacetyl-1, 3-Indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 876-EUE. Velsicol Chemical Corp. VELSICOL RAMIK GREEN. Active Ingredients: Diphacinone (2-Diphenylacetyl-1, 3-Indandione) 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935-UNL. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93715. RED-TOP SUPERIOR SPRAY OIL N.W. Active Ingredients: Mineral Oil 99.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated December 26, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-276 Filed 1-8-75;8:45 am]

[FIFRA Docket No. 245, etc.; FRL 317-7]

SCIENCE PRODUCTS COMPANY, ET AL.

Hearing

In the matter of Science Products Co., et al., registrants.

Take notice that hearings in this proceeding under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 973; 7 U.S.C. 136, et seq.) and the proposed cancellations of a number of registrations of pesticides cited in the footnotes, will commence on January 21, 1975, at 10 a.m. in Room 3908, Waterside Mall, 401 M Street, SW, Washington, D.C.

The initial hearings will deal with the substance QAC and will continue until completed. Beginning on March 18, 1975, further hearings will commence, at 10 a.m. at a place later to be designated in Washington, D.C., with respect to the substance BNOA; at the commencement of the March 18, 1975 hearing the date for remaining sessions of hearings, dealing with the substance NABAC will be determined and announced.

Any of the hearings may be moved to a different location and may be continued from day to day or recessed to a later date without other notice than announcement thereof at the hearing.

Inquiries concerning the hearing may be addressed to the Hearing Clerk, Environmental Protection Agency, Washington, D.C. 20460.

FREDERICK W. DENNISTON,
Administrative Law Judge.

JANUARY 2, 1975.

APPENDIX

Substance	*Registration No.*
QAC	10324-11, 5185, 5187, 5188, 10324-11-116.
BNOA	2125, 2128, 2129, 2130, 2139, 5887-70.
NABAC	6044-16.

[FR Doc.75-719 Filed 1-8-75;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 775]

GOVERNOR, FARM CREDIT ADMINISTRATION

Authority of Officers in the Event that the Governor is Absent or not Able to Perform the Duties of His Office for any Other Reason (Revocation of FCA Order No. 774)

JANUARY 3, 1975.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Governor of the Farm Credit Administration:

(1) Deputy Governor, Credit and Operations;

(2) Deputy Governor, Finance and Research;

(3) Deputy Governor, Administration;

(4) General Counsel;

(5) Chief Examiner;

(6) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 774, dated November 1, 1974 (39 FR 24050).

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.75-678 Filed 1-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 734]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 30, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to sec-

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

tion 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20764–CD–P–(8)–75—The Mountain States Telephone and Telegraph Company (KOE 513). C.P. to change antenna system operating on 152.57 152.63 152.75 152.69 & 152.81 MHz and for additional facilities to operate on 152.54 & 152.66 MHz at Loc. #1: 6.0 miles SSW of Casper, Natron County, Wyoming; and for additional test facilities to operate on 157.80 & 157.92 MHz at Loc. #2: 103 North Durbin Street, Casper, Wyoming.

20911–CD–MP–75—Phenix Communications Company, Inc. (KRS661). Mod. Permit to change antenna system operating on 152.24 MHz located at 809 S. 7th Street, Opelika, Alabama.

20912–CD–P–(3)–75—The Mountain States Telephone and Telegraph Company (KOK 341). C.P. to replace transmitter and change antenna system operating on 152.63 152.69 and 152.75 MHz located 11.5 miles SSE of Rock Springs, Wyoming.

20913–CD–P–(4)–75—Radio Telephone Company of Gainesville, Inc. (KFL922). C.P. for additional facilities to operate on 454.150 454.200 454.300 & 454.350 MHz located at 1609 South Main Street, Gainesville, Florida, Loc. #2.

20914–CD–P–75—Upper Peninsula Telephone Company (New). C.P. for a new 2-way station to operate on 152.60 MHz to be located 0.2 miles S. of Little Perch Lake, Michigan.

20915–CD–P–75—Reservation Telephone Cooperative (KAF646). C.P. to replace transmitter and change antenna system operating on 152.57 MHz located 1.2 miles North of Parshall, North Dakota.

20916–CD–P–75—Reservation Telephone Cooperative (KAH660). C.P. to replace transmitter and change antenna system and relocate facilities operating 152.51 MHz to be located 3¼ miles North of Keene, North Dakota.

20917–CD–P–75—Reservation Telephone Cooperative (KRM990). C.P. to replace transmitter operating on 152.60 MHz located 6 miles E. & 1.5 miles S. of Roseglen, North Dakota.

20918–CD–P–75—Farmers Telephone Cooperative, Inc. (KIJ355). C.P. to replace transmitter operating on 152.57 MHz located at Corner of 3rd Avenue and U.S. Route No. 52, Kingstree, South Carolina.

20919–CD–P–(4)–75—Airsignal International, Inc. (KIE953). C.P. to change antenna system operating on 35.58 MHz at Loc.#2: Lenox Towers, 3390 Peachtree Rd., N.E., Atlanta, Georgia; change antenna system operating on 35.58 MHz at Loc. #3: Atlanta International Center, 1001 International Blvd., Atlanta, Georgia; change antenna system operating on 35.58 MHz at Loc. #4: One West Court Square, Decatur, Georgia; and change antenna system operating on 35.58 MHz at Loc. #5: 4848 Austell Rd., Austell, Georgia.

20921–CD–P/L–75—United Telephone Company of Indiana, Inc. (KSJ618). C.P. to reinstate expired facilities operating on 152.69 MHz located at 209 E. Washington Street, Monroe, Indiana.

20922–CD–MP–75—Valcom, Inc. (KUC943). Mod. Permit to change antenna system operating on 152.24 MHz located at Mt. Ascutney, 4 miles SW Windsor, Vermont.

20923–CD–MP–75—Valcom, Inc. (KUC842). Mod. Permit to change antenna system operating on 152.18 MHz located at Mt. Ascutney, 4 miles SW Windsor, Vermont.

20924–CD–P–75—Franklin Business Service (New). C.P. for a new 1-way station to operate on 158.70 MHz to be located at 10861 Cadillac Rd., Cadillac, Michigan.

20925–CD–P–75—Tel-Car, Inc. (New). C.P. for a new 2-way station to operate on 152.12 MHz to be located at Bald Mountain, 2.4 miles SW of Ketchum, Idaho.

RURAL RADIO SERVICE

60214–CR–P–75—Southwestern Bell Telephone Company (New). C.P. for a new rural subscriber station to operate on 157.98 MHz to be located 12 miles NE of Zapata, Texas.

60215–CR–P–75—The Mountain States Telephone and Telegraph Company (KPY37). C.P. to replace transmitter operating on 158.01 MHz and for additional facilities to operate on 157.77 MHz located at Flying "M" Land and Cattle Company, 29 miles SE of Flagstaff, Arizona.

60216–CR–P–75—South Georgia Communications, Inc. (New). C.P. for a new rural subscriber station to operate on 158.61 MHz to be located at East Ridge Trail, Little Cumberland Island, Georgia

60217–CR–P/L–75—The Mountain States Telephone and Telegraph Company (New). C.P. for a new rural subscriber-fixed station to operate on 157.77 & 158.01 MHz to be located at Yo Lo Ranch, 21 miles NE of Bagdad, Arizona.

POINT TO POINT MICOWAVE RADIO SERVICE

1999–CF–P–75—General Telephone Company of the Southwest (New), West corner of intersection of Avenue C and Station Street, Port Aransas, Texas. Lat. 27°49'44" N., Long. 97°03'43" W. C.P. for a new station on 2126.8V MHz towards Corpus Christi, Texas on azimuth 263 degrees/13 minutes.

2001–CF–P–75—Southwestern Bell Telephone Company (KKW21), 401 North Broadway, Corpus Christi, Texas. Lat. 27°47'35" N., Long. 97°23'48" W. C.P. to add 2176.8V MHz towards a new point of communication at Port Aransas, Texas on azimuth 83 degrees/05 minutes.

2004–CF–MP–75—Southern Bell Telephone and Telegraph Company (KFG36), 501 West 9th Street, Sanford, Florida. Lat. 28°48'13" N., Long. 81°16'21" W. Mod. C.P. to change polarization on 11425 MHz from Vertical to Horizontal towards Longwood, Florida on azimuth 214 degrees/39 minutes.

2005–CF–MP–75—Same (KFO73), 1 mile north of Longwood, Florida. Lat. 28°42'49" N., Long. 81°20'35" W. Mod. C.P. to change frequency 5945.2H MHz to 5974.8H MHz towards Orlando, Florida on azimuth 190 degrees/01 minutes; change frequency 11385V MHz to 11015V MHz towards Sanford, Florida on azimuth 34 degrees/37 minutes.

2006–CF–MP–75—Same (KIU56), 45 North Magnolia Street, Orlando, Florida. Lat 28°32'34" N., Long. 81°22'38" W. Mod. of C.P. to change frequency 6197.2V MHz to 6226.9H MHz towards Longwood, Florida on azimuth 10 degrees/0 minutes.

2011–CF–P–75—The Pacific Telephone and Telegraph Company (KMN30), 345 North San Joaquin, Street, Stockton, California. Lat. 37°57'24" N., Long. 121°17'15" W. C.P. to change frequencies and replace transmitter, & change power on 5937.8H, 5997.1H, 6056.4H and 6115.7H MHz to 5945.2H, 6004.5H, 6063.8H and 6123.1H MHz towards Angels Peak, California on azimuth 82 degrees/27 minutes.

2012–CF–P–75—Same (KMW70), Angels Peak, 4 miles SW of Angels Camp, California. Lat. 38°01'38" N., Long. 120°35'43" W. C.P. to change frequencies, replace transmitter and change power from 6189.8H, 6249.1H, 6308.4H and 6367.7H MHz to 6197.2H, 6256.5H, 6315.9H and 6375.2H MHz towards Stockton, California on azimuth 262 degrees/52 minutes.

2019–CF–P–75—Southern Bell Telephone and Telegraph Company (WIV84), 2.6 miles SW of Oak Mountain, Georgia. Lat. 33°33'27" N., Long. 85°01'23" W. C.P. to add 6034.2H MHz towards a new point of communication at Buchanan, Georgia on azimuth 332 degrees/56 minutes.

2020–CF–P–75—Same (New), 2 miles SE of Buchanan, Georgia. Lat. 33°47'02" N., Long. 85°09'42" W. C.P. for a new station on 6286.2V MHz towards Oak Mountain, Georgia on azimuth 152 degrees/51 minutes; 6286.2V MHz towards Cedartown, Georgia on azimuth 349 degrees/29 minutes.

2021–CF–P–75—Southern Bell Telephone and Telegraph Company (New), 7.3 miles North of Cedartown, Georgia. Lat. 30°07'02" N., Long. 85°14'10" W. C.P. for a new station on 6043.2H MHz towards Buchanan, Georgia on azimuth 169 degrees/26 minutes; 6034.2H MHz towards Rome, Georgia on azimuth 22 degrees/45 minutes.

2022–CF–P–75—Same (New), 708 East First Street, Rome, Georgia. Lat. 34°15'19" N., Long. 85°09'59" W. C.P. for a new station on 6286.2V MHz towards Cedartown, Georgia on azimuth 202 degrees/47 minutes.

2023–CF–P–75—American Telephone and Telegraph Company (KED51), 400 Hamilton Avenue, White Plains, New York. Lat. 41°02'06" N., Long. 73°45'59" W. C.P. to add 3830V MHz towards Jackie Jones, New York on azimuth 309 degrees/32 minutes.

2031–CF–P–75—RCA Alaska Communications, Inc. (New), Alyeska Pipeline Site 152 miles NW of Fairbanks, Alaska. Lat. 66°48' 47" N., Long. 150°39'54" W. C.P. to add 2112.0H MHz towards Alps-Eagle, Alaska on azimuth 13 degrees/23 minutes.

2032–CF–P–75—Same (WAH432), Alps-Eagle RPTR, Remote repeater site, 27 miles ENE of Evansville Village, and 162 miles NW of Fairbanks, Alaska. Lat. 66°57'16" N., Long. 150°34'45" W. C.P. to add 2162.0H MHz towards Pump Station #5, Alaska on azimuth 193 degrees/28 minutes.

CORRECTIONS

1895–CF–P–75—Southwestern Bell Telephone Company (KSW26), correct entry to read: change 6189.8H and 6308.4H MHz directed towards Mustang, Oklahoma to 6286.2V and 6404.8V MHz. (Rest same as reported on Public Notice #732 dated December 16, 1974.)

1896–CF–P–75—Same (KSW28), correct entry to add: C.P. to change point of communication, power, replace transmitter and change frequencies to 6286.2H and 6404.8H MHz towards Yukon, Oklahoma on azimuth 34 degrees/30 minutes. (Rest same as reported on Public Notice #732 dated December 16, 1974.)

1898–CF–P–75—Same (KSW32), correct entry to read: change 10895V and 10815V MHz to 6152.8H and 6034.2H MHz. (Rest same as reported on Public Notice #732 dated December 16, 1974.)

[FR Doc.75–761 Filed 1–8–75;8:45 am]

[Docket No. 20304; FCC 74-1408]

UNITED STATES DEPARTMENT OF DEFENSE AND PACIFIC NORTHWEST BELL TELEPHONE CO.

Memorandum Opinion and Order Instituting a Hearing

1. The Commission has before it a formal Complaint filed February 20, 1973, by the United States Department of Defense (DOD) against the Pacific Northwest Bell Telephone Co. (Pacific Northwest Bell). An answer to the formal complaint was filed by Pacific Northwest Bell on March 28, 1973. DOD alleges that Pacific Northwest Bell has unreasonably and unjustly failed and refused to allow DOD credits for interruptions of service over special construction facilities provided to the Army at Bothell, Washington and that such conduct is in violation of section 201(b) of the Communications Act of 1934, as amended.

2. Pacific Northwest Bell was authorized to specially construct jointly with the General Telephone Company of the Northwest (General Telephone) a hardened cable facility for the Army between the telephone office at North Bend, Washington and DOD's premises at Bothell, Washington. Pacific Northwest Bell concurs in the American Telephone and Telegraph Co. (AT&T's) Tariff F.C.C. No. 262 which provides that the excess costs of specially constructed facilities are to be recovered from the customer requesting the special facilities. Pacific Northwest Bell construes excess costs as the estimated costs of the specially constructed facilities which were in excess of the estimated costs of the portion of its existing facilities which would have been utilized but for DOD's request for other than normal routing. Under this tariff the costs of special construction may be recovered from the customer either by means of an initial nonrecurring charge for the estimated specially constructed facility cost, which is in excess of the estimated cost of facilities which would be otherwise utilized, and recurring monthly charges for excess recurring costs, if any, Tariff F.C.C. No. 262, § 2.2a (2) (a), or solely by means of monthly recurring charges covering all estimated excess costs of the specially constructed facilities, Tariff F.C.C. No. 262, § 2.2a(2) (b). DOD opted to pay the monthly recurring charges for the excess costs of the specially constructed facilities in the amount of $2,533 per month. During February and March 1972, service on the specially constructed facilities suffered periods of interruption and the services provided on these facilities were rerouted through Pacific Northwest Bell's existing facilities between Bothell, Washington and North Bend, Washington. DOD was afforded credit allowances on the basis of charges for all the channels and service terminals during the period of interruptions pursuant to AT&T's Tariff F.C.C. No. 260, but no credit allowance was applied to the recurring charges for the excess costs of the specially constructed facilities, under AT&T's Tariff F.C.C. No. 262.

3. DOD alleges that the process of determining the cost of excess special construction is hypothetical and places the customer at a disadvantage since the carrier determines what is normal and what is excess construction. Moreover, DOD contends that when a interruption occurs not only the normal portion of the service is impaired but also the total service including the excess construction portion is impaired. DOD seeks $3,292.77, or such other and greater amounts as may be shown by the evidence, together with interest as damages. In addition, it requests that Pacific Northwest Bell be directed to amend Tariff F.C.C. No. 262 to provide for credit allowances and such other relief as the Commission may deem appropriate.

4. Pacific Northwest Bell contends that both the initial nonrecurring and monthly recurring charges made pursuant to Tariff F.C.C. No. 262 are for the excess costs associated with specially constructed facilities and are neither charges for the total cost of the special construction nor are they charges for service. Pacific Northwest Bell denies that its procedure to determine the excess costs of the specially constructed facilities was hypothetical or a paper operation and maintains such charges were related to the estimated costs of the specially constructed facilities which were in excess of the estimated costs of the portion of its existing facilities which would have been utilized but for DOD's request for other than normal routing. The charges related to the excess costs of specially constructed facilities are covered by Tariff F.C.C. No. 262, while the monthly charges for service on these facilities are covered by Tariff F.C.C. No. 260 which provides for certain credit allowances for periods of interruptions. Pacific Northwest Bell asserts such credit allowances were accorded DOD for the interruptions during February and March 1972 pursuant to this tariff. However, Pacific Northwest Bell alleges that tariff F.C.C. No. 260 does not provide for credit allowances with respect to excess construction charges and contends that providing such credit allowances for excess construction would shift the burden of such charges to users of other services, for those periods during which service is rerouted from specially constructed facilities. Pacific Northwest Bell concludes that it has acted properly in accordance with its tariffs and that the regulations set forth in Tariff F.C.C. No. 262 are just, reasonable and lawful.

5. There is basic agreement between the parties hereto as to the facts of this matter. The question before us is whether DOD should be afforded credit allowances with respect to its excess construction charges. It is clear, as Pacific Northwest Bell contends, that Tariff F.C.C. No. 262 does not provide for such credit allowances. Pacific Northwest Bell argues that to afford DOD such credit allowances as it requests, would be a violation of section 203 of the Communications Act of 1934, as amended, and would shift the burden of the excess costs of specially constructed facilities to the users of other services. However, it is undeniable that during the period of interruptions DOD was unable to utilize the very facilities for which it was paying the recurring charges for the excess costs. We are unable to conclude that the provisions of Tariff F.C.C. No. 262 are reasonable insofar as credit allowances are concerned and deem an investigation and hearing are warranted in this matter.

6. Since, however, there is basic agreement upon the facts concerning this matter, no need appears at this time for an evidentiary hearing. We propose that the parties file briefs and replies thereto upon a schedule established by the Administrative Law Judge to be designated for this proceeding and that thereafter the Administrative Law Judge would render his Initial Decision. If, however, at any juncture the Administrative Law Judge believes an evidentiary hearing necessary to his deliberations concerning this matter, then he is authorized to conduct such hearings. It is contemplated, however, that the Administrative Law Judge will be circumspect in his utilization of the evidentiary procedure.

7. Accordingly, pursuant to sections 4(i), 4(j), 201–209 of the Communications Act of 1934, as amended, this matter is designated for hearing at the Commission's offices in Washington, D.C., at a time to be specified, and that the Administrative Law Judge to be designated to preside at the hearing shall, upon close of the record, prepare an initial decision which shall be subject to the submittal of exceptions and requests for oral argument as provided in 47 CFR §§ 1.276 and 1.277 after which the Review Board shall issue its decision as provided in 47 CFR 0.365.

8. *It is further ordered*, That the issues in this proceeding shall be as follows:

1. Whether the failure of Pacific Northwest Bell to afford the United States Department of Defense credit allowances towards the monthly recurring charges for the excess costs of the specially constructed facilities during the periods of interruption in February and March 1972 was unjust, unreasonable and unlawful within the meaning of section 201(b) of the Act;

2. Whether in light of the evidence adduced under the foregoing issue, DOD is entitled to monetary damages and, if so, how much, and whether any revisions should be made for the future in the tariffs of Pacific Northwest Bell with respect to such credit allowances.

9. *It is further ordered*, That DOD shall have the burden of proof as to the issues.

10. *It is further ordered*, That the Administrative Law Judge shall schedule dates for the filing of briefs and replies thereto and thereafter hold oral argument.

11. *It is further ordered*, That the Administrative Law Judge is authorized to conduct evidentiary proceedings, if he deems such proceedings warranted.

12. *It is further ordered*, That a copy of this order shall be served on the United States Department of Defense and the Pacific Northwest Bell Telephone Co. who are hereby designated parties to this proceeding.

Adopted: December 18, 1974.

Released: January 2, 1975.

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

[FR Doc. 75-759, Filed 1-8-75; 8:45 a.m.]

[Docket No. 20093, File No. BCPT-4640 etc.]

WESTERN TELEVISION CO., ET AL.

Construction Permit Applications; Memorandum Opinion and Order Enlarging Issues

In the matter of applications of Western Television Co., Rapid City, South Dakota, Docket No. 20093, File No. BPCT-4640; Dakota Broadcasting Co., Inc., Rapid City, South Dakota, Docket No. 20094, File No. BPCT-4627; for construction permit for new television broadcast station Western Television Co., Lead, South Dakota, Docket No. 20095, File No. BPCT-4641; Dakota Broadcasting Co., Inc., Lead, South Dakota, Docket No. 20096, File No. BPCT-4628; for construction permit for new television broadcast station.

1. By Order, 39 FR 24955, published July 8, 1974, the Commission designated for hearing the above-captioned mutually exclusive applications. Presently before the Review Board is a petition to enlarge issues, filed July 23, 1974, by Western Television Co. (Western) seeking the addition of § 1.65, § 1.514, and Suburban issues against Dakota Broadcasting Co., Inc. (Dakota), and the inclusion of comparative efforts and meritorious programming issues to this proceeding.[1]

SECTIONS 1.65 AND 1.514 ISSUES

2. In support of its request for an issue to determine whether Dakota has failed to comply with the provisions of §§ 1.514 and/or 1.65 of the Commission's rules, Western questions a number of transactions involving the past and present principals of Dakota. Initially, Western points out that on December 7, 1973, the Dakota application was amended to show that Robert J. Flittie and Craig A. Anderson were new directors and stockholders in Dakota, holding 100 shares (3.3%) and 150 shares (5%), respectively.[2] However, in affidavits attached to Western's petition, both Flittie and Anderson deny having been issued stock and further state that they entered into written stock subscription agreements whereby the stock would be distributed at the time a license was issued. In view of the attached affidavits, petitioner contends that a sufficient basis exists for inquiring into the apparent misrepresentations made concerning Flittie and Anderson's stock interests in Dakota and in Dakota's failure to file the subscription agreements in violation of § 1.514 of the rules, citing *Lake Erie Broadcasting Co.*, 34 FCC 2d 354, 24 RR 2d 16 (1972); *RKO General, Inc. (WNAC-TV)*, 34 FCC 2d 265, 24 RR 2d 16 (1972), in support.[3] Western also claims that various stock fluctuations and transfers in Dakota, involving the departure of Theodore M. Cormaney, former Dakota president and stockholder, raise sufficient questions to warrant addition of a § 1.65 issue. Specifically, Western notes that the June 1974 amendment does not include Cormaney as a stockholder; yet, according to petitioner, the Articles of Incorporation still state that Cormaney is a director of Dakota. In addition, Western questions whether the present stockholders of Dakota acquired their stock from the corporation or from Cormaney, Anderson and/or Flittie in possible violation of the pre-incorporation agreement which proscribes the resale of stock to others.[4] Western next contends that conflicting information provided by Dakota regarding the broadcast interests of Peter G. Sieler raise questions of carelessness, deserving attention under § 1.65 of the rules. Petitioner points out that the ownership report for Station KTOQ, filed October 23, 1973, indicates that Sieler has a 2½% interest in Midland Broadcasting Co. (the licensee of standard broadcast Station KTOQ, Rapid City), while the Dakota application states that Sieler has a 5% stock holding. Similarly, the ownership report for Station KYUS-TV, filed January 4, 1971, indicates that Sieler holds no stock in Custer Broadcasting Co., licensee of Station KYUS-TV, Miles City, Montana, while the Dakota application represents that Sieler's interest in Custer totals 10%.[5]

3. In opposition, Dakota maintains that both Anderson and Flittie were considered by Dakota to be valid shareholders of its stock and attaches the statement of Cormaney, explaining that in late 1973, 3,000 shares of stock had been fully paid for by the original Dakota principals, and both Anderson and Flittie were offered five percent and three percent interests, respectively, with the understanding that repayment for the stock was to occur when and if a construction permit was issued to Dakota. Although subscription agreements were executed, Cormaney states that since the shares had been fully paid for, both Anderson and Flittie were considered by Dakota to be stockholders rather than subscribers; therefore, he did not feel it was necessary to file the agreements. Additionally, Dakota states that all of the Dakota principals mutually agreed to waive the proscription against stock resale and thereby validly authorized the issuance of paid-up stock to Anderson and Flittie.[6] With regard to the departure of Cormaney, Dakota maintains that, despite the fact that Dakota's Articles of Incorporation still reflect Cormaney's interest, the actual change in ownership has been fully reported to the Commission.[7] Furthermore, Dakota claims that it recapitalized to permit Corner and Moyle to increase their interests. Dakota next asserts that the balance sheet of Mr. Corner shows sufficient liquidity to meet his $25,000 pledge to the applicant; therefore, Western's allegations regarding Dakota's legal and financial qualifications are unwarranted. Finally, as to Western's allegations of a conflict of information concerning Sieler's broadcast interests, Dakota asserts that the Commission's records reflect that Sieler's interest in Midland is five percent, as it reported,[8] and that Sieler's proportionate ownership interest in Custer is not readily determinable because Custer has failed to disclose the full extent of each principal's interest. The Broadcast Bureau supports issues inquiring into Dakota's representations concerning the stock held by Flittie and Anderson and its failure to file the subscription agreements executed by them.

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[1] Other related pleadings before the Board are: (a) Opposition to petition to enlarge issues, filed August 16, 1974, by Dakota; (b) Broadcast Bureau's comments, filed August 16, 1974; (c) reply to opposition, filed September 9, 1974, by Western; (d) reply to comments, filed September 9, 1974, by Western; (e) supplement to reply, filed September 16, 1974, by Western; (f) petition for withdrawal, filed October 11, 1974, by Western; and (g) Broadcast Bureau's opposition to (f), filed October 23, 1974; and (h) supplement to petition for withdrawal, filed December 17, 1974, by Western. The Board will deny Western's petition requesting withdrawal of all pending petitions to enlarge issues. The petition for withdrawal is predicated on a pending joint petition for approval of agreement whereby Western would dismiss its application. However, the Board is of the view that it is obligated to examine Western's petition to determine whether any substantial questions have been raised regarding its opponent's qualifications, and we do not believe that it would be in the public interest to permit withdrawal under the circumstances here.

[2] In an amendment, filed June 19, 1974, Dakota removed Anderson and Flittie from the list of stockholders, directors and proposed employees.

[3] It is also petitioner's contention that Flittie and Anderson could not have obtained this stock from the other shareholders, as indicated in the December 7, 1974, amendment, without violating the Dakota pre-incorporation agreement of March 1973, which proscribes the resale of stock to others.

[4] The Dakota amendment filed June 19, 1974, represents that four stockholders hold all 4,500 shares of stock issued and outstanding in the following proportion: Corner—1,575 shares, Stiles—1,125 shares, Moyle—1,575 shares, and Sieler—225 shares.

[5] Petitioner also questions the ability of Dakota to finance the new station even though it does not specifically request such an issue. Western states that the Dakota application represents that Corner and Moyle each pledged $25,000 to Dakota to be paid in after the license is issued by the FCC; however, contends petitioner, there are no current balance sheets to show the ability of Corner and Moyle to make these $25,000 pledges to Dakota. The Board is of the view that the balance sheets of Corner and Moyle, as of March 1973, are sufficient to establish their ability to make the loans to Dakota.

[6] Dakota asserts that the cases relied upon by Western to support its request are distinguishable from the instant situation in that they both involve the absolute or near absolute failure to report information of the principals' business interests as compared to Dakota's prompt but perhaps inaccurate disclosure of all stockholders' interests.

[7] Dakota states that the removal of Cormaney in June 1974, as director and registered agent will be noted, pursuant to state law, with the filing of its next Annual Report.

[8] Dakota also notes that on July 3, 1974, Midland filed an Ownership Report indicating Sieler's interest in Midland to be 5%.

4. The Board is of the view that the requested §§ 1.65 and 1.514 issues are not warranted.[9] Although Dakota inaccurately represented the stock interest of two of its principals, the discrepancies are minor, they appear to be of no decisional significance, and we can perceive no intent to mislead or deceive the Commission in light of Dakota's explanation that they were considered stockholders rather than subscribers. In similar vein, inasmuch as Dakota's failure to file the stock subscription agreements appears to have been an unintentional violation and of questionable significance, a § 1.65 issue will not be added. See Post-Newsweek Stations, Florida, Inc. (*WPLG–TV*), FCC 74R–365, released October 2, 1974. Additionally, the Board is of the view that petitioner's allegations concerning Cormaney's departure and the resultant stock transfers in the applicant to do not require addition of the requested § 1.65 issue. Although Dakota's Articles of Incorporation might still represent Cormaney as a director of the corporation, the actual change in ownership as well as other changes in the minority stockholders were fully reported by Dakota in an amendment to its application and petitioner has made no showing that the State has found the applicant to be in violation of state law. See WIOO, Inc., 40 FCC 2d 217, 26 RR 2d 1611 (1973). Finally, we believe that the differences reflected in the ownership reports and Dakota's application concerning Sieler's broadcast interests are of minor significance, not meriting further inquiry. Cf. Lexington County Broadcasters, Inc., 40 FCC 2d 694, 27 RR 2d 416 (1973). Therefore, we will deny the requested issues.[10]

SECTION 73.35 ISSUE

5. Western also requests a § 73.35 issue on the ground that Sieler is a stockholder of Midland Broadcasting Co., the licensee of standard broadcast Station KTOQ, Rapid City, and is the station manager of KRSD–TV, Rapid City. Western contends that Sieler could not have become a stockholder and officer in the licensee of a radio station in Rapid City, at the same time that he remained the station manager of television Station KRSD–TV, Rapid City, without violating § 73.35 of the Commission's rules.[11] In opposition, Dakota claims that shortly after Sieler acquired his interest in Dakota and the matter of the conflict of interest was brought to his attention, he took immediate steps to dispose of his 5% interest in Midland Broadcasting Co. Dakota also argues that the multiple ownership problem is irrelevant because it directly involves two licensees totally unrelated to Dakota. The Board will deny the requested § 73.35 issue. Sieler's interest in KRSD–TV does not involve the kind of control prohibited by § 73.35 (or § 73.240 in the case of television stations);[12] there is, therefore, no violation of the Commission's multiple ownership rules. However, the Board will add a cross-interest issue. Sieler's interest in Dakota and his position as station manager of Station KRSD–TV, Rapid City, does raise a substantial question of possible violation of the Commission's cross-interest policy; therefore, an appropriate issue will be added.[13]

SUBURBAN AND COMPARATIVE EFFORTS ISSUES

6. Western next seeks addition of an issue to determine the validity of Dakota's community leader survey. Initially, Western argues that some 59 interviews conducted by Cormaney should be disregarded because he is no longer a principal of Dakota. Western maintains that the purpose of ascertainment is to create a dialogue between the principals of the applicant and community leaders and, therefore, according to petitioner, once a principal leaves, his previous community contacts are no longer meaningful, citing Sarkes Tarzian, Inc., 27 FCC 635, 17 RR 905 (1959); and the Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971).[14] Petitioner next challenges Dakota's supplemental community surveys conducted in May 1974, as not being in conformance with the Primer.[15] Western submits affidavits from various persons who either have no recollection of having been interviewed by Dakota,[16] or were unaware of and not told who was conducting the survey or that the survey was for Dakota. In addition, Western attaches affidavits from other interviewees stating that in some instances the surveys consisted of merely distributing written questionnaires with no discussion of community problems. Petitioner further questions the validity of these supplemental surveys on the grounds that if Sieler conducted the interviews, there is no indication from the Dakota application that Sieler was a principal or proposed management-level employee at that time as required by the Primer. Western also challenges Dakota's community leader survey on the ground that Dakota failed to ascertain the needs of significant groups in Rapid City, Lead and other communities within the proposed coverage area.[17] These groups, according to petitioner, include consumer organizations, government and politics, social services, labor organizations and Indians. Finally, Western claims that its survey of over 160 persons from about 140 different organizations surpasses that of Dakota and, therefore, it requests an issue to determine, on a comparative basis, the significant differences between the ascertainment efforts of Dakota and Western.

7. In opposition, Dakota contends that it is undisputed that Cormaney conducted his consultations pursuant to the precepts of the Primer and the fact that he withdrew as a principal has no relevance to the quality of the surveys. Dakota also attaches affidavits of Ted Jacobs attesting to the fact that he was, in fact, consulted in regard to Dakota's application by Gilbert Moyle. Dakota next submits an affidavit of Sieler attempting to show that sufficient steps were taken to acquaint each leader with the purpose of the consultation. Furthermore, contrary to the charges made by Western, Sieler attests that he did contact the persons alleged by Western as not having been interviewed.[18] Moreover, Dakota argues that Sieler's surveys are within the purview of the Primer, either as a prospective management-level employee or as a principal because Sieler was offered a management-level position as sales manager for Dakota well before he perfected his ownership interest in the applicant. With respect to Western's allegation that Dakota's survey efforts in the "gain" area are inadequate, Dakota notes that consultations in the "gain" area need not be as extensive as

[9] Western's motion to enlarge issues is somewhat confusing as to whether petitioner is requesting a § 1.65 or a misrepresentation issue as a result of Dakota's representations concerning Flittie and Anderson's stock interests. We have treated the request as a misrepresentation issue. It also appears that the failure to file the subscription agreements should more appropriately be treated as a § 1.65 issue since the subscription agreements were executed subsequent to the filing of Dakota's application.

[10] The Board sees no basis for adding an issue, as requested by petitioner, to determine whether Flittie and Anderson are undisclosed principals of Dakota by virtue of the stock subscription agreements; their affidavits make clear that they are not involved in and have no obligation to Dakota.

[11] Western argues that Sieler's position as station manager involves "control, management and operation" of the television station, as required by § 73.35 of the rules.

[12] See K & M Broadcasters, Inc., 19 FCC 2d 947, 17 RR 2d 543 (1969).

[13] Since the grant of Dakota's application was made subject to the divestiture by Sieler of his interest in Midland Broadcasting Co., see Order, Mimeo No. 25535, released June 28, 1974, specification of a cross-interest issue on this ground is not warranted.

[14] With regard to the original community leader survey, Western attaches an affidavit of Ted Jacobs, one of the interviewees, who states Dakota never conducted an interview with him.

[15] Western alleges that because the interviews conducted by Cormaney must be disregarded, the Commission can rely only on the May 1974 total of 20 interviews as the whole Dakota ascertainment effort.

[16] The affidavits of Dean Parsons, Fred Dusek, John McMahon, J. D. Davenport, Ted Jacobs and Martin Ferrero, state they were not interviewed by Dakota. However, see paragraphs 7 and 9, infra.

[17] Western also contends that Dakota's survey of the "gain" area it intends to serve is inadequate in that it failed to survey several counties within its proposed service area.

[18] Dakota also attaches the affidavits of John McMahon, Luverne Noziska and Sandra Kelley, all averring that they were interviewed by Sieler.

for the city of license,[19] and contends that Western has made no showing that the problems and needs in the "gain" areas are different from those in the areas surveyed by Dakota or that the groups allegedly omitted "wield the kind of influence or lack thereof which merits special consideration by [Dakota] in its survey efforts", citing RKO General, Inc. (WOR–TV), 47 FCC 2d 824, 826, 30 RR 2d 955, 958 (1974). Finally, the applicant argues that the requested comparative survey issue is not warranted absent a showing by Western that the problems and needs of all significant groups and communities have not been ascertained by Dakota. The Broadcast Bureau rejects Western's attempts to invalidate the leadership surveys conducted by Cormaney since Cormaney was a principal at the time he conducted the surveys and, according to the Bureau, the Primer does not indicate that such interviews cease to be valid upon the departure of such principals. However, the Bureau believes, on the basis of Western's other allegations, that an issue to inquire into the adequacy of Dakota's community leader survey appears justified. Also, the Bureau claims that since Western's community leader survey appears critically deficient, specification of a comparative efforts issue is unwarranted.

8. In its replies, Western reasserts its claim that the Primer (Q. & A. 11(a)) does provide a basis for eliminating the Cormaney interviews in that it emphasizes the importance of a continuing dialogue with the community leaders and the importance of a contact at the station with whom the interviewee can discuss problems. Therefore, petitioner contends, when Cormaney left, the community leaders lost their "contact," cutting off any dialogue. Furthermore, Western claims that Dakota's supplemental interviews are not re-surveys but rather confirmations of interviews with Cormaney.[20] In addition, Western maintains that it does not have to show that the problems in the service area outside the cities of license are different, but merely that the applicant failed to ascertain them, falling short of the requirements of the Primer (Q. & A. 6).

9. The Board will add a Suburban issue. Initially, we reject petitioner's contention that Cormaney's departure as a principal invalidates his community leader surveys. See Itawamba County Broadcasting Co., Inc., 46 FCC 2d 60, 29 RR 2d 1154 (1974). The Primer only requires that consultations with community leaders be conducted by principals or management-level employees and there is no dispute that Cormaney was a principal at the time he conducted his interviews. The Primer does not indicate that such interviews cease to be valid upon the departure of such principal. However, the Board finds that several of the remaining Suburban allegations warrant further inquiry. First, in the Board's opinion, serious questions have been raised concerning the truthfulness of Dakota's representations of its community leader survey. It appears from the affidavits that four of the community leaders allegedly surveyed by Dakota aver having no recollection of being contacted by anyone on behalf of Dakota, and Sieler's affidavit attesting that he did contact these persons is not adequate to answer their assertions to the contrary.[21] In these circumstances, the addition of a misrepresentation issue is warranted. See California Stereo, Inc., 39 FCC 2d 401, 26 RR 2d 887 (1973); Belo Broadcasting Corporation, 42 FCC 2d 1011, 28 RR 2d 732 (1973). Furthermore, several leaders state that questionnaires were used in their consultations without any discussion of community problem. The Primer (Q. & A. 17) explicitly states that a questionnaire cannot be used in lieu of personal consultations. In addition, a review of Dakota's surveys reveals that little or no systematic attempt was made to contact representatives of various local groups, e.g., no interviews with labor leaders or Indians are indicated.[22] See Southern Broadcasting Company, 26 FCC 2d 992, 20 RR 2d 677 (1970). Thus, the apparent deficiencies in Dakota's survey warrant an appropriate issue to determine whether that applicant satisfactorily ascertained the community needs and interests of the areas to be served.[23] Finally, Western's request for a comparative efforts issue is predicated primarily on the allegation that it contacted substantially more leaders than Dakota, particularly in the "gain" area. However, as previously indicated (see note 23, supra), petitioner has not shown that there was any necessity to make contacts in the area in question. Moreover, substantial questions have been raised with regard to Western's community leader survey.[24] Under these circumstances, we do not believe a comparative efforts issue is warranted Cf. KFPW Broadcasting Co., 13 FCC 2d 98, 13 RR 2d 344 (1968).

MERITORIOUS PROGRAMMING ISSUE

10. Western finally seeks an issue to inquire into the allegedly good broadcast record of Sturgis Radio Co., Inc., licensee of KBHB and KBHB–FM, Sturgis, South Dakota. Western bases its request on the ground that Leslie J. Kleven, a major stockholder and president of Western and its proposed full-time general manager, is also controlling stockholder, president and general manager of the Sturgis stations.[25] In opposition, Dakota contends that the Policy Statement, supra, permits consideration of an "unusually good" programming record at the comparative hearing. The Board will deny the requested issue. As noted by the Broadcast Bureau, the Board has previously held that a special issue is not required in order to adduce evidence of a past broadcast record under a standard comparative issue. See Pleasant Broadcasting Co., 19 FCC 2d 964, 17 RR 2d 465 (1969). Rather, the appropriate procedure is for the petitioner to make a threshold showing to the Presiding Judge that its past broadcast record is "unusually good",[26] whereupon the comparative programming record will be examined at the hearing.

11. Accordingly, *It is ordered,* That the petition for withdrawal filed October 11, 1974, by Western Television Co., is denied; and

12. *It is further ordered,* That the petition to enlarge issues, filed July 23, 1974, by Western Television Company is granted to the extent indicated herein, and is denied in all other respects; and that the issues in this proceeding are enlarged to include the following issues:

(a) To determine whether a grant of the application of Dakota Broadcasting Co., Inc. would contravene the Commission's cross-interest policy requiring divorcement of interests between stations in the same broadcast service and serving substantially the same area, and if so, the effect thereof on the applicant's basic or comparative qualifications to be a Commission licensee.

(b) To determine whether Dakota Broadcasting Co., Inc., misrepresented facts to the Commission in connection with its survey of community leaders, and, if so, to determine the effect of this conduct on the basic and/or comparative qualifications of Dakota Broadcasting Co., Inc., to be a Commission licensee.

(c) To determine the efforts made by Dakota Broadcasting Co., Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests; and

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[19] Dakota cites Meredith Colon Johnston, 33 FCC 2d 324, 23 RR 2d 671 (1972), in support.

[20] In a supplement to reply, petitioner submits the affidavit of Leslie J. Kleven, President of Western, stating that as represented to him, the contacts made by Sieler were not interviews for community ascertainment purposes, but rather an audit of Cormaney's surveys.

[21] The affidavits of Parsons, Dusek, Davenport and Ferrero, denying contact by Dakota, remain uncontested.

[22] Dakota's interviews with two Indians are deficient in that questionnaires were used with no discussion of community problems.

[23] Western's argument that Dakota failed to adequately survey its "gain" area must fail. A sizeable portion of the counties allegedly not surveyed are either not within the proposed service area or are on its fringe. Furthermore, petitioner has not indicated that any major communities are within the proposed service area of the counties allegedly not surveyed.

[24] See *Western Television Company,* FCC 74R–392, -- FCC 2d --, released October 22, 1974, where the Board added an issue to determine the extent of Western's use of mail questionnaires.

[25] In support, Western cites the Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965); Lamar Life Broadcasting Co., 24 FCC 2d 618, 19 RR 851 (1970); and Veterans Broadcasting Company, Inc., 38 FCC 25, 4 RR 2d 375 (1965), indicating the Commission will consider the "unusually good" programming record of a station where there is full and equal participation in the operating station and the proposed station.

[26] Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965).

13. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under issues (a) and (c) added herein shall be on Dakota Broadcasting Co., Inc. and the burden of proceeding with the introduction of evidence under issue (b) added herein shall be on Western Television Company and the burden of proof shall be on Dakota Broadcasting Co., Inc.

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

[FR Doc.75-760 Filed 1-8-75;8:45 am]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS

Meeting and Agenda

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Radio Technical Commission for Aeronautics Special Committee 128—Preparation of Minimum Performance Standards for Airborne Ground Proximity Warning System. It is to be held on January 28-29, 1975, in Conference Room 4342, Nassif Building, 400 Seventh Street, SW, Washington, D.C., commencing at 9 a.m.

AGENDA

1. Introductory Remarks.
2. Review FAA Draft.
3. Prepare Draft Minimum Performance Standards.
4. Other Business.
5. Closing Remarks.

The meeting is open to the public on a space available basis. Any member of the public may file a written statement with the Commission either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Commission prior to the meeting.

Those desiring to attend the meeting or more specific information should contact the RTCA Secretariat, Suite 655, 1717 H Street, NW, Washington, D.C. 20006, or phone area code 202/296-0484.

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

[FR Doc.75-764 Filed 1-8-75;8:45 am]

[Docket No. RP73-115]

FEDERAL POWER COMMISSION

CONSOLIDATED NATURAL GAS CO.

Filing of Revised Tariff Sheets

DECEMBER 31, 1974.

Take notice that on December 16, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing Second Revised Sheet No. 51-A, Second Revised Sheet No. 51-B, and Second Revised Sheet No. 51-C to its FPC Gas Tariff, First Revised Volume No. 1 to be effective as of December 15, 1975.

Consolidated states that the Tariff Sheets now in effect provide for curtailment of certain partial requirements customers of Consolidated on a pro rata basis and that the gas shortage curtailment provisions in the revised Tariff Sheets provide for end use curtailment.

Consolidated states that the Tariff Sheets now in effect provide for the determination of industrial requirements on the basis of the highest twelve consecutive calendar months in the most recent twenty-four month period for which data is available. The revised Tariff Sheets will provide for the curtailment of industrial requirements on the basis of data for the twelve month period ended September 30, 1974.

Consolidated also states that the Revised Tariff Sheets would permit the filing of petitions for extraordinary relief by any buyer, including the Hope Natural Division, on behalf of any consumer.

The December 15, 1974, effective date is requested as a result of the announced implementation of curtailment by Consolidated commencing February 1, 1975. Consolidated requests that the Tariff Sheets be made effective without suspension or with suspension for only one day to facilitate the orderly implementation of curtailment.

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 January 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-608 Filed 1-8-75;8:45 am]

[Docket No. RP72-134; PGA 75-6]

EASTERN SHORE NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment To Rates and Charges

DECEMBER 31, 1974.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 18, 1974, tendered for filing Second Substitute Tenth Revised Sheet No. 3A and Second Substitute Tenth Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1 to become effective January 1, 1975. The proposed changes would increase revenues from jurisdictional sales and service by approximately $75,815 annually based on sales for the twelve-month period ending November 30, 1974. Eastern Shore also filed Alternate Second Substitute Tenth Revised Sheet No. 3A and Alternate Second Substitute Tenth Revised PGA-1 to its tariff. These alternative sheets would increase revenues by approximately $65,358 annually.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to increase the commodity or delivery charges in its rate schedules CD-1, CD-E, G-1, PS-1, E-1, and I by amounts equivalent to the increases in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, as contained in the latter's filing in Docket No. RP72-99 dated November 27, 1974, as corrected December 13, 1974. Consistent with Transcontinental's filing of its rate changes on alternative bases, Eastern Shore has submitted corresponding alternative changes in its rates and charges. Eastern Shore requests waiver of the notice requirements of § 154.22 of the Regulations under the Natural Gas Act and Section 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets corresponding to the Transcontinental rate change accepted by the Commission, to become effective as of January 1, 1975, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1975.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene, copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-609 Filed 1-8-75;8:45 am]

[Docket No. CP75-96]

EL PASO ALASKA CO.

Extension of Time

DECEMBER 31, 1974.

On December 20, 1974, El Paso Alaska Company filed a motion to extend the time for filing a fee as required by Section 159.2(a) of the Commission's Regulations in the above-designated matter.

Notice is hereby given that the time for filing the above fee is extended to 15 days after final action by the Commission on the Request by Governmental Agency noticed November 18, 1974 in this Docket.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-610 Filed 1-8-75;8:45 am]

[Docket No. E-8008]

FLORIDA POWER AND LIGHT CO.

Extension of Time

DECEMBER 31, 1974.

On December 18, 1974, Florida Power and Light Company filed a motion for extension of time for filing briefs on exceptions to the initial decision of the Presiding Administrative Law Judge issued November 26, 1974, in the above-designated matter. The motion states that all parties have been contacted and have no objection.

Upon consideration, notice is hereby given that the time for filing briefs on exceptions is extended to January 24, 1975 and the date for filing briefs opposing exceptions is extended to February 13, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-611 Filed 1-8-75;8:45 am]

[Docket No. E-8843]

HOLOYOKE WATER POWER CO. AND HOLOYOKE POWER AND ELECTRIC CO.

Extension of Procedural Dates

DECEMBER 31, 1974.

On December 18, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 9, 1974, as most recently modified by notice 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 procedural dates in the above matter are modified as follows:

Service of Staffs Testimony, December 30, 1974.
Service of Intervenor's Testimony, January 17, 1975.
Service of Company Rebuttal, January 28, 1975.
Hearing, February 4, 1975 (10 a.m. EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-612 Filed 1-8-75;8:45 am]

[Docket No. RP73-66]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Order Permitting PGA Rate Increase and Rejecting Transportation Rate Increase

DECEMBER 31, 1974.

On December 5, 1974, Inter-City Minnesota Pipelines, Ltd., Inc. (Inter-City) tendered for filing Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, designated PGA No. 2, proposing a uniform 19.325 cents per Mcf increase under each of its jurisdictional sales rates. The increase is filed under Inter-City's tariff PGA rate provision and is proposed to become effective January 1, 1975. The revised rates reflect the increased rates of Inter-City's sole supplier, IGT Transmission Limited, which have been required to be increased to $1.03 per Mcf (including Btu and exchange rate adjustments) by the Canadian government and the Canadian National Energy Board to be effective on January 1, 1975. Inter-City purchases the gas from IGT at the U.S.-Canadian border at Sprague, Manitoba.

Inter-City's proposed PGA increase appears to be properly computed and uniformly applied to each of its rates in accordance with the applicable tariff PGA provisions. The net gas purchase cost increase amounts to $1,537,073 annually, while expected revenues will increase by $1,570,253, inclusive of $33,180 in Inter-City's unrecovered purchased gas account accumulated during the period July 5, to September 30, 1974. We find the proposed PGA increase is reasonable and proper under the circumstances, and it will therefore be approved.

Inter-City also filed herein on December 5, 1974, proposed First Revised Sheet No. 11 to its FPC Gas Tariff, Original Volume No. 2, increasing the rate for its transportation service for ICG by $90,830 annually. A change in rate design is also proposed for the transportation service to eliminate a reduction of 2 cents per Mcf in the charge for all volumes delivered to IGT in excess of 2,9 million Mcf per year, and to substitute a uniform charge of 7.798 cents per Mcf to all volumes transported.

Inter-City states that the basis for the proposed increase in its transportation rate is a requested increase in depreciation rate from the present 1.67 percent to 5.9115 percent. The latter figure represents the calculation of depreciation rate based on the 15 year, 10 month remaining life of the gas supply contract between IGT and its sole supplier, Trans-Canada Pipe Lines, Ltd.

Inquiries by the Commission staff concerning the proposed increase in transportation rate have revealed that the increase is predicated on something more than the indicated change in depreciation rate, including an increase in ad valorem taxes of approximately $24,000 and an increase in Inter-City's rate of return to an overall rate of 14.68 percent, yielding 20% on equity capital.

Inter-City's proposed increase in its transportation rate represents a change in rate within the meaning of section 4 of the Natural Gas Act, and is governed by § 154.63 of the Commission's regulations under the Act. Inter-City did not submit the supporting materials required by the regulations, and its filing is therefore not in compliance with the Commission's regulations. We are unable on the record before us, and in the absence of the information required by § 154.63 of our regulations, to approve the requested increase in Inter-City's transportation rate. We shall therefore reject such increase, without prejudice, however, to its resubmission by Inter-City together with Statements L, M, and N, as required by § 154.63(b)(4) of the regulations.

The Commission orders:

(A) Inter-City's proposed Third Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, designated PGA No. 2, is accepted for filing, and the Commission's applicable regulations are waived to permit such tariff sheet to become effective on January 1, 1975.

(B) Inter-Citys proposed First Revised Sheet No. 11 to its FPC Gas Tariff, Original Volume No. 2, is rejected, without prejudice, however to its resubmission together with Statements L, M, and N as required by § 154.63(b)(4) of the Commission's regulations under the Natural Gas Act.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-613 Filed 1-8-75;8:45 am]

[Docket No. RP73-43; PGA75-2]

MID LOUISIANA GAS CO.

Proposed Rate Change

DECEMBER 31, 1974.

Take notice that Mid Louisiana Gas Company (Mid Louisiana) on December 20, 1974, tendered for filing as a part of first Revised Volume No. 1 of its FPC Gas Tariff, Eleventh Revised Sheet No. 3a.

Mid Louisiana states that the purpose of the filing is to reflect a Purchased Gas Cost Current Adjustment to Mid Louisiana's Rate Schedules G-1, SG-1, I-1 and E-1; that the revised tariff sheet is proposed to be effective February 1, 1975, and that the filing is being made to reflect the increased rates of its supplier United Gas Pipe Line Company filed December 18, 1974, in Docket No. RP75-22; and that copies of the filing were served on interested customers and state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20425, 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 January 16, 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.75-614 Filed 1-8-75;8:45 am]

[Docket Nos. RP71-16 and RP74-29; PGA 75-4]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Filing Pursuant to Tariff Rate Adjustment Provisions

DECEMBER 31, 1974.

Take notice that on December 16, 1974, Midwestern Gas Transmission Company

(Midwestern) tendered for filing Eighth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1, to be effective February 1, 1975. Midwestern states that the sole purpose of the revised tariff sheet is to reflect adjustments to its rates pursuant to rate adjustment provisions in Articles XVII, XVIII, and XIX of the General Terms and Conditions of its tariff.

Midwestern states that as to the Southern System, Eighth Revised Sheet No. 5 reflects a net PGA rate reduction of 0.39 cents per Mcf, resulting from (1) the Current Purchased Gas Cost Rate Adjustment based on increased rates filed by Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), on November 15, 1974; and (2) a negative Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Southern System. Midwestern states that the balance in such account reflects the crediting of refunds received from Tennessee on October 15, 1974, as specified by Section 4 of Article XVII. According to Midwestern, the revised tariff sheet also reflects a Current Rate Adjustment of 0.11 cents pursuant to Section 9 of Article XIX to reflect curtailment demand charge credits applicable to the Southern System.

Midwestern states that as to the Northern System, Eighth Revised Sheet No. 5 reflects a net PGA rate adjustment of 1.04 cents per Mcf based on the Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Northern System.

Midwestern states that as to the Northern System, Eighth Revised Sheet No. 5 reflects a net PGA rate adjustment of 1.04 cents per Mcf based on the Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account for the Northern System.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-615 Filed 1-8-75;8:45 am]

[Docket No. E-9135]

MISSISSIPPI POWER CO.

Order Accepting for Filing and Suspending Proposed Rate Increase and Prescribing Hearing Procedures

DECEMBER 31, 1974.

On November 29, 1974, the Mississippi Power Company (Mississippi) tendered for filing Second Revised Sheets Nos. 3 and 4 to its FPC Electric Tariff Original Volume No. 1. Mississippi states that the proposed increase will produce added revenues of $3,380,418.10 based on the twelve month period following the effective date of January 1, 1975, which would yield an overall return of 9.47%.

The proposed wholesale rate is applicable to three cooperatives, Coast Electric Power Association, East Mississippi Power Association, and Singing River Electric Power Association. The cooperatives receive electrical power from Mississippi through a total of thirty-five delivery points, and a separate contract was executed by Mississippi to cover service at each point. Nineteen of the contracts will be affected by Mississippi's proposed rate increase.[1]

According to Mississippi, the added revenue is needed because of the following factors: (1) the adverse financial impact of inflation, (2) the cost of new pollution control equipment, (3) the cost of converting generating facilities to alternate fuels because of the energy crisis and the resultant shortage of primary fuels, (4) customer conservation efforts that have reduced Mississippi's total revenues, and (5) the need to finance a large construction program. Mississippi also states that, although its total sales have decreased due to customer conservation efforts, its peak demand requirements are continuing to increase, requiring additional expenditures to provide the necessary capacity.

Notice of the filing was issued on December 5, 1974, with protests or petitions to intervene due on or before December 20, 1974. No such protests or petitions have been filed to date.

As we concluded in Opinion No. 665, Docket No. E-7625 (issued September 27, 1973), the contracts that Mississippi proposes to modify in this proceeding are fixed term contracts, and, therefore, the Mobile-Sierra rule would prohibit any unilateral filings by Mississippi during the term of each contract.[2] The issue that must be resolved is whether the notice of cancellation tendered on December 21, 1972, by Mississippi to all of its customers satisfies the contractual provision(s) that govern the term of each contract.

Six of the contracts provide for an initial period of service of five years, after which termination is permitted following two years notice to the customer.[3] The initial period has terminated for these contracts, and accordingly, since notice was provided to the customers, we shall accept these contracts for filing pursuant to Section 205, subject to the conditions hereinafter ordered.

The other thirteen contracts have two different provisions[4] that appear to govern the term of each agreement. Article 18 of the agreements provides for an initial period varying from seven months to ten years, after which termination is possible following two years notice. Article 5 provides the Company with the right to substitute new and different rate schedules applicable to these customers at the conclusion of their initial contract terms for five year terms and permits rate adjustments only if notice is given at least two years prior to the end of the preceding five year term. A review of the rate schedules in question on file with the Commission indicates that Article 5 has not come into play since the Company did not substitute new and different rate schedules for the MRA-9 rate at the conclusion of the initial terms of the contracts. Since no new rate schedules have been substituted under Article 5, the provisions of Article 18 govern the right of the Company to terminate service under the contracts. Accordingly, since Mississippi tendered adequate contractual notice to its customers under the thirteen contracts, both as to the right to terminate service under the presently effective rate schedules and as to the right to file new and different rate schedules, we shall accept these contracts for filing pursuant to Section 205, subject to the conditions hereinafter ordered.

Our review of Mississippi's filing shows that the proposed changes in rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Therefore, we find it to be in the public interest to suspend Mississippi's filing for a period of one day and establish hearing procedures to determine the justness and reasonableness of the proposed rates.

With regard to Mississippi's proposed fuel clause, Section 35.14(a)(1) of the Commission's Regulations states that the intent of the fuel clause is "to reflect changes in the fuel component (and fuel only) per kilowatt hour of delivered energy cost." The proposed clause, however, would reflect the total cost of economy purchases rather than reflecting only the cost of fuel included in such purchases. For this reason, we shall reject the fuel clause[5] without prejudice to Mississippi's right to file a revised

[1] FPC Rate Schedules 40, 41, 43, 54, 56, 57, 58, 59, 60, 66, 70, 71, 72, 76, 77, 84, 94, 100, and 104.

[2] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C.* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956).

[3] FPC Rate Schedules 40, 41, 43, 70, 71, and 84.

[4] The specific provisions of the contract which are referred to are represented as Appendix A to this order.

[5] See: *Rockland Electric Company*, order issued September 27, 1974 in Docket No. E-9001.

fuel clause conforming with the Regulations as set forth in Section 35.14(a)(1) or, in the alternative, a revised clause conforming to the new fuel clause regulations as set forth Order No. 517.*

The Commission finds:

(1) It is necessary and appropriate in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing Mississippi's November 29, 1974 proposed rate increase in Docket No. E-9135 and enter upon a hearing concerning the lawfulness of the proposed rates and charges contained in Mississippi's proposed rate increase and that such proposed changes be suspended as hereinafter ordered.

(2) Good cause exists to reject Mississippi's proposed fuel adjustment clause as hereinafter ordered.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on July 1, 1975, at 10 a.m., in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the lawfulness of the rate revision proposed by Mississippi in its November 29, 1974, filing.

(B) On or before May 20, 1975, the Commission Staff shall serve its prepared testimony and exhibits. On or before June 4, 1975, all intervenors shall serve their prepared testimony and exhibits. Any rebuttal evidence by Mississippi shall be served on or before June 19, 1975.

(C) Pending hearing and a final decision thereon, the proposed changes in Mississippi's November 29, 1974, filing are hereby suspended for one day, and the use thereof deferred until January 2, 1975, subject to refund.

(D) Mississippi's proposed fuel clause is hereby rejected without prejudice to Mississippi's right to file a revised fuel clause reflecting only changes in the fuel component per kilowatt hour of delivered energy cost, as prescribed by Section 35.14(a)(1) of the Regulations or, in the alternative, a revised fuel clause conforming to Order No. 517, as set forth above.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(F) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(G) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

ARTCLE 5:

The Customer agrees to pay to the Company monthly for service hereunder in accordance with the Company's Rate Schedule "MRA-9" attached hereto and made a part hereof. This schedule shall be effective for a period commencing with the effective date of this contract and ending (five (5) years from and after) _____, herein called the "Initial Period." The Company shall have the right to substitute a new and different rate schedule applicable to service under this contract for a five (5) year period commencing _____, and for each subsequent five (5) year period thereafter of this contract, in accordance with the following procedure: (words in brackets are part of Rate Schedule Nos. 54, 56, 57, 58, 59, and 60, but not part of Rate Schedule Nos. 66, 72, 76, 77, 94, 100, and 104).

* * * * *

ARTICLE 18 OF RATE SCHEDULE NOS. 54, 56, 57, 58, 59, 60:

This contract shall become effective upon the date of its approval by the Administrator of the Rural Electrification Administration, and shall continue in effect for a period of _____ years (not less than ten or more than fifteen) from and after _____, and thereafter until either party shall notify the other in writing of its intention to terminate, such notice to be given at least two (2) years prior to the effective date of such termination. It is understood that this contract, when it becomes effective as forwarded herein, shall supersede an existing contract between the parties hereto, dated _____, and that such superseded contract shall terminate concurrently with the effectiveness of this contract.

ARTICLE 18 OF RATE SCHEDULE NOS. 60, 66, 72, 76, 77, 94, 100, AND 104

This contract shall become effective upon the date the power of the Company is connected to the power system of the Customer for service under this agreement, which date is _____, 19__, and shall continue in effect for a period of _____ from and after _____, and thereafter until either party shall notify the other in writing of its intention to terminate, such notice to be given at least two (2) years prior to the effective date of such termination. It is understood that this contract, when it becomes effective as provided herein, shall supersede an existing contract between the parties hereto, dated _____, and that such superseded contract shall terminate concurrently with the effectiveness of this contract.

[FR Doc.75-616 Filed 1-8-75;8:45 am]

*See: Ordering Paragraph (B) of Order No. 517, issued November 13, in Docket No. R-479.

[Docket No. E-9063]

MISSOURI POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Establishing Procedures, and Providing for the Filing of a Revised Fuel Clause

DECEMBER 31, 1974.

On October 15, 1974, as completed on November 29, 1974, Missouri Power & Light Company (MP&L) tendered for filing a supplemental agreement for wholesale service to the City of Centralia, Missouri (Centralia).[1] The proposed Municipal Electric Service Wholesale Rate (MESWR) will result in additional revenue of $33,376 based upon sales for the 12 months ended August 31, 1975.

Notice of the filing and the supplement were issued on October 29, 1974, and December 18, 1974, with comments due on or before November 7, 1974, and December 26, 1974, respectively. No responses were received.

Our review of MP&L's filing indicates that the fuel clause proposed therein provides for losses on a system basis rather than on a wholesale basis.[2] Hence, the rates resulting from the implementation of the proposed fuel clause may be excessive under the applicable ratemaking standards of the Commission and therefore, may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful within the meaning of the Federal Power Act. Therefore, we shall suspend MP&L's filing for one day until January 3, 1975, when it shall become effective subject to refund, and provide for the filing of a revised fuel adjustment clause within 30 days of the issuance of this order which provides for losses on a wholesale basis. Alternatively, MP&L may submit a revised fuel clause in accordance with Commission Order No. 517, issued November 13, 1974, in Docket No. R-479, as permitted by Ordering Paragraph (B) of that order. Upon the filing of a revised fuel clause providing for losses on a wholesale basis or a fuel clause conforming to Order No. 517, we shall make the revised fuel clause effective as of January 3, 1975, terminate MP&L's refund obligation and order such interim refunds as may be required. Failure to file a substitute fuel clause providing for losses on a system basis or clause conforming to Order No. 517 will require a hearing in accordance with the schedule hereinafter ordered.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the tendered filing be suspended as hereinafter ordered and conditioned.

[1] See Attachment for designation, filed as part of the original document.

[2] See: Arizona Public Service Company, ____ FPC ____ issued June 4, 1974, in Docket No. E-8624.

The Commission orders:

(A) MP&L's October 15, 1974, filing, as completed on November 29, 1974, is hereby accepted for filing and suspended until January 3, 1975, when it shall become effective subject to refund. Within 30 days of the date of the issuance of this order, MP&L shall file a substitute fuel clause providing for losses on a wholesale basis or a fuel clause conforming to Order No. 517, as discussed above. Upon receipt of a substitute fuel clause providing for losses on a wholesale basis or a fuel clause conforming to Order No. 517, we shall make the substitute clause effective as of January 3, 1975, order such interim refunds as may be required and terminate MP&L's refund obligation. Failure to file a revised fuel clause as provided above will require a hearing as hereinafter ordered.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on April 8, 1975, at 10 a.m., E.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates and charges contained in MP&L's proposed filing.

(C) On or before January 28, 1975, MP&L shall file its direct evidentiary case. On or before February 25, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before March 11, 1975. Any rebuttal evidence by MP&L shall be served on or before March 25, 1975.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(E) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of Settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-617 Filed 1-8-75;8:45 am]

[Docket No. E-9181]

NANTAHALA POWER AND LIGHT CO.

Proposed Tariff Change and Motion to Consolidate Proceedings

DECEMBER 31, 1974.

Take notice that Nantahala Power and Light Co. (Nantahala) on December 16, 1974, tendered for filing proposed changes in its FPC Electric Rate Schedule PL. The proposed changes would increase revenues from jurisdictional sales or service by $84,879, based on the 12 month period ending on September 30, 1974. Nantahala has also filed a motion to consolidate the instant filing with Docket No. E-7942.

The proposed rate changes and rate charges are designed to increase the revenue from Haywood Electric Membership Corporation, the Town of Highlands and Western Carolina University, Nantahala Power and Light Company's only jurisdictional customers, sufficiently to recover the proportionate share of the increase in the cost of purchased power from Tennessee Valley Authority and to raise the rate of return on the investment necessary to serve jurisdictional customers to an acceptable level. The filing also introduces a purchased power cost adjustment into Nantahala's tariff. The proposed effective date of the proposed rate is February 1, 1975.

Copies of the filing were served upon Nantahala's jurisdictional customers and on the regulatory commission of the State of North Carolina.

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 January 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-618 Filed 1-8-75;8:45 am]

[Docket No. RM75-14]

NATURAL GAS

National Rates for Jurisdictional Sales; Extension of Time

DECEMBER 31, 1974.

In the matter of national rates for jurisdictional sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1975 to December 31, 1976.

On December 13, 1974, Texaco Incorporated and twenty-seven other producers filed a motion to extend the time for filing comments fixed by order issued December 4, 1974 in the above-designated matter. On December 19, 1974, United Distribution Companies and on December 20, 1974, Jones and Laughlin Steel Corporation filed similar motions for extension.

Notice is hereby given that the date for filing comments in the above matter is extended to March 17, 1975, and the date for filing reply comments is extended to April 14, 1975.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-627 Filed 1-8-75;8:45 am]

[Docket No. E-9104]

NEVADA POWER CO.

Filing Supplemental Data and Petition for Waiver of Notice Requirements

DECEMBER 31, 1974.

Take notice that on December 20, 1974, Nevada Power Co. (NPC) tendered supplemental data intended to make complete its original filing of November 12, 1974. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

NPC states that it has reduced its requested rate increase from $1,073,219 to $998,486 thus producing an application of under $1,000,000 and thereby making submission of the data, required under § 35.13(b)(4)(iii) of the Federal Power Act, voluntary rather than mandatory. NPC states that this revenue decrease was accomplished by utilizing $45.566 per Kw and $7.023 per Kw for thermal capacity and transmission pricing, respectively, in place of the cost figures of $47.584 per Kw and $7.334 per Kw contained in Statement M.

Due to the above mentioned reduced rate request NPC has submitted a revised Statement N and also new rate schedules, Schedule CPH and Schedule CPN which are to be substituted for the previously submitted schedules. NPC requested in their initial filing in this docket that the effective date be as of the receipt of this application.

NPC indicates that it has mailed copies of the subject supplemental data to all parties.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 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 January 14, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-619 Filed 1-8-75;8:45 am]

[Docket Nos. E-9136 and E-9140]

NEW ENGLAND POWER SERVICE CO.

Order Accepting Tariff Sheets for Filing, Suspending Use Thereof, Consolidating Proceedings and Providing for Hearing, Permitting Intervention and Denying Motions to Reject

DECEMBER 31, 1974.

On November 26, 1974, New England Power Service Co., (NEPCO), ten-

dered for filing at Docket No. E–9136, copies of an agreement dated November 22, 1974, between NEPCO and its affiliate, The Narragansett Electric Company (Narragansett) which amends its Service Agreement for Primary Service for Resale with The Narragansett Electric Co. and NEPCO's FPC Electric Tariff, Original Volume Number 1. The filing reflects two amendments to the agreement which is in the nature of a lease of facilities in the future. The first amendment provides for adjustments in the Generation and Transmission Credits which Narragansett will receive based upon the Narragansett facilities which will be used by NEPCO in 1975. The second amendment provides for Narragansett's fossil fuel for generation costs to be credited on a current month basis. The proposed changes would increase the fixed credits allowed Narragansett on its purchased power billing by NEPCO in the amount of $1,646,700 annually based on the 12 month period ending December 31, 1975. The amended agreement is proposed to become effective on January 1, 1975. A review of NEPCO's filing indicates that the major portion of its proposed increase is the result of increases in the level of depreciation expense and rate of return.

Notice of NEPCO's filing in Docket No. E–9136 was issued on December 6, 1974, with protests and petitions to intervene due on or before December 23, 1974. On December 24, 1974, a petition to intervene was filed by those parties listed at Appendix A.

On November 29, 1974, NEPCO tendered for filing, at Docket No. E–9140, copies of amendments [1] to its FPC Tariff, Original Volume Number 1 to be effective January 1, 1975. The amendments would result in a rate increase of approximately $25 million annually, based on the calendar year 1975.

The Company's filing will alter the current R–8 rate by increasing the demand charge from $3.18 per kilowatt of demand to $7.69 per kilowatt and decrease the energy charge from 9.8 mills per kilowatt hour to 2.1 mills per kilowatt hour. The credit for high tension delivery has been reduced from 30¢ per kilowatt of demand to 15¢ per kilowatt. The General Terms and Conditions and Terms and Conditions governing specified types of service have also been amended to increase various notice provisions from two to seven years, increase the interest accruing on unpaid bills from an annual rate of 7 percent to 1½ percent per month, and decrease from sixty to thirty days the time allowed for payment of bills. NEPCO requests waiver of the requirement to file Statement P since the Price Commission is no longer active.

Notice of NEPCO's filing in Docket No. E–9140 was issued on December 5, 1974, with protests and petitions to intervene due on or before December 23, 1974. On December 17, 1974, a protest was received from Torbert H. Macdonald, M.C. On December 23, 1974, a protest, petition to intervene and motion to reject was filed by the group of NEPCO's customers listed in Appendix A (Customers). Customers have requested that the Federal Power Commission reject the filing or in the alternative to suspend the rate increase for five months. Customers raise several additional issues other than those discussed above, i.e., 1) that NEPCO has inserted a seven year notice provision on proposed changes in entitlements or sources of supply while at the same time altered their rate design and 2) included approximately $75 million of construction work in progress in the rate base. Another timely petition for rejection, suspension for five months and leave to intervene was filed by Michael J. Harrington M.C. in which he alleged discrimination between the 29 municipal utilities who purchase power wholesale from NEPCO and NEPCO's own affiliate Massachusetts Electric Co. In addition, Congressman Harrington supports the pleadings filed by Customer.

Our review of NEPCO's filing, as well as the pleadings filed by the petitioners in Docket Nos. E–9136 and E–9140, reveals certain issues which, while not sufficient to warrant a summary rejection, may require development in an evidentiary proceeding. The issues raised indicate that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall suspend the proposed changes for five months and establish hearing procedures to determine the justness and reasonableness of NEPCO's filing. Moreover, we are of the opinion that the most expeditious way of resolving the issues in these tendered filings is to consolidate the proceedings at Docket No. E–9136 with those at Docket No. E–9140 for purposes of hearing and decision.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the terms, conditions, rates and charges contained in NEPCO's filings at these dockets and that the tendered rate schedules be suspended as hereinafter provided.

(2) Good cause exists to deny petitioners' motions for rejection of NEPCO's tendered filing.

(3) Good cause exists to grant NEPCO's requested waiver of the requirement to file Statement P.

The Commission orders:

(A) New England Power Service Company's filings in Docket Nos. E–9136 and E–9140 are accepted for filing and suspended for five months, subject to refund, and permitted to become effective June 1, 1975.

(B) The request for a rate increase in NEPCO's November 29, 1974 filing in Docket No. E–9140 is hereby consolidated with the proceedings in Docket No. E–9136.

(C) Those motions to reject filed by Customers and Congressman Harrington are hereby denied.

(D) Pursuant to the authority of the Federal Power Act and the Commission's rules and regulations (18 CFR Chapter I), in order to determine the justness and reasonableness of the terms and conditions and the rates and charges contained within the filings tendered by NEPCO, a hearing shall be held commencing on May 20, 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.

(E) On or before March 4, 1975, NEPCO shall file its prepared testimony and exhibits. The Commission staff shall file its prepared testimony and exhibits on or before April 8, 1975. Any intervenor evidence shall be filed on or before April 22, 1975. NEPCO shall file its rebuttal evidence on or before April 29, 1975.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) NEPCO's request for waiver of the requirements of § 35.13 insofar as that section requires filing of Statement P is granted.

(H) The petitioners listed at Appendix A, together with Congressman Michael J. Harrington, are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

NEPCO CUSTOMER RATE COMMITTEE

The Massachusetts Towns and Cities of:

Ashburnham	Marblehead
Boylston	Merrimac
Danvers	Middleton
Georgetown	North Attleboro
Groton	Paxton
Hingham	Peabody
Holden	Princeton
Hudson	Shrewsbury
Hull	Sterling
Ipswich	Templeton
Littleton	Wakefield
Mansfield	West Boylston

[1] Schedule I, First Revised Page No. 3; Schedule I, First Revised Page No. 7; Schedule I, First Revised Page No. 8; Schedule I, First Revised Page No. 9; Schedule II–A, Third Revised Page No. 1; Schedule II–A, Third Revised Page No. 2; Schedule III–A, Third Revised Page No. 2; Schedule III–B, First Revised Page No. 5; Schedule III–C, First Revised Page No. 9; Schedule III–D, First Revised Page No. 8.

Littleton, New Hampshire
Manchester Electric Co.
New Hampshire Electric Cooperative, Inc.

[FR Doc.75-620 Filed 1-8-75;8:45 am]

[Docket Nos. E-7718 and E-8435]

PENNSYLVANIA ELECTRIC CO.

Extension of Procedural Dates

DECEMBER 31, 1974.

On December 24, 1974, Pennsylvania Electric Co. filed a motion to extend the procedural dates fixed by order issued November 11, 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 Company Rebuttal, January 31, 1975.
Hearing, February 14, 1975. (10 a.m. E.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-621 Filed 1-8-75;8:45 am]

[Docket No. E-9133]

SOUTHERN SERVICES, INC.

Order Accepting and Suspending Rate Filing, Granting Interventions and Denying Motions To Consolidate

DECEMBER 31, 1974.

On November 27, 1974, Southern Services, Inc. (Southern), filed its annual revision to the interchange agreement between itself and the participating companies (Alabama Power Co., Georgia Power Co., Gulf Power Co., and Mississippi Power Co.) who are all affiliates of the Southern Co., a holding company organized pursuant to the provisions of the Public Utility Holding Company Act of 1935. Southern states that the proposed changes, which would realign the pooled costs among the participating companies without causing any net decrease or increase in revenues to the combined companies, provide for the continuing exchange of power and equitable participation in the benefits arising from integrated operation.

Notice of Southern's filing was issued on December 10, 1974, with comments, protests, or petitions to intervene due on or before December 26, 1974. On December 17, 1974 the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia (Dalton), filed a petition to intervene and a motion to consolidate the proceedings in the present docket with the proceedings in Docket No. E-8514. On December 20, 1974, forty-seven municipal customers[1] of Georgia Power Co. (Cities) and the Power Section, Georgia Municipal Association, Inc. jointly filed a petition to intervene, protest, request for suspension and motion to consolidate the two proceedings. On December 24, 1974, Alabama Power Co., Georgia Power Co., Gulf Power Co., and Mississippi Power Co. filed a petition to intervene and an answer to the protest and petition of the Cities.

On November 23, 1973, Southern filed its annual revision to the interchange agreement to apply to calendar year 1974. By order of May 8, 1974 in Docket No. E-8514, the Commission suspended for one day the effectiveness of the 1974 amendments and established a hearing schedule for that proceeding. Due to various delays the hearing in Docket No. E-8514 has not yet commenced and is scheduled to begin on March 17, 1975.

Our review of Southern's filing indicates that the proposed amendment has not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Our review further indicates that the issues presented in the present proceeding are the same issues presented in Docket No. E-8514.

Because of the similarity of issues, we would consider consolidation of the two proceedings. However, such a consolidation would serve only to cause a substantial and further delay in the presently-set procedure. In light of the fact that amendments to the interchange agreement are filed annually, it is essential that a final disposition of the issues involved in the interchange agreement be arrived at as expeditiously as possible. For this reason we decline to consolidate the two dockets and therefore will deny Dalton's and Cities' motions to consolidate.

We have further considered the alternative of setting Docket No. E-9133 for a separate hearing and establishing a procedural schedule. We are concerned however that the adoption of this procedure would serve to require the parties to twice litigate the identical issues. Because such a procedure would be unnecessarily repetitive and also be an unwarranted diversion of the resources of both the parties and the Commission staff, we have chosen to reject the alternative of setting Docket No. E-9133 for a separate procedural schedule.

Because Southern's present filing has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful, and because a consolidation with the present proceeding in Docket No. E-8514 or setting it for a separate hearing would not serve to promote the public interest, we shall make our determination of the issues in Docket No. E-9133 subject to our final disposition in Docket No. E-8514 and such further proceedings, if any, as may be required at that time. We shall therefore, accept Southern's November 27, 1974 filing in Docket No. E-9133, suspend it for one day and make it subject to refund.

The Commission finds:

(1) It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act, that the Commission accept Southern's November 27, 1974 filing in Docket No. E-9133, suspend it for one day subject to refund, and make it subject to our final determination in Docket No. E-8514 and such further proceedings, if any, as may be required at that time.

(2) Good cause exists to permit the intervention of the above-named petitioners.

(3) Good cause does not exist to grant the motions to consolidate the proceedings in Docket Nos. E-8514 and E-9133.

The Commission order:

(A) Southern's November 27, 1974 filing in Docket No. E-9133 is hereby accepted for filing, suspended for one day subject to refund, and made subject to the Commission's final determination in Docket No. E-8514 and such further proceedings, if any, as may be required at that time.

(B) The petitions to intervene filed by the above-named petitioners are hereby granted.

(C) The motions to consolidate proceedings in Docket Nos. E-8514 and E-9133 of the Water, Light, and Sinking Fund Commission of the City of Dalton, Georgia and by the Cities are hereby denied.

(D) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-622 Filed 1-8-75;8:45 am]

[Docket No. E-9172]

UGI CORP. AND PENNSYLVANIA POWER & LIGHT CO.

Supplement to Interconnection Operating Principles and Practices

DECEMBER 31, 1974.

Take notice that on December 13, 1974 the UGI Corp. (LU) and the Pennsylvania Power & Light Co. (PL) tendered for filing proposed Supplement dated December 11, 1974 to the LU-PL Interconnection Operating Principles and Practices (effective June 1, 1960) issued in accordance with the Interconnection Agreement dated August 1, 1965 between UGI Corporation and the Pennsylvania Power & Light Co. (UGI Corporation Rate Schedule FPC No. 3 and Pennsylvania Power & Light Co. Rate Schedule FPC No. 46).

UGI has entered into an agreement with Monogahela Power Co., the Potomac Edison Co., and West Penn Power Co. (the APS Companies) to become effective January 1, 1975, providing for a sale by the APS Companies to UGI of 50,000 kw of capacity and energy from the APS

[1] Cities of Acworth, Adel, Albany, Barnesville, Blakely, Braselton, Brinson, Buford, Cairo, Camilla, Cartersville, College Park, Commerce, Covington, Doerun, Douglas, East Point, Elberton, Ellaville, Fairburn, Fitzgerald, Forsyth, Fort Valley, Grantville, Griffin, Hampton, Hogansville, Jackson, LaFayette, LaGrange, Lawrenceville, Mansfield, Marietta, Monroe, Monticello, Moultrie, Newnan, Norcross, Palmetto, Sandersville, Sylvania, Sylvester, Thomaston, Thomasville, Washington, West Point, and Whigham, Georgia.

Companies Harrison Steam Electric Station (Harrison Station).

The proposed Supplement provides for the accounting under the LU–PL Interconnection Operating Principles and Practices for the 50,000 kw of energy and capacity for which LU has contracted for with the APS Companies and for delivery of said capacity and energy through the PL transmission system.

It is estimated that in the 12 months ended December 31, 1975, the charges to be paid PL by LU for the delivery of 50,000 kw of Harrison Station capacity and energy to the LU system under the current unit cost will total approximately $252,500.

No facilities need be installed or modified in connection with the proposed Supplement.

Applicants have requested the Commission to accept the Supplement for filing on or before January 1, 1975 as they intend to commence operation under this Supplement as of January 1, 1975 so that UGI can receive its purchase of Harrison power and energy from the APS Companies into its system as of that date.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should, on or before January 14, 1975 file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or 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. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–623 Filed 1–8–75;8:45 am]

[Docket No. RP72–133; PGA 75–1]

UNITED GAS PIPE LINE CO.

Order Accepting for Filing, Suspending Proposed PGA Rate Increase and Permitting Intervention

DECEMBER 31, 1974.

On November 15, 1974, United Gas Pipe Line Co. (United) tendered for filing alternate purchased gas adjustment (PGA) increases[1] pursuant to its PGA clause which reflect an 11.11¢/Mcf rate increase designed to track $101,374,024 in the current cost of purchased gas and alternate surcharges to recover the balance in United's Unrecovered Purchased Gas Cost Account as of September 30, 1974. The lower surcharge of .79¢/Mcf assumes Commission acceptance of United's National Rate Surcharge filed in Docket No. RP75–22, while the higher surcharge of 2.73¢/Mcf assumes denial of the National Rate Surcharge. United has requested a January 1, 1975, effective date for the filing.

Notice of United's filing was issued on November 26, 1974, with protests, notices of intervention and petitions to intervene due on or before December 11, 1974. In response to this notice, Wilmut Gas and Oil Co. filed a petition to intervene on December 11, 1974, but did not request a hearing.

By order issued November 29, 1974, in Docket No. RP75–22, we denied United's Petition for Special Relief in which United proposed its National Rate Surcharge. Accordingly, we shall reject that portion of United's November 15, 1974 filing[2] which assumes approval of the National Rate Surcharge.

As to the Alternate Proposed Tariff Sheet contained in Appendix B of United's filing, we note that it is partly based upon anticipated increases in producer rates which are expected to become effective as of January 1, 1975, but some of which have not yet been filed. In addition, our review indicates that United's alternate proposal is based, in part, upon small producer and emergency purchases at rates in excess of the rate levels prescribed by Opinion No. 699–H[3] and upon certain alleged nonjurisdictional purchases. Therefore, the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful; and accordingly, we shall accept United's Alternate Proposed Tariff Sheet for filing and suspend it for one day to become effective January 2, 1975, subject to refund. Our acceptance is expressly conditioned upon United modifying its proposed alternate sheet to eliminate all producer rate changes which do not become effective by January 1, 1975.

In regard to the question of small producer purchases, we note that the United States Supreme Court has recently remanded the small independent producer rulemaking in order for the Commission to enunciate the standards in determining the justness and reasonableness of the prices for small producer purchases.[4] Furthermore, we note in regard to emergency purchases that the question of the standards which the Commission must use in determining the justness and reasonableness of the prices for such purchases is presently the subject of court action.[5] For these reasons we believe that it would be premature to establish a hearing schedule in this docket at the present time. Moreover, we note that the instant filing includes costs associated with non-jurisdictional purchases which are at issue in the rate proceeding pending in Docket No. RP74–83 and costs associated with purchases from affiliates which are the subject of proceedings in Docket Nos. RP70–13, et al. Consequently, the inclusion of such costs will be subject to the ultimate disposition of the proceedings in these two aforementioned dockets.

Our review of United's Alternate Proposed Tariff Sheet indicates that the claimed increased costs, other than those costs associated with alleged nonjurisdictional purchases and with that portion of the small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H comply with the standards set forth in Docket No. R–406. Accordingly, United may file substitute tariff sheets to become effective January 1, 1975, reflecting increased costs other than that portion of claimed increased costs associated with small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H. Acceptance of this optional filing will also be conditioned upon United modifying its proposed increase to eliminate all anticipated producer rate changes which do not become effective by January 1, 1975.

Finally, we note that on December 18, 1974, in response to our order issued November 29, 1974, in Docket No. RP75–22, United tendered for filing Substitute Twentieth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1 which reflects the inclusion of a surcharge designed to recover all Opinion No. 699 (with the exception of Opinion No. 699–H) producer increases incurred during the period June 21, 1974, through December 31, 1974. Our action in regard to the instant filing is made without prejudice to any future action which we may take concerning United's December 18, 1974, filing.

The Commission finds:

(1) Good cause exists to reject United's proposed Twentieth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, contained in Appendix A of United's November 15, 1974 filing.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that United's Alternate Proposed Tariff Sheet, Twentieth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, contained in Appendix B of United's November 15, 1974 filing, be accepted for filing, suspended and permitted to become effective January 2, 1975, subject to refund and to the condition that United modify its Alternate Proposed Tariff Sheet to eliminate all producer rate changes which do not become effective by January 1, 1975.

(3) The claimed increased costs, other than those associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H have been reviewed and found to be in compliance

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[1] Both sheets designated Twentieth Revised Sheet No. 4 to FPC Gas Tariff, First Revised Volume No. 1.

[2] Twentieth Revised Sheet No. 4 to FPC Gas Tariff, First Revised Volume No. 1 which reflects the .79¢/Mcf surcharge, contained in Appendix A of United's filing and designated, by United, as "Proposed Tariff Sheet."

[3] Opinion No. 699–H, Docket No. R–389–B, issued December 4, 1974.

[4] Federal Power Commission v. Texaco, Inc., et al., CADC, Docket Nos. 72–1490 and 72–1491, Opinion issued June 10, 1974.

[5] Consumer Federation of America v. F.P.C., CADC, Docket No. 73–2009, petition filed September 21, 1973.

with the standards set forth in Docket No. R–406.

(4) Good cause exists to permit the intervention of the above-named intervenor.

The Commission orders:

(A) United's proposed Twentieth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, contained in Appendix A of United's November 15, 1974 filing is hereby rejected for filing.

(B) United's Alternate Proposed Tariff Sheet, Twentieth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1, contained in Appendix B of United's November 15, 1974 filing is hereby accepted for filing, suspended for one day and permitted to become effective January 2, 1975, subject to refund, pending further Commission order in this docket. This acceptance is conditioned upon United modifying its Alternate Proposed Tariff Sheet to eliminate all producer rate changes which do not become effective until January 1, 1975, and is without prejudice to any future action which may be taken in regard to United's December 18, 1974 filing.

(C) United may file to become effective January 1, 1975, substitute tariff sheets reflecting that portion of United's rates as filed in Appendix B of United's November 15, 1974 filing which reflect increased costs other than those costs associated with that portion of small producer and emergency purchases in excess of the rate levels prescribed in Opinion No. 699–H. Acceptance of this substitute filing will be conditioned upon United eliminating from this substitute tariff sheet all costs based upon producer rate changes which do not become effective by January 1, 1975.

(D) The inclusion of costs in the instant filing associated with non-jurisdictional purchases which are at issue in the rate proceeding pending in Docket No. RP74–83 and the inclusion of costs associated with purchases from affiliates which are the subject of the proceedings in Docket Nos. RP70–13, et al., will be subject to the ultimate disposition of the proceedings in these two respective dockets.

(E) The intervention of the above-named intervenor is hereby granted.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–624 Filed 1–8–75;8:45 am]

[Docket No. E–9178]

VERMONT ELECTRIC POWER COMPANY, INC.

Purchase Agreement

DECEMBER 31, 1974.

Take notice that on December 16, 1974, Vermont Electric Power Company, Inc. (Velco) tendered for filing the following rate schedule:

Purchase Agreement for the sale of fifteen thousand kilowatts (15,000 KW) and related energy from the Vermont Yankee Nuclear Electric Generating Unit to the Public Service Company of New Hampshire by Velco as dated on September 1, 1974.

Velco states that the service to be rendered under the rate schedule consists of 15,000 KW capacity and related energy and that this service is to commence 11:59 p.m. on October 31, 1974, and terminates at 11:59 p.m. on April 30, 1975. Velco further states that the service is being provided at the monthly rate of approximately $135,000 per month and that this charge includes all relevant capacity, maintenance and net energy charges by Vermont Yankee. Finally Velco's December 16, 1974 filing requests waiver of § 35.11 of the Commission's regulations under the Federal Power Act.

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 January 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–625 Filed 1–8–75;8:45 am]

[Docket No. E–9169]

WASHINGTON WATER POWER CO.

Proposed Sale of Surplus Energy

DECEMBER 31, 1974.

Take notice that on December 12, 1974, the Washington Water Power Co. (Washington) tendered for filing a proposed Memorandum Agreement dated October 21, 1974, providing for the sale of surplus energy by Washington to the City of Pasadena Water and Power Department.

Washington asks that the 30 day prior notice requirement as set forth in section 205(d) of the Federal Power Act be waived to allow an effective date of October 21, 1974.

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 January 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–626 Filed 1–8–75;8:45 am]

FEDERAL RESERVE SYSTEM

CLYDE BANCORPORATION, INC.

Formaton of Bank Holding Company

Clyde Bancorporation, Inc., Clyde, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Exchange National Bank of Clyde, Clyde, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than February 3, 1975.

Board of Governors of the Federal Reserve System, January 2, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75–742 Filed 1–8–75;8:45 am]

MERCANTILE BANCORPORATION INC.

Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of United Bank of Macon, Macon, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Mercantile Bancorporation Inc. is also engaged in the following nonbank activities: consumer finance and mortgage banking. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 3, 1975.

Board of Governors of the Federal Reserve System, December 31, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-743 Filed 1-8-75;8:45 am]

FEDERAL TRADE COMMISSION

DAIRY INDUSTRY MERGERS; SUPPLEMENT TO ENFORCEMENT POLICY

Requirements for Submission of Special Reports

The Federal Trade Commission published in the FEDERAL REGISTER (38 FR 17770, July 3, 1973) its enforcement policy and criteria for assessing future mergers with respect to mergers in the dairy industry to guard against concentration-increasing acquisitions.

Notice is hereby given that the Federal Trade Commission has, as a supplement to its enforcement policy, approved, adopted and entered of record the following resolution requiring certain corporations engaged in the dairy industry to file Special Reports:

Whereas, the dairy industry may become increasingly concentrated in a significant part as a result of additional mergers among larger dairy companies; and

Whereas, the Commission, on June 19, 1973, issued its "Enforcement Policy with Respect to Mergers in the Dairy Industry"; and

Whereas, the Commission has authority under sections 3, 6, 9 and 10 of the Federal Trade Commission Act (15 U.S.C. secs. 43, 46, 49 and 50) to prosecute any inquiry necessary to its duties in any part of the United States, to require corporations engaged in commerce to file reports as to their organization, business, conduct, practices, management, and relation to other corporations, partnerships and individuals, and to investigate such corporations with respect to such matters; to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to any matter under investigation; and, at all reasonable times to have access to, for the purpose of examination, and the right to copy any documentary evidence of any corporation being investigated or proceeded against and

Whereas, the public interest requires that the Commission discharge expeditiously and uniformly its duties under the statutes which it administers with respect to mergers and acquisitions among dairy companies, particularly, but not limited to section 7 of the Clayton Act (15 U.S.C. sec. 18) and section 5 of the Federal Trade Commission Act (15 U.S.C. sec. 45), and that to assist in the implementation of its enforcement policy for mergers and acquisitions in the dairy industry the Commission learn of prospective mergers and acquisitions in advance of their consummation;

Now, therefore, it is hereby resolved by the Federal Trade Commission that, by the exercise of all its powers and by the use of any and all of its voluntary and compulsory processes, certain corporations engaged in the dairy industry shall be required to file Special Reports sixty (60) days prior to the consummation of any merger or acquisition involving any company processing more than 300 million pounds of Class I milk annually (excluding home delivery sales) or which when combined with an acquired company processes that amount, when (1) the acquired assets, stock or other share capital relate to any fluid milk processing plant or distribution facility which is within 500 miles of any such assets of the acquiring company, or (2) when the acquired company had fluid milk product sales in excess of $2.5 million or processed 26 million pounds or more of Class I milk during any one of the preceding three years (excluding retail home delivery sales in each case).

Issued: October 7, 1974.

By direction of the Commission dated December 19, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-744 Filed 1-8-75;8:45 am]

GENERAL ACCOUNTING OFFICE

FEDERAL COMMUNICATIONS COMMISSION

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 3, 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.

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 revision to an existing FCC Form 402-Application for Microwave Station Authorization in the Safety and Special Radio Services. The revision involves a supplement, FCC Form 402-S-Supplemental Technical Information to FCC Form 402. The Commission presently uses FCC Form 402 in licensing private operational-fixed microwave stations. This form requires the applicant to furnish a limited amount of technical information on the operation of each of his stations. To obtain additional technical details, a supplemental form, FCC Form 402-S, will be completed by every licensee for each station he is presently authorized to operate. All new applications filed after December 31, 1974, will be filed on FCC Form 402 with the supplement. Potential respondents are approximately 3,000 applicants for Microwave Station Authorization. Frequency of filing is on occasion and an estimated 3,000 responses will be filed annually. Average respondent burden is estimated at 1 hour per respondent per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.75-810 Filed 1-8-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

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 2, 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.

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 an extension without change of FCC Form 308, entitled Application for Permit to Deliver Programs to Foreign Broadcast Stations. This form is to be used in applying under section 325(b) of the Communications Act of 1934, as amended, for authority to locate, use, or maintain a studio in the U.S. for the purpose of supplying program material to a foreign radio or TV broadcast station whose signals are consistently received within the U.S., or an extension of existing authority. If an applicant holds a valid license or CP, an informal application (in letter form) may be used in lieu of this form. Burden is estimated to average 2 man-hours per respondent.

Request for review and clearance of an extension without change of FCC Form 310 entitled Application for an International, Experimental Television, Experimental Facsimile, or a Developmental Broadcast Station License. This form is to be submitted by permittees of classes of stations indicated who desire to apply for license following construction of new or changed facilities. Burden is estimated to average 8 man-hours per respondent.

Request for review and clearance of an extension without change of FCC Form 346, entitled Application for Authority to Construct or Make Changes in a TV or FM Broadcast Translator Station. The form is to be filed by those applying for authority to construct or make changes in an existing TV or FM Broadcast Translator Station. Respondent burden is estimated to average 12 man-hours per response.

Request for review and clearance of an extension without change of FCC Form

346–A, entitled Application for Authority to Construct or Make Changes in a UHF Translator Signal Booster. Applications for authority to construct and operate a UHF translator signal booster will be submitted on this form. Respondent burden is estimated to average 4 man-hours per response.

Requests for review and clearance of an extension without change of FCC Form 347, entitled Application for TV or FM Broadcast Translator Station License. Frequency is on occasion; potential respondents are applicants for a TV or FM Broadcast Translator Station License; respondent burden is estimated to average 1 man-hour per response.

Request for review and clearance of an extension without change of FCC Form 348, entitled Application for Renewal of TV or FM Broadcast Translator Station License. This form is to be filed when applying for Renewal of TV or FM Broadcast Translator Station License. Respondent burden is estimated to average 12 man-hours per response.

NORMAN F. HEYL,
Regulatory Reports,
Review Officer.

[FR Doc.75–809 Filed 1–8–75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

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 December 27, 1974. 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.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

FEDERAL COMMUNICATIONS COMMISSION

Requests for review and clearance of an extension without change of FCC Form 403, Application for Radio Station License or Modification Thereof Under Parts 21, 23, or 25. Potential respondents are applicants for a radio station or a modification of a station license. Approximately 4,000 applications are received annually. The average estimated burden per response is one man-hour.

Request for review and clearance of an extension without change of FCC Form 406, Application for Ground Station Authorization in the Aviation Services. Potential respondents are those applying for a station or for assignment of ground station authorization. An average of 3,115 applications are filed annually. The average estimated burden per response is one man-hour.

Request for review and clearance of an extension without change of FCC Form 480, Application for Civil Air Patrol Radio Station Authorization. Applicants for a land station used exclusively for communications of the Civil Air Patrol must file this form. Approximately 1,500 applications are filed annually. The estimated average burden on the respondent is ½ man-hour per response.

Request for review and clearance of an extension without change of FCC Form 501, Application for Ship Radio Station License. This application is filed for a new, modified, or renewal ship station license in the case of radiotelephone stations subject to the Safety of Life at Sea Convention and stations having radiotelegraph equipment. Approximately 1,500 applications are filed annually. The average estimated burden is 20 minutes per response.

Request for review and clearance of an extension without change of FCC Form 610–A, Application for Alien Amateur Radio Licensee for Permit to Operate in the United States. Potential respondents are alien amateur radio licensee applicants. Approximately 500 respondents must file annually. Estimated average burden is 20 minutes per filing.

Request for review and clearance of an extension without change of FCC Form 714, Supplement to Application for New or Modified Radio Station Authorization. This form must be filed as a supplement to applications for construction of antennas, except broadcast, when the antenna exceeds specifications in the Commission Rules. Approximately 18,600 applications are filed annually. The estimated burden is 5 minutes per response.

Request for review and clearance of an extension without change of FCC Form 724, Registration of Industrial, Scientific and Medical Equipment. Potential respondents are registrants of industrial, scientific and medical equipment that may be operated without a license. Approximately 900 registrations are filed each year. The burden is estimated to average ½ man-hour per filing.

Request for review and clearance of an extension without change of FCC Form 755, Application for Restricted Radiotelephone Operator Permit by Alien Aircraft Pilots. Potential filers of this application are alien aircraft pilots. Approximately 1100 applications are filed each year. The estimated average burden per filing is 10 minutes.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc.75–808 Filed 1–8–75;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, January 30 and 31, 1975, from 10 a.m. to 4 p.m., each day, Room 5B, 1776 Peachtree Street, N.W., Atlanta, Georgia. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed U.S. Courthouse, Federal Office Building, and Parking Facility, Ft. Lauderdale, Florida. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

L. D. STROM,
Regional Administrator.

[FR Doc.75–729 Filed 1–8–75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, January 28, 1975, from 10:30 a.m. to 4 p.m., Room 5B, 1776 Peachtree Street, NW., Atlanta, Georgia. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed U.S. Courthouse, Federal Office Building, Parking Facility and Maintenance Facility, Columbia, South Carolina. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

L. D. STROM,
Regional Administrator.

[FR Doc.75–730 Filed 1–8–75;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, January 29, 1975, from 10:30 a.m. to 4 p.m., Room 53, 1776 Peachtree Street, N.W., Atlanta, Georgia. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Federal Office Building, Jackson, Mississippi. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best

qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5) the meeting will not be open to the public.

L. D. STROM,
Regional Administrator.

[FR Doc.75-731 Filed 1-8-75;8:45 am]

[F.P.M.R. Temp. Reg. F-320]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Indiana Public Service Commission involving the application of the Indiana Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 2, 1975.

[FR Doc.75-745 Filed 1-8-75;8:45 am]

[F.P.M.R. Temp. Reg. F-321]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in electric rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Florida Public Service Commission involving the application of the Tampa Electric Company for an increase in its electric rates (Docket No. 74597-EU).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 2, 1975.

[FR Doc.75-746 Filed 1-8-75;8:45 am]

[F. P. M. R. Temp. Reg. F-322]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in intrastate rate proceedings.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of the Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kansas State Corporation Commission involving the application of Southwestern Bell Telephone Company for increases in its intrastate rates and charges.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 3, 1975.

[FR Doc.75-747 Filed 1-8-75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[TEA-W-259]

COLUMBIA PLYWOOD CORP.

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Allen Quimby Veneer Company division, Bingham, Maine, of Columbia Plywood Corp., a wholly owned subsidiary of the Columbia Corp., Portland, Oregon, the United States International Trade Commission (formerly the United States Tariff Commission), on January 3, 1975, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with birch plywood doorskins and birch veneer panels (of the types provided for in items 240.14 and 240.34 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before January 20, 1975.

The petition filed in this case is available for inspection at the Office of the Secretary, United States International Trade Commission, 8th and E Streets, NW, Washington, D.C., and at the New York City Office of the International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: January 3, 1975.

KENNETH R. MASON,
Secretary.

[FR Doc.75-676 Filed 1-8-75;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

INDIAN HEAD MINING COMPANY

Noncompliance Permit Renewal; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4291-000, INDIAN HEAD MINING COMPANY, Indian Head Mine No. 3, Mine ID No. 15 02378 0, Hazard, Kentucky,

ICP Permit No. 4291-003-R-1 (Porter End Dump Battery Buggy, I.D. No. B-3),

ICP Permit No. 4291-004-R-1 (Porter End Dump Battery Buggy, I.D. No. B-4),

ICP Permit No. 4291-013-R-1 (Joy 10SC Shuttle Car, I.D. No. S-1).

In accordance with the provisions of Section 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 Fed. Reg. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public

hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

JANUARY 6, 1975.

[FR Doc.75-726 Filed 1-8-75;8:45 am]

LITTLE ROCK COAL CO.

Noncompliance Permit Renewal; Notice of Opportunity for Public Hearing

Application for a Renewal Permit for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mile Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4386-000, LITTLE ROCK COAL COMPANY,
Mine No. 13, Mine ID No. 44 01871 0,
Grundy, Virginia,
ICP Permit No. 4386-001-R-1 (Joy 14BU7 Loading Machine, Ser. No. 3AE).

In accordance with the provisions of Section 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 Fed. Reg. 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

JANUARY 6, 1975.

[FR Doc.75-727 Filed 1-8-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENGINEERING CHEMISTRY AND ENERGETICS

Notice of Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Panel for Engineering Chemistry and Energetics is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory panel shall expire on January 2, 1977, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

H. GUYFORD STEVER,
Director.

[FR Doc.75-766 Filed 1-8-75;8:45 am]

ADVISORY PANEL FOR ENGINEERING MECHANICS

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Panel for Engineering Mechanics is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory panel shall expire on January 2, 1975, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

H. GUYFORD STEVER,
Director.

[FR Doc.75-765 Filed 1-8-75;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Humanities

FELLOWSHIPS PANEL

Meeting

JANUARY 3, 1975.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Fellowships Panel will be held at Washington, D.C. on January 31 and February 1, 1975.

The purpose of the meeting is to review Independent Fellowship applications submitted to the National Endowment for the Humanities for 1975-1976 fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.75-777 Filed 1-8-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON THE BALANCE OF PAYMENTS STATISTICS PRESENTATION

Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee on the Balance of Payments Statistics Presentation to be held on Friday, January 24, 1975 in room 10104 of the New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. starting at 9:30 a.m.

The objective of the Committee is to develop recommendations to improve the presentation of the official statistics of the U.S. balance of payments which are published quarterly by the Department of Commerce in press releases and in the Survey of Current Business. The Committee will consider the merits of the present and alternative methods of presenting and summarizing the accounts which would facilitate a more meaningful analysis by the government and the public, and will recommend to the Director of OMB improvements in the tables which could be implemented with the available basic data. The discussion at the meeting will be concerned primarily with the usefulness of the principal overall balances—the official reserve transactions and net liquidity balances and the balance on current and long-term capital account—as analytic and descriptive tools in understanding the U.S. balance of payments, and exchange rate developments.

The members of the Committee are:

Edward Bernstein, President, EMB Ltd.
James Burtle, Vice President, W. R. Grace and Co.
Rimmer de Vries, Vice President, Morgan Guaranty Trust Co.
Peter Kenen, Professor of Economics, Princeton University.
Walter Salant, Senior Fellow, Brookings Institution.
Wilson Schmidt, Chairman, Department of Economics, Virginia Polytechnic Institute and State University.
Robert Ulin, Economist-Finance, Mobil Oil Corp.
Marina Whitman, Professor of Economics, University of Pittsburgh.

The meeting will be open to public observation and participation. Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10208, New Executive Office Building, Washington, D.C., telephone (202) 395-4730.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.75-786 Filed 1-8-75;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-321]

GEORGIA POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-57 issued to the Georgia Power Co. which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment permits a modification to the limits and surveillance of reactor coolant chemistry.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated November 1, 1974, and December 19, 1974 (2) Amendment No. 6 to License No. DPR-57, with Change No. 7, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Appling County Library, Parker Street, Baxley, Georgia.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 23rd day of December, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch, #3, Directorate of Licensing.

[FR Doc.75-681 Filed 1-8-75;8:45 am]

[Docket No. 50-324]

CAROLINA POWER & LIGHT CO.

Order for Modification of License

I. The Carolina Power and Light Co. (the licensee) is the holder of facility license DPR-62, which authorize operation of the Brunswick Steam Electric Plant, Unit 2 in Brunswick County, North Carolina. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 5, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974. In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Brunswick facilities submitted on August 5, 1974. This is described in Supplement No. 3 to the Safety Evaluation Report of the Brunswick Steam Electric Plant Units 1 and 2, Docket Nos. 50-324 and 50-325, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 5, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Supplement No. 3 to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 5, 1974 submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report Supplement No. 3, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Supplement No. 3 to Staff Safety Evaluation Report of the Brunswick Steam Electric Plant, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accord-

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[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 F.R. 12247, June 29, 1971, as amended 36 F.R. 24082, December 18, 1971.

ance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 5, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of CFR § 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 5, 1974 and vendor's topical reports referenced in the licensee's submittal, which describes the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 40, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) Supplement No. 3 to the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Southport-Brunswick County Library at 109 W. Moore Street, Southport, North Carolina 28461. A single copy of each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-688 Filed 1-8-75;8:45 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Order for Modification of License

I. The Boston Edison Company (the licensee) is the holder of facility license DPR-35, which authorizes operation of the Pilgrim Nuclear Power Station, Unit 1, in Plymouth, Plymouth County, Massachusetts. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 19, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Co. ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Pilgrim facility submitted on August 19, 1974. This is described in the Safety Evaluation Report of the Pilgrm Nuclear Power Staton Unit 1, Docket No. 50-293, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 19, 1974, are necessary to asure that the criteria set forth in § 50.46 (b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 19, 1974 submittal, together with the additional limitations set forth in Appendix A of the staff Safety Evaluation Report dated December 27, 1974, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the staff Safety Evaluation Report of the Pilgrim Nuclear Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 19, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 19, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendors evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington D.C., and at the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this December 27, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc. 75-687 Filed 1-8-74; 8:45 am]

[Docket No. 50-313]

ARKANSAS POWER AND LIGHT CO.

Order for Modification of License

I. The Arkansas Power and Light Company (the licensee) is the holder of facility license DPR-51, which authorizes operation of the Arkansas Nuclear One—Unit 1 Plant in Pope County, Arkansas. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 2, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Babcock and Wilcox Co. ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Babcock and Wilcox ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Arkansas Unit 1 plant submitted on August 2, 1974. This is described in the Safety Evaluation Report of the Arkansas Nuclear One—Unit 1 Plant dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that the operating limitations for the plant proposed in the licensee's submittal of August 2, 1974 will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern the calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling. However, the Regulatory staff believes that these limitations should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria[1] should be required in addition to conformance to the restrictions contained in the licensee's August 2, 1974 submittal. These limitations will provide reasonable assurance that the public health and safety will not be endangered.

III. In view of the foregoing and, in accordance with the provisions of 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that further restrictions on facility operation, as set forth in this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It Is Ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, § 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Arkansas Nuclear One—Unit 1 Plant, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, and the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 2, 1974.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, from the date of publication of this Order in the FEDERAL REGISTER the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 2, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Babcock and Wilcox ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Arkansas 72801. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

[FR Doc.75-685 Filed 1-8-75;8:45 am]

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Order for Modification of License

I. The Baltimore Gas and Electric Company (the licensee) is the holder of facility license DPR-53, which authorizes operation of the Calvert Cliffs Nuclear Power Plant, Unit 1, in Calvert County, Maryland. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on September 12, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by Combustion Engineering, Incorporated ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Combustion Engineering ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Calvert Cliffs facility submitted on September 12, 1974. This is described in the Safety Evaluation Report of the Calvert Cliffs Nuclear Power Plant, Unit No. 1, Docket No. 50-317, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that the operating limitations for the plant proposed in the licensee's submittal of September 12, 1974 will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

However, the Regulatory staff believes that these limitations should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria [1] should be required in addition to conformance to the restrictions contained in the licensee's September 12, 1974 submittal. These limitations will provide reasonable assurance that the public health and safety will not be endangered.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that further restrictions on facility operation, as set forth in this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54 *It is Ordered*, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Calvert Cliffs Nuclear Power Plant, Unit 1, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, and the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 12, 1974.

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[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 F.R. 12247, June 29, 1971, as amended 36 F.R. 24082, December 18, 1971.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, from the date of publication of this Order in the FEDERAL REGISTER the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 12, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Combustion Engineering ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director of Licensing.

[FR Doc.75-686 Filed 1-8-75;8:45 am]

[DOCKET NO. 50-301]

WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN MICHIGAN POWER COMPANY

Issuance of Amendment to Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on November 13, 1974 (39 FR 40062), notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. DPR-27, issued to the Wisconsin Electric Power Co. and the Wisconsin Michigan Power Co., revising Technical Specifications for operation of the Point Beach Nuclear Power Plant Unit No. 2 located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendment is effective as of the date of issuance.

The amendment permits operation of Point Beach Nuclear Plant Unit No. 2, in Cycle 2 for 20,000 Effective Full Power Hours, following refueling using prepressurized fuel that is of a higher pressure than the present fuel. Amendment No. 6 to Facility Operating License No. DPR-27, issued on December 13, 1974, authorized the Wisconsin Electric Power Co. and the Wisconsin Michigan Power Co. to operate Point Beach Nuclear Power Plant Unit No. 2 in Cycle 2 for 14,000 Effective Full Power Hours.

The Commission has found that the application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this license amendment see (1) Amendment No. 7 to Facility License No. DPR-27 with any attachment, (2) the related Safety Evaluation, and (3) additional information submitted by the licensee in a letter dated October 7, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the University of Wisconsin—Stevens Point Library, Stevens Point, Wisconsin. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 26th day of December, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Directorate of Licensing.

[FR Doc.75-684 Filed 1-8-75;8:45 am]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORPORATION

Issuance of a Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-63 to Niagara Mohawk Power Corporation (the licensee) authorizing operation of the Nine Mile Point Nuclear Station Unit No. 1 at steady state reactor core power levels not in excess of 1850 megawatts (thermal), in accordance with the provisions of the license and the Technical Specifications. The Nine Mile Point Nuclear Station Unit No. 1 is a boiling light water reactor located on the Nine Mile Point site on the southeast shore of Lake Ontario in Oswego County, New York.

The Nine Mile Point Nuclear Station Unit No. 1 has been operated since August 22, 1969, under Provisional Operating License No. DPR-17. Facility Operating License No. DPR-63 supersedes Provisional Operating License No. DPR-17 in its entirety.

Notice of Proposed Issuance of Full-Term Operating License was published in the FEDERAL REGISTER on December 5, 1972 (37 FR 25870). The full-term operating license was not issued previously, pending review of the environmental considerations required by the September 9, 1971 revision of Appendix D to 10 CFR Part 50. The Regulatory staff has completed its review and the Final Environmental Statement was issued in January, 1974 (notice of which was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3309)).

The application for the full-term operating license complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license.

The license is effective as of its date of issuance and shall expire on April 11, 2005.

For further information concerning this action, see (1) the licensee's application for a full-term operating license notarized June 27, 1972, accompanied by the licensee's Environmental Report, (2) Amendment Nos. 1, 2 and 3 to the application for the full-term operating license dated November 21, 1973, and March 14 and April 24, 1974 respectively, (3) applications for amendments to license notarized September 26 and November 18, 1974, (4) the Commission's Draft Environmental Statement dated June 3, 1973, (5) the Final Environmental Statement dated January 21, 1974, (6) Facility Operating License No. DPR-63, complete with Technical Specifications (Appendices A and B), (7) the related Safety Evaluation prepared by the Directorate of Licensing dated July 3, 1974, (8) the report of the Advisory Committee on Reactor Safeguards dated September 10, 1974, and (9) Supplement 1 to the Safety Evaluation prepared by the Directorate of Licensing dated November 15, 1974, which are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Oswego City Library at 120 East Second Street, Oswego, New York.

A copy of item (5), (6), (7), (8), and (9) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 26th day of December, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Directorate of Licensing.

[FR Doc.75-683 Filed 1-8-75;8:45 am]

[Docket No. 50-261]

CAROLINA POWER & LIGHT CO.

Order for Modification of License

I. The Carolina Power & Light Company (the licensee) is the holder of facility license DPR-23, which authorizes operation of the H. B. Robinson Steam Electric Plant Unit No. 2 in Darlington County, South Carolina. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on October 2, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Corporation ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of the Westinghouse ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Robinson 2 facility submitted on October 2, 1974. This is described in the staff Safety Evaluation Report of the H. B. Robinson Steam Electric Plant Unit No. 2 dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of October 2, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, are set forth in Appendix A to the Safety Evaluation Report. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's October 2, 1974 submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is Ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, section 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Robinson Steam Electric Plant, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in the Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on October 2, 1974, as modified by the further restrictions set forth in Appendix A.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated October 2, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hartsville Memorial Library, Hartsville, South Carolina.

A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C.

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[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 F.R. 12247, June 29, 1971, as amended 36 F.R. 24082, December 18, 1971.

20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-689 Filed 1-8-75;8:45 am]

[DOCKET NO. STN 50-532]

C. F. BRAUN AND CO.

Notice of Receipt of a Standard Safety Analysis Report

C. F. Braun and Company, in response to Option No. 1 of the policy statement of the Atomic Energy Commission (the Commission) entitled, "Methods Achieving Standardization of Nuclear Power Plants," issued on March 5, 1973, and pursuant to the proposed Appendix 0 to 10 CFR Part 50, has filed with the Commission a document entitled "Braun Safety Analysis Report," (BRAUN SAR) which was docketed December 21, 1974.

BRAUN SAR was tendered on October 9, 1974. Following a preliminary review for completeness, it was concluded on November 18, 1974 that BRAUN SAR could be accepted for docketing subject to the Commission's Regulatory staff review of additional information. Additional information was submitted on December 13, 1974, and BRAUN SAR was found to be acceptable for docketing. Docket No. STN 50-532 has been assigned to BRAUN SAR and should be referenced in any correspondence relating thereto.

BRAUN SAR has been submitted in accordance with the "Reference System" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. BRAUN SAR describes and analyzes the design of the Turbine Building which is to be utilized in conjunction with the General Electric Company's Standard Reactor Island Design as described in General Electric Company's Standard Safety Analysis Report (GESSAR) Docket No. STN 50-447. The General Electric Reactor Island Boiling Water Reactor includes a BWR/6 designed for initial operation at approximately 3579 megawatts thermal, with a corresponding net electrical output of approximately 1220 megawatts.

When its review of BRAUN SAR is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report (SER) documenting the results of the review. In addition, BRAUN SAR will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the SER and the ACRS report will be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

A copy of BRAUN SAR is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545. When available, the SER and the ACRS report will also be made available for public inspection at the above location.

Dated at Bethesda, Maryland this 2nd day of January 1975.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2-1, Directorate of Licensing.

[FR Doc.75-679 Filed 1-8-75;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission ("the Commission") has issued Amendment No. 12 to Facility Operating License No. DPR-26 issued to Consolidated Edison Company of New York, Inc. which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York. The amendment is effective as of its date of issuance.

The amendment permits an expanded program of inservice inspection of the reactor vessel.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this section, see (1) the application for amendment dated July 1, 1974, (2) Amendment No. 12 to License No. DPR-26, with Change No. 9, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 31st day of December, 1974.

For the Atomic Energy Commission.

PETER B. ERICKSON,
Acting Chief, Operating Reactors Branch #3, Directorate of Licensing.

[FR Doc.75-680 Filed 1-8-75;8:45 am]

[Docket No. 50-315]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Order for Modification of License

I. The Indiana & Michigan Electric Company and Indiana & Michigan Power Company (the licensees) are the holders of facility license DPR-58, which authorizes operation of the Donald C. Cook Nuclear Plant Unit 1 in Berrien County, Michigan. This license provides, among other things, that the licensees are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.4 Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on September 6, 1974, the licensees submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Company ("the vendor"), along with certain proposed Technical Specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric Company ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974. In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the D. C. Cook facility submitted on September 6, 1974. This is described in Supplement No. 4 to the Safety Evaluation of the Donald C. Cook Nuclear Plant Unit 1, dated December 24, 1974. On the basis of its review, the Regulatory staff has

determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 6, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A of Supplement 4 of the Safety Evaluation Report consist of modifications to the limit governing the total peaking factor. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 6, 1974 submittal, together with the additional limitations set forth in Appendix A of Supplement No. 4 of the Staff Safety Evaluation, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54,

It is ordered That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Supplement No. 4 to the Safety Evaluation for the Donald C. Cook Nuclear Plant Unit 1, dated December 24, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria; and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 6, 1974, as modified by the further restrictions set forth in Appendix A.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 6, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model; (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric Company ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K; (3) Supplement 1 thereto dated November 13, 1974; (4) Supplement No. 4 to the Safety Evaluation dated December 24, 1974; and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-699 Filed 1-8-75;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO.

Order for Modification of License

I. The Iowa Electric Light and Power Company (the licensee) is the holder of facility license DPR-49, which authorizes operation of the Duane Arnold Energy Center in Linn County, Iowa. This license provides among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 5, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendors' evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evalua-

tion model upon the results of the evaluation of ECCS performance for Duane Arnold Energy Center, submitted on August 9, 1974. This is described in the Safety Evaluation Report of the Duane Arnold Energy Center, Docket No. 50–331, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 5, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established in the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR § 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 9, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report, dated December 27, 1974, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54 *it is ordered*, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Duane Arnold Energy Center, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, the license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 9, 1974, as modified by the further restrictions set forth in Appendix A.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 9, 1974, and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Reference Service, Cedar Rapids Public Library, 426 3rd Avenue, SE., Cedar Rapids, Iowa 52041.

A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75–700 Filed 1–8–75;8:45 am]

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

[Docket No. 50–219]

JERSEY CENTRAL POWER & LIGHT CO.

Order for Modification of License

I. The Jersey Central Power & Light Company (the licensee) is the holder of facility license DPR–16, which authorizes operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on December 10, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with evaluation models developed by the General Electric Company and Exxon Nuclear Company ("the vendors"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation models developed by the vendors have been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the General Electric model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. The status of the Regulatory staff's evaluation of the Exxon model is described in the Safety Evaluation Report of the Oyster Creek Nuclear Generating Station, issued December 27, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendors' evaluation models were not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such con-

formity. The Regulatory staff assessments in regard to the General Electric model were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974. In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

The Exxon model is still under review but its application to the Oyster Creek facility was considered by the staff in its Safety Evaluation Report, dated December 27, 1974. Required modifications are similar to those for the General Electric model.

Since the licensee's evaluation of ECCS cooling performance is based upon the vendors' evaluation models the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Oyster Creek facility submitted on December 10, 1974. This is described in the Safety Evaluation Report of the Oyster Creek Nuclear Generating Station, Docket No. 50–219, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of December 10, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate and the minimum critical power ratio. These further restrictions will assure that EECS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon approved evaluation models in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Reguatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's December 10, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendors' evaluation models as modified in accordance with the changes described in the Safety Evaluation Report of the Oyster Creek Nuclear Generating Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Aceptance Criteria, the Technical Specifications, and license conditions, imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on December 10, 1974, as modified by the further restrictions set forth in Appendix A.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated December 10, 1974, General Electric Company's topical reports and Exxon Nuclear Company's reports referenced in the licensee's submittal, which described the vendors' evaluation models, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington D.C., and at the Ocean County Library, 15 Hooper Avenue, Toms River, New Jersey 08753. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A, Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-701 Filed 1-8-75;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Order for Modification of License

I. The Maine Yankee Atomic Power Company (the licensee) is the holder of facility license DPR–36, which authorize operation of the Maine Yankee Atomic Power Station in Lincoln County, Maine. The license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on October 1, 1974, and November 20, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by Combustion Engineering, Inc. ("the vendor"), along with certain proposed Technical Specifications necessary to bring reactor operation into con-

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

formity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Combustion Engineering ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluations of ECCS performance for the Maine Yankee facility submitted on October 1, 1974 and November 20, 1974. This is described in the Safety Evaluation Report of the Maine Yankee Atomic Power Station, Docket No. 50-309, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that the operating limitations for the plant proposed in the licensee's submittal of October 1, 1974 and November 20, 1974 will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling. However, the regulatory staff believes that these limitations should be verified by a reanalysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria[1] should be required in addition to conformance to the restrictions contained in the licensee's October 1, 1974 and November 20, 1974 submittals. These limitations will provide reasonable assurance that the public health and safety will not be endangered.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that further restrictions on facility operation, as set forth in this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Maine Yankee Atomic Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, and the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on October 1, 1974, and November 20, 1974.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated October 1, 1974, and November 20, 1974, and vendor's topical reports referenced in the licensee's submittals, which describe the vendor's evaluation model, (2) Amendment No. 8 to Facility License DPR-36 dated December 20, 1974, (3) the Status Report by the Directorate of Licensing in the Matter of Combustion Engineering ECCE Evaluation Model Conformance to 10 CFR 50, Appendix K, (4) Supplement 1 thereto dated November 13, 1974, (5) the Safety Evaluation Report dated December 27, 1974, and (6) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room 1717 H Street, NW, Washington, D.C., and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine 04578. A single copy each of items (3) through (6) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

[FR Doc.75-702 Filed 1-8-75;8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Order for Modification of License

I. The Metropolitan Edison Company (the licensee) is the holder of facility license DPR-50, which authorizes operation of the Three Mile Island Nuclear Station, Unit 1 in Dauphin County, Pennsylvania. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems (ECCS) for Light Water Nuclear Power Reactors", on September 5, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Babcock and Wilcox Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Babcock and Wilcox ECCS

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Three Mile Island Nuclear Station, Unit 1, submitted on September 5, 1974. This is described in the Safety Evaluation Report of the Three Mile Island Nuclear Station, Unit 1, Docket No. 50–289, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that the operating limitations for the plant proposed in the licensee's submittal of September 5, 1974 will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling. However, the Regulatory staff believes that these limitations should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria[1] should be required in addition to the restrictions contained in the licensee's September 5, 1974 submittal. These limitations will provide reasonable assurance that the public health and safety will not be endangered.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that further restrictions on facility operation, as set forth in this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54, *It is ordered* That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Three Mile Island Nuclear Station, Unit 1, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, and the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 5, 1974.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 5, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation mode, (2) the Status Report by the Directorate of Licensing in the Matter of ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pennsylvania, 17126. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

[FR Doc.75–703 Filed 1–8–75;8:45 a.m.]

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

[Docket Nos. 50–298]

NEBRASKA PUBLIC POWER DISTRICT

Order for Modification of License

I. The Nebraska Public Power District (the licensee) is the holder of facility license DPR–46, which authorizes operation of the Cooper Nuclear Station in Nemaha County, Nebraska. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on October 21, 1974 and December 19, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the abovementioned documents were required in order to achieve such conformity. The Regulatory staff assessments were re-

viewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Cooper Nuclear Station submitted on October 21, 1974. This is described in the Safety Evaluation Report of the Cooper Nuclear Station, Docket No. 50–298 dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of October 21, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's October 21, 1974 submittal, together with the additional limitations set forth in Appendix A of the staff Safety Evaluation Report dated December 27, 1974, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54 *It is ordered*, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing may core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the staff Safety Evaluation Report of the Cooper Nuclear Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on October 21, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated October 21, 1974 and December 19, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974 (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Auburn Public Library, 1118–15th Street, Auburn, Nebraska 68305. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this December 27, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75–705 Filed 1–8–75;8:45 am]

[Docket No. 50–220]

NIAGARA MOHAWK POWER CORP.

Order for Modification of License

I. The Niagara Mohawk Power Corporation (the licensee) is the holder of facility license DPR–63, which authorizes operation of the Nine Mile Point Unit 1 Nuclear Power Station in Oswego County, New York. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems (ECCS) for Light Water Nuclear Power Reactors", on Ocotber 31, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Nine Mile Point Unit 1 facility submitted on August 2, 1974. This is described in the Safety Evaluation Report of the Nine Mile Point Unit 1 Nuclear Power Station, Docket No. 50–220, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 2, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate and specification of a minimum critical power ratio limit. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a reanalysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 2, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report dated December 27, 1974, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2,204, 50.46, and 50.54. *It is ordered*, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Nine Mile Point Unit 1 Nuclear Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 2, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 2, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Oswego City Library, 120 E. Second Street, Oswego, New York 13126.

A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-706 Filed 1-8-75;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Order for Modification of License

I. The Northern States Power Company (the licensee) is the holder of facility license DPR-22, which authorizes operation of the Monticello Nuclear Generating Plant in Monticello, Wright County, Minnesota. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 20, 1974 and December 11, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the abovementioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Monticello facility submitted on August 20, 1974. This is described in the Safety Evaluation Report of the Monticello Nuclear Generating Plant, Docket No. 50-263, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittals of December 11, and August 20, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 20 and December 11, 1974 submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report dated December 27, 1974, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions of facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. the Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54 *It is ordered* That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Monticello Nuclear Generating Plant, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 20 and December 11, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated August 20, 1974 and December 11, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this December 27, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc. 75-707 Filed 1-8-75 8:45 am]

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Order for Modification of License

I. The Northern States Power Company (the licensee) is the holder of facility licenses DPR-42 and DPR-60 which authorize operation of the Prairie Island Nuclear Generating Plant, Units 1 and 2, respectively, in Goodhue County, Minnesota. These licenses provide, among

other things, that they are subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors," on September 6, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Company ("the vendor"), along with certain proposed Technical Specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models." The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric Company's ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974. In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50."

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Prairie Island plant submitted on September 6, 1974. This is described in Supplement No. 4 to the Safety Evaluation Report of the Prairie Island Nuclear Generating Plant, Units 1 and 2, Docket Nos. 50-282 and 50-306, dated December 24, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 6, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A of Supplement No. 4 to the Safety Evaluation Report, consist of modifications to the limit governing the total peaking factor. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 6, 1974, submittal, together with the additional limitations set forth in Appendix A of Supplement No. 4 of the Staff Safety Evaluation will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Supplement No. 4 to Safety Evaluation for the Prairie Island Nuclear Generating Plant, dated December 24, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 6, 1974, as modified by the further restrictions set forth in Appendix A, attached hereto. The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a Notice of Hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 6, 1974, and the vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric Company ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K; (3) Supplement 1 thereto dated November 13, 1974, (4) Supplement No. 4 to the Safety Evaluation dated December 24, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Environmental Library of Minnesota, 1222 S.E. 4th Street, Minneapolis, Minnesota 55414.

A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-708 Filed 1-8-75;8:45 am]

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Order for Modification of License

I. The Omaha Public Power District (the licensee) is the holder of facility license DPR-40, which authorizes operation of the Fort Calhoun Station, Unit No. 1, in Washington County, Nebraska. This license provides, among other things, that they are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on October 4 and December 2, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by Combustion Engineering, Inc. ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Combustion Engineering, Inc. ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Fort Calhoun Station, Unit No. 1 submitted on October 4 and December 2, 1974. This is described in the Safety Evaluation Report of the Fort Calhoun Station, Unit No. 1, Docket No. 50-285, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that the operating limitations for the plant proposed in the licensee's submittal of December 2, 1974 will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling. However, the Regulatory staff believes that these limitations should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR § 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued performance to the requirements of the Commission's Interim Acceptance Criteria[1] should be required in addition to conformance to the restrictions contained in the licensee's December 2, 1974 submittal. These limitations will provide reasonable assurance that the public health and safety will not be endangered.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that further restrictions on facility operation, as set forth in this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Fort Calhoun Station, Unit No. 1, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, and the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on December 2, 1974.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated October 4 and December 2, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Combustion Engineering, Inc. ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Blair Public Library, 1665 Lincoln Street, Blair, Nebraska 68008. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

[FR Doc.75-709 Filed 1-8-75;8:45 am]

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

[Docket Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO.

Order for Modification of License

I. The Philadelphia Electric Company (the licensee) is the holder of facility licenses DPR-44 and DPR-56, which authorize operation of the Peach Bottom Atomic Power Station, Units 2 and 3, respectively, in Peach Bottom, York County, Pennsylvania. These licenses provide, among other things, that they

are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 5, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Peach Bottom facilities submitted on August 5, 1974. This is described in the Safety Evaluation Report of the Peach Bottom Atomic Power Station Units 2 and 3, Docket Nos. 50-277 and 50-278, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 5, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 5, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54 *It is ordered,* That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Peach Bottom Atomic Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 5, 1974, as modified by the further restrictions set forth in Appendix A. The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 5, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-710 Filed 1-8-75;8:45 am]

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Order for Modification of License

I. The Power Authority of the State of New York (the licensee) is the holder of facility license DPR-59, which authorizes operation of the James A. Fitzpatrick Nuclear Power Plant, in Scriba, Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on October 16, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company (the vendor), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Fitzpatrick submitted on October 16, 1974. This is described in the Safety Evaluation Report of the Fitzpatrick Nuclear Power Plant, Docket No. 50-333, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of October 16, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Supplement to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's October 16, 1974 submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the James A. Fitzpatrick Nuclear Power Plant dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on October 16, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated October 16, 1974, and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Oswego City Library, 120 East Second Street, Oswego, New York 13126. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-704 Filed 1-8-75;8:45 am]

[Docket No. 50-244]

ROCHESTER GAS & ELECTRIC CO.

Order for Modification of License

I. The Rochester Gas & Electric Company (the licensee) is the holder of facility license DPR-18, which authorizes operation of the Robert E. Ginna Nuclear Power Plant in Wayne County, New York. This license provides, among other things, that it is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 5, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Company (the vendor), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models." The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Westinghouse ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974; and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50."

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the R. E. Ginna facility submitted on September 6, 1974. This is described in the Safety Evaluation Report of the Robert E. Ginna Nuclear Power Plant, Docket No. 50-244, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 6, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing the total peaking factor. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 6, 1974 submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Robert E. Ginna Nuclear Power Plant, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 6, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 6, 1974, and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Lyons Public Library 67, Canal Street, Lyons, New York and Rochester Public Library, 115 South Avenue, Rochester, New York. A single copy of each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this December 27, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-711 Filed 1-8-75;8:45 am]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Order for Modification of License

I. The Sacramento Municipal Utility District (the licensee) is the holder of facility license DPR-54, which authorizes operation of the Rancho Seco Nuclear Generating Station, Unit 1 in Sacramento County, California. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 2, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Babcock & Wilcox Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Babcock and Wilcox ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Rancho Seco Nuclear Gencrating Station, Unit 1, submitted on August 2, 1974. This is described in the Safety Evaluation Report of the Rancho Seco Nuclear Generating Station, Unit 1, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that the operating limitations for the plant proposed in the licensee's submittal of August 2, 1974, will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling. A further limitation based on different considerations concerning control rod ejection, submitted by the licensee on December 6, 1974, results in slightly more restrictive limits than those of the licensee's August 2, 1974, submittal. These are included in Appendix A to this Order.

The Regulatory staff believes that these limitations should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria[1] should be required in addition to conformance to the restrictions contained in the licensee's August 2, 1974 submittal as modified by Appendix A. These limitations will provide reasonable assurance that the public health and safety will not be endangered.

III. In view of the foregoing, and in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that further restrictions on facility operation as set forth in this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46 and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Rancho Seco Nuclear Generating Station, Unit 1, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, and the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 2, 1974, as modified by the restrictions set forth in Appendix A.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period, any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated August 2, 1974 and December 6, 1974, and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Babcock & Wilcox ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, December 27, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-712, Filed 1-8-75;8:45 am]

[Docket Nos. 50-259 and 50-260]

TENNESSEE VALLEY AUTHORITY

Order for Modification of License

I. The Tennessee Valley Authority (the licensee) is the holder of facility licenses DPR-33 and DPR-52, which authorize operation of the Browns Ferry Nuclear Plant, Units 1 and 2, respectively, in Limestone County, Alabama. These licenses provide, among other things, that they are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 1, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation. The proposed Technical Specifications were amended by the licensee by submittals on August 2, 1974, and September 10, 1974. The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Browns Ferry facilities submitted on August 1, 1974. This is described in Supplement No. 7 to the Safety Evaluation Report of the Browns Ferry Nuclear Plant Units 1, 2 and 3, Docket Nos. 50-259, 50-260 and 50-296 dated December 23, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 1, 1974, and amended by submittals on August 2, 1974, and September 10, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Supplement to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS coolable geometry and long-term cooling of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling. These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 1, 1974, submittal as amended by Submittals on August 2, 1974, and September 10, 1974, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report Supplement No. 7, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Supplement No. 7 to Staff Safety Evaluation Report of the Browns Ferry Nuclear Plant, dated December 23, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 1, 1974, and amended by submittals on August 2, 1974, and September 10, 1974, as modified by the further restrictions set forth in Appendix A, attached hereto. The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance

with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 1, 1974, and amendments submitted August 2, 1974, and September 10, 1974, and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) Supplement No. 7 to the Safety Evaluation Report dated December 23, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Athens Public Library, South and Forrest, Athens, Alabama.

A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washingon, D.C. 20545.

[FR Doc.75-713 Filed 1-8-75;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORPORATION

Order for Modification of License

I. The Vermont Yankee Nuclear Power Corporation (the licensee) is the holder of facility license DPR-28, which authorizes operation of the Vermont Yankee Nuclear Power Station near Vernon, Vermont. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on October 31, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, date November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Vermont Yankee facility submitted on October 31, 1974. This is described in the Safety Evaluation Report of the Vermont Yankee Nuclear Power Station, Docket No. 50-271, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of October 31, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a reanalysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's October 31, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report dated December 27, 1974, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, § 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Vermont Yankee Nuclear Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on October 31, 1974, as modified by the further restrictions set forth in Appendix A, attached hereto.

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[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated October 31, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this December 27, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-714 Filed 1-8-75;8:45 am]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC AND POWER CO.

Order for Modification of License

1. The Virginia Electric and Power Company (the licensee) is the holder of facility licenses DPR-32 and DPR-37, which authorize operation of the Surry Power Station, Units 1 and 2, respectively, in Surry County, Virginia. These licenses provide, among other things, that they are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46 "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on September 9, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Surry facilities submitted on September 9, 1974. This is described in the Safety Evaluation Report of the Surry Power Station, Units 1 and 2, Docket Nos. 50-280 and 50-281, dated December 27, 1974.

On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 9, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing the total peaking factor. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 9, 1974, submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with changes described in the Staff Safety Evaluation Report to the Surry Power Station, Units 1 and 2, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Spe-

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

cifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 9, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 9, 1974, and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) Supplement No. 1 to the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-715 Filed 1-8-75;8:45 am]

[Docket Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN MICHIGAN POWER CO.

Order for Modification of License

I. The Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the licensees) are the holder of facility licenses DPR-24 and DPR-27 which authorize operation of the Point Beach Nuclear Plant, Units 1 and 2, respectively, in Two Creeks, Manitowoc County, Wisconsin. These licenses provide, among other things, that they are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on September 6, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Corporation ("the vendor"), along with certain proposed Technical Specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of the Westinghouse ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Point Beach Nuclear Plant, Units 1 and 2, submitted on September 6, 1974. This is described in the Safety Evaluation Report for the Point Beach Nuclear Plant, Units 1 and 2, Docket Nos. 50-266 and 50-301, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 6, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, are set forth in Appendix A to the Safety Evaluation Report. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of § 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 6, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975 or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provi-

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

sions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report for the Point Beach Nuclear Plant, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 6, 1974, as modified by the further restrictions set forth in Appendix A.

The licensees shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensees may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 6, 1974 and vendor's topical report referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse ECCS Evaluation Model Conformance to 10 CFR 50 Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) Safety Evaluation Report dated December 27, 1974, and (5) Report of the Adivsory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Stevens Point Library, University of Wisconsin, Stevens Point, Wisconsin. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director
Directorate of Licensing.

NOTES Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-716 Filed 1-8-75;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP.

Order for Modification of License

I. The Wisconsin Public Service Corporation (the licensee) is the holder of facility license DPR-43, which authorizes operation of the Kewaunee Atomic Power Station, in Kewaunee County, Wisconsin. This license provides, among other things that it is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on September 4, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Company (the vendor), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models." The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Westinghouse ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Kewaunee facility submitted on September 4, 1974. This is described in the Safety Evaluation Report of the Kewaunee Atomic Power Station, Docket No. 50-305, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 4, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 4, 1974 submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the

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[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR, 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Kewaunee Atomic Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 4, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR § 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 4, 1974, and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-717 Filed 1-8-75;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Order for Modification of License

I. The Yankee Atomic Electric Company (the licensee) is the holder of facility license DPR-3, which authorizes operation of the Yankee Nuclear Power Station in Rowe, Massachusetts. This license provides, among other things, that it is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on July 31, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Corporation (the vendor). On December 12, 1974, certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation were submitted.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Yankee Nuclear Power Station submitted July 31, 1974. This is described in the Safety Evaluation Report of the Yankee Nuclear Power Station, Docket No. 50-29, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant in addition to those proposed in the licensee's submittals, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing total peaking factor and peak linear heat rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's December 12, 1974 submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 F.R. 12247, June 29, 1971, as amended 36 F.R. 24082, December 18, 1971.

the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Yankee Nuclear Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on December 12, 1974, as modified by the further restrictions set forth in Appendix A.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's rules of practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated July 31 and December 12, 1974, and vendor's topical reports referenced in the licensee's submittals, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report, dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-718 Filed 1-8-75;8:45 am]

[Docket Nos. 50-254, 50-265]

COMMONWEALTH EDISON CO.

Order for Modification of License

I. The Commonwealth Edison Company (the licensee) is the holder of facility licenses DPR-29 and DPR-30, which authorize operation of the Quad Cities Nuclear Power Station, Units 1 and 2, respectively, in Rock Island County, Illinois. These licenses provide, among other things, that they are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's requirements in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 22, 1974, the license submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Model". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50". Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Quad Cities facilities submitted on August 22, 1974. This is described in the Safety Evaluation Report of the Quad Cities Nuclear Power Station Units 1 and 2, Docket Nos. 50-254 and 50-265, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 22, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 22, 1974 submittal,

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report dated December 27, 1974, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR §§ 2.204, 50.46, and 50.54, *It is ordered,* That:

1. On or before July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the staff Safety Evaluation Report of the Quad Cities Nuclear Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 22, 1974, as modified by the further restrictions set forth in Appendix A. The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 22, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Moline Public Library, 504-17th Street, Moline, Illinois 61265. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this December 27, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-692 Filed 1-8-75;8:45 am]

[Docket Nos. 50-295, 50-304]

COMMONWEALTH EDISON CO.

Order for Modification of License

I. The Commonwealth Edison Company (the licensee) is the holder of facility licenses DPR-39 and DPR-48, which authorize operation of the Zion Station, Units 1 and 2, respectively, in Zion, Illinois. These licenses provide, among other things, that they are subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on September 3, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Company (the vendor), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Zion facility, submitted on September 3, 1974. This is described in the Safety Evaluation Report of the Zion Station Units 1 and 2, Docket Nos. 50-295 and 50-304, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 6, 1974, are necessary to assure that the criteria set forth in § 50.46 (b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing the total peaking factor. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Cri-

teria,[1] and conformance to the restrictions contained in the licensee's September 6, 1974 submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. On or before July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Zion Station Units 1 and 2, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 6, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated September 3 and September 6, 1974, and vendor's topical reports referenced in the licensee's submittals, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D. C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U. S. Atomic Energy Commission, Washington, D. C. 20545.

[FR Doc.75-693 Filed 1-8-75;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK INC.

Order for Modification of License

I. The Consolidated Edison Company of New York Inc. (the licensee) is the holder of facility license DPR-26, which authorizes operation of Indian Point Nuclear Generating Unit No. 2, in Buchanan, Westchester County, New York. This license provides among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on September 6, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Corporation ("the vendor"), along with certain proposed Technical Specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of the Westinghouse ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Indian Point Nuclear Generating Unit No. 2, submitted on September 6, 1974. This is described in the Safety Evaluation Report for Indian Point Nuclear Generating Unit No. 2, Docket No. 50-247, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 5, 1974, are necessary to assure that the criteria set forth in § 50.46 (b) are satisfied. These additional changes are set forth in Appendix A to the Safety Evaluation Report. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 6, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46-(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. On or before July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, § 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report for the Indian Point Nuclear Plant, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 6, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated September 6, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) Safety Evaluation Report dated December 27, 1974 and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-695 Filed 1-8-75;8:45 am]

[Docket No. 50-255]

CONSUMERS POWER CO.

Order for Modification of License

I. The Consumers Power Company (the licensee) is the holder of facility license DPR-20, which authorizes operation of the Palisades Plant in Covert Township, Van Buren County, Michigan. The license provides, among other things, that it is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on October 21 and December 16, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Combustion Engineering, Inc. (the vendor). On November 4, 1974, certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation were submitted.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Combustion Engineering ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the abovementioned documents were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Palisades Plant submitted on October 21 and December 16, 1974. This is described in the Safety Evaluation Report of the Palisades Plant, Docket No. 50-255, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of November 4, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing peak linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation,

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

maximum hydrogen generation, coolable geometry, and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evalation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's November 4, 1974, submittal, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54 *It is ordered*, That:

1. On or before July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Palisades Plant, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on November 4, 1974, as modified by the further restrictions set forth in Appendix A.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated October 21, November 4, and December 16, 1974, and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Combustion Engineering ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Michigan. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-694 Filed 1-8-75;8:45 am]

[Docket Nos. 50-269; 50-270; 50-287]

DUKE POWER CO.

Order for Modification of License

I. The Duke Power Company (the licensee) is the holder of facility licenses DPR-38, DPR-47 and DPR-55, which authorize operation of the Oconee Nuclear Power Station, Units 1, 2, and 3, respectively, in Oconee County, South Carolina. These licenses provide, among other things, that they are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 5, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Babcock and Wilcox Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of Babcock and Wilcox ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were were required in order to achieve such conformity. The regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory Staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Oconee facilities submitted on August 5, 1974 and September 20, 1974. This is described in the Safety Evaluation Report of the Oconee Nuclear Station Units 1, 2, and 3, Docket Nos. 50-269, 50-270 and 50-287, dated December 27, 1974. On the basis of its review, the regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of September 20, 1974 and August 5, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the linear heat generation rate. These further restrictions will assure that ECCS

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

cooling performance will conform to all of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 20, 1974 and August 5, 1974 submittals, together with the additional limitations set forth in Appendix A of the Staff Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46 (a) (2) (v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a) (1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. On or before July 9, 1955, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, § 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Oconee Nuclear Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on September 20, 1974 and August 5, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated September 20, 1974 and August 5, 1974 and vendor's topical reports referenced in the licensee's submittals, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Babcock and Wilcox ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Oconee County Library, 201 South Spring Street, Walhalla, South Carolina 29691. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27 day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-696 Filed 1-8-75;8:45 am]

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

[Dockets Nos. 50-250, 50-251]

FLORIDA POWER AND LIGHT CO.

Order for Modification of License

I. The Florida Power and Light Company (the licensee) is the holder of facility licenses DPR-31 and DPR-41, which authorize operation of the Turkey Point Plant, Units 3 and 4, respectively, in Dade County, Florida. These licenses provide, among other things, that they are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on September 6, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the Westinghouse Electric Corporation ("the vendor"), and on September 6 and 27, 1974 proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of the Westinghouse ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Turkey Point Plant, Units 3 and 4 submitted on September 6, 1974. This is described in the Safety Evaluation Report of the Turkey Point Plant, Units 3 and 4, Dockets Nos. 50-250 and 50-251, dated December 27, 1974.

On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittals of September 6 and 27, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes are set forth in Appendix A to the Safety Evaluation Report. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's September 6 and 27, 1974 submittals, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and that the further restrictions set forth in this Order are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. On or before July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, § 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report of the Turkey Point Plant, Units 3 and 4 Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditons imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on Setember 6 and 27, 1974, as modified by the further restrictions set forth in Appendix A.

The licensee shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated September 6 and 27, 1974 and vendor's topical reports referenced in the licensee's submittals, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of Westinghouse ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Lily Lawrence Public Library, 212 NW. First Avenue, Homestead, Florida.

A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-697 Filed 1-8-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO.

Order for Modification of License

I. The Georgia Power Company (the licensee) is the holder of facility license DPR-57 which authorizes operation of the Hatch Nuclear Plant Unit 1 in Appling County, Georgia. This license provides, among other things, that it is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 5, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the abovementioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Hatch facility submitted on August 5, 1974. This is described in the Safety Evaluation Report for the Edwin I. Hatch Nuclear Plant Unit 1, Docket No. 50–321, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 5, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46 (b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously subbelieves that these restrictions should be verified by a reanalysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 5, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54 *It is ordered*, That:

1. On or before July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a recvaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, § 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Safety Evaluation Report for the Hatch Nuclear Plant Unit 1, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 5, 1974, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975 the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittal dated August 5, 1974 and vendor's topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensingi n the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Appling County Public Library, Baxley, Georgia. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-698 Filed 1-8-75;8:45 am]

[Docket Nos. 50-237; 50-249]

COMMONWEALTH EDISON CO.

Order for Modification of License

I. The Commonwealth Edison Company (the licensee) is the holder of facility licenses DPR–19 and DPR–25, which authorize operation of the Dresden Nuclear Power Station, Units 2 and 3, respectively, in Grundy County, Illinois. These licenses provide, among other things, that they are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 22, 1974, the licensee submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications for Dresden 3 necessary to bring reactor operation into conformity with the results of the evaluation. Proposed technical specifications for Dresden 2 based on the August 22, 1974, submittal were submitted November 7, 1974. The proposed specifications for Unit 2 apply to operation with the core reloaded in the Fall 1974 refueling outage.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Model". The Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that cer-

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended 36 FR 24082, December 18, 1971.

tain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974, and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50". Since the licensee's evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensee's evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for Dresden 2 and 3 submitted on August 22, 1974. This is described in the Safety Evaluation Report of the Dresden Nuclear Power Station Units 2 and 3, Docket Nos. 50–237 and 50–249, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensee's submittal of August 22, 1974, are necessary to assure that the criteria set forth in § 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a re-analysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensee's August 22, 1974 submittal, together with the additional limitations set forth in Appendix A of the staff Safety Evaluation Report dated December 27, 1974, will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 FR 12247, June 29, 1971, as amended, 36 FR 24082, December 18, 1971.

III. In view of the foregoing and, in accordance with the provisions of § 50.46(a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensee is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54.

It is ordered, That:

1. On or before July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a re-evaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the staff Safety Evaluation Report of the Dresden Nuclear Power Station Units 2 and 3, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensee on August 22, 1974 for Dresden 3 and November 7, 1974 for Dresden 2, as modified by the further restrictions set forth in Appendix A.

The license shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

IV. On or before February 10, 1975, the licensee may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensee's submittals dated August 22, 1974, and November 7, 1974, and vendors topical reports referenced in the licensee's submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) the Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this December 27, 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75–691 Filed 1–8–75;8:45 am]

[Docket No. 50–245]

THE CONNECTICUT LIGHT & POWER CO. ET AL.

Order for Modification of License

The Connecticut Light & Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Northeast Nuclear Energy Company (the licensees) are the holders of facility license DPR–21 which authorizes operation of the Millstone Nuclear Power Station, Unit No. 1, located in the Town of Waterford, Connecticut. This license provides, among other things, that it is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

II. Pursuant to the requirements of the Commission's regulations in 10 CFR 50.46, "Acceptance Criteria and Emergency Core Cooling Systems for Light Water Nuclear Power Reactors", on August 22, 1974, the licensees submitted an evaluation of ECCS cooling performance calculated in accordance with an evaluation model developed by the General Electric Company ("the vendor"), along with certain proposed technical specifications necessary to bring reactor operation into conformity with the results of the evaluation.

The evaluation model developed by the vendor has been analyzed by the Regulatory staff for conformity with the requirements of 10 CFR Part 50, Appendix K, "ECCS Evaluation Models". The

Regulatory staff's evaluation of the vendor's model is described in two previously published documents: Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR Part 50, Appendix K, issued October 15, 1974, and a Supplement to the Status Report, issued November 13, 1974. Based on its evaluation, the Regulatory staff has concluded that the vendor's evaluation model was not in complete conformity with the requirements of Appendix K and that certain modifications described in the above-mentioned documents were required in order to achieve such conformity. The Regulatory staff assessments were reviewed by the Commission's Advisory Committee on Reactor Safeguards in meetings held on October 26, 1974 and November 14, 1974.

In its Report to the Chairman of the AEC, dated November 20, 1974, the Advisory Committee has concluded that "the four light-water reactor vendors have developed Evaluation Models which, with additional modifications required by the Regulatory staff, will conform to Appendix K to Part 50".

Since the licensees' evaluation of ECCS cooling performance is based upon the vendor's evaluation model, the licensees' evaluation is similarly deficient. The Regulatory staff has assessed the effect of the changes required in the evaluation model upon the results of the evaluation of ECCS performance for the Millstone facility submitted on August 22, 1974. This is described in the Safety Evaluation Report of the Millstone Nuclear Power Station Unit 1, Docket No. 50-245, dated December 27, 1974. On the basis of its review, the Regulatory staff has determined that changes in operating conditions for the plant, in addition to those proposed in the licensees' submittal of August 22, 1974, are necessary to assure that the criteria set forth in 50.46(b) are satisfied. These additional changes, which are set forth in Appendix A to the Safety Evaluation Report, consist of modifications to the limit governing maximum average planar linear heat generation rate. These further restrictions will assure that ECCS cooling performance will conform to all of the criteria contained in 10 CFR 50.46(b), which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long term cooling.

These further restrictions were established on the basis of studies of the effect of model changes on the previously submitted evaluations. The Regulatory staff believes that these restrictions should be verified by a reanalysis based upon an approved evaluation model, in conformity with 10 CFR 50.46 and Appendix K. During the interim, before an evaluation in conformity with the requirements of 10 CFR 50.46 can be submitted and evaluated, the Regulatory staff has concluded that continued conformance to the requirements of the Commission's Interim Acceptance Criteria,[1] and conformance to the restrictions contained in the licensees' August 22, 1974 submittal, together with the additional limitations set forth in Appendix A of the Safety Evaluation Report will provide reasonable assurance that the public health and safety will not be endangered. These additional restrictions are set forth as Appendix A to this Order.

iii. In view of the foregoing and, in accordance with the provisions of § 50.46 (a)(2)(v), the Acting Director of Licensing has found that the evaluation of ECCS cooling performance submitted by the licensees is not consistent with the requirements of 10 CFR 50.46(a)(1) and, therefore, that the further restrictions on facility operation, set forth in Appendix A to this Order, are required to protect the public health and safety. The Acting Director of Licensing has also found that the public health, safety, and interest require that the following Order be made effective immediately. Pursuant to the Atomic Energy Act of 1954, as amended, the Commission's regulations in 10 CFR 2.204, 50.46, and 50.54 *It is Ordered,* That:

1. As soon as practicable, but in no event later than July 9, 1975, or prior to any license amendment authorizing any core reloading, whichever occurs first, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with an acceptable evaluation model which conforms with the provisions of 10 CFR Part 50, 50.46. Such evaluation may be based upon the vendor's evaluation model as modified in accordance with the changes described in the Staff Safety Evaluation Report of the Millstone Nuclear Power Station, dated December 27, 1974. The evaluation shall be accompanied by such proposed changes in Technical Specifications or license amendments as may be necessary to implement the evaluation results.

2. Effective immediately, reactor operation shall continue only within the limits of:

(a) The requirements of the Interim Acceptance Criteria, the Technical Specifications, and license conditions imposed by the Commission in accordance with the requirements of the Interim Acceptance Criteria, and

(b) The limits of the proposed Technical Specifications submitted by the licensees on August 22, 1974, as modified by the further restrictions set forth in Appendix A.

The licensees shall conform operation to the foregoing limitations until such time as the proposed Technical Specifications required to be submitted in accordance with paragraph 1 above are approved or modified and issued by the Commission. Subsequent notice and opportunity for hearing will be provided in connection with such action.

[1] Interim Acceptance Criteria for Emergency Core Cooling Systems for Light Water Power Reactors, 36 F.R. 12247, June 29, 1971, as amended 36 F.R. 24082, December 18, 1971.

IV. On or before February 10, 1974, the licensees may file a request for a hearing with respect to this Order. Within the same thirty (30) day period any other person whose interest may be affected may file a request for a hearing with respect to this Order in accordance with the provisions of 10 CFR 2.714 of the Commission's Rules of Practice. If a request for a hearing is filed within the time prescribed herein, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to this action, see (1) the licensees' submittal dated August 22, 1974, and vendor's topical reports referenced in the licensees' submittal, which describe the vendor's evaluation model, (2) the Status Report by the Directorate of Licensing in the Matter of General Electric ECCS Evaluation Model Conformance to 10 CFR 50, Appendix K, (3) Supplement 1 thereto dated November 13, 1974, (4) Safety Evaluation Report dated December 27, 1974, and (5) Report of the Advisory Committee on Reactor Safeguards dated November 20, 1974. All of these items are available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. A single copy each of items (2) through (5) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December 1974.

For the Atomic Energy Commission.

EDSON G. CASE,
Acting Director,
Directorate of Licensing.

NOTE: Copies of Appendix A to Order for Modification of License, dated December 27, 1974, are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., or may be obtained upon request addressed to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

[FR Doc.75-690 Filed 1-8-75;8:45 am]

[Docket No. 50-20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY MITR REACTOR

Order Extending Construction Completion Date

Massachusetts Institute of Technology is the holder of Construction Permit No. CPRR-118 issued by the Commission on April 9, 1973, for the modification of the Massachusetts Institute of Technology research reactor presently under modification on its campus in Cambridge, Massachusetts.

On December 9, 1974, the licensee filed a request for an extension of the facility modification until September 1, 1975. The extension has been requested because delays in construction progress

have occurred. These construction delays have resulted from: (1) A delay in the delivery of the main reactor tanks prevented the start of construction until May 27, 1974, (2) manufacturing difficulties with the core support structure resulted in a design change that caused further delay in its scheduled delivery until February, 1975; and (3) additional time required, prior to their installation, for the review of design and construction documentation for the core and reflector tanks to assure that the tanks would fulfill the function for which they are intended.

This action involves no significant hazards consideration, good cause has been shown for the delay, and the requested extension is for a reasonable period. The bases for these conclusions are set forth in an evaluation dated

It is hereby ordered, That the latest completion date for CPRR–118 is extended from January 1, 1975, to September 1, 1975.

Date of Issuance: December 30, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Acting Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.75–682 Filed 1–8–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812–3713, Rel. No. 8625]

SOUTH BAY CORP. ET AL.

Application

DECEMBER 27, 1974.

In the matter of The South Bay Corp., 425 Park Avenue, New York, New York, 10022; Utilities & Industries Management Corp., 1740 Broadway, New York, New York, 10019; Utilities & Industries Corp., 1740 Broadway, New York, New York, 10019; and The Carter Group, Inc., 425 Park Avenue, New York, New York, 10022.

Notice is hereby given that The South Bay Corp. ("South Bay"), a closed-end non-diversified management investment company, Utilities & Industries Corp. ("U&I"), a New York Corp., Utilities and Industries Management Corp. ("U&I Management"), a wholly owned subsidiary of U&I, and The Carter Group Inc. ("Carter Group"), a Delaware Corporation, have filed an application on October 2, 1974, and an amendment on December 17, 1974, pursuant to section 17 (b) of the Investment Company Act of 1940 ("Act") and rule 17d–1 promulgated under section 17(d) of the Act for an order of the Commission permitting participation in the settlement described below by South Bay, U&I, U&I Management, Carter Group (herein collectively referred to as "Applicants") and the other defendant parties to the stipulation of settlement.[1] All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Until 1962, South Bay, then known as Fifth Avenue Coach Lines, Inc., and its subsidiaries were engaged in the surface transportation business in the Metropolitan New York area. In 1962, South Bay's assets in New York City were acquired by condemnation and the proceeds of such condemnation were subsequently invested in securities. In 1968, South Bay was declared to be an investment company by the United States District Court for the Southern District of New York and was placed in temporary receivership. The receiver registered South Bay under the Act. In June, 1972, the receivership was terminated.

Of South Bay's common stock, 300,329 shares representing approximately 46 percent of the shares outstanding are owned by U&I, through U&I Management. U&I acquired these shares between December 1970 and October 1973, primarily in privately negotiated transactions, at an average price of $19.91 a share. Under section 2(a)(9) of the Act, U&I is presumed, by reason of such stock ownership, to control South Bay, and Carter Group, which owns approximately 51 percent of the outstanding stock of U&I, is presumed to control U&I.

In June 1973, a shareholder of South Bay, suing derivatively on behalf of South Bay and as a representative of all other South Bay shareholders similarly situated, commenced two actions (the "Shareholder Suits") against U&I Management, U&I, Carter Group, the present and certain former officers of South Bay, and nominally against South Bay. One suit, entitled Charles Monheit v. Arthur Carter, et al., is now pending in the United States District Court for the Southern District of New York (the "Federal Suit"), while the other suit, entitled Charles Monheit v. Herbert Braasch, et al., is now pending in the Supreme Court of the State of New York (the "State Suit").

It was alleged in one or both of the Shareholder Suits that, among other things, U&I Management, U&I, Carter Group and the individual defendants caused South Bay to operate ultra vires, South Bay's management caused it to make speculative investments resulting in a decrease in net asset value, U&I Management and the other defendants violated federal securities laws in connection with U&I Management's acquisition of its present interest in South Bay, the proxy statement distributed in connection with South Bay's 1973 meeting of stockholders was false in material respects, and the defendants have operated South Bay in violation of various sections of the Act. In the Federal Suit the defendants have denied the material allegations. In the State Suit, after the original complaint was dismissed for legal insufficiency, the plaintiff filed an amended complaint and the defendant's time to respond to the amended complaint was extended.

The plaintiff in the Shareholder Suits and all of the defendants in the Federal Suit have entered into a Stipulation and Agreement of Compromise and Settlement (the "Settlemnt Stipulation"). These parties have also agreed that if the Court approves the Settlement Stipulation as fair, reasonable and adequate and dismisses the Federal Suit (subject to fulfillment of the Settlement Stipulation), they will enter into a stipulation dismissing the State Suit upon the judgment in the Federal Suit becoming final. The obligations of the parties to the stipulation are made subject to the issuance by the Commission or the orders requested in the application.

The Settlement Stipulation provides for the dissolution of South Bay, assuming the necessary shareholder approval, and for such dissolution to be preceded by a cash tender offer by South Bay to all of its shareholders (the "Tender Offer"). The tender offer is to be made within 15 days after the "Effective Date" (defined as the later of the date any stay thereof expires, or the date the required orders are obtained from the Securities and Exchange Commission (the "Commission")). U&I, the other defendant parties to the stipulation besides Herbert Braasch, members of their immediate families, and any entity controlled by any of them are prohibited from tendering any of their South Bay shares in the Tender Offer. Braasch is a director of South Bay who, as of September 30, 1974, held of record 18,100 South Bay shares. In addition, U&I may not otherwise dispose of any of its South Bay shares prior to the dissolution of South Bay.

The Settlement Stipulation provides that the price per share under the Tender Offer shall be the net asset value per share (determined in a manner consistent with South Bay's audited financial statements as of June 30, 1973) as of the close of business on the third business day preceding the commencement of the Tender Offer less a "Contingency Factor" of $1.40 per share. The Contingency Factor takes into account the following: (i) The estimated expenses to be paid or payable by South Bay in consummating the Settlement Stipulation subsequent to the determination of the amount of consideration to be paid in the Tender Offer including the expenses of carrying out the Tender Offer and the Plan of Dissolution, plaintiff's counsel fees and expenses to the extent allowed by the Federal District Court, and expenses of winding up; (ii) possible disallowance of certain Federal and New York State Tax refunds; (iii) possible liabilities to the City of New York as a result of a number of legal actions brought by the City against South Bay in connection with the franchises held by it prior to 1962 to operate bus lines (Applicants state that settlement negotiations with the City have been proceeding); (iv) a "Blockage" discount, reflect-

[1] Subsequent to the filing of the original application, U&I was merged with a subsidiary of Carter Group. As part of that merger, U&I changed its name to New York Water Service Corp. At the same time, Carter Group changed its name to Utilities and Industries Corporation.

ing the probability that the sale of large blocks of securities in South Bay's portfolio will incur a discount of approximately 5 percent from market value; and (v) delays and market uncertainties inherent in the liquidation process. However, South Bay and plaintiff may agree to a tender offer price higher than the Tender Offer consideration determined by using the $1.40 Contingency Factor, provided that such price may not exceed South Bay's net asset value per share on the third business day preceding the Tender Offer (or such later date as the parties may determine). If South Bay includes, as an asset in its Statement of Assets and Liabilities, the discounted value of a debt due from Victor Muscat, a former director, resulting from the Settlement of an earlier litigation, the contingency factor would be $1.55 instead of $1.40. Muscat's debt was not included as an asset in South Bay's Statement of Assets and Liabilities of June 30, 1974.

If the net asset value per share less the Contingency Factor, determined on either a date five days prior to the Federal District Court hearing on the parties' application to approve the settlement or on the third business day prior to commencement of the Tender Offer, is less than $17 a share, then plaintiff may elect to (i) terminate the settlement, (ii) permit the Tender Offer to proceed, or (iii) give notice to the defendants not to cause South Bay to make the Tender Offer but to proceed to convene a shareholder's meeting to take action with respect to the dissolution of South Bay. However, notwithstanding such notice to defendants, plaintiff may thereafter require South Bay to make the Tender Offer, at any time not later than 30 days prior to the shareholder meeting if the Tender Offer consideration, based on net asset value on the date of commencement of such Tender Offer, would not be less than $17 per share.

Upon expiration of the Tender Offer (if made), and not later than 90 days after "Final Judgment" (defined as the later of the date that the Federal District Court Order becomes final or the date all required orders are obtained from the Commission), South Bay is required to convene a special meeting of stockholders to consider and take action with respect to a proposal that South Bay be dissolved and liquidated. South Bay, U&I and the other defendants are also required to exercise their best efforts to cause such a proposal to be approved and to cause the first liquidating distribution to be made not later than 210 days after "Final Judgment". Braasch may, however, vote against the Plan of Dissolution if he so chooses.

After shareholder approval of the Plan of Dissolution, South Bay will sell its remaining portfolio, except for its shareholdings in Elgin National Industries, Inc. ("Elgin") and Giant Portland Cement Co. ("Giant Portland"). Applicants state that it is likely that following dissolution of South Bay, U&I or an affiliate will propose a merger with Elgin.

Under the Plan of Dissolution, a participating shareholder (other than U&I Management) may elect to receive his total distribution in cash (the "Cash Option"). Upon receipt of Letters of Transmittal from shareholders electing the Cash Option, South Bay will mail to each such shareholder an initial liquidating distribution consisting of (i) his pro rata share of the cash remaining after payment or provision for all liabilities and expenses but before provision for the payments to electing shareholders; (ii) cash in an amount equal to such electing shareholders' pro rata share of the market values of Elgin and Giant Portland shares on the Effective Date of Dissolution (the last day of the month following the month in which shareholder approval of the Plan is obtained), and (iii) a "Stub".

The Stub will represent each shareholder's right to receive any assets of South Bay remaining after the first liquidation distribution to all shareholders, the distribution of Elgin and Giant Portland shares to non-electing shareholders, and payment of all expenses and liabilities. The Stub will include the right to receive the proceeds of (i) the liquidation value of certain bonds on deposit with New York State agencies securing injury and damage and workmen's compensation claims, less the actual amount of claims recoverable, (ii) the liquidation value of certain bonds on deposit with the City of New York which cannot be released until the aforementioned litigation is terminated, (iii) amounts received from former officers and directors of South Bay from whom accounts receivable are presently outstanding, pursuant to the terms of the settlement of a prior litigation, and (iv) possible excess reserves.

Upon receipt of Letters of Transmittal from non-electing South Bay shareholders, South Bay will mail to each such shareholder an initial liquidating distribution consisting of (a) his pro rata share of the cash remaining after payment or provision for all liabilities and expenses of South Bay and provision for payments to all electing shareholders and (b) the "Stub". Thereafter, such non-electing shareholders would receive their pro rata share of South Bay's shares of Elgin and Giant Portland common stock.

The Cash Option will not be available to shareholders electing it if (i) as of the Effective Date of Dissolution, the amount of cash payable to all shareholders duly electing the Cash Option exceeds the amount of cash available to South Bay without the sale of any Elgin or Giant Portland shares or (ii) both plaintiff in the Shareholder Suits and South Bay determine it is inadvisable to provide such option. South Bay may, however, sell shares of Elgin or Giant Portland to make available the Cash Option.

The Settlement provides that it will become null and void if it is finally disapproved by the Federal Court, if all required orders of the Commission are not obtained or if the Settlement Stipulation expires by its terms. The Settlement Stipulation provides that it will so expire if (i) the Tender Offer is required to be made but is not made within 180 days after the "Effective Date" or (ii) the Tender Offer is not required to be made, for the reasons described below, and either the shareholders disapprove the Plan of Dissolution or the first liquidating distribution is not made within 210 days after "Final Judgment".

Under the terms of the Settlement Stipulation, if (i) the Tender Offer is made within the 180 day period referred to above, (ii) South Bay convenes a shareholder meeting to take action on the dissolution proposal within 90 days after "Final Judgment", and (iii) the parties use best efforts to obtain approval of such dissolution proposal (including the voting of their South Bay shares in favor thereof), then the settlement will be deemed to be final even if the dissolution proposal should not be approved by the required vote of two-thirds of the then outstanding shares or even if the shareholder meeting to take action with respect to the Plan of Dissolution or the Plan itself is permanently enjoined for any reason other than the defendants' failure to comply with relevant State statutory provisions concerning corporate dissolutions or with the disclosure requirements of the federal securities laws.

Applicant alleges that the Plan of Dissolution would permit shareholders to receive cash and/or securities having a value significantly in excess of the market price of South Bay shares immediately prior to the public announcement of the settlement and significantly in excess of the price at which they could reasonably expect to be able to sell their shares in the future, were South Bay not to be dissolved, unless South Bay's net asset value were to increase substantially. Applicant states that the non-affiliates' participation in the settlement is different from the affiliates only in the sense that non-affiliates are given preferential treatment. Applicants submit that a corporate dissolution in which all shareholders may participate on exactly equal terms and which is otherwise fair and reasonable is fully consistent with the general purposes of the Act. Applicants further state that they have obtained an order from the Court approving the settlement as fair, reasonable and adequate.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from purchasing from such company any property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

Section 17(d) of the Act and rule 17d-1 thereunder, taken together provide,

among other things, that it shall be unlawful for any affiliated person of a registered investment company or any affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company is a participant unless an application regarding such arrangement has been granted by an order of the Commission, and that, in passing upon such an application, the Commission will consider whether the participation of such registered company in such arrangement is consistent with the provisions, policies, and purposes of the Act, and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Because South Bay shareholders, other than U&I Management, have an election as to the assets of South Bay which they may receive, U&I Management's participation in the distribution of South Bay's assets constitutes a purchase of property of South Bay, an investment company, by an affiliated person, U&I Management, that is subject to the provisions of section 17(a) of the Act. The participation of Applicants and the affiliated defendants in the proposed settlement is a joint transaction subject to the provisions of section 17(d) and rule 17d–1 of the Act.

Notice is further given that any interested person may, not later than January 22, 1975, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following January 22, 1975, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–668 Filed 1–8–75;8:45 am]

[34–11151; S7–543]

NEW YORK STOCK EXCHANGE, INC.

Proposed Amendment to Rule 394(b)

The Securities and Exchange Commission today announced that it has received the following letter from the New York Stock Exchange, Inc. to amend its Rule 394(b).

MR. LEE A. PACKARD,
Director, Division of Market Regulation, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549.

OCTOBER 4, 1974.

DEAR MR. PICKARD: At its meeting on October 3, 1974, the Board of Directors approved, in principle, an amendment to Rule 394(b).

As you know, Rule 394(b)(1) presently requires a member to report to a Floor Governor certain details of a proposed third market transaction—the name of the stock, size of the order, number of shares, etc.—before soliciting a qualified non-member market-maker. This requirement would be eliminated under the proposed amendment. However, the Rule would continue to require members to bring customers' orders to the Exchange Floor and make "a diligent effort to explore the feasibility of obtaining a satisfactory execution of the order on the Floor."

Presently, subparagraph (5) requires that when a member organization has met the conditions under which it may solicit a non-member market-maker and has made such solicitation, it must again bring the order to the Floor immediately prior to effecting an off-Board trade. Today the Rule allows any better bids or offers made on the Floor to replace the non-member's bid or offer. Under the proposed amendment to subparagraph (5), public bids or offers at a better price or the same price represented in the market when the member organization returns to the Floor after soliciting a non-member would still take precedence over the non-member market-maker's bid or offer. However, bids or offers on behalf of specialists, registered traders, odd-lot dealers or members or member organizations known to be acting for their own account—which are at the same price as the non-member's bid or offer, or at a better price—could replace the non-member market-maker's bid or offer only to the extent that those members or member organizations expressed an interest in participating at an indicated price or prices when informed that a non-member was going to be solicited. The effect of the proposed amendment is that Exchange professionals would have first opportunity to participate in a transaction for their own accounts and could not "second guess" the non-member marketmaker if his bid or offer were accepted.

The final provision of the proposed amendment would delete present subparagraph .10 of the Supplementary Material of the Rule. At present, if a non-member market-maker expresses a willingness to be solicited by a member organization in a particular issue, subparagraph .10 bars the member organization from consummating a trade with that non-member in that issue under Rule 394(b). A new proposed subparagraph .10 would make it clear that in the situation just described, a transaction could be consummated between the member organization and the non-member market-maker under Rule 394(b) if all the provisions of that Rule are followed.

This letter is being sent to you pursuant to Rule 17a–8 of the Securities Exchange Act of 1934. Three copies of the proposed amendment to Rule 394(b) are enclosed.

Any questions you may have regarding this matter may be directed to Bruce Davis (212) 623–6763.

Sincerely,

JAMES E. BUCK.

Enclosures.

PROPOSED AMENDMENTS TO RULE 394

Deletions are bracketed; proposed new language is Underlined.

RULE 394

(a) Except as otherwise specifically exempted by the Exchange, members and member organizations must obtain the permission of the Exchange before effecting a transaction in a listed stock off the Exchange, either as principal or agent.

(b) Solicitation of Non-Member Market-Makers to Participate in Transactions Off-the-Floor of the Exchange.

(1) A member or member organization holding a customer's round-lot order for the purchase or sale of stock may, if he so desires, solicit a qualified non-member market-maker, *if he or it believes a better price can be obtained for the customer,* to participate in the execution of the order for the non-member's own account [,] off-the-Floor of the Exchange [,] provided [he has reported to a Floor Governor, other than the specialist in the stock, that all of the following conditions have been met]:

[(A)] (*i*) A diligent effort to explore the feasibility of obtaining a satisfactory execution of the order on the Floor has been made during that market session [.]; *and*

[(B) The member or member organization has provided the Floor Governor with the following information:

[(i) the name of the stock and size of the order;

[(ii) details of the effort made to explore the feasibility of obtaining a satisfactory execution of the order on the Floor;

[(iii) the number of shares, if any, he is taking or supplying for his own account; and

[(iv) the extent, if any, of the interest the specialist has indicated in participating at an indicated price or prices.]

(*ii*) *All of the other conditions in the Rule, as specified below, are fulfilled.*

(2) A qualified non-member market-maker in a stock is a broker-dealer registered with the Securities and Exchange Commission as a broker-dealer, who meets the capital and other applicable requirements and who has notified the Exchange that he is available to be solicited for his own account by members and member organizations pursuant to this rule for bids and offers in that stock.

(3) The member or member organization must file a report promptly after the completion of a transaction made pursuant to this Rule listing all parties to the transaction; the amount of participation of each; the price; the time of receipt of the order [,] *and* the time of the off-Floor execution [and the name of the Governor to whom he reported].

(4) Notwithstanding the provisions of Rule 104, the specialist may buy on a plus or zero plus tick or sell on a minus or zero minus tick, any or all of the stock with respect to which a third market-maker is to be asked to participate.

(5) Under the provision of this Rule, a member must ask other members in the Crowd immediately prior to the off-Floor trade if they have orders to execute at the same price or *a better price* and on the same side of the market *as the non-member market-maker.* If such be the case, the non-member market-maker's bid or offer may be displaced in whole or in part by:

(1) any or all *such* bids or offers [at that price] on the specialist's book and any or all bids or offers made by other brokers [acting as agents for other than Registered Traders,

registered odd-lot dealers or members or member organizations known by the broker to be acting for their own account] *on behalf of public customers' orders;* or

(ii) *a bid or offer made for or by* the specialist in the stock, acting as a dealer, [if the specialist before the third market-maker was solicited, advised the member or member organization of] *a Registered Trader a registered odd-lot dealer or a member or member organization known to be acting for his or its own account* to the extent [of his] *that such member or member organization's* interest *had been expressed* at an indicated price or prices [at which the transaction is to be made] *when the member or member organization contemplating an off-Board trade announced his or its intention to solicit a non-member market-maker.*

(6) No member shall effect a purchase for its customer from a market-maker if, on the basis of information supplied to the member by the market-maker, the market-maker's transaction would involve a short sale on a minus or zero minus tick based on Exchange transactions at the time of the solicitation; provided, however, that this shall not prohibit a transaction which includes a short sale of less than one round lot.

* * * Supplementary Material:

[.10 Situations not in compliance with Rule 394(b).—Listed below are examples of situations that would not comply with Rule 394(b). The Rule is intended only to apply to situations where member firms have solicited the participation of a qualified non-member market-maker. If, in the course of such a solicitation, the non-member market-maker asks to participate in the purchase or sale of any other security or of the same security in a different transaction, that transaction does not qualify under Rule 394(b).

[(1) A member firm solicits a qualified non-member market-maker to participate in the purchase or sale of stock X. The market-maker is not interested in stock X but tells the member firm to solicit him in some other listed stock in which he does have an interest. If the member firm then solicits the market-maker in response to such request, a subsequent transaction in that other stock would not qualify under Rule 394(b). It must take place on board with a full commission charged to the non-member market-maker.

[(2) A qualified non-member market-maker advises, other than by the ordinary written advertisements, notification, or publication, a particular member firm during the day that he wishes to be solicited in a given stock or stocks. The subsequent solicitation by the member firm, in response to the third market-maker's request, will disqualify the resulting transactions from qualifying under Rule 394(b).

[(3) A member firm has an understanding with a qualified non-member market-maker to solicit him under Rule 394(b) whenever he has customers' orders in these stocks in which the third market-maker is qualified. Such an understanding will disqualify any transaction made pursuant to the understanding from Rule 394(b).

[Any effort to accomplish indirectly that which is not directly permitted by the Rule, or the intent of the Rule as indicated in the Rule itself, and the supplementary material, will result in the transaction not qualifying under the Rule.]

.10 *Before a member or member organization may solicit a non-member market-maker to participate in the transaction, the member or member organization must first comply with the provisions of Rule 394(b)(1)(i). The fact that a non-member market-maker previously expressed a willingness to be solicited in a particular stock will not prevent a member or member organization from soliciting him and subsequently effecting a transaction with the non-member market-maker provided the above mentioned provisions of the Rule are fulfilled.*

.20 List of guaranteed and preferred stocks exempt from Rule 394(a).—The following guaranteed and preferred stocks have been exempted from the provisions of Rule 394(a), above. However, because of the basic concept of the Exchange Constitution that all transactions in listed stocks be executed on the Floor, every proposed transaction in these securities should be reviewed in the light of the factors involved, including the market on the Floor, the price, and the size, so that whenever possible the transaction may be effected on the Floor.

(List will remain the same)

The Commission responded to the proposed rule change with the following letter.

OCTOBER 24 1974.

MR. JAMES E. BUCK,
Secretary,
New York Stock Exchange,
11 Wall Street,
New York, New York 10005

DEAR MR. BUCK: This is in response to your letter of October 4, 1974, which submitted, pursuant to Rule 17a-8 under the Securities Exchange Act, proposed amendments to Rule 394(b).

To enable us to give proper consideration to the proposed modifications of Rule 394(b) we would appreciate receiving additional information clarifying the meaning of certain language in the Rule and an explanation of your Exchange's understanding of the manner in which the proposed modifications would affect certain aspects of a member organization's brokerage duties in connection with the Rule's operation.

Please advise us of the following:

(1) What will a member broker be required to do or demonstrate in order to have a basis for belief that a better price can be obtained for his customer off the floor of your exchange? (Rule 394(b)(1)).

(2) Please explain whether Rule 394(b)(5), as proposed, or any other provision of the Rule, requires a member, contemplating making a trade off board in the third market, to indicate, on the floor, at the specialist's post, to the specialist or to any member other than the specialist (a) the general size of his customer's buying or selling interest, or (b) the precise size of such interest. Would the broker also be required to invite, at the specialist's suggestion, a bid or offer from any other member and if so, would the broker be obliged to solicit the other member on the floor or off the floor as well?

(3) Rule 394(b)(5)(ii), as proposed, requires that bids or offers on behalf of member or member organizations acting for their own account could replace the non-member market-maker's bid or offer only to the extent that those member or member organizations expressed an interest in participating at an indicated price or prices when informed that a non-member market-maker was going to be solicited. Please explain what constitutes such an expression of interest? Specifically, does this require that the member or member organization wishing to participate must indicate an interest for a firm number of shares and at a specific price or prices? May the member or member organization "back away" from such interest when the member or member organization contemplating trading with a non-member market-maker returns to the floor with such non-member market-maker's bid or offer?

(4) Please indicate whether, and to what extent, the procedure outlined in the proposed amendments to Rule 394(b) differs from NYSE Rule 127(a) respecting (a) exploration of the market on the floor, (b) exercise of professional judgment and (c) the responsibility of the specialist subsequent to learning of a contemplated transaction.

We request that the New York Stock Exchange not adopt or put into effect its proposed amendment to Rule 394(b) until the Commission staff has received and has an opportunity to consider the responses of the Exchange staff to these inquiries.

Very truly yours.

LEE A. PICKARD,
Director.

The New York Stock Exchange, Inc. responded to the request for supplemental information with the following letter.

NOVEMBER 26, 1974.

MR. LEE A. PICKARD,
Director, Securities and Exchange Commission, Division of Market Regulation, 500 North Capitol Street NW., Washington, D.C. 20549.

DEAR MR. PICKARD: This will answer your letter dated October 24, 1974. You requested that the Exchange clarify the meaning of certain language in Rule 394(b) and explain its understanding of the manner in which the proposed modifications to the Rule would affect certain aspects of member organizations' brokerage duties. Before answering your specific questions, we would like to make clear that the modifications to Rule 394(b) were not intended to change a member organization's brokerage duties. They were intended to simplify the procedure by which a member organization could solicit a non-member market-maker.

You inquired as to what a member will be required to do or demonstrate in order to have a basis for believing that a better price can be obtained for his customer off the Floor of the Exchange.

There is no requirement contained in Rule 394(b) concerning what a member must do or demonstrate to corroborate his belief that a better price can be obtained for his customer off the Floor of the Exchange. The presumption is that a knowledgeable Floor broker, using his professional judgment and that of his firm, would be well aware of what a satisfactory price for his order should be, based on the size of the order, the particular stock in question and his appraisal of the current market.

You asked whether Rule 394(b)(5), as proposed, or any other provision of the Rule, requires a member contemplating making a trade off-Board in the third market, to indicate, on the Floor, at the post, to the specialist or to any member other than the specialist either the general size or the precise size of his customer's buying or selling interest. You also asked whether the broker would be required to invite, at the specialist's suggestion, a bid or offer from any other member and, if so, whether the broker would be obliged to solicit the other members on the Floor or off the Floor.

Experience with the Rule since its inception has not shown any need to spell out what a broker actually must do to meet the requirement that "a diligent effort to explore the feasibility of obtaining a satisfactory execution of the order on the Floor has been made during that market session." Therefore, in the absence of going through the procedures of adopting a policy that would do this, we can only answer your questions with a generalization.

Generally speaking, it is difficult to see how a broker could make a diligent effort to explore the market without divulging at least to the specialist the full size of his order. To be able to give a broker a realistic bid or offer, the specialist would have to

know the size involved so that he could see at the various price levels the extent to which the orders on the book could satisfy the member's order and what he would have to do for his own account at those price levels to fill the order. In addition, disclosure to the specialist of the member's buying or selling interest permits the specialist to bring other brokers into the situation—including Floor professionals since Registered Traders et al. would have only one opportunity to participate in a transaction for their own account under proposed subparagraph (b)(5)—who have indicated an interest in the stock. Since the main concern of the broker is that he obtain the best price for his customer, what he divulges to other brokers in the Crowd, or those brokers brought into the situation by the specialist, most likely would be governed by what he learns of their interest. The same would hold true with respect to contacting the offices of firms which the specialist felt or knew had an interest on the opposite side of the order. By exploring the possibility of member organizations participating in the execution of the order, the broker handling the order not only assures himself that he has attempted to get the best price for his customer but also gives customers of other member organizations an opportunity to participate.

In answer to your third question, the term "expression of interest" refers to a bid or offer to buy or sell a stated number of shares at a specific price or prices. This means that the broker making the bid or offer is ready to trade at that point in time. (It is stressed that the proposed amendment to subparagraph (5) of Rule 394(b), if adopted, will have the effect of encouraging Floor professionals to give their best bid or offer when an order is first brought to the Floor.) If the broker representing the customer's order determines to explore the third market and not trade with the bids or offers made on the Floor, the brokers who have made those bids or offers should not be penalized by that decision, either by holding them to the bid or offer until such time as the broker is ready to trade or shutting them out subsequently. They should have the opportunity to trade with the broker at the prices they originally expressed when he comes back to the Floor. On the other hand, they should not be held for an unreasonable amount of time to a bid or offer made earlier.

With respect to your question (4), it might be helpful to review the intent of Rule 127 and Rule 394(b).

Rule 127 was designed to provide for public participation when a block of stock with a total market value of $200,000 or more is to be crossed in the auction market at a premium or a discount from the current price. On the other hand, the intent of Rule 394(b) is to provide a member organization with the opportunity to solicit a non-member if it feels a better price can be obtained for the order than that available on the Floor. Therefore, one rule is based on the assumption that the order will be executed in the auction market on the Floor while the other provides for situations where all or part of an order may be executed other than on this Exchange. In most, if not all cases, the orders which are covered by Rule 394(b) probably are of the type where the firms handling them are not able to solicit orders on the opposite side of the market to fill the order and thus earn commissions on both sides.

The method of exploring the market, including the checking of the specialist, has already been discussed in relation to Rule 394(b) earlier in the letter.

Rule 127, as it relates to exploration of the market, provides that a member organization that receives a block order explore in depth the market on the Floor even though it is aware that the block may not readily be absorbed in the market. Exploration of the market is beneficial since it may reduce the amount of time and effort spent in generating customers' orders on the other side to fill the block order. In addition, exploring the Floor market minimizes the possibility of any embarrassment to the firm and possible loss of customer goodwill resulting from the firm not being able to execute orders which they have solicited because of the Rule 127 requirements that give preference to public orders represented on the Floor.

Rule 127(a) provides that, if professional judgment dictates, a member organization need not consult with the specialist. However, although a member is not required to check the specialist when effecting a transaction under Rule 127, subparagraph (c) of that Rule nevertheless provides that the Floor member be prepared to fill the reasonable needs of the specialist. This is so the specialist can effectively respond to the after market in the stock after a block trades at a discount or premium. If the Floor broker misjudges the specialist's needs, and there is a disagreement between him and the specialist, then the Rule suggests that a Floor Official be consulted to resolve the difference.

With respect to your question 4(c) concerning "the responsibility of the specialist subsequent to learning of a contemplated transaction", it is the same under Rule 394(b) as under Rule 127.

Sincerely,

J. E. BUCK.

The Commission wishes to solicit the written views of all interested persons concerning the proposed amendment of NYSE Rule 394(b) as set forth above. Such views should be submitted to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, no later than January 20, 1975. Reference should be made to File No. S7-543.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 24, 1974.

[FR Doc.75-779 Filed 1-8-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-5181]

FONG VENTURE CAPITAL CORP.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Fong Venture Capital Corp. (applicant), with the Small Business Administration pursuant to 13 CFR 107.102 (1974).

The officers and directors of the applicant are as follows:

Walter Fong, 1278 43rd Avenue, Sacramento, California, President, Director.

Carl M. Stein, 3500 American River Drive, Sacramento, California 95825, Vice President, Director.

D. Herbert Gray, 2245 Park Towne Circle, Sacramento, California 95825, Secretary/Treasurer, Director.

The applicant, a California corporation, having its principal place of business located at 2245 Park Towne Circle, Sacramento, California 95825, will begin operations with $1,000,000 of paid-in capital and paid-in surplus derived from the sale of 100,000 shares of common stock to Mr. Walter Fong, owner of a number of retail super markets.

As a small business investment company under Section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA rules and regulations.

Any person may, on or before January 24, 1975, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Sacramento, California.

Dated: December 20, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-769 Filed 1-8-75;8:45 am]

[Declaration of Disaster Loan Area 1108]

MARYLAND

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December, because of the effects of a certain disaster, damage resulted to property located in the State of Maryland;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office be-

low indicated from persons or firms whose property situated in Charles, St. Marys, and Baltimore Counties, Maryland, and adjacent affected areas, suffered damage or destruction resulting from severe storms, high winds, and abnormally high tides beginning on or about December 1, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 7800 York Road, Towson, Maryland 21204.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 20, 1975.

EIDL applications will not be accepted subsequent to September 22, 1975.

Dated: December 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-774 Filed 1-8-75;8:45 am]

LENDING INSTITUTIONS

Maximum Interest Rates

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on or after January 2, 1975, under section 7 of the Small Business Act, as amended, and section 502 of the Small Business Investment Act, as amended.

Effective January 2, 1975, the maximum rate of interest acceptable to SBA on a guaranteed loan or guaranteed revolving line of credit shall be eleven and one-half percent (11½%) a year, and the maximum rate on an immediate-participation loan shall be ten and one-half percent (10½%) a year. These maximum interest rates are unchanged from those published in the FEDERAL REGISTER on September 12, 1974 (39 FR 32946), and shall remain in effect until notification of a change is issued by SBA.

This notice is issued under 13 CFR 120.3(b)(2)(vi).

(Catalog of Federal Domestic Assistance Programs: No. 59.012 Small Business Loans; No. 59.013 State and Local Development Company Loans; No. 59.014 Coal Mine Health and Safety Loans; No. 59.017 Meat and Poultry Inspection Loans (Consumer Protection Loans); No. 59.018 Occupational Safety and Health Loans; No. 59.001 Displaced Business Loans; No. 59.003 Economic Opportunity Loans for Small Business).

Dated: December 31, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-767 Filed 1-8-75;8:45 am]

[Declaration of Disaster Loan Area 1107]

NEW JERSEY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December, because of the effects of a certain disaster, damage resulted to property located in the State of New Jersey;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Atlantic, Cape May, Cumberland, Monmouth and Ocean Counties, and adjacent affected areas, suffered damage or destruction resulting from severe storms, high winds and abnormally high tides, which occurred on or about December 1, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, 970 Broad Street, Room 1635, Newark, New Jersey 07102.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to February 20, 1975. Applications for EIDL loans under the authority of this declaration will not be accepted subsequent to September 22, 1975.

Dated: December 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-775 Filed 1-8-75;8:45 am]

[Proposed License No. 02/02-0310]

NIS CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR § 107.102 (1974)) under the name of NIS Capital Corp., 34 South Broadway, White Plains, New York 10601, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Howard B. Blank,[1] 9 Kolbert Drive, Scarsdale, New York 10583, President, General Manager, Director.

Edward J. Landau,[1] Winfield Avenue, Harrison, New York 10528, Secretary, Director.

Stuart Schulein,[1] 80 Copley Street, Staten Island, New York 10314, Treasurer, Director.

National Industrial Services Corp.,[1] 34 South Broadway, White Plains, New York 10601, Parent Company and direct owner of 100% of stock.

[1] Messrs. Blank, Laudau and Schulein own 10.09%, 10.02% and 1.10%, respectively, of the shares of the parent, National Industrial Services Corp.

The company proposes to commence operations with a capitalization of $500,000. Applicant proposes to finance small concerns which are located throughout the United States and its territories.

Matters involved in SBA's consideration of the application include the general business reputation and character of owners and management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before January 24, 1975, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: December 24, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-770 Filed 1-8-75;8:45 am]

[Notice of Disaster Loan Area 1106; Amdt. 1]

PUERTO RICO

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the Commonwealth of Puerto Rico as a major disaster area resulting from severe storms, landslides and flooding, beginning about October 23, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following additional municipalities: Guanica, Guayanilla, Maricao, Sabana Grande, San Sebastian, and Yauco, and adjacent affected areas. (See 39 FR 43427)

Applications may be filed at the:

Small Business Administration
District Office
255 Ponce De Leon Avenue
Hato Rey, Puerto Rico 00919

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than February 14, 1975. EIDL applications will not be accepted subsequent to September 15, 1975.

Dated: December 20, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-776 Filed 1-8-75;8:45 am]

[Proposed License No. 06/06-0175]

SMALL BUSINESS INVESTMENT CAPITAL, INC.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies

(13 CFR § 107.102 (1974)) under the name of Small Business Investment Capital, Inc., 10003 New Benton Highway, Little Rock, Arkansas 72203, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors, and shareholders are as follows:

Charles E. Toland, #1 Talmage Drive, Little Rock, Arkansas, President, General Manager, Director.
Othella E. Fiser, Rt. #1, Box 11, Sheridan, Arkansas, Director.
Billy Ray Cox, 9 Magnolia, Searcy, Arkansas, Director.
Weldon H. McWhirter, Sr., 8621 Oman Road, Little Rock, Arkansas, Director.
Norman W. Kelley, Rt. 1, Paragould, Arkansas, Director.
Shur-Valu Stamps, Inc., 10003 New Benton Highway, Little Rock, Arkansas, 100% common stock.

Shur-Valu Stamps, Inc., is 45 percent owned by Affiliated Food Stores, Inc., a cooperative of retail grocers located in Little Rock, 35 percent owned individually by members of the cooperative, and 20 percent owned by former members of the cooperative.

The company proposes to commence operations with a capitalization of $750,000. Applicant proposes to conduct its operations principally in the State of Arkansas, and will emphasize loans to retail grocers as its investment policy.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any interested person may, on or before January 24, 1975, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed licensee in a newspaper of general circulation in Little Rock, Arkansas.

Dated: DECEMBER 21, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-771 Filed 1-8-75;8:45 am]

[License No. 06/10-0098]

UNITED BUSINESS CAPITAL, INC.
Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR § 107.701 (1974)), for transfer of control of United Business Capital, Inc. (United), 1102 South Broadway, La Porte, Texas 77571, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.), and the rules and regulations promulgated thereunder.

United was licensed on October 28, 1963, and has a paid-in capital and paid-in surplus of $163,649. The transfer of control is being made pursuant to a purchase and sale agreement between Mr. Ben Fleming, the sole shareholder of the licensee, and three individuals. The proposed transfer of control is subject to, and contingent upon, the approval of SBA.

After the proposed transfer of control, the officers, directors and shareholders will be as follows:

Charles E. Hughes, Rt. 2, Box 225, Broken Bow, Oklahoma, President, Director, 33⅓%.
James A. Wooten, 602 S.E. Adams, Idabel, Oklahoma, Vice President, Director, 33⅓%.
Carl Sherman, 9 E. Main, Idabel, Oklahoma, Secretary, Treasurer, 33⅓%.
L. W. Brummett, Box 268, Eagletown, Oklahoma, General Manager, Director.

The capitalization of the licensee will be increased through the sale of $200,000 non-voting preferred stock to a total of ten, or fewer, individuals and/or corporations in Oklahoma. The principal offices will be transferred from La Porte, Texas to 19 East Main, Idabel, Oklahoma 74745. The area of operations will include the States of Oklahoma, Texas, Arkansas and Louisiana.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company, in accordance with the Act and Regulations.

Notice is further given that any interested person may, on or before January 24, 1975, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed licensee in a newspaper of general circulation in Idabel, Oklahoma and Houston, Texas.

Dated: December 20, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-773 Filed 1-8-75;8:45 am]

[License No. 09/09-0175]

WALDEN CAPITAL CORP.
Issuance of a License To Operate as a Small Business Investment Company

On September 26, 1974, a notice was published in the FEDERAL REGISTER (39 FR 34611) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing Small Business Investment Companies for a license to operate as a small business investment company by Walden Capital Corporation, 680 Beach Street, San Francisco, California 94109.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 09/09-0175 to Walden Capital Corp. to operate as a small business investment company.

Dated: December 23, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-772 Filed 1-8-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 2]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JANUARY 3, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d) (4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 43963 (Sub-No. 7), filed November 18, 1974. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, East Gary, Ind. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lift trucks, attachments, and parts and articles*, used in the manufacture and maintenance of same, between the plantsite of Hyster Company, at or near Berea, Ky., and points in Illinois, Indiana, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 408), filed December 12, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Charles W. Singer, 2440 E. Commercial Blvd., Fort Lauderdale, Fla. 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends* (except refuse containers) from Perrysburg, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, Minnesota, Pennsylvania, Tennessee and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 59583 (Sub-No. 148), filed December 9, 1974. Applicant: THE MASON AND NIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: D. W. Penland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Firestone Tire & Rubber Company in Rutherford County, Tenn. in connection with applicant's authorized regular route operations to and from Nashville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn. or Washington, D.C.

No. MC 74321 (Sub-No. 110), filed Dec. 9, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, fabricated and unfabricated*, from Birmingham, Ala., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 94635 (Sub-No. 4), filed December 9, 1974. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed stone and slag*, from points in Bucks, Burks, Lehigh, Lebanon, Lancaster, Chester, Delaware, Montgomery and Philadelphia Counties, Pa., and points in Delaware, to points in Burlington, Camden, Gloucester, Salem, Cumberland, Cape May, and Atlantic Counties, N.J.; and (2) *sand, gravel, stone and clay*, from points in Burlington, Camden, Gloucester, Salem, Cumberland, Cape May and Atlantic Counties, N.J., to points in Delaware, restricted to transportation services performed under a continuing contract, or contracts, with Dun-Rite Sand & Gravel Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106451 (Sub-No. 11), filed Nov. 25, 1974. Applicant: COOK MOTOR LINES, INC., P.O. Box 1391, Akron, Ohio 44309. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plant sites and warehouse facilities of Westvaco Corp., located at or near Luke, Md., and at a point approximately two and one-half miles east of Westernport, Md., as offroute points in connection with applicant's otherwise authorized operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107460 (Sub-No. 50), filed December 11, 1974. Applicant: WILLIAM Z. GETZ, INC., 3055 Yellow Goose Road, Lancaster, Pa. 17601. Applicant's representative: Donald D. Shipley (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum doors and windows, glazed and unglazed and aluminum extrusions*, from the plantsite of Capitol Products Corporation at Kentland, Ind., to the plantsite of Capitol Products Corporation at Mechanicsburg, Pa., the plants of National Homes Corporation located at Horseheads, N.Y., Terryville, Conn., and Collinsville, Va., and the plantsite of Knox Homes located at Thomson, Ga., under contract with Capitol Products Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 107913 (Sub-No. 15), filed December 10, 1974. Applicant: F & W EXPRESS, INC., 575 South Front Street, Memphis, Tenn. 38103. Applicant's representative: Edward G. Grogan, Suite 2020, First National Bank Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); Between Clarksdale, Miss., and West Helena, Ark., serving all intermediate points: From Clarksdale, Miss., over U.S. Highway 49, to the Mississippi-Arkansas state line, thence over U.S. Highway 49 via Helena, Ark., to West Helena, Ark., and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Helena, Ark., or Memphis, Tenn.

No. MC 108340 (Sub-No. 30), filed December 11, 1974. Applicant: HANEY TRUCK LINE, a corporation, Number 1 Haney Lane, P.O. Box 485, Cornelius, Oreg. 97113. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles and pipe* (except iron and steel pipe), and *accessories, connections, couplings and fittings therefor*, from the plantsite of the Armco Steel Corporation in Washington County, Oreg., to points in Idaho and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 108676 (Sub-No. 75), filed December 12, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue, N.E., Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron pipe and valves, cast iron pressure pipe fittings, fire hydrants and fire hydrant sections*, from the plantsite and storage facilities of Mueller Co., located at or near Albertsville, Ala., to points in the United States (except Alaska and Hawaii) and (2) *components, parts, attachments, accessories and supplies* used in connection with commodities described in (1) above, from the plantsite and storage facilities of Mueller Co., located at Chattanooga, Tenn., to points in the United States located east of New Mexico, Colorado, Wyoming, and Montana.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 111383 (Sub-No. 40), filed May 20, 1974. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Blvd., P.O. Box 4447, Dallas, Tex. 75208. Applicant's representative: James Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Memphis, Tenn. and Oklahoma City, Okla., over Interstate Highway 40, as an alternate route for operating convenience only; (2) Between junction Muskogee Turnpike (Kansas) and Interstate Highway 40 and Tulsa, Okla.; over Muskogee Turnpike, as an alternate for operating convenience only; (3) Between Abilene, Tex. and Oklahoma City, Okla.: From Abilene over U.S. Highway 277 to junction H.E. Bailey Turnpike, thence over H. E. Bailey Turnpike to Oklahoma City, and return over the same route, as an alternate for operating convenience only; (4) Between Phoenix, Ariz. and Oklahoma City, Okla.: From Phoenix over Interstate Highway 17 to junction Interstate Highway 40 at Flagstaff, Ariz., thence over Interstate Highway 40 to Oklahoma City, and return over the same route, as an alternate route for operating convenience only; (5) Between junction Interstate Highways 30 and 40 at Little Rock, Ark. and Dallas, Tex., over Interstate Highway 30, as an alternate route for the purposes of joinder only; (6) Between Big Spring, Tex. and Amarillo, Tex., over U.S. Highway 87, as an alternate route for the purposes of joinder only; (7) Between El Gaso, Tex. and Amarillo, Tex.: From El Gaso over U.S. Highway 54 to junction U.S. Highway 70, thence over U.S. Highway 70 to junction U.S. Highway 60 near Farwell, Tex., thence over U.S. Highway 60 to junction U.S. Highway 87, thence over U.S. Highway 87 to Amarillo, and return over the same route, as an alternate route for operating convenience only;

(8) Between junction U.S. Highway 82 (also U.S. Highway 62) and U.S. Highway 380 at or near Brownsfield, Tex. and Roswell, N. Mex., over U.S. Highway 380, as an alternate route for the purposes of joinder only; (9) Between Las Cruces, N. Mex. and junction U.S. Highways 70 and 54 at Alamogordo, N. Mex., over U.S. Highway 70, as an alternate route for the purposes of joinder only; (10) Between junction U.S. Highways 82 and 277 at Seymour, Tex. and Odessa, Tex.: From junction U.S. Highways 82 and 277 over U.S. Highway 82 to junction U.S. Highway 62 to near Ralls, Tex., thence over U.S. Highway 62 to junction U.S. Highway 384 at Brownsfield, Tex., thence over U.S. Highway 384 (and also U.S. Highway 62) to Odessa, Tex., as an alternate route for purposes of joinder only; (11) Between El Paso, Tex. and Seminole, Tex., over U.S. Highway 62 (also known as U.S. Highway 180), as an alternate route for purposes of joinder only; (12) Between Minden, La. and Montrose, Ark.: From Minden over U.S. Highway 79 to junction Louisiana State Highway 9, thence over Louisiana State Highway 9 to junction U.S. Highway 167, thence over U.S. Highway 167 to El Dorado, Tex., thence easterly over U.S. Highway 82 to Montrose, Ark., and return over the same route, as an alternate route for purposes of joinder only; (13) Between Monroe, La. and Natchez, Miss.: From Monroe over Louisiana State Highway 15 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction U.S. Highway 84, thence over combined U.S. Highways 65 and 84 to Natchez, Miss., and return over the same routes, as an alternate route for the purposes of joinder only; and (14) Between Marshall, Tex. and Mount Pleasant, Tex.: From Marshall over U.S. Highway 59 to Jefferson, Tex., thence over Texas State Highway 49 to Mount Pleasant, and return over the same routes, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111729 (Sub-No. 476) (correction), filed November 4, 1974, published in the FEDERAL REGISTER issue of December 12, 1974, and republished as corrected this issue. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Radiopharmaceuticals, diagnostic test kits, medical instruments, biochemicals, equipment and supplies*, between Orangeburg, N.Y., on the one hand, and, on the other, points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Delaware, Rhode Island, Virginia, West Virginia and the District of Columbia; (2) *business papers, records, audit and accounting media of all kinds*, (a) between Mansfield, Ohio, on the one hand, and, on the other, Buffalo, Jamestown and Rochester, N.Y.; (b) between Chicago, Ill., on the one hand, and, on the other, Lincoln and Omaha, Nebr.; (c) between Willard, Ohio, on the one hand, and, on the other, Chicago, Ill.; Butler and Pittsburgh, Pa.; Batavia, Buffalo, Dunkirk, Hamburg, Rochester and Syracuse, N.Y.; and (3) *ophthalmic goods and emergency optical machinery replacement parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds, from one consignor to one consignee on any one day, (a) between Mansfield, Ohio, on the one hand, and, on the other, Buffalo, Jamestown, and Rochester, N.Y.; and (b) between Chicago, Ill., on the one hand, and, on the other, Lincoln and Omaha, Nebr.; and (4) *daily telephone addendas, press and bindery samples and approvals, artwork, and advertising material of all kinds*, between Willard, Ohio, on the one hand, and, on the other, Chicago, Ill.; Butler and Pittsburgh, Pa.; Batavia, Buffalo, Dunkirk, Hambert, Rochester and Syracuse, N.Y.

NOTE.—The purpose of this republication is to correct the spelling of the commodity description in item 4 of said application which was previously published in error. Common control may be involved. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112963 (Sub-No. 57), filed December 11, 1974. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, in bulk, in tank vehicles, from Tewksbury, Mass., to Glen Falls, Greenwich, Newburgh, and Tonawanda, N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 113678 (Sub-No. 572), filed December 6, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver) Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood Plasma, Human*, from Pueblo, Colo., to Berkeley and Oakland, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 113678 (Sub-No. 573), filed December 6, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box

81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and facilities of Krey Packing Company, at St. Louis, Mo., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Vermont, and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Denver, Colo.

No. MC 13678 (Sub-No. 574), filed December 6, 1974. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City (Denver), Colo. 80022. Applicant's representative: Richard A. Peterson, P.O. Box 11849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs* (except in bulk), from the plantsite and storage facilities of Paramount Foods, Inc., at Louisville, Ky., to points in Arkansas, Kansas, Louisiana, Maryland, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, Texas, and West Virginia, restricted to traffic originating at the above named origin, and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky.; Indianapolis, Ind.; or Denver, Colo.

No. MC 113843 (Sub-No. 215), filed December 9, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from Bloomsburg, Centre Hall and Hanover, Pa., to points in Arkansas, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Baltimore, Md. or Washington, D.C.

No. MC 115669 (Sub-No. 148), filed December 9, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal and poultry feed ingredients*, between points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 115841 (Sub-No. 492), filed December 11, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Road, Suite 200, P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverage preparations* (except in bulk), from Northbrook, Ill., to points in Alabama, Florida, Georgia, and Tennessee, restricted to traffic originating at the named origin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116314 (Sub-No. 29), filed December 4, 1974. Applicant: MAX BINSWANGER TRUCKING, 13846 Firestone Boulevard, Santa Fe Springs, Calif. 90670. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Colton, Crestmore, Monolith, Oro Grande and Victorville, Calif., and the plantsite of General Portland Inc., California Division, at or near Gorman, Calif., to Port Hueneme, Calif., and points in the Los Angeles Harbor Commercial Zone.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 116519 (Sub-No. 27), filed Dec. 11, 1974. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, between points of entry on the International Boundary line between the United States and Canada located in Michigan and New York, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at, or destined to, points in Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 119493 (Sub-No. 133), filed December 9, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen canned goods*, from Elliott, N.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or St. Louis, Mo.

No. MC 124813 (Sub-No. 122), filed December 6, 1974. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, (1) from Duluth, Minn., to points in Iowa, South Dakota, North Dakota, Nebraska, and Wisconsin and (2) from Des Moines and Eagle Grove, Iowa, to points in Minnesota, North Dakota, South Dakota, Nebraska, and Wisconsin, restricted to traffic moving on flatbed equipment.

NOTE.—Applicant holds contract carrier authority in No. MC 118468, Sub-16 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Kansas City, Mo.

No. MC 126458 (Sub-No. 7), filed December 11, 1974. Applicant: ASCENZO & SONS, INC., 535 Brush Avenue, Bronx, N.Y. 10465. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated piling*, on special equipment, from Baltimore, Hollywood and Salisbury, Md., Warsaw and Laurel, Va., and Fayetteville and Williamston, N.C., to points in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland and the District of Columbia, under a continuing contract or contracts with C. K. Forest Products, Inc.

NOTE.—Applicant holds motor common carrier authority in MC-95965, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 127811 (Sub-No. 3), filed December 9, 1974. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bulk storage tanks and smokestacks*, which because of unusual size or weight require special handling and the use of special equipment and (2) *related parts and equipment* when transported in the same vehicle at the same time with the commodities described in (1) above, from the plant sites of Arrow Tank and Engineering Company located at Cambridge, Minn., to points in Iowa, North

Dakota, South Dakota, Wisconsin and the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 127811 (Sub-No. 4), filed December 9, 1974. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Avenue, SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast and pre-stressed concrete products*, which because of unusual size or weight require special handling and the use of special equipment; and (2) *related parts and equipment*, when transported in the same vehicle at the same time, with the commodities described in (1) above, from Osseo, Lino Lakes and Anoka, Minn., to points in Iowa, North Dakota, South Dakota, Wisconsin, and those points in the Upper Peninsula of Michigan.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 129063 (Sub-No. 8), filed November 25, 1974. Applicant JIMMY T. WOOD, P.O. Box 248, Ripley, Tenn. 38063. Applicant's representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bricks*, between points in Tennessee (except Gallaway and its Commercial Zone), Mississippi, Arkansas, Kentucky, and Missouri; (2) *bricks*, between points in Tennessee (except Gallaway and its Commercial Zone), on the one hand, and, on the other, points in Virginia, North Carolina, Georgia, and Alabama; (3) *concrete blocks*, between points in Tennessee, on the one hand, and, on the other, points in Kentucky, Virginia, North Carolina, Georgia, and Alabama; and (4) *lightweight aggregate*, in dump vehicles, from points in Lonoke and Crittenden Counties, Ark., to points in Tennessee, Mississippi, Illinois, Kentucky, Missouri, and Oklahoma.

NOTE.—Applicant states that he intends to tack the requested authority with its existing authority on clay and shale cinders, at points in Tennessee, Missouri, and Mississippi, to provide a through service from England, Ark., to the terminal states described in (1) through (3) above, and at points in Crittenden County, Ark., to provide a through service from England, Ark. to the territory described in (4) above. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 134400 (Sub-No. 16), filed December 12, 1974. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Avenue, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rough lumber, wooden pallets and wooden pallet parts*, from Bruce, Wis., to Dubuque, Iowa; (2) *veneer*, from Dubuque, Iowa, to New York, N.Y. and points in North Carolina and Virginia; (3) *wood chips:* (a) from Dubuque, Iowa, to Peoria, Ill.; and (b) from Anamosa, Dubuque, Edgewood, Guttenberg, La Motte and Oxford Junction, Iowa, to Joliet and Peoria, Ill.; and (4) *wooden pallets and wooden pallet parts*, from Dubuque, Iowa, to Stockton, Ill., under a continuing contract or contracts with Donel Pallet Company, Dubuque Chips, Inc. and R. S. Bacon Veneer Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Dubuque, Iowa.

No. MC 134922 (Sub-No. 109), filed December 10, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polyurethane ceiling beams, polyurethane siding, and polyurethane holded product and compounds*, from Dunbar, W. Va., to points in Arizona, New Mexico, California, Oregon, Washington, Idaho, Utah, Nevada, Montana, Oklahoma, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Little Rock, Ark.

No. MC 135454 (Sub-No. 15), filed December 9, 1974. Applicant: DENNY TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. 14580. Applicant's representative: Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, materials and supplies* used in the processing of preserved foodstuffs, from the plantsites and warehouses of Duffy-Mott Co., Inc., at Aspers, Pa., to the plantsites and warehouses of Duffy-Mott Co., Inc., in Monroe and Wayne Counties, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 135519 (Sub-No. 5), filed December 11, 1974. Applicant: ANTHONY G. AYALA, doing business as QUEEN CITY TRUCKING, 16618 127th SE., P.O. Box 24383, Renton, Wash. 98055. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Seattle and Tacoma, Wash., and Portland, Oreg., to Spokane, Wash., and points in Idaho and Montana; (2) *scrap metal*, and pipe, from points in Idaho and Montana to Seattle and Tacoma, Wash., and Portland, Oreg.; and (3) *hides, green and salted*, from points in Montana, Idaho and Washington, to Seattle and Tacoma, Wash., and Portland, Oreg.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 136512 (Sub-No. 6), filed Dec. 12, 1974. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between Fort Dodge, Iowa, and Fairmont, Minn., restricted to the transportation of traffic moving between plantsites and storage facilities of Minnesota Mining and Manufacturing Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 136553 (Sub-No. 30), filed December 12, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizer and dry fertilizer materials*, from Marshall, Minn., to points in Iowa, Illinois, Wisconsin, Nebraska, South Dakota and North Dakota; and (2) *soil stabilization limestone*, from Gilmore City, Iowa, and Irene, S. Dak., to Marshall, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 136821 (Sub-No. 3), filed November 22, 1974. Applicant: SMERBER TRANSPORTATION, INC., Bldg. 504 Space Center, Mira Loma, Calif. 91752. Applicant's representative: James Smerber (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, and supplies and equipment*, used in the production and distribution thereof, from the plantsite and storage facilities of Johns-Manville Fiber Glass, Inc., at Willows, Calif., to points in Arizona, Nevada, Idaho, Utah, Oregon, and Washington, under contract with Johns-Manville Fiber Glass Corp., at Willows, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, or San Francisco, Calif.

No. MC 138741 (Sub-No. 14), filed December 6, 1974. Applicant: E. K. MOTOR SERVICE, INC., 2005 North Broadway, Joliet, Ill. 60435. Applicant's representative: Tom B. Kretsinger, 910 Fairfax Bldg., 101 W. Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resins and plastic sheets* (except in bulk): (a) from the plantsites and shipping facilities of the General Electric Company at or near Mt. Vernon, Ind., to points in Arkansas, Illinois, Iowa,

Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, and Wisconsin; and (b) *refused, rejected, or retendered shipments* on return; (2) *shipping containers*, from points in Arkansas, Illinois, Iowa, Kansas, Kentucky, the Lower Peninsula of Michigan, Missouri, Ohio, Tennessee, and Wisconsin, to the plantsites and shipping facilities of the General Electric Company at or near Mt. Vernon, Ind., and (3) *packaging and shipping materials*, from points in Illinois, St. Louis, Mo. and its commercial zone, and Louisville, Ky. and its commercial zone, to the plantsites and shipping facilities of the General Electric Company at or near Mt. Vernon, Ind., restricted in (1), (2) and (3) above to traffic originating at or destined to the plantsites and shipping facilities of the General Electric Company at or near Mt. Vernon, Ind.

NOTE.—Common control may be involved. Regarding dual operations, applicant states that it has filed an application in MC–138741 (Sub–No. 10) requesting conversion of its outstanding Permits to Certificates of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 139836 (Sub-No. 2), filed Dec. 9, 1974. Applicant: LINT TRANSFER, INC., 4549 Delaware, Des Moines, Iowa 50313. Applicant's representative: Larry D. Knox, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Des Moines, Iowa, on the one hand, and, on the other, points in that part of Iowa bounded by U.S. Highway 20 on the north, U.S. Highway 63 on the east, U.S. Highway 34 on the south, and U.S. Highway 71 on the west, restricted to traffic having an immediately prior or subsequent movement by rail TOFC service.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 140023 (Sub-No. 3), filed Dec. 12, 1974. Applicant: COLUMBIA TRANSIT CORPORATION, 404 Walnut Street, Waldo, Ark. 71770. Applicant's representative: W. H. Boswell (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals* (wood chips, sawdust, bark and shavings), between points in Columbia County, Ark., Bowie and Cass Counties, Tex.; and Webster, Union, Jackson, Lincoln, Ouachita and Natchitoches Parishes, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Little Rock, or El Dorado, Ark.

No. MC 140152 (Sub-No. 1), filed December 12, 1974. Applicant: SPECIAL DISPATCH, INC., 10619 Liberty, St. Louis, Mo. 63132. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated machine parts; castings; mill supply items; metal stampings; electrical motors and parts; gauges and valves; tools; ink; hospital supplies; construction, industrial and maintenance equipment, and parts thereof*, between St. Louis, Mo. and points in St. Louis County, Mo., on the one hand, and, on the other, points in Madison and St. Clair Counties, Ill., restricted to emergency shipments not exceeding 1,000 pounds from any one consignor to any one consignee on any one day.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Springfield, Ill.

No. MC 140257 (Sub No. 2), filed December 9, 1974. Applicant: BENNETT & SON TRANSPORT, LTD., 234 12th Ave., East, P.O. Box 681, Regina, Saskatchewan, Canada S4P 3A3. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cullet, glass spheres and glass beads*, from points on the International Boundary line between the United States and Canada, located in Washington, Idaho, Montana, North Dakota, and Minnesota, to points in Montana, Wyoming, North Dakota, South Dakota, Minnesota, Wisconsin, Michigan, Idaho, Washington, Oregon, Utah, Colorado, Nebraska, Iowa, Missouri, and Illinois, restricted to the transportation of shipments having a prior movement in foreign commerce; and (2) *flattened vehicles, scrap metal, iron ore pellets, and iron ore concentrates*, for remelting and recycling, from points in Montana, North Dakota, South Dakota, Wyoming, Minnesota, Nebraska, Colorado, and Utah, to points on the International Boundary line between the United States and Canada, located in North Dakota and Montana, restricted to the transportation of shipments having an immediate subsequent movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Williston or Fargo, N. Dak., or Minneapolis, Minn.

No. MC 140301 (Sub-No. 1), filed December 4, 1974. Applicant: EMORY SHUPE, doing business as SHUPE TRUCKING, 24 Montvale Road, Newark, Del. 19711. Applicant's representative: Samuel H. Lewis, 1226 King Street, Wilmington, Del. 19801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel drums, plastic containers and fibre drums*, from points in Delaware, to points in New Jersey, New York, Connecticut, Pennsylvania, Massachusetts, Maryland, and Virginia, under a continuing contract or contracts with Container Corporation of America.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wilmington or Newark, Del.

No. MC 140356, filed November 18, 1974. Applicant: AVTEC SERVICES, INC., 1750 N.W. 26th Avenue, Miami, Fla. 33126. Applicant's representative: Richard B. Austin, Suite 214 Palm Coast II Bldg., 5255 N.W. 87th Avenue, Miami, Fla. 33166. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk and commodities which, by reason of size or weight, require specialized handling, and equipment), (1) between Miami International Airport at Miami, Fla., on the one hand, and, on the other, points in South Carolina, Georgia, Alabama, Tennessee, Texas, and Mississippi; and (2) between points in South Carolina, Georgia, Alabama, Tennessee, Texas, and Mississippi, on the one hand, and, on the other, Miami International Airport, restricted to traffic moving under a continuing contract or contracts with Span East Airlines, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

PASSENGERS APPLICATION(S)

No. MC 1515 (Sub-No. 202), filed December 6, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers: (1) Between the junction of U.S. Highway 221 and South Carolina Highway 10 (approximately 2 miles south of Bradley, S.C.) and McCormick, S.C.: From the junction of U.S. Highway 221 and South Carolina Highway 10 over U.S. Highway 221 to McCormick, S.C., and return over the same route, serving all intermediate points; (2) Between Cumberland, Md., and the junction of Maryland Highway 36 and U.S. Highway 40 (east of Frostburg, Md.): From Cumberland, Md., over U.S. Highway 48 to junction Maryland Highway 36, thence over Maryland Highway 36 to junction U.S. Highway 40, and return over the same route, serving all intermediate points; (3) Between Baltimore, Md., and Ridgeville, Md.: From Baltimore over U.S. Highway 40 to Ridgeville, and return over the same route, serving all intermediate points; (4) Between Baltimore, Md., and the junction of Interstate Highway 70 and U.S. Highway 40: From Baltimore over Interstate Highway 70 to junction U.S. Highway 40, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points; and (5) Between Harrisburg, Pa., and Easton, Pa.: From Harrisburg over Interstate Highway 83 to junction Interstate Highway 81, thence over Interstate Highway

81 to junction Interstate Highway 78, thence over Interstate Highway 78 to junction U.S. Highway 22 near Fogelsville, Pa., then over U.S. Highway 22 to Easton, Pa., serving all intermediate points and serving Hamburg, Allentown, and Bethlehem, Pa., as off-route points.

NOTE.—In connection with (1) above, applicant proposes to abandon that portion of its present authority from the junction of U.S. Highway 221 and South Carolina Highway 10, via South Carolina Highway 10 to the junction of South Carolina Highway 28, thence via South Carolina Highway 28 to McCormick, S.C., as contained in MC–1501 Sub 172 (renumbered MC–1515 Sub 8, not yet reissued) Sheet No. 10. In connection with (2) above, applicant proposes to abandon that portion of its present authority from Cumberland, Md. via U.S. Highway 40 to the junction of Maryland Highway 36, as contained in MC–1501 Sub 110 (renumbered MC–1515 Sub 8, not yet reissued) Sheet Nos. 2 and 3. In connection with (3) above, applicant proposes to abandon that portion of its present authority from Baltimore, Md. via Maryland Highway 144 to Ridgeville, Md., as contained in MC–1501 Sub 110 (renumbered MC–1515 Sub 8, not yet reissued) Sheet Nos. 2 and 3, and that portion of its present operating authority from Baltimore, Md. via U.S. Highway 40 to the junction of Maryland Highway 144 as an alternate route for operating convenience only serving no intermediate points as contained in MC–1501 Sub 110 (renumbered MC–1515 Sub 8, not yet reissued) Sheet No. 5. In connection with (5) above, applicant proposes to abandon that portion of its present authority between Easton, Pa. and Bethlehem, Pa. via old U.S. Highway 22 (renumbered Pennsylvania Legislative Route 159) and between Allentown, Pa. and Harrisburg, Pa. via old U.S. Highway 22 (renumbered Pennsylvania Legislative Routes 157, 443, 39084, 975, 721, Pennsylvania Highway 501 and Pennsylvania unnumbered highway) and U.S. Highway 22 as contained in MC–1501 Sub 92 (renumbered MC–1515 Sub 8, not yet reissued) Sheet No. 1. Common control may be involved. If a hearing is deemed necessary, the applicant requests that operating testimony be held at Washington, D.C., and public witness testimony be held at Harrisburg, Pa.; Baltimore, Md.; and Columbia, S.C.

No. MC 29948 (Sub-No. 9), filed November 14, 1974. Applicant: EMPIRE LINES, INC., W. 1125 Sprague Avenue, Spokane, Wash. 99210. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular and regular routes, transporting: (A) IRREGULAR ROUTES: (1) *Passengers and their baggage* in the same vehicle with passengers, in charter operations, between points in Asotin, Chelan, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman Counties, Wash.; and Benewah, Bonner, Boundary, Kootenai, Latah, Nez Perce, and Shoshone Counties, Idaho, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii; and (2) *passengers and their baggage* in the same vehicle with passengers, in special, and round trip operations beginning and ending at points in Asotin, Chelan, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties, Wash.; and Benewah, Bonner, Boundary, Kootenai, Latah, Nez Perce, and Shoshone Counties, Idaho, and extending to points in the United States, including Alaska, but excluding Hawaii; and (B) REGULAR ROUTE: *passengers and their baggage*, in the same vehicle with passengers, Between Wenatchee and Ellensburg, Wash.: From Wenatchee, Wash. over Washington State Highway 28 to Quincy, Wash., thence over Washington Highway 281 to George, Wash., thence over Interstate Highway 90 to Ellensburg, Wash., and return over the same route serving all intermediate points.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

BROKER APPLICATION(S)

No. MC 130180 (Sub-No. 1), filed December 9, 1974. Applicant: CINCINNATI CONVENTION AND CREATIVE SERVICES, INC., doing business as TOURCRAFTERS, 3 East 4th Street, Cincinnati, Ohio 45202. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street NW., Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Cincinnati, Ohio, to sell or offer to sell the transportation of *Passengers*, individually and in groups, and *their baggage*, in the same vehicle with passengers, in one-way and round-trip charter and special operations, from points in Hamilton County, Ohio, to points in Ohio, Indiana, Kentucky, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 130286, filed December 9, 1974. Applicant: NORTHERN TRANSPORTATION SERVICES, INC., Ripley Road, Center Rutland, Vt. 05736. Applicant's representative: David W. Curtis, 192 College Street, P.O. Box 567, Burlington, Vt. 05401. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Rutland, Vt., to sell or offer to sell the transportation of *General commodities*, between points in Vermont, New Hampshire, and Maine, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rutland or Montpelier, Vt.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-650 Filed 1-8-75;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JANUARY 6, 1975.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before January 20, 1975. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 31462 (Sub-No. E348), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, the District of Columbia. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E349), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E350), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E352), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E353), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E354), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Ohio. The purpose of this filing is to eliminate the gateways of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E355), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E356), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Pennsylvania. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; and (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof.

No. MC 31462 (Sub-No. E358), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of Cairo, Ill., or any point in Illinois within 25 miles thereof.

No. MC 31462 (Sub-No. E359), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Tex. 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in New Hampshire. The purpose of this filng is to eliminate the gateway (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E360), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in Vermont. The purpose of this filing is to eliminate the gateway of (1) Burlington, Iowa, or any point in Iowa within 50 miles thereof; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Hoosick Falls, N.Y.

No. MC 31462 (Sub-No. E361), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in New Hampshire, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of (1) Hoosick Falls, N.Y., (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Kansas City, Mo., or any point within 30 miles thereof.

No. MC 31462 (Sub-No. E362), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in New Hampshire, on the one hand, and, on the other, points in that part of Wisconsin on and west of a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 51 to Jamesville, thence along Wisconsin Highway 26 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 41, thence along U.S. Highway 41, to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateway of (1) Hoosick Falls, N.Y.; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; and (3) Burlington, Iowa, or any point in Iowa within 50 miles thereof.

No. MC 31462 (Sub-No. E363), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in New Hampshire, on the one hand, and, on the other, points in Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 259 to Lufkin, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 75 to Galveston. The purpose of this filing is to eliminate the gateway of (1) Hoosick Falls, N.Y.; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (3) Kansas City, Mo., or any point within 30 miles thereof; and (4) any point in Okmulgee County, Ill.

No. MC 31462 (Sub-No. E364), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in New Hampshire, on the one hand, and, on the other, points in North Dakota. The purpose of this filing is to eliminate the gateway of (1) Hoosick Falls, N.Y.; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (3) Burlington, Iowa, or any point in Iowa within 50 miles thereof, and (4) any point which is both within 35 miles of Alden Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31463 (Sub-No. E365), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission, between points in New Hampshire, on the one hand, and, on the other, points in South Dakota. The purpose of this filing is to eliminate the gateway of (1) Hoosick Falls, N.Y.; (2) Fort Wayne, Ind., or any point in Indiana within 40 miles thereof; (3) Burlington, Iowa, or any points in Iowa within 50 miles thereof; and any point which is both within 35 miles of

Alden, Minn., and within that part of Minnesota or Iowa on and south of a line beginning at the Mississippi River, thence along U.S. Highway 16 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Mississippi River.

No. MC 31462 (Sub-No. E391), filed May 13, 1974. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, Texas 75146. Applicant's representative: R. L. Rork (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Household goods*, as defined by the Commission, between points in Oklahoma, on the one hand, and, on the other, points in that part of West Virginia, on, north and east of a line beginning at the West Virginia-Ohio state line, thence along West Virginia Highway 47 to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of (1) Fort Wayne, Ind., or any point within 40 miles thereof; and (2) points in that part of Missouri which are within 25 miles of Cairo, Ill.

No. MC 83745 (Sub-No. E16) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER December 23, 1974. Applicant: BOND TRANSPORT, INC., 4620 Rolling Road, Pittsburgh, Pa. 15236. Applicant's representative: William Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities* generally requiring rigging, special equipment, or specialized handling (except articles requiring special vehicular equipment), for over the road movement between Butler, Pa., on the one hand, and, on the other, points on and west of a line beginning at the Ohio-Michigan State line and extending along Interstate Highway 75 to junction U.S. Highway 68, thence along U.S. Highway 68 to junction Ohio Highway 31, thence along Ohio Highway 31 to junction Ohio Highway 736, thence along Ohio Highway 736 to junction Ohio Highway 161, thence along Ohio Highway 161 to junction U.S. Highway 33, thence along Ohio Highway 33 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Ohio Highway 60 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 107403 (Sub-No. E291), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquid chemicals* (except petroleum products and coal tar products), in bulk, from points in Pennsylvania to points in Illinois, Indiana, Iowa, Michigan, Missouri, and Ohio (except points which are within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of Washington, Pa., and Natrium, W. Va.

No. MC 107403 (Sub-No. E297), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* (except fly ash and cement), in bulk, from points in Kentucky, to points in Hancock, Lucas, Ottama, and Wood Counties, Ohio. The purpose of this filing is to eliminate the gateway of Pataskala, Ohio.

No. MC 107403 (Sub-No. E306), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from points in Kentucky to points in that part of New York east of a line beginning at Oswego, thence along New York Highway 57 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of Zanesville, Ohio, and Lewistown, Pa.

No. MC 107403 (Sub-No. E306A), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in vehicles specially designed for the transportation of dry bulk commodities (except fly ash, salt, cement, and plastic materials), from points in Kentucky, to points in that part of New York west of a line beginning at Oswego, thence along New York Highway 57 to its junction with U.S. Highway 11, thence along New York Highway 11 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Painesville, Ohio.

No. MC 107403 (Sub-No. E307), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in Kentucky to points in New Jersey and Maryland (except points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateway of Lewistown, Pa., and Zanesville, Ohio.

No. MC 107403 (Sub-No. E326), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in West Virginia, to points in that part of Indiana north of U.S. Highway 50. The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Zanesville, Ohio.

No. MC 107403 (Sub-No. E327), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in West Virginia, to points in New Jersey and New York (except Chautauqua County). The purpose of this filing is to eliminate the gateways of Pittsburgh, Pa., and Lewistown, Pa.

No. MC 107403 (Sub-No. E329), filed May 29. 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical*, in bulk, in tank vehicles, from points in West Virginia which are within 150 miles of Monongahela, Pa., to points in New Jersey and New York (except Chautauqua County). The purpose of this filing is to eliminate the gateway of Lewistown, Pa.

No. MC 107403 (Sub-No. E330), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in West Virginia which are within 150 miles of Monongahela, Pa., to points in that part of Illinois on and north of U.S. Highway 50 and in Wisconsin. The purpose of this filing is to eliminate the gateways of Zanesville, Ohio, and Fort Wayne, Ind.

No. MC 107403 (Sub-No. E331), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in West Virginia which are within 150 miles of Monongahela, Pa., to points in that part of Pennsylvania east of U.S. Highway 220 (except points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateway of Riverview, Ohio.

No. MC 107403 (Sub-No. E332), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in West Virginia which are within 150 miles of Monongahela, Pa., to points in that part of Kentucky west of U.S. Highway 65. The

purpose of this filing is to eliminate the gateway of Riverview, Ohio.

No. MC 107403 (Sub-No. E333), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, from points in West Virginia, to points in Arkansas, Kansas, Nebraska, Oklahoma, and that part of Missouri north and west of a line beginning at the Missouri-Illinois State line, thence along Missouri Highway 72 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Pataskala, Ohio, and Circleville, Ohio.

No. MC 107403 (Sub-No. E399), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gas, kerosene, diesel engine fuel, fuel oil*, from points in Ohio which within 150 miles of Monongahela, Pa., to points in West Virginia which are within 150 miles of Tiltonsville, Ohio (except points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateway of Tiltonsville, Ohio.

No. MC 107403 (Sub-No. E403), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 30 to its junction with U.S. Highway 30S, thence along U.S. Highway 30S to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line (except points within 150 miles of Monongahela, Pa.), to points in Pennsylvania (except points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Congo, W. Va.

No. MC 107403 (Sub-No. E405), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum chemicals*, in bulk, in tank vehicles, from points in that part of Ohio on and north of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 30 to its junction with U.S. Highway 30S, thence along U.S. Highway 30S to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line (except points within 150 miles of Monongahela, Pa.), to points in that part of Kentucky west of U.S. Highway 541 (except points in Henderson and Union Counties, Ky.). The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Condit, Ohio.

No. MC 107403 (Sub-No. E506), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petro-chemicals* as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Lucas County, Ohio, to points in that part of Indiana north and west of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Niles, Mich.

No. MC 107403 (Sub-No. E314), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles (except petroleum chemicals), from points in West Virginia which are within 150 miles of Monongahela, Pa., to points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Wisconsin, and the District of Columbia (except points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateway of Congo, W. Va.

No. MC 107403 (Sub-No. E316), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-flammable liquids*, in bulk, in tank vehicles, except petroleum and petroleum products other than medicinal petroleum products and liquid wax, and except wine, cider, vinegar, milk, road oil, coal tar, and coal tar products) from points in West Virginia which are within 150 miles of Monongahela, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Rhode Island, and Pennsylvania (except points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateway of Uniontown, Pa.

No. MC 107403 (Sub-No. E317), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except fly ash, salt, cement, and plastic materials), from points in West Virginia which are within 150 miles of Monongahela, Pa., to points in that part of New York west of U.S. Highway 11 (except Chautauqua County, N.Y.). The purpose of this filing is to eliminate the gateway of Painesville, Ohio.

No. MC 107403 (Sub-No. E319), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk in tank vehicles, from Nitro, W. Va., to points in that part of Illinois on and north of U.S. Highway 50 and in Wisconsin. The purpose of this filing is to eliminate the gateways of Zanesville, Ohio, and Fort Wayne, Ind.

No. MC 107403 (Sub-No. E320), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Litharge, red lead, lead silicates, and lead chemicals*, dry, in bulk, in tank or hopper type vehicles, from Charleston, W. Va., to points in that part of Indiana on and north of U.S. Highway 50 and in Michigan. The purpose of this filing is to eliminate the gateways of Riverview, Ohio, and Zanesville, Ohio.

No. MC 107403 (Sub-No. E321), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in vehicles specially designed for the transportation of dry bulk commodities and in bulk shipping containers which require the use of special equipment for loading and unloading, from Nitro, W. Va., to points in that part of Indiana on and north of U.S. Highway 50 and in Michigan. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC 107403 (Sub-No. E322), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in tank vehicles, from Nitro, W. Va., to points in New Jersey and New York (except Chautauqua County, N.Y.). The purpose

of this filing is to eliminate the gateway of Lewistown, Pa.

No. MC 107403 (Sub-No. E323), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, in tank vehicles, from points in Maryland, Pennsylvania, Ohio, and West Virginia, which are within 150 miles of Monongahela, Pa., to points in Arkansas, Iowa, Kansas, Minnesota, Missouri, and Wisconsin. The purpose of this filing is to eliminate the gateways of points in Erie County and Sandusky County, Ohio.

No. MC 107403 (Sub-No. E324), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk (except fly ash), in vehicles specially designed for the transportation of dry bulk commodities and in bulk shipping containers which require the use of special equipment for loading and unloading, from points in West Virginia which are within 150 miles of Monongahela, Pa., to points in Indiana, Michigan, and that part of Kentucky west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Zanesville, Ohio.

No. MC 107403 (Sub-No. E454), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Ohio (except Columbus), to points in Connecticut, Massachusetts, Rhode Island, and New Jersey (except Salem and Cumberland Counties). The purpose of this filing is to eliminate the gateway of Boonton, N.J.

No. MC 107403 (Sub-No. E461), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Ironton and South Point, Ohio, to points in Kansas and Missouri (except points in Pemiscot, New Madrid, Dunklin, Mississippi, Scott, and Stoddard Counties). The purpose of this filing is to eliminate the gateways of Fort Wayne, Ind., and Millsdale, Ill.

No. MC 107403 (Sub-No. E490), filed May 29, 1974. Applicant MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island (except points within 150 miles of Monongahela, Pa.). The purpose of this filing is to eliminate the gateways of Wheeling, W. Va., and Pittsburgh, Pa.

No. MC 107403 (Sub-No. E490A), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and vegetable oil products*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Pennsylvania within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateway of Chester, W. Va.

No. MC 107403 (Sub-No. E491), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in Ashtabula, Cuyahoga, Lake, Licking, Muskingum, Summit, Wayne, and Franklin Counties, Ohio, to points in Kansas and that part of Missouri on the north and east of a line beginning at the Illinois-Missouri State line, thence along Missouri Highway 72 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the Missouri-Arkansas State line. The purpose of this filing is to eliminate the gateways of Fort Wayne, Ind., and Millsdale, Ill.

No. MC 107403 (Sub-No. E595), filed May 29, 1974. Applicant MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent catalyst*, in bulk, in tank vehicles, from Camden, Carneys Pt., Deepwater, and Gibbsboro, N.J., Elkton and Baltimore, Md., and points in that part of New Jersey north of New Jersey Highway 33, to points in Arkansas, Colorado, Indiana, Illinois, Missouri, Michigan, Louisiana, Kentucky, Texas, Ohio, Oklahoma, West Virginia, Kansas, Minnesota, New York, Wisconsin, Virginia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 107403 (Sub-No. E597), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Camden, Carneys Point, Deepwater, and Gibbsboro, N.J., to points in that part of Pennsylvania which are within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateways of Camden, N.J., and Philadelphia and Johnstown, Pa.

No. MC 107403 (Sub-No. E597A), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in that part of New Jersey north of New Jersey Highway 33, to points in Butler, Cambria, Erie, Lawrence, McKean, Mercer, and Warren Counties, Pa. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Camden, N.J.

No. MC 107403 (Sub-No. E597B), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in that part of New Jersey on and north of New Jersey Highway 33, to points in that part of Pennsylvania south of Interstate Highway 80 which are within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateways of points in Cambria County, Pa., Camden, N.J., and Philadelphia, Pa.

No. MC 107403 (Sub-No. E612), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Maryland, Pennsylvania, and West Virginia, which are within 150 miles of Monongahela, Pa., to points in that part of Kansas north and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of Natrium, W. Va., and Millsdale, Ill.

No. MC 107403 (Sub-No. E613), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in New Jersey, to points in that part of Pennsylvania south and west of U.S. Highway 322 which are within 150 miles of Monongahela, Pa. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., and Johnstown, Pa.

No. MC 107403 (Sub-No. E614), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in that part of Kentucky east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to its junction with Kentucky Highway 11, thence along Kentucky Highway 11 to the Kentucky-Ohio State line, to points in that part of Illinois north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 24 to its junction with Illinois Highway 116, thence along Illinois Highway 116 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line (except points in Grundy, Kankakee, and Livingston Counties), and in Wisconsin. The purpose of this filing is to eliminate the gateways of Fort Wayne, Ind., Defiance, Ohio, and Patskala, Ohio.

No. MC 107403 (Sub-No. E615), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of Pennsylvania west of U.S. Highway 219 which are within 150 miles of Monongahela, Pa., to points in Alabama, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Pt. Pleasant, W. Va.

No. MC 107403 (Sub-No. E616), filed May 29, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics and dry resins*, in bulk, in tank vehicles, from Camden, N.J., to points in New York (except points in Queens, Nassau, Suffolk, Westchester, Rockland, Putnam, Orange, and Dutchess Counties). The purpose of this filing is to eliminate the gateway of Pottstown, Pa.

No. MC 114004 (Sub-No. E7), filed June 4, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., P.O. Box 1715, Little Rock, Ark. 72203. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Virginia 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, moving on wheeled undercarriages, from the facilities of Fleetwood Homes of Mississippi, Inc., at Lexington, Miss., to points in Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Washington, Oregon, Nevada, California, Utah, New Mexico, and Arizona. The purpose of this filing is to eliminate the gateway of Cabot, and West Memphis, Ark., and points in Mississippi and Pulaski Counties, Ark.

No. MC 114211 (Sub-No. E195), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products and by-products) and *fittings and accessories* therefore when moving with such pipe from points in that part of Indiana on and south of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to the Indiana-Ohio State line and points in that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 127 to the Kentucky-Tennessee State line to points in Utah and Idaho and points in that part of Arizona on and west of a line beginning at the Arizona-Colorado State line, thence along U.S. Highway 160 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Arizona Highway 87, thence along Arizona Highway 87 to junction Arizona Highway 188, thence along Arizona Highway 188 to junction Arizona Highway 88, thence along Arizona Highway 88 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction Arizona Highway 77, thence along Arizona Highway 77 to junction U.S. Highway 89, thence along U.S. Highway 89 to the Arizona-Mexican International Boundary line. The purpose of this filing is to eliminate the gateway of the plant site—Griffin Pipe Co.—Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E205), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe and fittings* therefore when moving with such pipe points in that part of Missouri on and north of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 50 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Missouri Highway 68, thence along Missouri Highway 68 to junction Missouri Highway 8, thence along Missouri Highway 8 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 72, thence along Missouri Highway 72 to junction Missouri Highway 25, thence along Missouri Highway 25 to junction Missouri Highway 77, thence along Missouri Highway 77 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line to points in Montana, Wyoming, North Dakota, South Dakota, and those points in that part of Nebraska on and north of a line beginning at the Nebraska-Iowa State line, thence along Interstate Highway 80 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Nebraska-Colorado State line and to points in that part of Colorado on and north of a line beginning at the Nebraska-Colorado State line, thence along U.S. Highway 34 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Colorado Highway 82, thence along Colorado Highway 82 to junction Colorado Highway 133, thence along Colorado Highway 133 to junction Colorado Highway 92, thence along Colorado Highway 92 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Colorado Highway 90, thence along Colorado Highway 90 to junction Colorado Highway 141, thence along Colorado Highway 141 to junction U.S. Highway 666, thence along U.S. Highway 666 to the Colorado-Utah State line. The purpose of this filing is to eliminate the gateway of the plant site—Griffin Pipe Co.—Council Bluffs, Iowa.

No. MC 114211 (Sub-No. E207), filed June 4, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pressure pipe* (other than pipe used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas, and petroleum and their products, and by-products) and *fittings and accessories* therefor when moving with such pipe from points in West Virginia, Maryland, Pennsylvania, New York, New Jersey, and to points in that part of North Carolina on and east of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 321 to junction U.S. Highway 421, thence along U.S. Highway 421 to junction North Carolina Highway 16, thence along North Carolina Highway 16 to junction North Carolina Highway 90, thence along North Carolina Highway 90 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction North Carolina Highway 49, thence along North Carolina Highway 49 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction North Carolina Highway 211, thence along North Carolina Highway 211 to junction U.S. Highway 401, thence along U.S. Highway 401 to junction North Carolina Highway 87, thence along North Carolina Highway 87 to junction U.S. Highway 74, thence along U.S. Highway 74 to Wilmington, N.C., and to points in that part of Virginia on and east of a line beginning at the Kentucky-Virginia State line, thence along U.S. Highway 23 to junction Alternate U.S. Highway 58, thence along Alternate U.S. Highway 58 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction Interstate Highway

81, thence along Interstate Highway 81 to the Virginia-Kentucky State line and to points in that part of Ohio on and east of a line beginning at Sandusky, Ohio, thence along Ohio Highway 4 to junction Ohio Highway 98, thence along Ohio Highway 98 to junction U.S. Highway 23, thence along U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of the plant site, Griffin Pipe Co., Council Bluffs, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-811 Filed 1-8-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 6, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 24, 1975.

FSA No. 42923—*Industrial Sand to Points in Southern Territory.* Filed by Southwestern Freight Bureau, Agent, (No. B-494), for interested rail carriers. Rates on sand, industrial, in carloads, as described in the application, from specified points in Arkansas, Missouri, Oklahoma and Texas, to points in southern territory.

Ground for relief—Revision of rate structure and rate relationship.

Tariff—Supplement 44 to Southwestern Freight Bureau, Agent, tariff 162-Y, I.C.C. No. 5103. Rates are published to become effective on January 30, 1975.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-815 Filed 1-8-75;8:45 am]

[Notice No. 212]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JANUARY 9, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 29, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC FC 75239. By order of December 16, 1974, the Motor Carrier Board on reconsideration approved the transfer to North Coast Express Co., a corporation, Portland, Oreg., of the operating rights in Certificate No. MC 134310 issued October 15, 1974, to Ed Stortz and Edwin Stortz, a partnership, doing business as Highway Fuel Company, Salem, Oreg., authorizing the transportation of wood residuals between points in Marion, Polk, Linn, and Yamhill Counties, Oreg., on the one hand, and, on the other, points in Clark and Cowlitz Counties, Wash. Lawrence V. Smart, 419 NW. 23rd Avenue, Portland, Oreg. 97210 Attorney for applicants.

No. MC FC 75529. By order of December 24, 1974, the Motor Carrier Board approved the transfer to Floyd R. Wangerin and Lorraine C. Wangerin, a partnership, doing business as Wangerin Trucking Co., Stephenson, Mich., of the operating rights in Certificates Nos. MC 123263, MC 123263 (Sub-No. 1), MC 123263 (Sub-No. 3), and MC 123263 (Sub-No. 5) issued May 25, 1962, July 28, 1965, June 19, 1969, and September 21, 1971, to Belgium Trucking Co., Inc., Belgium, Wis., authorizing the transportation of animal and poultry feed specialities in bulk, and in bulk and bags in mixed shipments, from Davenport, Iowa, to points in Wisconsin, the Upper Peninsula of Michigan, and Wadsworth, Ill., and from Fond du Lac, Wis., to points in the Upper Peninsula of Michigan; dry animal and poultry feed, in bulk and in bags, from Fond du Lac, Wis., to Circleville, Ohio, points in that part of Illinois on and north of Interstate Highway 80, and points in Iowa and Minnesota; and dry animal and poultry feed concentrates, from Bloomington, Monmouth, and Mt. Pulaski, Ill., and Richmond, Ind., to points in Minnesota, Wisconsin, and the Upper Peninsula of Michigan, and from Fond du Lac, Wis., to points in Ohio. John Duncan Varda, Box 2509, Madison, Wis. 53701, Attorney for applicants.

No. MC FC 75533. By order of December 16, 1974, the Motor Carrier Board approved the transfer to Robert Frank Deason, doing business as Deason Grain Co., Lewisburg, Tenn., of the operating rights in Permit No. MC 134121 (Sub-No. 2) issued October 23, 1970, to Charles Deason and Frank Deason, a partnership, doing business as Deason Brothers, Lewisburg, Tenn., authorizing the transportation of animal feed blocks from Pulaski, Tenn. to points in Kentucky and Ohio. Roland M. Lowell, 618 Hamilton Bank Bldg., Nashville, Tenn., 37219 Attorney for applicants.

No. MC FC 75584. By order of December 17, 1974, the Motor Carrier Board approved the transfer to Bolster Movers, Inc. Brattleboro, Vt., of the operating rights in Certificate No. MC 106495 issued October 7, 1953, to Robert E. Bolster, doing business as Bolster Movers, Brattleboro, Vt., authorizing the transpotration of various commodities from, to, and between specified points and areas in Maine, New Hampshire, Vermont, Massachusetts. Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania. John G. Kristensen, 5 Grove St., Brattleboro, Vt., 05301 Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-812 Filed 1-8-75;8:45 am]

[Ex Parte No. 241; Rule 19; Seventeenth Rev. Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY ET AL.

Exemption Under Mandatory Car Service Rules

JANUARY 3, 1975.

It appearing, That the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), 2(b).

Atlantic and Western Railway Reporting marks: ATW.
Chicago & Illinois Midland Railway Company Reporting marks: CIM.
*Fonda, Johnstown and Gloversville Railroad Company Reporting marks: FJG.
Minneapolis, Northfield and Southern Railway Reporting marks: MNS.
Pickens Railroad Company Reporting marks: PICK.
Roscoe, Snyder and Pacific Railway Company Reporting marks: RSP.
Wellsville, Addison & Galeton Railroad Corporation Reporting marks: WAG.

Effective December 23, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., December 23, 1974.

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

[FR Doc.75-813 Filed 1-8-75;8:45 am]