federal register

FRIDAY, FEBRUARY 21, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 35

Pages 7617–7891

PART I

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

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federal register

Area Code 202 Phone 523–5240

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Title 3—The President

PROCLAMATION 4351

National Safe Boating Week, 1975

By the President of the United States of America

A Proclamation

Despite the need to conserve energy, there are still opportunities on our rivers, lakes, and coastal waters to enjoy sailing and other recreational boating. But these opportunities carry the responsibility of practicing safe boating by developing essential skills.

Recognizing the growth in recreational boating, the Congress, by joint resolution approved June 4, 1958 (72 Stat. 179; 36 U.S.C. 161), requested the President to proclaim annually the week which includes July 4th as National Safe Boating Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning June 29, 1975, as National Safe Boating Week.

I urge all who utilize our waters, in the American tradition of fair play, to provide for the safety of other boaters, as well as themselves, by becoming equipped with basic boating safety knowledge. This information is readily available through numerous safe boating courses offered by governmental and private organizations, such as the United States Coast Guard, the United States Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, and the various State agencies. All pleasure boat operators should take advantage of the many available boating safety courses. Only through education can we minimize boating accidents. I further urge all organizations offering boating safety instruction to reach into every possible related recreational area to encourage boating education.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.75-4963 Filed 2-20-75;11:56 am]

rules and regulations

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-158]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.7—Procurement Sources Other Than GSA and the Department of Defense

AVAILABILITY OF CERTAIN ITEMS FROM GSA SUPPLY DISTRIBUTION FACILITIES

This regulation provides that only certain items identified by national stock number and produced by workshops for the blind and other severely handicapped persons, and the Federal Prison Industries, Inc., are available from GSA supply distribution facilities.

1. In § 101-26.701 Paragraph (c) is revised to read as follows:

§ 101-26.701 Purchase of blind-made products and services from the blind and other severely handicapped persons.

* * * * *

(c) Products produced by workshops for the blind or other severely handicapped persons which are available from GSA supply distribution facilities are designated by an asterisk (*) preceding the national stock number in the Procurement List identified in paragraph (b) of this section.

2. In § 102-26.702, Paragraph (c) is revised to read as follows:

§ 101-26.702 Purchase of products manufactured by the Federal Prison Industries, Inc.

* * * * *

(c) Prison-made products which are available from GSA supply distribution facilities are designated by an asterisk (*) preceding the national stock number in the product schedule referred to in paragraph (b) of this section.

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

* * * * *

Effective date. This regulation is effective February 21, 1975.

Dated: February 10, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-4773 Filed 2-20-75;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT)

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—FIRE CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 & 52), AND CIGAR FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, & 55)

Proclamations, Determinations and Announcements of National Marketing Quotas and Referendum Results; Corrections

In FR Doc. 75-3113 appearing at pages 5135-5139 in the issue of February 4, 1975, the following corrections are made:

(1) On page 5135, in the heading in the center column, "Subchapter VII—Farm Marketing Quotas and Acreage Allotments" should be "Subchapter B—Farm Marketing Quotas and Acreage Allotments".

(2) On page 5137, in the first sentence of the second complete paragraph in the first column, "1974-75" should be "1975-76".

(3) On page 5137, in the third complete paragraph, in the first column, "1974" should be "1975".

(4) On page 5137, in the second complete paragraph, in the center column, "1974" should be "1975".

(5) On page 5138, in § 724.12(c), "October 1, 1974" should be "October 1, 1975" and "October 1, 1975" should be "October 1, 1974".

(6) On page 5138, the last line of § 724.12(g) reading "allotment, less the national reserve, by" should be removed and inserted in § 724.12(f) immediately after the words "the national acreage".

(7) On page 5135, in the third column, and on page 5139, in the third column, the effective date "February 3, 1975" should be "February 1, 1975".

Effective date: February 1, 1975.

Signed at Washington, D.C. on: February 14, 1975.

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

[FR Doc.75-4811 Filed 2-20-75;8:45 am]

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

[Lemon Regulation 680]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Feb. 23-Mar. 1, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.980 Lemon Regulation 680.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons was undetermined on Tuesday, which was the first selling day after Monday's holiday.

Average f.o.b. price was $4.97 per carton the week ended February 15, 1975, compared to $4.76 per carton the previous week. Track and rolling supplies at 127 cars were up 2 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation 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 when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this 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 lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 18, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 23, 1975, through March 1, 1975, is hereby fixed at 210,000 cartons.

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

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

Dated: February 19, 1975.

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

[FR Doc.75-4908 Filed 2-20-75;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

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

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

WITHIN METROPOLITAN AREA

ONE HOUR

Add: El Paso, Texas.

OUTSIDE METROPOLITAN AREA

FIVE HOURS

Add: Los Angeles and Los Angeles International Airport (served from San Bernardino, California).

SIX HOURS

Add: Douglas, Arizona (served from Nogales, Arizona).

Add: Nogales, Arizona (served from Douglas, Arizona).

Add: San Luis, Arizona (served from Ajo, Arizona).

Delete: Newport, Oregon (served from Roseburg, Oregon).

TEN HOURS

Add: Barron, Wisconsin (served from Sauk City, Wisconsin).

TWELVE HOURS

Add: Barron, Wisconsin (served from Markesan, Wisconsin).

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

Effective date. The foregoing amendments shall become effective February 21, 1975.

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

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

Done at Washington, D.C., this 18th day of February, 1975.

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

[FR Doc.75-4810 Filed 2-20-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 261—RULES REGARDING AVAILABILITY OF INFORMATION

Implementation of 1974 Amendments to the Freedom of Information Act

The purpose of these revisions is to implement the 1974 Amendments to the Freedom of Information Act (5 U.S.C. section 552). The amended regulations will (1) inform the public of the availability of the Board's Index compiled under section (a)(2) of the Freedom of Information Act; (2) provide specific time limits for making a determination as to the availability of requested information; (3) clearly identify the official[s] responsible for any initial or final denial of a request for information, and (4) revise the Board's Rules with regard to exemptions (1) and (7) of the Freedom of Information Act.

Additionally, on January 22, 1975 there was published in the FEDERAL REGISTER (40 FR 3474) a notice of proposed rulemaking with regard to a proposed fee schedule applicable to all constituent units of the Board. The Board has considered all aspects of the proposed fee schedule and the proposed fee schedule is hereby adopted with the following change: addition of a provision for the waiver of search and duplication charges of less than $2. The new fee schedule is incorporated herein as § 261.4(g) of the revised Rules Regarding Availability of Information.

Furthermore, the Board has found that the publication and distribution of its index providing identifying information as to any matter issued, adopted or promulgated by the Board between July 4, 1967 and January 1, 1975 to be impracticable and unnecessary. However, copies of such index are available to the public upon request to the Secretary of the Board, at a charge not to exceed the direct cost of duplication. Section 261.3 of the revised Rules Regarding Availability of Information is changed to reflect the availability of this index.

In order to accomplish these revisions and to otherwise update the Rules Regarding Availability of Information, §§ 261.3, 261.4 and 261.6 are amended, effective February 19, 1975, in the following respects:

(1) Section 261.3 is amended by the modification of paragraphs (b) and (d) and the addition of a new paragraph (f) to read as follows:

§ 261.3 Published information.

* * * * *

(b) *Annual Reports.* The Board's Annual Report to Congress pursuant to section 10 of the Federal Reserve Act (12 U.S.C. 247), which is made public immediately after its submission to Congress,

contains a full account of the Board's operations during the year, an economic review of the year, and legislative recommendations to Congress. As required by law, the Annual Report includes (1) a complete record of the policy actions taken by the Board and the Federal Open Market Committee, showing the votes taken thereon and the reasons underlying such actions (12 U.S.C. 247a); (2) material pertaining to the administration of the Board's functions under the Bank Holding Company Act of 1956 (12 U.S.C. 1844); and (3) material pertaining to bank mergers approved by the Board under section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828 (c)).

Pursuant to section 114 of the Truth in Lending Act (15 U.S.C. 1613) the Board reports annually to the Congress concerning the administration of its functions under the Act, and includes such recommendations as it deems necessary or appropriate, and its assessment of the extent to which compliance is being achieved. An annual report is also submitted pursuant to the Freedom of Information Act (5 U.S.C. 552) with regard to requests for information under that Act.

* * * * *

(d) *Other published information.* As required by section 11(a) of the Federal Reserve Act (12 U.S.C. 248(a)), the Board issues weekly (1) a statement of the condition of the Federal Reserve Banks; (2) a statement listing certain applications received by or on behalf of the Board and actions on such applications by the Board, or on behalf of the Board pursuant to authority delegated under Part 265 of this chapter, as well as other matters issued, adopted, or promulgated by the Board; and (3) a statement showing changes in the banking structure resulting from mergers and the establishment of branches. From time to time, the Board issues statements to the press regarding particular monetary and credit actions, regulatory actions, actions with respect to certain types of applications, and other matters. In addition, it issues various publications, the more important of which are listed in the monthly Federal Reserve Bulletin. Among such publications is a loose-leaf compilation of Interpretations of the Board of Governors of the Federal System.

* * * * *

(f) *Index of Board Action.* There is available to the public upon request to the Secretary of the Board, at a charge not to exceed the direct cost of duplication, copies of an index providing identifying information as to any matter issued, adopted or promulgated by the Board between July 4, 1967 and February 19, 1975. Furthermore, the Board publishes and distributes to the public, at a cost not to exceed the direct cost of duplication, a weekly index providing identifying information as to any matter issued, adopted or promulgated by the Board after February 19, 1975.

(2) Section 261.4 is amended by the modification of paragraph (d) and the addition of new paragraphs (e), (f), and (g) to read as follows:

§ 261.4 Records available to the public upon request.

* * * * *

(d) *Obtaining access to records.* Records of the Board subject to this section are available for inspection and copying during regular business hours at the offices of the Board of Governors of the Federal Reserve System, Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, D.C. 20551, or, in the case of records containing information required to be disclosed under section 12 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78), at the offices of the Federal Deposit Insurance Corporation or at any Federal Reserve Bank. Every request for access to records of the Board, other than those containing information required under section 12 of the Securities Exchange Act, shall be submitted in writing to the Secretary of the Board, shall state the name and address of the person requesting access to such records, shall clearly indicate whether such request is an initial request or an appeal from a denial of information requested pursuant to the Freedom of Information Act, and shall describe such records in a manner reasonably sufficient to permit their identification without undue difficulty. The Secretary of the Board (or, in his absence, and Assistant Secretary designated by the Secretary) shall determine within ten working days after receipt of a request for access to records of the Board whether to comply with such request; and he shall immediately notify the requesting party of his decision, of the reasons therefor, and of the right of the requesting party to appeal to the Board any refusal to make available the requested records of the Board.

(e) *Appeal of denial of access to records of the Board.* Any person who is denied access to records of the Board, properly requested in accordance with paragraph (d) of this section, may file, with the Secretary of the Board, within ten days of notification of such denial, a written request for review of such denial. The Board or such member or members as the Board may designate, shall make a determination with respect to any such appeal within 20 working days of its receipt, shall immediately notify the appealing party of the decision on the appeal and of the right to seek court review of any decision which upholds, in whole or in part, the refusal of the Secretary of the Board to make available the requested records; and such determination shall not be subject to the procedure prescribed in § 265.3 of this chapter with respect to review of actions taken pursuant to authority delegated by the Board.

(f) *Extension of time requirements in unusual circumstances.* In unusual circumstances as provided in 5 U.S.C. section 552(a)(6)(b), the time limitations imposed upon the Secretary of the Board or the Board in paragraphs (d) and (e) of this section may be extended by written notice to the requesting party for a period of time not to exceed a total of ten working days.

(g) *Fee schedule.* A person requesting access to or copies of particular records shall pay the costs of searching for and copying such records at the rate of $10 per hour for searching and 10 cents per standard page for copying. With respect to information obtainable only by processing through a computer or other information systems program, a person requesting such information shall pay a fee not to exceed the direct and reasonable cost of retrieval and production of the information requested. Detailed schedules of such charges are available upon request from the Secretary of the Board. Documents may be furnished without charge or at a reduced charge where the Secretary of the Board or such person as he may designate determines that waiver or reduction of the fee is in the public interest because furnishing the information can be considered as primarily benefiting the general public or where total charges are less than $2.

(3) Section 261.6 is amended by the deletion of subsection (d) and the modification of subsections (a)(1) and (a)(4) to read as follows:

§ 261.6 Exemptions from disclosure.

* * * * *

(a) * * *

(1) is exempted from disclosure by statute or is specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and is in fact classified pursuant to such executive order.

* * * * *

(4) is contained in investigatory files compiled for law enforcement purposes (but only to the extent provided in the Freedom of Information Act (5 U.S.C. § 552(b)(7))), including information relating to proceedings for (i) the issuance of a cease-and-desist order, or order of suspension or removal, under the Financial Institutions Supervisory Act of 1966; (ii) the termination of membership of a State bank in the Federal Reserve System pursuant to section 9 of the Federal Reserve Act (12 U.S.C. 327); (iii) the suspension of a bank from use of the credit facilities of the Federal Reserve System pursuant to section 4 of the Federal Reserve Act (12 U.S.C. 301); and (iv) the granting or revocation of any approval, permission, or authority, except to the extent provided in this Part and except as provided in Part 262 of this chapter concerning bank holding company and bank merger applications;

* * * * *

(4) The requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with these amendments (except for subsection 261.4(g)) because the

rules involved are procedural in nature and accordingly do not constitute substantive rules subject to the requirements of such section.

By order of the Board of Governors, February 18, 1975.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.75-4858 Filed 2-20-75;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 6, Amdt. 3; Rev. 3, Amdt. 5]

PART 120—BUSINESS LOAN POLICY

PART 122—BUSINESS LOANS

Terms and Conditions of Loans

On October 9, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 36354–36358) concerning revised business loan policy regulations, §§ 120.3, 120.4 and 120.5. Interested persons were invited to make inquiry and submit comments on or before November 8, 1974. After considering the inquiries and comments received, the proposed business loan policy revisions are being adopted with certain modifications, as set forth below, and certain changes in form or style not detailed in the Information section.

Effective date. Amendment 3 to Revision 6 of Part 120 and Amendment 5 to Revision 3 of Part 122 shall be effective on February 21, 1975.

Information. (1) The definition of "Associate" has been liberalized to permit loans to employees of the lender, other than employees authorized to approve loans on its behalf.

(2) Section 120.3(b)(3) has been rewritten to clarify SBA's intent, that, while the amount of servicing fee that a lender may charge a purchaser (other than SBA) of a guaranteed portion of a loan is limited by the amount of interest collected and the duration of the service, it is not subject to any percentage or dollar limitation.

(3) Section 120.3(b)(5) has been rewritten without significant change to the present regulation, with respect to the disclosure of fees charged by lenders, Associates, or by the designee of either.

(4) Section 120.4, setting forth the eligibility requirement for participants, has been amended to

(a) Clarify the meaning of "equivalent of cash" [§ 120.4(b)(2)];

(b) Reserve, in addition to SBA's right to suspend or revoke a lender's eligibility, SBA's right to refuse its consent to a transfer of the guaranteed portion of a loan [§ 120.4(a), see also § 120.5(a)(3)]; and

(c) The procedure for suspending or revoking the eligibility of a lender to continue to participate with SBA has been simplified in order to facilitate a final determination.

(5) Section 120.5(a)(1) [issued in proposed form as § 120.3(a)(3)] has been rewritten to reflect SBA's present policy with respect to its participation in loans intended to repay or refinance existing private debt.

(6) Section 120.5(a)(3) has been redrafted to set forth the conditions under which a lender may transfer all or part of its interest in the SBA guaranteed portion of a loan.

(7) Section 120.5(b)(3) now allows participants eligible under § 120.4(b) to raise capital [in excess of the minimum capitalization required by § 120.4(b)(2)] by issuing subordinated capital notes with the prior written approval of SBA.

(8) Section 122.2(f)(2) has been amended by the deletion of the reference to § 120.3(c), which is repealed by this Amendment.

Pursuant to the authority of 72 Stat. 387, as amended, 15 U.S.C. 636, Sec. 5, 72 Stat. 385, 15 U.S.C. 634, Parts 120 and 122 of Chapter 1 of Title 13 of the Code of Federal Regulations are hereby amended as follows:

1. In § 120.1, (c) is revised and (d) is added to read as follows:

§ 120.1 Introduction.

* * * * * *

(c) The terms "financial institution," "lending institution," "bank," or "lender," used interchangeably as appropriate in this part, mean a bank or other lending institution meeting the requirements of this part for qualifying to participate with SBA in making loans to small business concerns.

(d) The term "Associate" as used herein, refers to an Associate of the lender, and includes:

(1) Any officer or director of the lender, any holder of ten percent or more of the lender's stock, debt instruments, or other securities (directly or indirectly), any employee of the lender authorized to approve loans on its behalf, or a close relative or partner of any of the foregoing persons;

(2) Any person (including individual, corporation or partnership), or other entity that controls, is controlled by, or is under common control with, the lender, whether directly or indirectly in each case, or a close relative or partner of any person described in this paragraph;

(3) Any enterprise in which any person or entity (except a small business investment company licensed by SBA) described in the preceding paragraphs (1) or (2) shall be an officer, director, or partner, or in which any such person or entity, either individually or in concert with any other person or entity, shall have a direct or indirect interest of ten percent or more in stock, debt instruments, or other securities.

(i) *Close relative.* A close relative means ancestor, lineal descendant, brother or sister and the lineal descendants of either, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

(ii) *Period of relationship.* For the purposes of this definition, any person or entity in any of the relationships described in paragraphs (1), (2), and (3), within six months prior to the date of the application for a loan or six months after disbursement thereof shall be deemed to have been in such relationship at the time of application or disbursement, as the case may be.

2. In § 120.3, (b)(3) is revised, (b)(5) and (6) are added and (c) is removed as set forth below:

§ 120.3 Terms and conditions of business loans and guarantees.

* * * * * *

(b) *Charges and interest rates.* * * *

(3) *Service fees.* In servicing (i) immediate participation loans, (ii) guaranteed loans where SBA has purchased its portion but has not assumed responsibility for servicing, and (iii) guaranteed loans where, the guaranteed portion has been transferred by the lender to a third party, the lender may charge a service fee but shall deduct such fee only from interest collected for the account of SBA or the said third party, as the case may be, and only so long as the lender is servicing the loan: *Provided, however,* That such fee shall not be added to any amount which the borrower is obligated to pay under the loan. Where SBA's share of any loan described in clauses (i) and (ii) is seventy-five percent or less, the service fee shall be three-eighths of one percent per annum on the unpaid principal balance of SBA's share of the loan. Where SBA's share of any loan described in clauses (i) and (ii) is in excess of seventy-five percent, the service fee shall be one-fourth of one percent per annum on the unpaid principal balance of SBA's share of the loan. The above stated limitations do not apply when a lender is servicing a loan for the benefit of a third party other than SBA.

* * * * *

(5) *Applicants' fees.* No applicant for SBA financial assistance shall be required as a condition or requirement for obtaining a loan to pay any fees or charges to the lender, Associate, or designee of either, or to purchase any goods or services (including insurance) from the lender, Associate, or designee of either, except as hereinafter provided.

(i) *Fees for services.* A lender or Associate may charge an applicant reasonable fees for necessary services actually performed at the request of the applicant, including fees for necessary services actually rendered in in the preparation of the application. Nothing contained herein shall be deemed to authorize any lender to impose upon an applicant fees or charges, any part of which defrays the lender's overhead costs. If additional, supplemental or revised financial statements, income projections, appraisals, abstracts of title or other record searches are required for the processing of a loan, or as a condition of the disbursement thereof, a lender or an Associate (with the consent of the applicant in either case) may prepare such documentation for a reasonable fee: *Provided, however,* That legible copies of any such documents shall be made available to the applicant, together with any supporting

work papers that the applicant may request. A lender may receive the fees authorized under this paragraph whether or not the requested loan is made. A lender may be reimbursed by the borrower for any expenses incurred for filing or recordation necessary to perfect a security interest in the assets of the borrower, including title insurance.

(ii) *Disclosure of fees.* On all applications submitted to SBA the full amount of all fees or expenses, together with a description of the services rendered therefor, paid or to be paid by the applicant to the lender, Associate, or designee of either for purchase of any goods or services (including insurance), shall be disclosed to SBA, as required by Part 103 and by § 122.18 of this chapter.

(6) *Insurance.* An applicant may be required, as a condition of the loan, to purchase or maintain hazard insurance on tangible assets to be used as collateral. An applicant may also be required, when appropriate, to purchase or maintain personal insurance coverage; but any such requirement to purchase personal insurance shall be limited to declining balance term insurance in an initial face amount not in excess of the outstanding balance of the loan, and declining thereafter consistently with the amortization of the loan balance. An applicant shall not be required to purchase insurance from the lender, Associate, or broker, agent, or carrier designated by the lender or Associate. When any insurance is purchased from the lender, Associate, or broker, agent, or carrier designated by the lender or Associate, the cost of such insurance shall be deemed a fee for the purpose of § 120.3(b)(5).

3. Part 120 is further amended by adding new §§ 120.4, 120.5, 120.6, and 120.7 as follows:

Sec.
120.4 Eligible loan participants.
120.5 Operations of eligible participants.
120.6 Reports to SBA by Subsection (b) lenders.
120.7 Examination of Subsection (b) lenders.

§ 120.4 Eligible loan participants.

(a) *General eligibility requirements.* SBA is authorized by appropriate enabling legislation to make participation loans in its discretion in cooperation with banks and other lending institutions, excluding small business investment companies licensed by SBA, through agreements to participate on an immediate or deferred (guaranty) basis. Such agreements do not obligate SBA to participate on any particular loan or loans that a lender may submit. The existence of a participation agreement does not limit SBA's right to determine from time to time, as a matter of general policy or with respect to particular loans, the ratio between its share, immediate or guaranteed, of a loan and the lender's share, or SBA's right to withhold, at its sole discretion, approval of a proposed transfer of the guaranteed portion of any loan. To qualify as a loan participant a lending institution must—

(1) *Capability.* Have a continuing capability to evaluate, process, close, disburse, and service commercial term and other loans authorized to be made by SBA to small business concerns. Such capability will be deemed to exist when the lending institution's operations are at all times conducted by persons possessing the ability to evaluate, process, close, disburse, and service loans of the types aforesaid. The lending institution shall hold itself out to the public as engaged in the making of such loans, and shall maintain a reasonably accessible office in its own name, have a listed telephone number, and be open to the public during regular business hours.

(2) *Good character and reputation.* Have continuing good character and reputation. A lending institution will be deemed to possess good character and reputation if the holders, direct or indirect, of ninety percent or more of its stock, and all members of its management (including officers and directors) possess good character and reputation.

(3) *Financing subsidiaries.* Not be a concern that is or will be engaged primarily in financing the operations of an affiliate as defined in § 121.3-2 of this chapter.

(4) *Supervision and examination.* Be a lending institution subject to continuing supervision and examination by a State or Federal chartering, licensing, or similar regulatory authority as SBA may deem satisfactory, such as a State or National bank, or a State or Federal savings and loan association.

(b) *Special eligibility requirements.* Lending institutions not subject to supervision and examination as provided in (a)(4) of this section may qualify as loan participants if, in addition to the requirements set forth in (a)(1), (2) and (3) of this section, they meet each of the following requirements:

(1) *Business purpose.* Be corporations (profit or non-profit) engaged solely in the making of loans in participation with SBA. A lending institution qualifying under this paragraph (b) shall not engage in any other business or activity except as hereinafter authorized.

(2) *Capital structure.* Have initial unencumbered paid-in capital and paid-in surplus of not less than $500,000 in cash or the equivalent thereof. Only obligations of, or fully guaranteed as to principal and interest by, the United States, including certificates of deposit fully insured by the United States and maturing within three months of the date of entering into a participation agreement with SBA, shall be deemed the equivalent of cash.

(3) *Acceptance of SBA supervision.* Enter into written agreements with SBA generally to submit to supervision and examination by SBA and to conduct their business operations in accordance with such regulations as may be promulgated by SBA. Lending institutions meeting the requirements of this paragraph (b) shall be hereinafter referred to as "Subsection (b) Lenders."

(c) *Determination of eligibility.* A lending institution wishing to participate with SBA in making loans to small business concerns and meeting all requirements set forth in paragraph (a) of this section should submit its request to the SBA District Office serving the area in which the lending institution intends to participate with SBA in making loans to small business concerns. The District Office may require further evidence of the lending institution's qualifications. Requests to qualify as Subsection (b) Lenders should be submitted to the Associate Administrator for Finance and Investment, SBA, Washington, D.C. 20416.

(d) *Suspension and revocation of eligibility to participate.* SBA reserves the right to revoke the eligibility of any lender to participate with SBA or to suspend temporarily the eligibility of any lender to participate with SBA, as a result of any violation of SBA regulations, any breach of any agreement with SBA, or any change of circumstance resulting in the lender's inability to meet the operational requirements set forth herein: *Provided, however,* that such suspension or revocation shall not invalidate any guaranty previously entered into by SBA. Suspension or revocation shall be accomplished in the manner set forth below:

(1) *Service of Notice.* SBA shall serve upon a lender notice of its intention to suspend or revoke its eligibility (Notice), which Notice shall set forth in detail the basis of SBA's intention to suspend or revoke the said lender's eligibility. The Notice shall be served upon the lender by registered or certified mail, return receipt requested, addressed to the said lender's principal business office.

(2) *Service of papers other than the Notice.* Papers other than the Notice may be served upon a lender as provided in (d)(1) of this section, or by service in the manner provided therein upon an attorney at law or other agent designated by the lender.

(3) *Service of papers upon SBA.* Papers in connection with the suspension or revocation of a lender's eligibility shall be served upon SBA by:

(i) delivery to the Associate Administrator for Finance and Investment, SBA, 1441 L Street, N.W., Washington, D.C. 20416; or

(ii) registered or certified mail, return receipt requested, addressed to the Associate Administrator for Finance and Investment at the above-listed address.

(4) *Effect of failure to respond.* The revocation or temporary suspension of a lender's eligibility to participate shall become effective as of the close of business on the tenth day following the lender's receipt of the Notice unless, prior to the expiration of the aforementioned time period, SBA shall receive notice of the lender's intention to submit an answer.

(5) *Answer.* A lender that has notified SBA of its intention to file an answer shall be given twenty additional days to submit to SBA such answer, including briefs and affidavits, showing why its eligibility should not be suspended or revoked. SBA may, in its sole discretion, extend the period permitted hereunder for the filing of an answer. Suspension or revocation of the eligibility of any lender

that has filed an answer shall be held in abeyance pending final determination by SBA.

(6) *Initial decision.* SBA's Notice, together with the said lender's answer thereto, including briefs and affidavits, shall be referred by the Associate Administrator for Finance and Investment to an SBA employee designated by him (designee) for initial determination of any material issues of fact or of law. No person who has participated in the preparation or approval of the Notice to the lender, or in any investigation or other fact-finding procedure in connection therewith shall participate in the preparation of the initial determination; and no person who has participated in the lender's case, as aforesaid, shall communicate with, or otherwise attempt to influence the initial decision of, the designee, who shall, as soon as possible, prepare proposed findings and conclusions and present them to the Associate Administrator for Finance and Investment.

(7) *Final decision.* The decision of the Associate Administrator for Finance and Investment shall give appropriate weight to the recommended findings and conclusions of the designee and shall, without further proceedings, be the final decision of SBA.

(8) *Effect of decision.* Suspension or revocation of a lender's eligibility to participate with SBA shall become effective upon the lender's receipt of notification of SBA's decision, but shall not relieve that lender from its obligation to service any loan made in participation with SBA, nor any other obligation arising out of, or out of the breach of, any agreement with SBA, or any regulation promulgated by SBA.

§ 120.5 Operations of eligible participants.

(a) *General.* Lenders must observe the following regulations as a condition of their continuing eligibility as participants:

(1) *Conflicts.* SBA will not participate in any loan to a small business concern in which the lender has a direct or indirect interest. For example:

(i) SBA will not participate in any loan made to an Associate;

(ii) SBA will not participate in any loan made for the purpose of financing, directly or indirectly, the purchase of real or personal property, or of services, from the lender or any Associate unless SBA shall have first made a written determination that the purchase of the property or services from the lender or Associate is in the best interests of the small business concern.

(iii) SBA will not participate in repaying or refinancing an existing loan unless SBA shall have first made a written determination, upon the basis of evidence in the file, that

(A) The terms of the existing indebtedness are causing undue hardship to the small business concern;

(B) Financing on the terms proposed will relieve the hardship and contribute to the orderly growth of the small business concern, and will not violate § 120.2 (d) (1) of this part; and

(C) Refinancing, extension, or modification of the outstanding indebtedness is not available without such SBA participation.

(2) *Services to borrowers.* Lenders are permitted to provide to borrowers any services not otherwise prohibited by statute or regulation, but are subject to the restrictions set forth in §§ 120.3(b) (5) and (6) and as set forth below: *Provided, however,* That Subsection (b) Lenders may provide only management consulting, accounting, insurance, and related services, and only to their borrowers, or as otherwise provided in § 120.3(b) (5).

(i) In no event may the purchase or commitment to purchase any goods or services (including insurance) from the lender, Associate, or designee of either, be made a condition precedent or subsequent to the making, closing, disbursing or servicing of any loans;

(ii) No contract for goods or services [including insurance other than as authorized in § 120.3(b) (6)] from a lender, Associate, or designee of either, may be entered into with any small business concern until after full disbursement of the loan proceeds to the small business concern or to an account not controlled by the lender, Associate, or designee of either.

(3) *Sale or transfer of guaranteed portion.* In addition to the transfer of an SBA guaranteed loan as provided in SBA Forms 750 and 750B, Loan Guaranty Agreements, a lender may transfer the entire guaranteed portion pursuant to a transfer instrument (hereinafter referred to as a secondary participation agreement) wherein the lender and SBA agree to the repurchase of the guaranteed portion as provided in said secondary participation agreement: *Provided, however,* That prior to the execution thereof:

(i) All loan documents, including compensation agreements and settlement sheets, have been executed by the borrower and by the lender, as the case may be, and approved by SBA;

(ii) All fees, including fees to agents (as defined in § 103.13–2 of this chapter) paid or to be paid by the borrower in connection with the loan have been approved by SBA;

(iii) The full amount of the loan, as authorized, has been disbursed by the lender to the borrower;

(iv) All guaranty fees, including fees otherwise payable in installments, have been paid in full; and

(v) The terms of sale do not obligate the lender or SBA to repurchase under any circumstances other than those provided for in the said secondary participation agreement. Execution of the said secondary participation agreement by SBA shall not relieve any lender of the obligation of compliance with all legal requirements relating to the sale or other transfer of securities, including (but not limited to) the statutes administered by the Securities and Exchange Commission and "Blue Sky" laws.

(b) *Special requirements applicable to Subsection (b) Lenders.* As a condition of continued participation with SBA, Subsection (b) Lenders are subject to the following additional requirements:

(1) *Capital impairment.* Each Subsection (b) Lender shall maintain at all times an unimpaired capital. Impairment shall be deemed to exist when the retained earnings deficit exceeds fifty percent of the combined paid-in capital and paid-in surplus, excluding treasury stock. SBA shall be given prompt written notice of any capital impairment. Until the said impairment is cured, a Subsection (b) Lender shall present no loans to SBA for guaranty.

(2) *Maintenance of Capitalization.* A Subsection (b) Lender shall maintain at all times an unimpaired combined paid-in capital and paid-in surplus in an amount not less than $500,000, or ten percent of the aggregate of said lender's share of all loans outstanding, whichever shall be greater.

(3) *Issuance of securities.* A Subsection (b) Lender may not issue, without prior written SBA approval, any securities (including stock, stock options, or debt securities), except common stock issued for cash, direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States, or as a stock dividend.

(4) *Voluntary capital reduction.* Without prior written SBA approval, a Subsection (b) Lender may not voluntarily reduce its capital, or purchase and hold more than two percent of any class or combination of classes of its stock.

(5) *Reserves for losses.* In addition to the requirements of paragraph (2) hereof, a Subsection (b) Lender shall maintain a reserve in the amount of anticipated losses on receivables (as defined in Appendix C hereto, SBA's *System of Account Classification for Subsection (b) Lenders*) [1] and on said lender's share of all outstanding loans.

(6) *Maintenance of records.* A Subsection (b) Lender shall maintain accurate and current financial records, including books of account, in accordance with Appendix C hereto. All financial records, minutes of meetings of stockholders, directors, executive committees, or other officials, and all documents and supporting materials relating to the said lender's transactions shall be maintained at its principal office, or at such other location as SBA may require: *Provided, however,* That securities held by a custodian pursuant to a written agreement shall be exempt from this requirement.

(7) *Preservation of records.* Subsection (b) Lenders shall preserve, for the periods hereinafter specified and in a manner that permits the immediate location thereof, such documents which

[1] Appendix A (*Audit Guide for Subsection (b) Lenders*), Appendix B (*Guide for the Preparation of the Financial Report*), and Appendix C (*System of Account Classification for Subsection (b) Lenders*) will be published in the FEDERAL REGISTER in the near future.

are the basis for financial statements required by § 120.7(b) (and of the accompanying independent public accountant's opinion), and shall:

(i) Preserve permanently—

(A) All general and subsidiary ledgers (or other records) reflecting asset, liability, capital stock and surplus, income, and expense accounts;

(B) All general and special journals (or other records forming the basis for entries in such ledgers); and

(C) The corporate charter, bylaws, application for determination of eligibility to participate with SBA, and all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(ii) Preserve for at least six years following final disposition of the related loan—

(A) All applications for financing;

(B) Lending, participation, and escrow agreements;

(C) Financing instruments;

(D) All other documents and supporting material relating to such loan, including correspondence.

Records and other documents referred to in this paragraph (7) may be preserved by microfilming: *Provided, however,* said lender shall cause a duplicate microfilm to be made on a current basis and stored separately from the original microfilm for the time required, and shall maintain at all times at its principal office, or at such other location as SBA may require, facilities for the projection and reproduction of the said microfilmed records.

(8) *Internal control.* A Subsection (b) Lender shall adopt a plan designed to safeguard its funds and other assets, to assure the reliability of its personnel, and the accuracy of its financial data.

(i) *Dual control.* A Subsection (b) Lender shall maintain dual control over disbursement of funds and withdrawal of securities. Disbursements shall be made only by means of checks requiring the signatures of two or more officers covered by the said lender's fidelity bond, except that checks in amounts of $1,000 or less may be signed by one bonded officer. Two or more bonded officers, or one bonded officer and one bonded employee, shall be required to open safe deposit boxes or withdraw securities from safekeeping. Said lenders shall furnish to each depository bank, custodian, or entity providing safe deposit boxes, a certified copy of the resolution implementing the foregoing control procedures.

(ii) *Fidelity insurance.* Each Subsection (b) Lender shall maintain a Brokers Blanket Bond, Standard Form 14, or Finance Companies Blanket Bond, Standard Form 15, or such other form of coverage as SBA may approve, in a minimum amount of $25,000 executed by a surety holding a certificate of authority from the Secretary of the Treasury pursuant to 6 U.S.C. 6–13.

(9) *Change of ownership or control.* Any change of ownership or control of a Subsection (b) Lender shall be reported to SBA. Change of ownership or control shall include:

(i) Any transfer of ten percent or more of any class of the said lender's stock, and any agreement providing for such transfer;

(ii) Any transfer that could result in the beneficial ownership by any person or group of persons acting in concert of ten percent or more of any class of the said lender's stock, and any agreement providing for such transfer;

(iii) Any merger, consolidation, or reorganization; or

(iv) Any other transaction or agreement that in fact transfers control (as defined in § 107.3 of this chapter) of the said lender.

If transfer of ownership or control is subject to the approval of any State or Federal chartering, licensing, or similar regulatory authority, copies of any documents filed with such authority shall, at the same time, be transmitted to the SBA Disrict Office serving the area in which the lender's principal office is located.

Any such change of ownership or control is prohibited without prior written approval of SBA. Said lenders shall file requests for approval of any such change with the Associate Administrator for Finance and Investment, SBA, Washington, D.C. 20416. Pending such approval, such lender shall neither register the proposed new owners on its transfer books, nor permit them to participate in any manner in the conduct of such lender's affairs.

§ 120.6 Reports to SBA by subsection (b) lenders.

(a) *General.* All reports required to be filed hereunder shall be transmitted to the Associate Administrator for Finance and Investment, SBA, Washington, D.C. 20416.

(b) *Financial reports to SBA.* Each Subsection (b) Lender shall submit financial reports to SBA that are prepared in accordance with Appendix B, *Guide for the Preparation of the Financial Report.* Said lender shall submit at the end of its fiscal year a financial report that has been prepared by the said lender's SBA-approved independent public accountant in accordance with Appendix A, *Audit Guide for Subsection (b) Lenders.* When requested by SBA, interim financial reports shall also be submitted.

(c) *Litigation reports.* When a Subsection (b) Lender becomes a party to litigation or other legal or administrative proceedings, including any action commenced by it, or by a security holder thereof in a personal or derivative capacity, against an officer, director, or employee of such lender for alleged breach of official duty, it shall within ten days thereof file a report with SBA describing the proceedings, identity of and the said lender's relationship to other parties involved and, upon request, submit copies of the pleadings and other documents specified by SBA. Where such proceedings have been terminated by settlement or final judgment, such lenders shall within ten days advise SBA of the terms thereof. The requirements of this paragraph are in addition to the requirements of paragraph 6 of SBA Form 750, Loan Guaranty Agreement.

(d) *Other reports to SBA.* (1) *Reports to stockholders.* At the time any report is furnished to stockholders of a Subsection (b) Lender (including any prospectus, letter, or other publication concerning the financial operations of said lender or any of its borrowers), the said lender shall file three copies of such report with SBA.

(2) *Reports of changes.* A Subsection (b) Lender shall, within thirty days of the event in question, notify SBA in writing (using an SBA form, where appropriate) of:

(i) Any change in its name, address, or telephone number;

(ii) Any change in its charter or bylaws, or of its officers or directors (to be accompanied by a statement of personal history);

(iii) Any change in capitalization not otherwise required to be reported to SBA; or

(iv) any change in circumstances affecting the validity of representations on the basis of which SBA determined that the lender was an eligible participant.

(3) *Miscellaneous reports.* Each Subsection (b) Lender shall file with SBA such other reports as SBA may require from time to time by written directive.

§ 120.7 Examination of subsection (b) lenders.

Each Subsection (b) Lender shall be subject to periodic examination by the SBA Office of Examinations, and the cost of such examination shall be assessed against the examined lender. SBA may waive examination in the case of such lender whose operations have been suspended, or which is in receivership. Examination fees will be assessed for each examination, except for the first examination of such lender. As a general rule, SBA will not assess examination fees for special examinations to obtain specific information. The fee structure for examinations is based on such lender's assets as of the date of the latest audited financial statement submitted to SBA before the examination. The rate table is as follows:

Total assets	Base rate	Percent of assets
$500,000 or less	$400+	0.
$500,000 to $1,000,000	400+	0.06 over $500,000.
$1,000,001 to $3,000,000	700+	0.15 over $1,000,000.
$3,000,001 to $5,000,000	1,000+	0.008 over $3,000,000.
Over $5,000,001	1,160+	0.003 over $5,000,000.

For example, a lender with total assets of $2,000,000 would pay an examination fee of $850 ($700+0.015% of $1,000,000). SBA may assess an additional fee of $100 per day required to complete an examination that is delayed or prolonged beyond twenty days if, in the judgment of SBA, such delay or prolongation is caused by the lender's failure to keep or maintain its books or records in the manner prescribed herein or by failure to cooperate in such examination.

4. Section 122.2(f)(2) is amended by deleting the last sentence thereof and substituting therefor the following sentence:

§ 122.2 General.

* * * * *

(2) * * * The eligibility qualifications for financial institutions set forth in Part 120 of this chapter are incorporated herein.

(f) * * *

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: February 12, 1975.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.75-4749 Filed 2-20-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NE-53, Amdt. 39-2098]

PART 39—AIRWORTHINESS DIRECTIVES

Aircraft Incorporating Whelen Engineering Co., Inc. A427 Strobe Light Flash Tubes

A proposal to amend Part 39 of the Federal aviation regulations to include an airworthiness directive pertaining to Whelen Engineering Company Incorporated A427 strobe light flash tubes manufactured before November 1, 1974, was published in the FEDERAL REGISTER (40 FR 1711) on January 9, 1975.

Interested persons have been afforded an opportunity to participate in making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of the Federal aviation regulations is amended by adding the following new airworthiness directive:

WHELEN ENGINEERING CO., INC.: 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.

This amendment becomes effective March 24, 1975.

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

Issued in Burlington, Massachusetts, on February 12, 1975.

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

[FR Doc.75-4689 Filed 2-20-75;8:45 am]

[Docket No. 75-CE-2-AD; Amdt. 39-2097]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 95, 55, 95-55, 56 and 58 Series Airplanes

Amendment 39-600, AD 68-10-7, published in the FEDERAL REGISTER on May 17, 1968, is an Airworthiness Directive (AD), which required installation of a redesigned elevator tab push-pull rod and strengthening the elevator tab actuator rod end on certain Beech 95 and 95-55 series aircraft to prevent an unsafe flight condition which could occur as a result of looseness in elevator trim tab systems. Service experience has shown that the redesigned rod and subsequent modifications have been inadequate to correct this problem. Since the condition of looseness of the elevator trim tab system is likely to exist or develop on other airplanes of the same type design, an AD is being issued superseding AD 68-10-7, which provides for the installation of components to insure a more secure elevator trim tab system for those Beech Model aircraft to which AD 68-10-7 was applicable as well as additional Beech airplane models that are affected.

Since a situation exists which requires expeditious adoption of the amendment, 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 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal aviation regulations is amended by adding the following new AD.

BEECH. Involves those Serial Numbers listed below of Models 95, B95, B95A, D95A, E95, 95-55, 95-A55, 95-B55, 95-B55A, 95-C55, 95-C55A, D55, D55A, E55, E55A, 95-B55B (Military T-42A), 56TC, A56TC, 58 and 58A airplanes.

Paragraph 1 applies to Serial Numbers TC-1 thru TC-1077; TD-2 thru TD-715; TE-1 thru TE-542; TG-2 thru TG-63 and TF-1 thru TF-65 airplanes (some airplanes may already have complied with this paragraph per AD 68-10-7).

Paragraph 2(a) applies to Serial Numbers TC-1 thru TC-1143; TD-2 thru TD-721; TE-1 thru TE-617; TF-1 thru TF-65; and TG-2 thru TG-69 airplanes.

Paragraph 2(b) applies to Serial Numbers TC-1144 thru TC-1775; TE-618 thru TE-1005; TF-66 thru TF-70; TG-70 thru TG-94; and TH-1 thru TH-533 airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent failure of elevator trim tab systems, accomplish the following:

(1) Within the next 100 hours' time in service after the effective date of this AD, remove two AD 470 AD3 rivets which attach the rod end to the screw shaft in each elevator trim tab actuator and replace with a shoulder pin (P/N 96-524032) and one MS 20 435 F3-8 rivet in accordance with Beech Service Instruction No. 0610-152 or later revisions.

(2) Within the next 100 hours' time in service after the effective date of this AD, replace or alter the elevator trim tab control rod as follows:

(a) Replace the tube assemblies that have swaged tube ends (tapered) with tube assemblies with straight tube ends (P/N 96-520012-9) in accordance with Beech Service Instructions No. 0610-152 or later revisions.

(b) Either replace two AN 470 AD rivets which are attached to the forward end fitting of the tube assembly with two MS 20615-3M rivets of appropriate length in accordance with procedures specified in Advisory Circular AC 43.13-1A or in the alternative, replace the rod assemblies with assemblies approved for the appropriate elevator trim tab configuration.

(3) Any alternate method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD supersedes Amendment 39-600 (AD 68-10-7).

This amendment becomes effective February 26, 1975.

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

Issued in Kansas City, Missouri, on February 11, 1975.

GEORGE R. LACAIRLE,
Acting Director, Central Region.

[FR Doc.75-4686 Filed 2-20-75;8:45 am]

[Docket No. 75-NE-9; Amdt. 39-2099]

PART 39—AIRWORTHINESS DIRECTIVE

Pratt & Whitney Aircraft

There have been reported instances of fuel leakage and autoignition as a result of fuel leakage on Pratt and Whitney Aircraft JT8D engines incorporating the "B" nut fuel manifold configuration. Since this condition is likely to exist or develop in other JT8D engines of the same design, an airworthiness directive is being issued to require a daily visual inspection for fuel leakage on those engines with over 1000 hours in service since the fuel manifold "B" nuts were torqued. The inspection requires looking into the engine tailpipe and fan duct as far forward as the diffuser case for

residual fuel wetness or staining and inspecting the diffuser fan duct and combustion chamber fan duct flanges for dripping fuel.

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 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:

PRATT AND WHITNEY AIRCRAFT. Applies to all Pratt and Whitney Aircraft JT8D model engines containing P/Ns 629141, 629148, 629154, 699155, 735780, and 735781 fuel manifolds.

To detect possible fuel manifold leakage accomplish the following inspection once a day on engines with over 1000 hours total time in service since new, or 1000 hours total time since the fuel manifold "B" nuts have been torqued in accordance with Section 72-37 of Pratt and Whitney Aircraft JT8D Engine Manual No. 481672, Revision 71, or later FAA approved revision:

1. Within 20 minutes after engine shutdown, inspect the inside diameter of the diffuser fan duct, combustion chamber fan duct, exhaust fan duct, and exhaust nozzle for evidence of residual fuel wetness or staining, using a six volt light source or equivalent. Direct the light source into the engine tailpipe to illuminate the fan duct as far forward as the diffuser case. If residual fuel is not evident, inspect within 30 minutes after engine shutdown for the presence of dripping fuel at the diffuser fan duct and combustion chamber fan duct flanges and for the presence of fuel in the cowl bottom quadrant under these flanges.

2. Remove from service before further flight those engines that have evidence of fuel leakage.

3. Equivalent methods approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may be substituted for torquing the fuel manifold "B" nuts and for compliance with the requirements of Paragraph 1.

NOTE: Pratt and Whitney Aircraft Alert Service Bulletin No. 4389, dated January 16, 1975, pertains to this subject.

The manufacturer's engine manual identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manfacturer may obtain copies upon request to Pratt and Whitney Aircraft, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at Federal Aviation Administration Headquarters, 800 Independence Avenue, SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the Federal Aviation Administration at its headquarters in Washington, D.C., and at the New England Regional office in Burlington, Massachusetts.

Upon submission of substantiating data through an FAA maintenance inspector by an owner or operator, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the compliance time.

This amendment becomes effective March 12, 1975.

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

Issued in Burlington, Massachusetts, on February 12, 1975.

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

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

[FR Doc.75-4688 Filed 2-20-75;8:45 am]

[Airspace Docket No. 74-SW-52]

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

Designation of Transition Area

The purpose of this amendment to Part 71 of the Federal aviation regulations is to designate a 700-foot transition area at Marksville, La.

On December 30, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 45047) stating the Federal Aviation Administration proposed to designate the Marksville, La., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal aviation regulations is amended, effective 0901 G.m.t., April 24, 1975, as hereinafter set forth.

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

MARKSVILLE, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marksville NDB (latitude 31°05'39" N., longitude 92°04'17" W.); within 3.5 miles each side of a 206° bearing from the Marksville NDB extending from the 5-mile radius area to 11.5 miles southwest of the NDB.

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

Issued in Forth Worth, Tex., on February 10, 1975.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.75-4690 Filed 2-20-75;8:45 am]

[Airspace Docket No. 74-NE-59]

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

Transition Area; Correction

The airport at the Naval Air Station, Quonset Point, Rhode Island, was deactivated as a naval facility on April 5, 1974, and is presently being operated as the Quonset Point, Rhode Island, Airport.

Accordingly, action is taken herein to change the name of the airport as it appears in the description of the Providence, Rhode Island, transition area.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective in less than thirty (30) days notice.

§ 71.181 [Amended]

In view of the foregoing, the description of the Providence, Rhode Island, Transition Area in § 71.181 of Part 71 of the Federal Aviation Regulations is hereby amended by deleting all reference to "NAS Quonset Point" and inserting in lieu thereof "Quonset Point, Rhode Island, Airport."

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348(a)] and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on February 7, 1975.

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

[FR Doc.75-4693 Filed 2-20-75;8:45 am]

[Docket No. 14313; Amdt. No. 956]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United

States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, *effective April 3, 1975.*

Albany, N.Y.—Albany County Arpt., VOR Rwy 28, Orig.
Atlantic City, N.J.—NAFEC Atlantic City Arpt., VOR/DME Rwy 22, Amdt. 1.
Atlantic City, N.J.—NAFEC Atlantic City Arpt., VOR Rwy 4, Amdt. 11.
Atlantic City, N.J.—NAFEC Atlantic City Arpt., VOR Rwy 13, Amdt. 1.
Atlantic City, N.J.—NAFEC Atlantic City Arpt., VOR Rwy 31, Amdt. 10.
Big Piney, Wyo.—Big Piney Municipal Arpt., VOR Rwy 31, Amdt. 1.
Erie, Pa.—Erie Int'l. Arpt., VOR/DME Rwy 24, Amdt. 4.
Fort Wayne, Ind.—Fort Wayne Municipal Arpt. (Baer Field), VOR Rwy 4 (TAC), Amdt. 11.
Fort Wayne, Ind.—Fort Wayne Municipal Arpt. (Baer Field), VOR Rwy 22 (TAC), Amdt. 4.
Gage, Okla.—Gage Municipal Arpt., VOR–A, Amdt. 7.
Meridian, Miss.—Key Field, VOR–A, Amdt. 11.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., VOR Rwy 5, Amdt. 7.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., VOR Rwy 23, Amdt. 7.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., VOR Rwy 32, Amdt. 7.
West Point, Va.—West Point Municipal Arpt., VOR Rwy 33, Amdt. 5.

* * * *effective February 27, 1975.*

Knoxville, Tenn.—McGhee Tyson Arpt., VOR Rwy 22L, Orig.

* * * *effective February 11, 1975.*

Destin, Fla.—Destin-Ft. Walton Beach Arpt., VOR–A, Amdt. 2.

* * * *effective February 8, 1975.*

Annette Island, Alaska—Annette Island Arpt., VORTAC–A, Amdt. 6.
Annette Island, Alaska—Annette Island Arpt., VORTAC Rwy 30, Amdt. 8.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, *effective April 3, 1975.*

Chattanooga, Tenn.—Lovell Field, LOC (BC) Rwy 2, Amdt. 12, cancelled.
Erie, Pa.—Erie Int'l. Arpt., LOC (BC) Rwy 24, Amdt. 4.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., LOC (BC) Rwy 14, Amdt. 1.

* * * *effective March 6, 1975.*

Monticello, N.Y.—Sullivan Co. Int'l. Arpt., LOC Rwy 15, Orig.

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

Erie, Pa.—Erie Int'l. Arpt., NDB Rwy 24, Amdt. 11.
Meridian, Miss.—Key Field, NDB Rwy 1, Amdt. 14.
Walterboro, S.C.—Walterboro Municipal Arpt., NDB Rwy 23, Amdt. 3.

* * * *effective March 6, 1975.*

Monticello, N.Y.—Sullivan Co. Int'l. Arpt., NDB Rwy 15, Orig.

* * * *effective February 8, 1975.*

Annette Island, Alaska—Annette Island Arpt., NDB–B, Amdt. 7.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective April 3, 1975.*

Atlantic City, N.J.—NAFEC Atlantic City Arpt., ILS Rwy 31, Amdt. 1, cancelled.
Chattanooga, Tenn.—Lovell Field, ILS Rwy 20, Amdt. 24.
Meridian, Miss.—Key Field, ILS Rwy 1, Amdt. 18.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., ILS Rwy 32, Amdt. 2.
Salt Lake City, Utah—Salt Lake City Int'l. Arpt., ILS Rwy 16L, Amdt. 3.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, *effective April 3, 1975.*

Atlantic City, N.J.—NAFEC Atlantic City Arpt., RADAR–1, Amdt. 11.
Erie, Pa.—Erie Int'l. Arpt., RADAR–1, Amdt. 1.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective April 3, 1975.*

Erie, Pa.—Erie Int'l. Arpt., RNAV Rwy 24, Amdt. 3.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., RNAV Rwy 5, Amdt. 2.
Salisbury, Md.—Salisbury-Wicomico Co. Arpt., RNAV Rwy 23, Amdt. 2.

CORRECTION

In Docket No. 14303, Amendment 955 to Part 97 of the Federal aviation regulations, published in the FEDERAL REGISTER dated February 14, 1975, under § 97.25, effective March 27, 1975—Change effectice date of Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Arpt., LOC (BC) Rwy 5, Amdt. 1 to March 6, 1975.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on February 13, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.75-4694 Filed 2-20-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 4—MISCELLANEOUS RULES

Public Records, Confidential Information, and Freedom of Information Act Requests

The Federal Trade Commission's current regulations concerning public records, inspection and copying of records, exempted records, and requests for disclosure of records are set forth in §§ 4.8, 4.9, 4.10, and 4.11 of its procedures and rules of practice (16 CFR 4.8, 4.9, 4.10, and 4.11).

Recent amendments to the Freedom of Information Act (Administrative Procedure, 5 U.S.C. 552) establish specific time limits for responding to access requests, impose stringent indexing requirements, levy sanctions for improper withholding of records, contain substantive changes with respect to the coverage of exemption 7 (5 U.S.C. 552(b)(7)), and require the segregation of requested records into exempt and non-exempt portions. Accordingly, to comply with these amendments, the Federal Trade Commission announces the amendments listed and set forth below in Part 4 of its miscellaneous rules.

On February 19, 1975, the Commission published in the FEDERAL REGISTER (40 FR 7251) a schedule of fees for document search, duplication and certification and that subject is, therefore, not covered by these amendments.

Because the amendments pertain to matters of procedure and policy, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

1. Sections 4.9(a), 4.9(b)(1) and 4.9(b)(4) are revised as follows: § 4.9(c) is deleted and §§ 4.9(c)(1), (c)(2), (c)(3), (c)(4), (c)(5), (c)(6), and (c)(7) are renumbered as 4.9(b)(17), (b)(18), (b)(19), (b)(20), (b)(21), (b)(22), and (b)(23) respectively; and §§ 4.9(d) and 4.9(e) are redesignated as 4.9(c) and 4.9(d) respectively:

§ 4.9 Public records.

(a) All records of the Commission are available for public inspection and copying on request except to the extent that they are exempt from public availability under the provisions of § 4.10. Records exempt from disclosure by the provisions of § 4.10 may be made available for inspection and copying upon request under the procedure set forth in § 4.11.

(b) The public records of the Commission which are routinely available for inspection and copying include:

(1) A current index of opinions, orders, statements of policy and interpretations, administrative staff manuals, general instructions and other public records of the Commission;

* * * * *

(4) The pleadings and prehearing conferences (to the extent made available under § 3.21(c)), motions, certifications, orders, and the transcripts of hearings, including public conferences, testimony, oral arguments, and other material made a part thereof, and exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings (except testimony and exhibits placed in camera);

* * * * *

2. Sections 4.10(a), (a)(1), (a)(4) and (a)(5) are revised as follows:

§ 4.10 Confidential information.

(a) The following records of the Commission are exempt from availability for public inspection and copying pursuant to 5 U.S.C. § 552; however, records exempt from disclosure by the provisions of this section may be made available to a requester for inspection and copying upon request for records under the procedures set forth in § 4.11 or by the Commission upon its own motion.

(1) Records, except to the extent required to be disclosed under other laws or regulations, related solely to the internal personnel rules and practices of the Commission. This exemption applies to administrative manuals and other internal rules or instructions to Commission personnel which must be kept confidential in order to assure effective performance of the functions and activities for which the Commission is responsible and which do not affect members of the public.

* * * * *

(4) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy except to the extent such files or materials must be disclosed under other laws or regulations. This exemption applies to personnel and medical records and similar records containing private or personal information concerning any individual which, if disclosed to any person other than the individual concerned or his designated legal representative without his permission in writing, would constitute a clearly unwarranted invasion of personal privacy. Examples of files exempt from disclosure include, but are not limited to: (i) The personnel records of the Commission; (ii) files containing reports, records or other material pertaining to individual cases in which disciplinary or other administrative action has been or may be taken, including records of proceedings pertaining to the conduct or performance of duties by Commission personnel;

(5) Investigatory records compiled for law enforcement purposes to the extent that release of information in such records would (i) interfere with enforcement activities, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source, (v) disclose investigative techniques or procedures, or (vi) endanger the life or physical safety of law enforcement personnel. This exemption covers, but is not limited to information obtained by the Commission relating to alleged or possible violations of laws administered by the Commission, which information may be in many forms, including letters of complaints, reports of interviews conducted by Commission personnel, memoranda, transcripts of testimony in nonpublic investigational hearings, and evidentiary documents obtained during the course of investigation.

* * * * *

3. Section 4.11 is revised as follows:

§ 4.11 Requests for disclosure of records.

(a) *Freedom of Information Act requests*—(1) *Initial Requests.* (i) *Form and contents; time of receipt.* (A) A request under the provisions of the Freedom of Information Act, 5 U.S.C. 552, as amended, for access to Commission records shall be in writing and addressed as follows:

Freedom of Information Act Request, Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

(B) Failure to mark the envelope and the request in accordance with paragraph (a)(1)(i)(A) of this section will result in the request being treated as received on the date the request is actually received by the processing unit in the Office of the Secretary.

(C) Each request must specifically indicate the requester's willingness either (*1*) to pay, in accordance with § 4.8(c) of these rules, whatever fees may be charged for processing the request, or (*2*) a willingness to pay such fees up to a specified amount.

(D) If the indication required by paragraph (a)(1)(i)(C) of this section is absent, the requester will be advised by letter of the estimated fees and the request will be deemed not to have been received until the requester agrees to pay such fees; *provided, however,* if the Secretary determines that the estimated fees will not exceed $25.00, the request will be processed upon receipt in accordance with the requirements of paragraphs (a)(1)(i)(A) or (B) of this section. For good cause an advance deposit may be required.

(E) The letter of request should indicate whether any waiver of fees is requested. The Secretary shall make a determination on any such request in accordance with § 4.8(c) and notify the requester accordingly. A denial may be appealed to the Commission. If a waiver is requested, and the requester has not provided the indication required by paragraph (a)(1)(i)(C) of this section, unless the Secretary determines that the estimated fees will not exceed $25.00, the access request will be deemed not to have been received until the waiver is granted.

(ii) *Identifiability.* (A) A request for access to Commission records must reasonably describe the records requested to enable Commission personnel to identify and locate them with a reasonable amount of effort. A request should be as specific as possible, and include, where known, information regarding dates, titles, file designations, location, and any other information which may assist the Commission in identifying and locating the records requested.

(B) A denial of a request may state that the description required by paragraph (a)(1)(ii)(A) of this section is insufficient to allow identification and location of the records.

(iii) *Time limit for initial determination.* (A) The Secretary shall, within 10 (10) working days of the receipt of a request, either grant or deny, in whole or in part, such request.

(B) The Secretary may extend this time limit by not more than ten working days if such extension is

(*1*) Necessary for locating records or transferring them from physically separate facilities; or

(2) necessary to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are sought in a single or series of closely related requests; or

(3) necessary for consultation with another agency having a substantial interest in the determination, or for consultation among two or more components of the Commission having substantial subject-matter interest therein.

(C) If the Secretary extends the time limit for initial determination pursuant to paragraph (a)(1)(iii)(B) of this section the requester shall be notified in accordance with 5 U.S.C. 552(a)(6)(B).

(D) If a request is not granted within the time limits set forth in paragraphs (a)(1)(iii) (A) and (B) of this section, the request shall be deemed to be denied and the requesting party may appeal such denial to the Commission in accordance with paragraph (a)(2) of this section.

(iv) *Initial determination.* (A) The Secretary shall grant access to requested records, or any portion thereof, that must be made available under the Freedom of Information Act. He shall deny access to records that are exempt under the Freedom of Information Act (5 U.S.C. 552(b)), unless he determines that such records fall within a category the Commission has previously authorized to be made available to the public as a matter of policy. Denials shall set forth the reasons therefore and advise the requester that this determination can be appealed to the Commission either because the requester believes the records are not exempt, or because the requester believes the records are not exempt or because the requester believes the Commission should exercise its discretion to release such records notwithstanding their exempt status. (B) The Secretary is deemed to be the sole official responsible for all denials of initial requests, except denials to materials contained in active investigatory files in which case the Director of the Bureau or Regional Office responsible for the investigation shall be the responsible official.

(C) Records to which access has been granted will be made available to the requester and will remain available for inspection and copying for a period not

to exceed thirty days from date of notification to the requester unless the requester asks for and receives the Secretary's consent to a longer period. Records assembled pursuant to a request will remain available only during this time period and thereafter will be refiled. Appropriate fees may again be imposed for any new or renewed request for the same records.

(D) If a requested record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of, the requester shall be so notified.

(2) *Appeals to the Commission from initial denials.* (i) *Form and contents; time of receipt.* (A) If the Secretary denies a request for records in whole or in part the requester may, within 30 days, appeal such denial to the Commission. The appeal shall be in writing and should include a copy of the initial request and a copy of the Secretary's response, if any. The appeal shall be addressed as follows:

Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580.

(B) Failure to mark the envelope and the appeal, in accordance with paragraph (a)(2)(i)(A) of this section, will result in the appeal being treated as received on the date the appeal is actually received by the Office of the General Counsel.

(C) Each appeal to the Commission which requests the Commission to exercise its discretion to release exempt records shall set forth the interest of the requester in the subject matter and the purpose for which the records will be used if the request is granted.

(ii) *Time limit for appeal.* (A) The Commission shall, within twenty (20) working days of the receipt of an appeal, either grant or deny the appeal, in whole or in part.

(B) The Commission or the General Counsel may, by written notice to the requester in accordance with 5 U.S.C. 552(a)(6)(B), extend the time limit for deciding an appeal by not more than ten working days for the reasons set forth in paragraph (a)(1)(iii)(B), of this section, provided that the amount of any extensions utilized by the Secretary under that subsection shall be subtracted from the amount of additional time otherwise available.

(iii) *Determination of appeal.* (A) A denial of an appeal in whole or in part shall set forth the basis for the denial, and shall advise the petitioner that judicial review of the Commission's decision is available either in the district in which the petitioner resides or has a principal place of business, in the district in which the agency records are situated, or in the District of Columbia.

(B) The Commission shall be deemed solely responsible for all denials of appeals.

(b) *Requests from government agencies and Congressional committees.* Requests from agencies of the Federal Government and from Congressional committees and subcommittees, shall be referred to the General Counsel for determination. If the General Counsel determines that the records are not exempt under 5 U.S.C. 552(b), he shall notify the requester that access is granted. If the General Counsel determines that the records are exempt, the matter shall be forwarded to the Commission for final determination.

(c) *Information requested by subpoena.* Any employee of the Commission who is served with a subpoena or other compulsory process, except a subpoena issued within the scope of § 3.36 of this chapter, requiring the production of any document or record or the disclosure of any information which under § 4.10 is exempt from availability for public inspection and copying, shall promptly advise the Commission of the service of such subpoena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the employee so served has not received instructions from the Commission prior to the return date of the subpoena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this paragraph. The Commission will consider and act upon compulsory process under this section with due regard for statutory restrictions, its rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of the confidential information and records.

(15 U.S.C. 41, et seq., 5 U.S.C. 552)

Effective date: February 19, 1975.

By direction of the Commission dated February 18, 1975.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.75-4852 Filed 2-20-75;8:45 am]

[Docket C-2559]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Babbitt Brothers Trading Co., et al.

Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* § 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal; § 13.2090 *Undertakings, in general.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605))

[Cease and desist order, Babbitt Brothers Trading Co., et al., Flagstaff, Arizona, Docket C-2559, Oct. 7, 1974]

In the Matter of Babbitt Brothers Trading Company, a Corporation, and Warren Trading Post Company, a Corporation, and Cedar Ridge Trading Post Company, a Corporation, and Tuba City Trading Post Company, a Corporation, and Oraibi Trading Post Company, a Corporation, and Indian Wells Trading Post Company, a Corporation, and Red Lake Trading Post Company, a Corporation Also Doing Business as Cow Springs Trading Post

Consent order requiring seven Arizona, pawnbrokers and general merchandise retailers, among other things to cease offering their customers unfair or deceptive inducements to purchase or deal; failing to make material disclosures on such items as pawn receipts; and failing to make disclosures required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Babbitt Brothers Trading Company, a corporation, Warren Trading Post Company, a corporation, Cedar Ridge Trading Post Company, a corporation, Tuba City Trading Post Company, a corporation, Oraibi Trading Post Company, a corporation, Indian Wells Trading Post Company, a corporation, and Red Lake Trading Post Company, a corporation also doing business as Cow Springs Trading Post, their successors and assigns, and their officers, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the offering for sale, sale or purchase to or from individual consumers within the exterior boundaries of the Navajo, Hopi, and all other Reservations, of all classes of goods, wares, merchandise and articles of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Purchasing rugs, blankets, jewelry or other forms of handicraft or livestock from consumers for other than lawful United States currency unless the consumer offering to sell the goods to the respondents has expressly indicated his desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to the consumer, in partial or full payment, and unless the respondents have advised the consumer orally in the language in which the consumer is most fluent, and in writing, of this right to receive the purchase price in lawful United States currency.

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[1] Copies of the complaint & decision and order filed with the original document.

2. Failing to clearly and conspicuously indicate on all pawn receipts given to consumers:

(a) The correct due date indicating the date the pledgor must effect redemption of a pawned item;

(b) Any mutually agreed upon extension of such due date; and

(c) The market or replacement value of the pawned item as agreed upon between the consumer and respondents, *provided however* such value shall be a reasonable estimate of the price at which the pawned item could be sold at retail in the trade area.

3. Selling items held as security in pawn transactions prior to the expiration of the statutory or mutually agreed to redemption period, whichever is longer.

4. Transporting, or causing to be transported, from post offices or other places of original delivery, or in other ways interfering with the delivery of government issued or other checks payable to consumers.

It is further ordered, That respondents, their successors and assigns, maintain adequate records for a period of two years from the date of each transaction, and permit the inspection and copying thereof by Commission representatives, evidencing a consumer's desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer in return for any product or goods sold to the respondents.

It is further ordered, That respondents Babbitt Brothers Trading Company, Warren Trading Post Company, Cedar Ridge Trading Post Company, Tuba City Trading Post Company, Oraibi Trading Post Company, Indian Wells Trading Post Company, and Red Lake Trading Post Company, also doing business as Cow Springs Trading Post, their successors and assigns, and their officers, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device in connection with the extension to individual consumers within the exterior boundaries of the Navajo, Hopi, and all other Reservations, of "consumer credit" or arranging for "consumer credit" for such consumers as "consumer credit" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321 (15 U.S.C. 1601 et seq.)), do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as precribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate," as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments," as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b)(5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b)(7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed," as prescribed by § 226.8(d)(1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge," as prescribed by § 226.8(d)(3) of Regulation Z.

9. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the respondent corporations, their successors and assigns, shall forthwith distribute a copy of this order to each of their present and future managers.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 7, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4699 Filed 2-20-75;8:45 am]

[Docket C-2568]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Bruce M. Barnard Co. of Shiprock, Inc., et al.

Subpart—Delaying or withholding corrections or action owed: § 13.675 *Delaying or withholding corrections or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities;* Subpart—Neglecting, unfairly or deceptively, to make material disclosures: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1882 *Prices;* § 13.1905 Terms and conditions; § 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Bruce M. Barnard Co. of Shiprock, Inc., et al., Shiprock, N.M., Docket C-2568, Oct. 8, 1974]

In the Matter of Bruce M. Barnard Company of Shiprock, Inc., a Corporation Doing Business as Bruce M. Barnard Trading Post, and Bruce M. Barnard III, Individually and as an Officer of Said Corporation

Consent order requiring a Shiprock, N.M., general merchandise retailer, pawnbroker and money lender, among other things to cease failing to make immediate restitution for pawned items held as security in the event the item cannot be found at the time redemption is requested, and failing to make all disclosures required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Bruce M. Barnard Company of Shiprock, Inc., a corporation doing business as Bruce M. Barnard Trading Post, its successors and assigns, and its officers, and Bruce M. Barnard III, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the offer for sale, sale or purchase of all classes of goods, wares, merchandise, and articles of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to make immediate restitution for the market value of a pawned item held as security by the respondents in the event the respondents are unable to locate and deliver said item to the pledgor at the time the pledgor wishes to effect redemption.

2. Failing to clearly and conspicuously indicate on the receipt given to the consumer the market or replacement value

[1] Copies of the complaint and decision and order filed with the original document.

of the item held by respondents as security in pawn transactions.

It is further ordered, That respondents Bruce M. Barnard Company of Shiprock, Inc., a corporation, its successors and assigns, and its officers, and Bruce M. Barnard III, individually and as an officer of said corporation and respondents' agents, representatives, and employees directly or through any corporation, subsidiary, division, or other device in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.7 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to disclose the conditions under which the 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, as prescribed by § 226.7(a)(1) of Regulation Z.

3. Failing to disclose the method of determining the balance upon which a finance charge may be imposed, as prescribed by § 226.7(a)(2) of Regulation Z.

4. Failing to disclose the minimum periodic payment required, as prescribed by § 226.7(a)(8) of Regulation Z.

5. Failing to set forth the outstanding balance in the account at the beginning of the billing cycle, using the term "previous balance," as prescribed by § 226.7(b)(1).

6. Failing to set forth the amount credited to the account during the billing cycle for payments, using the term "payments," and for other credits including returns, rebates of finance charges, and adjustments, using the term "credits," as prescribed by § 226.7(b)(3).

7. Failing to set forth the amount of any finance charge, using the term "finance charge," debited to the account during the billing cycle, itemized and identified to show the amount, if any, due to the application of periodic rates and the amount of any other charge included in the finance charge such as a minimum, fixed, check service, transaction, activity or similar charge, using appropriate descriptive terminology, as prescribed by § 226.7(b)(4) of Regulation Z.

8. Failing to set forth the balance upon which the finance charge was computed, and a statement of how that balance was determined, as prescribed by § 226.7(b)(8) of Regulation Z.

9. Failing to set forth a 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 charges, as prescribed by § 226.7(b)(9) of Regulation Z.

10. Failing to disclose on the face of the periodic statement the annual percentage rate and the amount of the balance to which each rate is applicable, as prescribed by § 226.7(c)(1) of Regulation Z.

11. Failing to make a reference to the balance on which the finance charge was computed, in conjunction with the disclosures of the periodic rate and the annual percentage rate, either together on the face or reverse side of the periodic statement, or on the face of a single supplemental statement accompanying the periodic statement, as prescribed by § 226.7(c)(2) of Regulation Z.

12. Failing to disclose periodic rates, the annual percentage rate, the statement of how the balance on which the finance charge was computed was determined, and the statement of the period within which payment must be made to avoid additional finance charges, on the reverse side of the periodic statement without incorporating verbatim on the face thereof the following notice: "NOTICE: See reverse side for important information," as prescribed by § 226.7(c)(3) of Regulation Z.

It is further ordered, That respondents, their successors and assigns, in connection with the extension of credit other than open end, as defined in § 226.8 of Regulation Z, do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate," as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments," as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b)(5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b)(7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed," as prescribed by § 226.8(d)(1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge," as prescribed by § 226.8(d)(3) of Regulation Z.

It is further ordered, That respondents, their successors and assigns, shall cease and desist from failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation, its successors and assign, shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4700 Filed 2-20-75;8:45 am]

[Docket 8890]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Frozen Food Forum, Inc., et al.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 2, 49 Stat. 1526; (15 U.S.C. 13)) [Order dismissing complaint, Frozen Food Forum, Inc., et al., Atlanta, Ga., Docket 8890, Oct. 29, 1974.]

In the Matter of Frozen Food Forum, Inc., a Corporation, and Richard M. Page, Julius Levitt, and Jabie S. Hardin, Individually and as Officers, Directors and Members of the Executive and Buyers Committee of Frozen Food Forum, Inc., and Winton Sales Co., a Corporation, and Stewart-Tucker, Inc., a Corporation, and Carper Sales Co., Inc., a Corporation, and Howard B. Carper, Individually and as an Officer of Carper Sales Co., Inc., and the Following Stockholder-Members of Frozen Food Forum, Inc.; All of Which are Corporations: Arrow Food Distributors, Inc., New Orleans, Louisiana, Hardin's Inc., Memphis, Tennessee, Capitol Fish Company, Atlanta, Georgia, Gordon Food Service, Inc., Grand Rapids, Michigan, L. M. Sandler and Sons, Inc., Norfolk, Virginia, Tenneva Frozen Foods, Inc., Bristol, Virginia, Bob Blanke Sales Company, Inc., Florence, Alabama, Marin Products Company, Inc., San Rafael, California, Saunders Food Distributors, Inc., Pensacola, Florida, Rotelle, Inc., Spring, House, Pennsylvania, Frostex Foods, Inc., Austin, Texas, and Artic Frozen Foods, Inc., Amarillo, Texas

Order dismissing complaint against an Atlanta, Ga., buying group composed of 72 distributors of grocery products, which alleged respondents had violated section 2(c) of the Clayton Act by receiving illegal brokerage payments.

The Order dismissing the Complaint is as follows:[1]

The Commission, on August 5, 1974, ordered complaint counsel to file a brief limited to the question "whether in view of the unavailability of evidence this proceeding should be dismissed," and granted respondents the right to file a reply brief limited to the same question.

Complaint counsel recommended that the proceedings be dismissed on the ground that the evidence upon which complaint counsel must rely to prove the allegations of the complaint is too remote in point of time to support an order to cease and desist.

Respondents, in their answering brief, take the position that either the complaint should be dismissed with prejudice or, in the alternative, they should be granted compulsory process to discover the circumstances of the Commission's order dated August 15, 1968, which denied respondents' motion to quash 1968 investigative subpoenas duces tecum.

Because the Commission believes that to allow respondents discovery of past and present Commissioners and staff would be disruptive of the agency's function, the Commission has determined to not grant respondents discovery. The effect of this action is to deprive complaint counsel of documents updating respondents' 1968 submissions. These submissions relate to events occurring long before 1968. As a consequence, complaint counsel, in the trial of this matter, would be required to rely upon evidence that is not sufficiently current to sustain the allegations in the complaint. The Commission has, therefore, determined that said complaint in this matter will be dismissed.

Respondents' request that the Commission dismiss the complaint with prejudice is denied. Respondents' request for oral argument is also denied.

It is ordered, That the complaint be, and it hereby is, dismissed without prejudice to the right of the Commission to issue a new complaint or to take such further action or other action against the respondents at any time in the future.

The Order was issued by the Commission, October 29, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4702 Filed 2-20-75; 8:45 am]

[1] Copies of the Complaint and Order, filed with the original document.

[Docket C-2566]

PART 13—PROHIBITED TRADE PRACTICES, AND CORRECTIVE AFFIRMATIVE ACTIONS

Four-S, Inc. t/a White Horse Lake Trading Post, etc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* § 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Four-S, Inc. t/a White Horse Lake Trading Post, etc., et al. Cuba, N.M., Docket C-2566, Oct. 8, 1974.]

In the Matter of Four-S, Inc., a Corporation Doing Business as White Horse Lake Trading Post, and as Lybrook Trading Post, and Roland P. Spicer, Individually and as an Officer of Said Corporation

Consent order requiring a Cuba, N.M., retailer of general merchandise, pawnbroker and money lender among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondent Four-S, Inc., a corporation doing business as White Horse Lake Trading Post, and as Lybrook Trading Post, its successors and assigns, and its officers, and Roland P. Spicer, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate", as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments", as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b)(5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b)(7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed", as prescribed by § 226.8(d)(1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge", as prescribed by § 226.8(d)(3) of Regulation Z.

9. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment

[1] Copies of the Complaint & decision and order filed with the original document.

in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4701 Filed 2-20-75;8:45 am]

[Docket C-2575]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lawry's Foods, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 2, 49 Stat. 1526; (15 U.S.C. 13)) [Cease and desist order, Lawry's Foods, Inc., Los Angeles, California, Docket C-2575, Oct. 16, 1974.]

In the Matter of Lawry's Foods, Inc., a Corporation.

Consent order requiring a Los Angeles, California, manufacturer and distributor of salad dressings, seasonings, and other food products, among other things to cease discriminating in paying promotional allowances among competing distributors of its products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondent Lawry's Foods, Inc., a corporation, its successors and assigns, and its officers, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the sale of salad dressings, seasonings, and other food products, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any promotion or any other services or facilities furnished by or through such customer, in connection with the handling, offering for sale, or sale of said products, unless such payment or consideration is made available on proportionately equal terms to all other customers competing in the distribution of such products.

It is further ordered, That respondent shall forthwith distribute a copy of this order to all directors and officers of Lawry's Foods, Inc., and to any operating divisions if and when they are established.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Decision and order issued by the Commission October 16, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4703 Filed 2-20-75;8:45 am]

[Docket C-2565]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Lower Sunrise Trading Post, Etc., Et Al.

Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533-45 Maintain records; § 13.533-45(k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* § 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2090 *Undertakings, in general.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Lower Sunrise Trading Post, etc., et al., Leupp, Ariz., Docket C-2565, Oct. 8, 1974]

In the Matter of Lower Sunrise Trading Post, a Partnership, and Sunrise Ganado Trading Post, a Partnership, and Dilkon Trading Post, a Partnership, and White Cone Trading Post, a Partnership, and Lower Greasewood Trading Post, a Partnership, and Harold Springer, Individually and as a Copartner Trading and Doing Business as Lower Sunrise Trading Post, Sunrise, Ganado Trading Post, Dilkon Trading Post, White Cone Trading Post, Lower Greasewood Trading Post, and Clarence A. Wheeler, Individually and as a Copartner Trading and Doing Business as Sunrise Ganado Trading Post, White Cone Trading Post, Lower Greasewood Trading Post, and Francis Powell, Individually and as a Copartner Trading and Doing Business as Lower Sunrise Trading Post, Dilkon Trading Post, and Rubin Rinker, Individually and as a Copartner Trading and Doing Business as Lower Sunrise Trading Post

Consent order requiring five Arizona trading posts, dealing in all clasess of goods, wares, merchandise, and articles of trade and in pawn broking and money lending, among other things to cease offering improper, unfair and deceptive inducements to deal and failing to make certain disclosures as required by Regulation Z of the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Lower Sunrise Trading Post, a partnership, and Sunrise Ganado Trading Post, a partnership, and Dilkon Trading Post, a partnership, and White Cone Trading Post, a partnership, and Lower Greasewood Trading Post, a partnership, and Harold Springer, individually and as a co-partner trading and doing business as Lower Sunrise Trading Post, as Sunrise Ganado Trading Post, as Dilkon Trading Post, as White Cone Trading Post, as Lower Greasewood Trading Post, or under any other name or names, and Clarence A. Wheeler, individually, and as a co-partner trading and doing business as Sunrise Ganado Trading Post, as White Cone Trading Post, as Lower Greasewood Trading Post, or under any other name or names, and Francis Powell, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offer for sale, sale or purchase of all classes of goods, wares, merchandise and articles of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

[1] Copies of the Complaint & decision and order filed with the original document.

[1] Copies of the complaint & decision and order filed with the original document.

1. Purchasing rugs, blankets, jewelry or other forms of handicraft or livestock from consumers for other than lawful United States currency unless the consumer offering to sell the goods to the respondent has expressly indicated his desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed the consumer, in partial or full payment, and unless respondents have advised the consumer orally in the language in which the consumer is most fluent, and in writing, of his right to receive the purchase price in lawful United States currency.

2. Failing to present to each consumer pawning an item with respondents a receipt therefore with all disclosures required by law.

3. Failing to make immediate restitution for the market value of a pawned item held as security by the respondents in the event the respondents are unable to locate and deliver said item to the pledgor at the time the pledgor wishes to effect redemption.

It is further ordered, That respondents, their successors and assigns, maintain adequate records for a period of two years from the date of each transaction evidencing a consumer's desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer in return for any product or goods sold to the respondent and to permit the inspection and copying of such records by the Federal Trade Commission.

It is further ordered, That respondents Lower Sunrise Trading Post, partnership, and Sunrise Ganado Trading Post, a partnership, and Dilkon Trading Post, a partnership, and White Cone Trading Post, a partnership, and Lower Greasewood Trading Post, a partnership, and Harold Springer, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, as Sunrise Ganado Trading Post, as Dilkon Trading Post, as White Cone Trading Post, as Lower Greasewood Trading Post, or under any other name or names, and Clarence A. Wheeler, individually, and as a co-partner trading and doing business as Sunrise Ganado Trading Post, as White Cone Trading Post, as Lower Greasewood Trading Post, or under any other name or names, and Francis Powell, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, as Dilkon Trading Post, or under any other name or names, and Rubin Rinker, individually, and as a co-partner trading and doing business as Lower Sunrise Trading Post, or under any other name or names, their successors and assigns, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate", as prescribed by § 226.8(b)(2) of Regulation Z.

4. Failing to disclose the number, amount, and, due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments", as prescribed by § 226.8(b)(3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b)(5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b)(7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed", as prescribed by § 226.8(d)(1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge", as prescribed by § 226.8(d)(3) of Regulation Z.

9. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent partnerships, their successors and assigns, shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the form of business organization such as dissolution, assignment or sale resulting in the emergence of a successor, individual proprietorship, partnership or corporation, the creation or dissolution of subsidiaries or any other change in the form of business organization which may affect compliance obligations arising out of this order.

It is further ordered. That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4704 Filed 2-20-75;8:45 am]

[Docket C-2569]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

McGee Traders Inc., t/a Pinon Mercantile Trading Co., etc., et al.

Subpart—Coercing and intimidating: § 13.350 *Customers or prospective customers.* Subpart—Corrective actions and/or requirements: § 13.533 *Corrective actions and/or requirements;* § 13.533–45 Maintain records; § 13.533–45 (k) Records, in general. Subpart—Delaying or withholding corrections, adjustments or action owed; § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852–75 Truth in Lending Act; § 13.1882 *Prices;* § 13.1905 *Terms and conditions;* § 13.1905–60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2090 *Undertakings, in general.* Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; (15 U.S.C. 45, 1601–1605).) [Cease and desist order, McGee Traders Inc., t/a Pinon Mercantile Trading Company, etc., et al., Keams Canyon, Ariz., Docket C-2569, Oct. 8, 1974.]

In the Matter of McGee Traders Inc., a Corporation Doing Business as Pinon Mercantile Trading Company, Keams Canyon Trading Company and Polacca Trading Post, and Clifton Ferron McGee, Individually and as an Officer of Said Corporation, and William Bruce McGee, Individually and as an Officer of said Corporation, and Clifton Ferron McGee, Jr., Individually and as an Officer of Said Corporation, and Johnny Lynn Kay, Individually and as an Officer

of Said Corporation, and Leland Noel, Individually and as an Officer of Said Corporation

Consent order requiring a Keams Canyon, Ariz., retailer of general merchandise and pawnbroker, among other things to cease offering unfair inducements to purchase or deal; delaying actions owed; securing signatures in a wrongful manner; and failing, in connection with the extension of consumer credit, to disclose to consumers all information as required by Regulation Z of the Truth in Lending Act.

The Decision and Order, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents McGee Traders Inc., a corporation doing business as Pinon Mercantile Trading Company, Keams Canyon Trading Company and Polacca Trading Post, its successors and assigns, and its officers, and Clifton Ferron McGee, William Bruce McGee, Clifton Ferron McGee, Jr., Johnny Lynn Kay and Leland Noel, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the offer for sale, sale, or purchase of all classes of goods, wares, merchandise and articles of trade in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Failing to plainly and conspicuously mark or indicate the price at which all merchandise is offered for sale.

2. Cashing government issued or other checks in other than lawful United States currency unless the consumer presenting the check has expressly indicated his desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to the consumer, and unless the respondents have advised the consumer orally in the language in which the consumer is most fluent, and in writing, of his right to receive the full value of the check tendered in lawful United States currency.

3. Purchasing rugs, blankets, jewelry or other forms of handicraft or livestock from consumers for other than lawful United States currency unless the consumer offering to sell the goods to the respondents has expressly indicated his desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to the consumer, in partial or full payment, and unless the respondents have advised the consumer orally in the language in which the consumer is most fluent, and in writing, of his right to receive the purchase price in lawful United States currency.

4. Issuing trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer without recording, in a permanent fashion in the books of the respondents at the particular place of business where the trade slips, due bills or other form of purchase orders were issued, in such a manner as to indicate the date of issuance, the name and address of the consumer to whom issued, the amount of the credit, and the reason for the issuance of the credit.

5. Failing to present each consumer with an itemized statement showing the price of each item purchased, the correct total of all purchases made and the date of the transaction.

6. Requiring consumers to pay in full any credit account or other indebtedness to the respondent at the time the consumer attempts to effect redemption of a pawn item held by respondent.

7. Failing to make immediate restitution for the market value of a pawned item held as security by the respondents in the event the respondents are unable to locate and deliver said item to the pledgor at the time the pledgor wishes to effect redemption.

8. Inducing consumers by deception or any other means to sign change of address cards for the receipt of government or other checks; or in any other way to interfere with delivery of said checks from the method desired by the consumer.

It is further ordered, That respondents, their successors and assigns:

1. Maintain adequate records for a period of two years from the date of each transaction:

(a) Evidencing a consumer's desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer in place of lawful United States currency in return for government issued or other checks;

(b) Evidencing a consumer's desire to receive trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer in return for any product or goods sold to the respondents; and

(c) Which disclose the issuance of trade slips, due bills or other form of purchase orders indicating a credit owed to a consumer for purchases made from a consumer or checks cashed for a consumer.

2. Permit the inspection and copying of such records by Federal Trade Commission representatives.

It is further ordered, That respondents McGee Traders Inc., a corporation doing business as Pinon Mercantile Trading Company, Keams Canyon Trading Company, and Polacca Trading Post, its successors and assigns, and its officers, and Clifton Ferron McGee, William Bruce McGee, Clifton Ferron McGee, Jr., Johnny Lynn Kay, and Leland Noel, individually and as officers of said corporation and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90–321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to determine the finance charge as the sum of all charges, payable directly or indirectly by the customer, and imposed directly or indirectly by the creditor as an incident to or as a condition of the extension of credit, as prescribed by § 226.4(a) of Regulation Z.

2. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

4. Failing to make the required disclosures in either of the two ways prescribed by § 226.8(a) of Regulation Z.

5. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate", as prescribed by § 226.8 (b)(2) of Regulation Z.

6. Failing to disclose the cash price of the property or service purchased using the term "cash price", as prescribed by § 226.8(c)(1) of Regulation Z.

7. Failing to disclose the amount financed, using the term "amount financed", as prescribed by § 226.8(c)(7) of Regulation Z.

8. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and the sum of such payments using the term "total of payments", as prescribed by § 226.8(b)(3) of Regulation Z.

9. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8 (b)(5) of Regulation Z.

10. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8 (b)(7) of Regulation Z.

11. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed", as prescribed by § 226.8(d)(1) of Regulation Z.

12. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge", as prescribed by § 226.8 (d)(3) of Regulation Z.

13. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required

[1] Copies of the Complaint, Decision and Order, filed with the original document.

by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with any new business or employment which is located within the boundaries of the Navajo or Hopi Reservations or which involves the extension of or arranging for extension of "consumer credit" as defined in Regulation Z. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondent corporation, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4765 Filed 2-20-75;8:45 am]

[Docket C-2567]

PART 13—PROHIBITED TRADE PRACTICES, AND CORRECTIVE AFFIRMATIVE ACTIONS

Stokies, Inc., et al.

Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* § 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* § 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605)) [Cease and desist order, Stokies, Incorporated, et al. Tonolea, Ariz., Docket C-2567, Oct. 8, 1974]

In the Matter of Stokies, Incorporated, a Corporation Doing Business as Inscription House Trading Post, and Orange J. Carson, Individually and as an Officer of Said Corporation

Consent order requiring a Tonolea, Ariz., general merchandise retailer, pawnbroker and money lender, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondent Stokies, Incorporated, a corporation, its successors and assigns, and its officers, and Orange J. Carson, individually and as an officer of said corporation and respondents' agents, representatives and employees directly or through any corporation. subsidiary, division or other device in connection with the extension of "consumer credit" or arranging for "consumer credit" as defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90-321 (15 U.S.C. 1601 et seq.)) do forthwith cease and desist from:

1. Failing to make disclosures required by § 226.8 of Regulation Z clearly, conspicuously and in a meaningful sequence, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to print the terms "annual percentage rate" and "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

3. Failing to disclose the finance charge expressed as an annual percentage rate, using the term "annual percentage rate", as prescribed by § 226.8(b) (2) of Regulation Z.

4. Failing to disclose the number, amount, and due dates or periods of payments scheduled to repay the indebtedness and, the sum of such payments using the term "total of payments", as prescribed by § 226.8(b) (3) of Regulation Z.

5. Failing to disclose a description or identification of the type of any security interest held or to be retained or acquired by the creditor in connection with the extension of credit, and a clear identification of the property to which the security interest relates, as prescribed by § 226.8(b) (5) of Regulation Z.

6. Failing to disclose identification of the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation and a statement of the amount or method of computation of any charge that may be deducted from the amount of any rebate of such unearned finance charge that will be credited to the obligation or refunded to the customer, as prescribed by § 226.8(b) (7) of Regulation Z.

7. Failing to disclose the amount of credit which will be paid to the customer including all charges, individually itemized which are included in the amount of credit extended but which are not part of the finance charge, using the term "amount financed", as prescribed by § 226.8(d) (1) of Regulation Z.

8. Failing to disclose the total amount of the finance charge, with description of each amount included, using the term "finance charge", as prescribed by § 226.8(d) (3) of Regulation Z.

9. Failing in any consumer credit transaction to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z at the time and in the manner, form, and amount required by §§ 226.6, 226.7, and 226.8 of Regulation Z.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation, its successors and assigns, shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, Oct. 8, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-4706 Filed 2-20-75;8:45 am]

[1] Copies of the Complaint & decision and order filed with the original document.

Title 20—Employees' Benefits

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

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Revisions in Carriers' Procedural Terminology and Coding

On February 22, 1974, there was published in the FEDERAL REGISTER (39 FR

6725) a notice of proposed rule making with a proposed amendment to Subpart E of Regulations No. 5 (20 CFR Part 405), regarding revisions in Medicare carriers' procedural terminology and coding systems. The Commissioner recognizes that revisions in Medicare carriers' procedural terminology and coding systems may be appropriate when such changes would result in more efficient and economical determinations with respect to Medicare coverage and reimbursement of physicians' services. The proposed amendment specified that such revisions would be approved if the Social Security Administration determined that the potential advantages of the proposed new system outweighed its disadvantages. The proposed amendment also listed certain considerations and guidelines that would be taken into account in evaluating a carrier's proposal for such a change. Interested persons were given through March 25, 1974, to submit written comments or suggestions thereon.

Comments were received from a number of private physicians and physicians' organizations. All the comments have been carefully considered. However, the amendment as announced under the notice of proposed rule making is being adopted without substantive change.

When a uniform, national terminology and coding system is developed and approved for use by all Medicare carriers, this regulation will, of course, be obsoleted.

Following is an explanation of the comments received and why they were considered inappropriate.

1. Many who commented proposed the use of the Current Procedural Terminology (CPT), Third Edition, published by the American Medical Association (AMA). However, it was decided to retain the original provisions in order to leave the initiative for any change in the hands of the carriers, subject to evaluation and approval by the Social Security Administration after consultation with the Assistant Secretary for Health.

2. A number of other comments were received. Many of these comments would entail rather significant changes in the proposed regulation and would remove some of the safeguards against increased costs resulting from conversions to different procedural terminology and coding systems, and also place the burden of justification on the Social Security Administration or the carriers if a change in a carrier's system is not initiated or approved. For example, it was proposed that the carriers be authorized to adopt the CPT, Third Edition, "without the necessity for the detailed approval process currently called for in the proposed rules." However, the approval process outlined in the guidelines is the safeguard provided against conversions whose costs or other disadvantages outweigh the potential advantages.

3. Also suggested were a number of changes in the proposed rule if the recommendation to adopt the CPT was not acceptable. One change recommended was that each of the Medicare carriers be required to report, within 6 months of the effective date of the regulation, whether or not it wishes to modify its procedural terminology and coding system, and the reasons for its decision. Such a requirement would bring strong pressure on carriers to make early changes and might, therefore, result in undesirable changes.

4. The proposed regulation (§ 405.512 (b)) stated that "the Social Security Administration will evaluate the proposal in the light of the guidelines specified in paragraph (c) of this section and such other considerations as may be pertinent." A suggestion to delete the phrase, "and such other considerations as may be pertinent" was made on the ground that only "specific criteria" should be included. However, the inclusion of this phrase is necessary because not all criteria which may turn out to be important in the future can necessarily be anticipated.

5. Also recommended was revision of the language in the regulation providing that a proposed change in a carrier's procedural terminology and coding system will be approved if it is determined that the potential advantages of the proposed new system outweigh the disadvantages on the grounds that: (a) current coding systems in use by Medicare carriers are those which the carriers themselves developed or adopted, not ones mandated by the Social Security Administration; (b) effective and efficient administration of the Medicare program is intended by Congress to be a responsibility of a carrier; and (c) the Social Security Administration's voice in this facet of administration should be limited to a veto, not to control. It was, therefore, proposed that the Social Security Administration be permited to disapprove such a revision only if it is determined that the potential disadvantages of the proposed new system outweigh the advantages; that such disapproval be stated and documented within 90 days of the carrier's proposal or the new system would be deemed approved; and that such disapproval, if stated within the 90-day period, be subject to a hearing if requested by either the carrier or practitioners who would be affected by the determination. This recommendation has not been accepted. It would subject the Social Security Administration to pressures for decisions more rapid than might always be appropriate and might give rise to formal hearings being initiated by a physician for almost any reason in case of denial and involve administrative difficulty and increased cost.

6. Another recommendation was that the proposed guideline which called for estimates of the short-run and long-run cost impact of the proposed change be deleted. It was suggested that since the Department of Health, Education, and Welfare has been involved in such studies for some 2 years, it is not necessary to obtain this information. However, these studies have been carried out in only a few areas and a change in any given plan in a given area of the country would not have the identical effect to that shown in the study. It was suggested that if the cost-estimate requirement were retained, (1) an evaluation of their present systems be required of the carriers, and (2) the costs of such studies be borne by the Social Security Administration. However, such an evaluation and analysis of a carrier's existing terminology and coding system would be expected as part of the carrier's proposal to change to a new system.

7. One of the proposed guidelines referred to the degree of physician acceptance of a proposed new system. It was intended to assure a reasonable likelihood that a new system would, in fact, be used by the physicians in the carrier's service area. In this regard, it was recommended that the guideline be amended to provide that the carrier obtain opinions on the proposed change in terminology from the State medical association and from any Professional Standards Review Organizations (PSRO's) in the area. In order for a carrier to assess the degree to which physicians in its area would accept and utilize a new system, the carrier would have to contact local medical societies and other parties. These contacts would afford them an opportunity to express their opinions on the proposed change. Consequently, we think the point and concern of this comment is accommodated in paragraph (c) (4) of § 405.512 as presently written.

Use of a hearing procedure was recommended where the carrier opposes a change that has been endorsed by physicians. Endorsement of a particular system of procedural terminology and coding by a medical association or by other groups would be one of the factors to be taken into account under the proposed guideline. However, we do not believe that such endorsements can be accepted as conclusive evidence that the physicians in an area will actually use the new terminology, or as establishing a presumption that a physician-backed system is superior, from the point of view of the public, to the existing system.

8. There was also concern with the proposed guideline which called for the evaluation of a carrier's proposal in terms of the compatibility of the new terminology and coding system with other systems that the carrier and other carriers may utilize in the administration of the Medicare program—e.g., its compatibility with systems and statistical requirements and with the historical data in the carrier's claims processing system. The comment was that while it is an objective of the Medicare program to coordinate administration as far as possible, interpreting this requirement too rigidly could preclude the change of any terminology and coding system until all were changed. It was recommended that compatibility with other carriers' systems be an evaluation criterion only in comparison with whatever system the carrier is using, i.e., that this factor

should only be relevant if the proposed system is less compatible than the current system. However, this criterion would also be relevant where the proposed procedural terminology and coding system is more compatible than the current system, since this would be a factor in favor of making the change. Also, the proposed guideline would not preclude a revision solely because other carriers are not using the same system or because the proposed new system is not compatible with those used by other carriers. The proposed guideline was written so as to provide for testing whether a new procedural terminology and coding system proposed by a carrier will enable it to timely and accurately update its reasonable charge screens, and to meet program requirements related to utilization safeguards, and the collection of program statistical data.

9. It was also recommended that the reference to compatibility with "historical data in the carrier's processing system" be deleted from the guidelines as an evaluation factor on the ground that, while "historical data is of some importance, the major relevance of the new system should be its effectiveness in handling claims, and the proposal should not be disapproved on what may be, essentially, minor disadvantages." This recommendation cannot be adopted because, under the Medicare law, determinations regarding reasonable charge must take into account historical data (i.e., data on charges which physicians and others have made in prior periods). Inability to relate determinations regarding reasonable charges to historical data would make it impossible to determine reasonable charges under the provisions of section 1842(b) of the Act. Therefore, any plan to institute a new system which would make existing data unusable would have a fundamental flaw.

10. One comment related to the last proposed guideline, which called for consideration of the compatibility of the proposed system with the carrier's methods for determining reasonable charges for services which are identified by a single element of the terminology but which may vary in content. The comment was that, in effect, this guideline would be relevant only where the new system is less detailed and precise because a more detailed and precise system would, in fact, enable the carrier to distinguish differing services under the new system whereas previously such services might have been identified as a "single element". However, there are other circumstances in which it would be relevant. For example, surgeons have usually made one inclusive charge for the surgery and the preoperative and postoperative care rendered to patients. When charges are made separately for the individual components of such "packages", the total cost may rise. The carriers have been advised to base their reasonable charges in such situations on the charges that in sum are reasonable for the whole package. To implement this rule the carriers need to know whether any given service charged for is only part of what is often reported as a package. More specifically, when a surgical service is paid for, it may have been expected to cover some specific duration of postoperative care. It may be necessary then to know whether a visit to a surgeon fell within the specified period. The proposed guideline was intended to assure that carriers which revise their systems of procedural terminology and coding can continue to implement this policy at least as well as they have in the past.

11. Finally, it was suggested that the proposed guidelines be changed so that they would apply only to "new and untested" systems, excluding the established, experienced, and predominant coding systems. However, proposed changes to such systems can also be expensive and should be evaluated. The approval process outlined in the proposed guidelines is, therefore, viewed as a necessary safeguard which must be retained.

The amendment as adopted is set forth below.

(Secs. 1102, 1169, 1814, 1833(a), 1842(b), and 1871; 49 Stat. 647, as amended; 79 Stat. 296, 297, 79 Stat. 302; 79 Stat. 331; 86 Stat. 1445; 42 U.S.C. 1302, 1320c–18, 1395f, 1395l(a), 1395u(b), and 1395hh.)

Effective date. This amendment shall be effective March 24, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: November 18, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 14, 1975.

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

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding a new § 405.512 to read as follows:

§ 405.512 Carriers' procedural terminology and coding systems.

(a) *General.* Procedural terminology and coding systems are designed to provide physicians and third party payers with a common language that accurately describes the kinds and levels of services provided and that can serve as a basis for coverage and payment determinations.

(b) *Modification of terminology and/or coding systems.* A carrier that wishes to modify its system of procedural terminology and coding shall submit its request to the Social Security Administration with all pertinent data and information for approval before the revision is implemented. The Social Security Administration will evaluate the proposal in the light of the guidelines specified in paragraph (c) of this section and such other considerations as may be pertinent, and consult with the Assistant Secretary for Health. The Social Security Administration will approve such a revision if it determines that the potential advantages of the proposed new system outweigh the disadvantages.

(c) *Guidelines.* The following considerations and guidelines are taken into account in evaluating a carrier's proposal to change its system of procedural terminology and coding:

(1) The rationale for converting to the new terminology and coding;

(2) The estimated short-run and long-run impact on the cost of the health insurance program, other medical care costs, administrative expenses, and the reliability of the estimates;

(3) The degree to which the conversion to the proposed new terminology and coding can be accomplished in a way that permits full implementation of the reasonable charge criteria in accordance with the provisions of this subpart;

(4) The degree to which the proposed new terminology and coding are accepted by physicians in the carrier's area (physician acceptance is assumed only if a majority of the Medicare and non-Medicare bills and claims completed by physicians in the area and submitted to the carrier can reasonably be expected to utilize the proposed new terminology and coding);

(5) The extent to which the proposed new terminology and coding system is used by the carrier in its non-Medicare business;

(6) The clarity with which the proposed system defines its terminology and whether the system lends itself to: (i) Accurate determinations of coverage; (ii) proper assessment of the appropriate level of payment; and (iii) meeting the carrier's or Professional Standards Review Organizations' review needs and such other review needs as may be appropriate;

(7) Compatibility of the new terminology and coding system with other systems that the carrier and other carriers may utilize in the administration of the Medicare program—e.g., its compatibility with systems and statistical requirements and with the historical data in the carrier's processing system; and

(8) Compatibility of the proposed system with the carrier's methods for determining reasonable charges for services which are identified by a single element of the terminology but which may vary in content.

[FR Doc.75–4792 Filed 2–20–75;8:45 am]

[Regulations No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974–.....)

Subpart T—State Supplementation Provisions; Agreements; Payments

Subpart U—Medicaid Eligibility Determinations

On August 6, 1973, and October 3, 1973, there were published in the FEDERAL REGISTER (38 FR 21188 and 38 FR 27412) notices of proposed rule making with proposed amendments to the regulations

adding new Subparts T and U to Regulations No. 16. The proposed amendments provide policies regarding State supplementation and Federal determinations of Medicaid eligibility.

Proposed Subpart T defines State supplementary payments, and establishes the conditions under which the Secretary of Health, Education, and Welfare will enter into an agreement with States to make optional supplementary payments to persons eligible (or eligible but for income) for benefits under title XVI of the Social Security Act. It also establishes conditions for implementing the mandatory State supplementation provisions contained in Pub. L. 93–66. Proposed Subpart U (Medicaid Eligibility Determinations) sets forth the conditions under which the Secretary of Health, Education, and Welfare will enter into agreements with States to determine eligibility for medical assistance in the case of aged, blind, or disabled individuals under such State's plan approved under title XIX of the Social Security Act.

Interested parties were given the opportunity to submit data, views, or arguments with regard to the proposed regulations. All comments submitted with respect to proposed Subparts T and U were given due consideration.

The following is a discussion of the major substantive comments and the disposition of each:

(1) Questions were raised regarding the requirement that State funds must be on deposit with the Secretary in the month prior to the month of payment to recipients. Section 416.2090(a) of the regulations has been modified to state that the funds must be available to the Secretary on or before the date payment is to be received by the recipient unless otherwise provided by the Secretary (rather than in the prior month).

(2) Concern was expressed about the provision that an individual, aged 65 or over, was only eligible for federally administered supplementation as an aged individual. Section 416.2015(e) has been modified to permit a State, at its option, to allow an individual to elect to receive State supplementation in a category other than aged (e.g., blind) for which he may qualify and under which the payments are higher.

(3) Comments were received about limitations on State payment level variations. Some concern was expressed that the limit was inconsistent with mandatory State supplementation under Pub. L. 93–66. The reorganized regulations make it clear that the payment variations are applicable to optional supplementation rather than the supplementation required by Pub. L. 93–66. A few States expressed the opinion that variable costs of care in custodial homes required a greater number of variations. However the proposed limitation on variations has been retained for reasons of efficient and effective administration. Any State is free to administer additional supplements in those cases where it is deemed necessary and appropriate.

(4) There was criticism of the provisions (now appearing as § 416.2035(b)) which permit States to retain lien and relative responsibility provisions if the Secretary determines that (a) the specific State rules are consistent with the purpose of the supplemental security income program, (b) the Federal government is in no way involved in the enforcement or administration of the rules, and (c) no portion of any benefit payment which is financed from Federal funds will be subjected to the liens or encumbrances under the State rules. No change has been made in this section of the regulations since there does not appear to be any basis for precluding a State from itself carrying out, completely apart from the administration of the supplemental security income (and supplementation) program, those rules which meet the criteria described above.

(5) Comments were received pertaining to the limitations on a person's eligibility for federally administered optional State supplementary payments due to his confinement in a medical facility. The restriction in § 416.2040(b) against Federal administration of a State supplement to persons in medical facilities not certified under title XIX has been deleted. This is superseded by the broader issue raised by the enactment of section 14 of Pub. L. 93–233 which will be addressed in separate regulations, to be published in notice form.

In addition, the provision regarding the calculation of the adjusted payment level for couples has been changed to require the use of actual ratios (§ 416.2085(b)); and § 416.2025(c) (implementing section 1616(c)(2) of the Social Security Act pertaining to additional income disregards available to the State in connection with optional supplementation) has been modified to make clear that, in accordance with the Act, States may provide for excluding only additional amounts of income in determining the amount of supplementation payable, and may not vary the exclusions based on the type (or source) of income. Modifications required by the provisions of section 8 of Pub. L. 93–233 and Pub. L. 93–335 relative to the bonus value of food stamps have been incorporated (§§ 416.2050(b)(1) and 416.2085(a)). Further, the regulations have been reorganized for the sake of accuracy and clarity.

Additional changes have been made to more clearly reflect the intent of the original regulatory provisions. Most of these changes resulted from comments received.

Accordingly, the proposed amendments, with changes noted, are hereby adopted as set forth below.

(Secs. 1102, 1601, 1616, 1631, and 1634, Social Security Act, as amended, sec. 401 of Pub. L. 92–603, sec. 212 of Pub. L. 93–66, sec. 8 of Pub. L. 93–233, secs. 1 and 2 of Pub. L. 93–335, 49 Stat. 647, as amended, 86 Stat. 1465, 1474, 1475, 1478, and 1485, 87 Stat. 155 and 956, 88 Stat. 291; 42 U.S.C. 1302, 1381, 1382e, 1383, 1383c, 1382e nts, 1382 nt (7 U.S.C. 2012 nts.))

Effective date. The amendments shall be effective on February 21, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 20, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 14, 1975.

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

Part 416 of 20 CFR Chapter III is amended by adding thereto new Subparts T and U to read as follows:

Subpart T—State Supplementation Provisions; Agreements; Payments

Sec.

Subpart U—Medicaid Eligibility Determinations

Subpart T—State Supplementation Provisions; Agreements; Payments

§ 416.2001 State supplementary payments; general.

(a) *State supplementary payments; defined.* State supplementary payments, which will be excluded from income pursuant to § 416.1151, are any payments made by a State (or one of its political subdivisions) to a recipient of supplemental security income benefits (or to an individual who would be eligible for such benefits except for income), if the payments are made:

(1) In supplementation of the Federal supplemental security income benefits; i.e., as a complement to the Federal benefit amount, thereby increasing the amount of income available to the recipient to meet his needs; and

(2) Regularly, on a periodic recurring, or routine basis of at least once a quarter; or made to a specific group or class of individuals in similar circumstances or situations (such as burnouts, utility turnoffs, evictions); and

(3) In cash, which may be actual currency or any negotiable instrument, convertible into cash upon demand; and

(4) In an amount based on the need or income of an individual or couple.

(b) *State; defined.* For purposes of this subpart, "State" means a State of the United States or the District of Columbia.

(c) *Mandatory minimum supplementary payments.* In order for a State to be eligible for payments pursuant to title XIX of the Act with respect to expenditures for any quarter beginning after December 1973, such State must have in effect an agreement with the Secretary under which such State will provide to aged, blind, and disabled individuals (as defined in § 416.202) residing in the State who were recipients of aid or assistance for December 1973 as defined in § 416.121, under such State's plan approved under titles I, X, XIV, or XVI of the Act, mandatory minimum supplementary payments beginning in January 1974 in an amount determined in accordance with § 416.2050 in order to maintain their income levels of December 1973. (See §§ 416.2065 and 416.2070.)

§ 416.2005 Administration agreements with the Secretary.

(a) *Agreement—mandatory only.* Subject to the provisions of paragraph (d) of this section, any State having an agreement with the Secretary under § 416.2001(c) may enter into an administration agreement with the Secretary under which the Secretary will make the mandatory minimum supplementary payments on behalf of such State. An agreement under § 416.2001(c) and an administration agreement under this paragraph may be consolidated into one agreement.

(b) *Agreement—mandatory and optional payments.* Subject to the provisions of paragraph (d) of this section, any State may enter into an agreement with the Secretary under which the State will provide both mandatory and optional State supplementary payments and elect Federal administration of such State supplementary payment programs. If the Secretary agrees to administer such State's optional supplementary payments, the State must also have the Secretary administer its mandatory minimum supplementary payments unless the State is able to provide sufficient justification for exemption from this requirement.

(c) *Administration—combination.* Any State may enter into an agreement with the Secretary under which the State will provide mandatory minimum supplementary payments and elect Federal administration of such payments while providing optional State supplementary payments which it shall administer itself. If the State chooses to administer such payment itself, it may establish its own criteria for determining eligibility requirements as well as the amounts.

(d) *Conditions of administration agreement.*

The State and the Secretary may, subject to the provisions of this subpart, enter into a written agreement, in such form and containing such provisions not inconsistent with this part as are found necessary by the Secretary, under which the Secretary will administer the State supplementary payments on behalf of a State (or political subdivision). Under such an agreement between the Secretary and a State, specific Federal and State responsibilities for administration and fiscal responsibilities will be stipulated. The regulations in effect for the supplemental security income program shall be applicable in the Federal administration of State supplementary payments except as may otherwise be provided in this subpart as found by the Secretary to be necessary for the effective and efficient administration of both the basic Federal benefit and the State supplementary payment.

§ 416.2010 Essentials of the administration agreements.

(a) *Payments.* Any agreement between the Secretary and a State made pursuant to § 416.2005 must provide that, if for optional supplementation, such State supplementary payments are made to all individuals and/or couples who are:

(1) Receiving (or at the option of the State would, but for the amount of their income, be eligible to receive) supplemental security income benefits under title XVI of the Social Security Act, and

(2) Within the variations and categories (as defined in § 416.2030) for which the State (or political subdivision) wishes to provide a supplementary payment, and

(3) Residing, subject to the provisions of § 416.2035(a), in such State (or political subdivision thereof).

(b) *Fiscal bases specified.* If, for any fiscal year, a State wishes to claim fiscal protection under the provisions of § 416.2080, the agreement between a State and the Secretary will specify the dollar amount(s) of the adjusted payment level(s), as defined in § 416.2085. The non-Federal share of expenditures for calendar year 1972 as defined in § 416.2082 will also be stated in the agreement. These amounts, if not known at the time the agreement is entered into, may be provisionally agreed upon and subsequently verified by Department of Health, Education, and Welfare audits. If the State elects options available under this subpart (specified in §§ 416.2015–416.2035), such options must be specified in the administration agreement.

(c) *Administrative costs.* The agreement between the State and the Secretary shall specify that all administrative costs incurred by the Secretary will be borne by the Federal Government.

(d) *Agreement period.* The agreement period for a State which, prior to January 1, 1974, elects Federal administration of its supplement will extend from January 1, 1974, through June 30, 1974. The agreement will be automatically renewed for a period of 1 year unless either the State or the Secretary gives written notice not to renew, at least 90 days before the beginning of the new period. For a State to elect Federal administration after January 1, 1974, it must notify the Secretary of its intent to enter into an agreement, furnishing the necessary payment specifications, at least 120 days before the first day of the month for which it wishes Federal administration to begin, and have executed such agreement at least 30 days before such day. Such a State's initial agreement period will run until the following June 30 at which time its agreement will be automatically renewed for 1 year unless the State or the Secretary has given written notice not to renew at least 90 days before the end of that period.

(e) *Modification or termination.* The agreement may be modified at any time by mutual consent. The State or the Secretary may terminate the agreement upon 90 days written notice to the other party, provided the effective date of the termination is the last day of a quarter. However, the State may terminate the agreement upon 45 days written notice to the Secretary where: (1) the State does not wish to comply with a regulation promulgated by the Secretary subsequent to the execution of the agreement; and (2) the State provides such written notice within 30 days of the effective date of the regulation. The Secretary is not precluded from terminating the agreement in less than 90 days where he finds that a State has failed to materially comply with the provisions of paragraph (f) of this section or § 416.2090.

(f) *Mandatory minimum State supplementation.* Any administration agreement between the Secretary and a State under which the Secretary will make such States mandatory minimum State supplementary payments shall provide that the State will:

(1) *Certify income and payment amount.* Certify to the Secretary the

names of each individual who, for December 1973 was eligible for and a recipient of aid or assistance in the form of money payments under a plan of such State approved under title I, X, XIV, or XVI of the Act (§ 416.121), together with the amount of such aid or assistance payable to each such individual and the amount of such individual's other income (as defined in § 416.2050(b)(2)), and

(2) *Additional data.* Provide the Secretary with such additional data at such times as the Secretary may reasonably require in order to properly, economically, and efficiently carry out such administration agreement. This shall include required information on changes in countable income as well as changes in special needs and circumstances that would result in a decrease in the mandatory income level being maintained by the State, unless the State has specified in the agreement that the minimum income level shall not be lowered by such changes.

§ 416.2015 Establishing eligibility.

(a) *Applications.* Any person who meets the application requirements of Subpart C of this part is deemed to have filed an application for any federally administered State supplementation for which he may be eligible unless supplementation has been waived pursuant to § 416.2047. However, a supplemental statement will be required where additional information is necessary to establish eligibility or to determine the correct payment amount.

(b) *Evidentiary requirements.* The evidentiary requirements and developmental procedures of this part are applicable with respect to Federally administered State supplementary payments.

(c) *Determination.* Where not inconsistent with the provisions of this subpart, eligibility for and the amount of the State supplementary payment will be determined pursuant to the provisions of Subparts A through Q of this part.

(d) *Categories; aged, blind, disabled.* An applicant will be deemed to have filed for the State supplementary payment amount provided for the category under which his application for a Federal supplemental security income benefit is filed. As in the Federal supplemental security income program, an individual who establishes eligibility as a blind or disabled individual, and continually remains on the rolls, will continue to be considered blind or disabled after he attains age 65.

(e) *Concurrent categories.* (1) In States where the supplementary payment provided for the aged category is higher than for the blind or disabled category aged individuals will be paid the State supplement on the basis of age.

(2) If the administration agreement pursuant to § 416.2005(b) provides for higher supplementary payments to the blind or disabled than to the aged category, then, at the option of the State, the agreement may provide that individuals who are age 65 or over at time of application and who are blind or disabled may elect to receive such higher supplementary payments.

§ 416.2020 Federally administered supplementary payments.

(a) *Payment procedures.* A Federally administered State supplementary payment will be made on a monthly basis and will be included in the same check as a Federal benefit that is payable. A State supplementary payment shall be for the same month as the Federal benefit.

(b) *Maximum amount.* There is no restriction on the amount of a State supplementary payment that the Federal Government will administer on behalf of a State.

(c) *Minimum amount.* The Federal Government will not administer optional State supplementary payments in amounts less than $1 per month, i.e., $3 per quarter. Hence, optional supplementary payment amounts of less than $1 will be raised to a dollar.

(d) *Optional supplementation: nine categories possible.* A State may elect Federal administration of its supplementary payments for up to nine categories, depending on the assistance titles in effect in that State in January 1972 (i.e., titles I, X, XIV, or XVI). It can have no more than two categories (one for individuals and one for couples) for each title in effect for January 1972:

(1) Since a State with a title XVI program had just the one title in effect, it can supplement only to two categories, the individual (aged, blind, or disabled), the couple (both of whom are aged, blind, or disabled).

(2) Other States could supplement up to nine categories, depending on the plans they had in effect. Six of these categories would be for:

(i) Aged Individual,
(ii) Aged Couple,
(iii) Blind Individual,
(iv) Blind Couple,
(v) Disabled Individual,
(vi) Disabled Couple

(3) In addition to those enumerated in paragraph (d)(2) of this section, there are three additional couple categories for which a State may elect to provide a Federally administered supplement. These categories are created when one individual in the couple is:

(1) Aged and the other blind, or
(2) Aged and the other disabled, or
(3) Blind and the other disabled.

§ 416.2025 Optional supplementation: countable income.

(a) *Earned and unearned income.* No less than the amounts of earned or unearned income which were excluded in determining eligibility for or amount of a title XVI supplemental security income benefit must be excludable by a State in the Federal-State agreement for purposes of determining eligibility for or amount of the State supplementary payment.

(b) *Effect of countable income on payment amounts.* "Countable income" of an eligible individual or eligible couple is determined in the same manner as such income is determined under the title XVI supplemental security income program. Countable income will affect the amount of the State supplementary payments as follows:

(1) As provided in § 416.420, countable income will first be deducted from the Federal benefit rate applicable to an eligible individual or eligible couple.

(2) If countable income is equal to or less than the amount of the Federal benefit rate, the full amount of the State supplementary payment as specified in the Federal agreement will be made.

(3) If countable income exceeds the amount of the Federal benefit rate, the State supplementary payment will be reduced by the amount of such excess.

(4) No State supplementary payment will be made where countable income is equal to or exceeds the sum of the Federal benefit rate and the State supplementary payment rate.

(c) *Effect of additional income exclusions on payment amounts.* A State has the option of excluding amounts of earned and unearned income in addition to the amounts it is required to exclude under paragraph (a) of this section in determining a person's eligibility for State supplementary payments. Such additional income exclusions affect the amount of the State supplementary payments as follows:

(1) Countable income (as determined under the Federal eligibility rules) will first be deducted from the Federal benefit rate applicable to an eligible individual or eligible couple.

(2) Such countable income is then reduced by the amount of the additional income exclusion specified by the State.

(3) If the remaining countable income is equal to or less than the amount of the Federal benefit rate, the full amount of the State supplementary payment will be made.

(4) If the remaining countable income exceeds the amount of the Federal benefit rate, the State supplementary payment will be reduced by the amount of such excess.

§ 416.2030 Optional supplementation: variations in payments.

(a) *Payment level.* The level of State supplementary payments may vary for each category the State elects to include in its Federally administered supplement. These categorical variations of payment levels must be specified in the agreement between the Secretary and the State. If any State has in effect for July 1974 an agreement which provides for variations in addition to those specified in this section, the State may, at its option, continue such variations but only for periods ending before July 1, 1976.

(1) *Geographical variations.* A State may elect to include two different geographical variations. A third may be elected if adequate justification, e.g., substantial differences in living costs, can be demonstrated. All such variations must be readily identifiable by county or ZIP code or other readily identifiable factor.

(2) *Living arrangements.* In addition, a State may elect no more than five variations in recognition of the different needs which result from various living arrangements. Types of living arrangements for which variations may be allowed include arrangements such as:

(i) Living alone,

(ii) Living with an ineligible spouse,

(iii) Personal care facility,

(iv) Domiciliary or congregate care facility.

(b) *Relationship to actual cost differences.* Under the agreement, variations in State supplementary payment levels will be permitted for each living arrangement the State elects. These differences must be based on rational distinctions between both the types of living arrangements and the costs of those arrangements.

§ 416.2035 Optional supplementation: additional State options.

(a) *Residency requirement.* A State or political subdivision may impose, as a condition of eligibility, a residency requirement which excludes from eligibility for State supplementary payment any individual who has resided in such State (or political subdivision thereof) for less than a minimum period prescribed by the State. Any such residency requirement will be specified in the agreement.

(b) *Lien and relative responsibility.* A State which elects Federal administration of its supplementary payments may place a lien upon property of an individual as a consequence of the receipt of such payments or may require that a relative of the individual contribute to a reasonable extent to the support of the individual, providing it is stated in the agreement that:

(1) The Secretary has determined that the specific State laws and their enforcement are consistent with the supplemental security income program purpose of providing unencumbered cash payments to recipients; and

(2) The Federal Government is not involved in the administration of such laws and will not vary the State supplementary payment amount it makes to comply with such laws; and

(3) Neither the basic Federal benefit nor any part of the State supplementary payment financed by Federal funds will be subject to the liens or encumbrances of such laws.

§ 416.2040 Limitations on eligibility.

Notwithstanding any other provision of this subpart, the eligibility of an individual (or couple) for optional State supplementary payments administered by the Federal Government in accordance with this subpart shall be limited as follows:

(a) *Inmate of public institution.* No person who is ineligible for a Federal benefit pursuant to § 416.231(a)(1) shall be eligible for such State supplementation for that month.

(b) *Supported by title XIX funds.* No person who is, throughout any month, in a medical facility receiving payments with respect to such person under a State plan approved under title XIX at a level exceeding 50 percent of the cost of such person's care, shall be eligible for such State supplementation for that month.

(c) *Ineligible persons.* No person who is ineligible for a Federal benefit for any month under sections 1611(e)(1)(A), (2), (3), or (f) of the Act (failure to file; refuses treatment for drug addiction or alcoholism; outside the United States) or section 1615 of the Act (refuses vocational rehabilitation) or other reasons (other than the amount of income) shall be eligible for such State supplementation for such month.

§ 416.2045 Overpayments and underpayments; federally administered supplementation.

(a) *Overpayments.* Upon determination that an overpayment has been made, adjustments will be made against future federally administered State supplementary payments for which the person is entitled. Rules and requirements (see §§ 416.550–416.572) in effect for recovery (or waiver) of supplemental security income benefit overpayments shall also apply to the recovery (or waiver) of federally administered State supplementary overpaid amounts. If the overpaid person's entitlement to the State supplementary payments is terminated prior to recoupment of the overpaid State supplementary payment amount, and the overpayment cannot be recovered from a Federal benefit payable under this part, the person's record will be annotated (specifying the amount of the overpayment) to permit recoupment if the person becomes reentitled to supplementary payments of such State or to a Federal benefit under this part.

(b) *Underpayments.* Upon determination that an underpayment of State supplementary payments is due and payable, the underpaid amount shall be paid to the underpaid claimant directly, or his representative. If the underpaid person dies before receiving the underpaid amount of State supplementary payment the underpaid amount shall be paid to the claimant's eligible spouse. If the deceased claimant has no eligible spouse, no payment of the underpaid amount shall be made. (See §§ 416.538–416.543.)

§ 416.2047 Waiver of State supplementary payments.

(a) *Waiver request in writing.* Any person who is eligible to receive State supplementary payments or who would be eligible to receive such State supplementary payments may waive his right to receive such payments if such person makes a written request for waiver of State supplementary payments. Any such request made at time of application for the Federal benefit shall be effective immediately. Any such request filed after the application is filed shall be effective the month the request is received in a social security office, or earlier if the recipient refunds to the Social Security Administration the amount of any supplementary payment(s) made to him for the subject period.

(b) *Revocation of waiver.* Any individual who has waived State supplementary payments may revoke such waiver at any time by making a written request to any social security office. The revocation will be effective the month in which it is filed. The date such request is received in a social security office or the postmarked date, if the written request was mailed, will be the filing date, whichever is earlier.

§ 416.2050 Mandatory minimum State supplementation.

(a) *Determining the amount.* The amount of a mandatory State supplementary payment in the case of any eligible individual or couple for any month is equal to:

(1) The amount by which such individual or couple's December 1973 income (as defined in paragraph (b) of this section) exceeds the amount of such individual or couple's title XVI benefit plus other income which would have been used by such State in computing the assistance payable under the State's approved plan for such month or;

(2) Such greater amount as the State may specify.

(b) *December 1973 income.* "December 1973 income" means an amount equal to the aggregate of:

(1) *Money payments.* The amount of the aid or assistance in the form of money payments (as defined in 45 CFR § 234.11(a)) which an individual would have received (including any part of such amount which is attributable to meeting special needs or special circumstances) under a State plan approved under title I, X, XIV, or XVI of the Act in accordance with the terms and conditions of such plan relating to eligibility for and amount of such aid or assistance payable thereunder which were in effect for the month of June 1973 together with the bonus value of food stamps for January 1972 (as defined in § 416.2085(e)) if for such month such individual resides in a State which the Secretary has determined provides supplementary payments the level of which has been found by the Secretary pursuant to section 8 of Pub. L. 93–233 (87 Stat. 956) to have been specifically increased so as to include the bonus value of food stamps, and

(2) *Income.* The amount of the income of such individual other than aid or assistance, received by such individual in December 1973, remaining after application of all appropriate income exclusions and used in computation of the amount of aid or assistance, minus any such income which did not result, but which if properly reported, would have resulted in a reduction in the amount of such aid or assistance. Income, which because a State paid less than 100% of its standard of need, did not cause a reduction in the amount of aid or assistance is included.

(c) *Special needs or circumstances.* Special needs or circumstances include needs of essential persons (as defined in § 416.243), special allowances for housing, and such other situations for which

money payments to or for an eligible individual were made under a State plan approved under title I, X, XIV, or XVI of the Act as in effect for June 1973.

(d) *Optional supplement payable.* A recipient meeting the requirements of paragraph (a) of this section who would otherwise qualify for a payment under a State's program of optional State supplementation (provided for by § 416.2010) which is greater than the amount required by paragraph (a) of this section, shall be paid such greater amount.

§ 416.2055 Mandatory minimum supplementation reduced.

If for any month after December 1973 there is a change with respect to any special need or special circumstance which, if such change had existed in December 1973, would have caused a reduction in the amount of such individual's aid or assistance payment, then, for such month and for each month thereafter, the amount of the mandatory minimum supplement payable to such individual may, at the option of the State, be reduced in accordance with the terms and conditions of the State's plan approved under title I, X, XIV, or XVI of the Act in effect for the month of June 1973.

§ 416.2060 Mandatory minimum supplementary payments not applicable.

An individual eligible for mandatory minimum supplementary payments from a State beginning in January 1974 shall not be eligible for such payments:

(a) *Month after the month of death.* Beginning with the month after the month in which the individual dies; or

(b) *Not aged, blind, or disabled.* Beginning with the first month after the month in which such individual ceases to be an aged, blind, or disabled individual (as defined in § 416.202); or

(c) *Not entitled to a Federal payment.* During any month in which such individual was ineligible to receive supplemental income benefits under title XVI of the Social Security Act by reason of the provisions of Section 1611(e)(1)(A), (2) or (3), 1611(f), or 1615(c) of such Act; or

(d) *Month of change in residence.* During any full month such individual is not a resident of such State.

§ 416.2065 Mandatory minimum State supplementation: agreement deemed.

A State shall be deemed to have entered into an agreement with the Secretary under which such State shall provide mandatory minimum supplementary payments if such State has entered into an agreement with the Secretary under section 1616 of the Act under which:

(a) *Other eligible individuals.* Supplementary payments are made to individuals other than those aged, blind, and disabled individuals who were eligible to receive aid or assistance in the form of money payments for the month of December 1973 under a State plan approved under title I, X, XIV, or XVI of the Act, under terms and conditions of such plan in effect for June 1973, and

(b) *Minimum requirements.* Supplementary payments which meet the mandatory minimum requirements of this subpart are payable to all aged, blind, or disabled individuals who were eligible to receive aid or assistance in the form of money payments for the month of December 1973 under a State plan approved under title I, X, XIV, or XVI of the Act, under terms and conditions of such plan in effect for June 1973.

§ 416.2070 Mandatory supplementation: State compliance not applicable.

The requirement that a State must have in effect an agreement with the Secretary whereby such State shall provide individual aged, blind, and disabled recipients residing in the State mandatory minimum supplementary payments beginning in January 1974 shall not be applicable in the case of any State where:

(a) *State constitution.* The State constitution limits expenditures that may be paid as public assistance to, or on behalf of, any needy person to an amount that does not exceed the amount of State public assistance payments that are matched by Federal funds under titles I, IV, X, XIV, XVI, or XIX of the Social Security Act making it impossible for such State to enter into and commence carrying out (on January 1, 1974) such agreement with the Secretary, and

(b) *Attorney General decision.* The Attorney General (or other appropriate State official) has, prior to July 1, 1973, made a finding that the State constitution of such State contains limitations which prevent such State from making supplementary payments of the type described in section 1616 of the Act.

§ 416.2075 Monitoring of mandatory minimum supplementary payments.

(a) *Access to records.* Any State entering into an agreement with the Secretary whereby such State will provide mandatory minimum supplementary payments in accordance with § 416.2001(c) shall agree that the Secretary shall have access to and the right to examine any directly pertinent books, documents, papers, and records of the State involving transactions related to this agreement.

(b) *Additional data.* Any State entering into an agreement in accordance with § 416.2005 shall provide the Secretary with such additional data at such times as the Secretary may reasonably require in order to properly, economically, and efficiently be assessed of such State's compliance with such State agreements.

§ 416.2080 Limitation of fiscal liability of States.

(a) *Fiscal limits.* The amount payable to the Secretary by a State for the amount of the supplementary payments made on its behalf for any fiscal year pursuant to the administration agreement with the Secretary as described in § 416.2005 shall not exceed the total amount of the State's calendar year 1972 non-Federal share of expenditures as aid or assistance under the State plan(s) approved under title I, X, XIV, or XVI of the Act, as set forth in § 416.2082.

(b) *Less than full fiscal year period.* Should the agreement cover less than a full fiscal year, the limitation on the amount of the State's fiscal liability protection is the same as described in paragraph (a) of this section. The only exception is the fiscal liability protection for States for January through June of 1974 which will be determined by dividing the calendar year 1972 non-Federal share of expenditures as described in § 416.2082 by two.

(c) *State fiscal protection.* Except as provided in paragraph (e) of this section, the provisions of paragraphs (a) and (b) of this section shall apply only to that portion of the State supplementary payments made by the Secretary on behalf of a State under an agreement for any month which does not exceed, in the case of any individual (or couple), the difference between:

(1) The adjusted payment level as defined in § 416.2085 under the appropriate approved State plan(s) as in effect for January 1972, and

(2) The benefits paid for such month under title XVI plus any income not excluded under the provisions of section 1612 of the Act.

(d) *Unprotected payments.* Except as provided in paragraph (e) of this section, the portion of the State supplementary payment which is, in the case of any individual, in excess of this difference between the State's January 1972 adjusted payment level and the Federal benefit (plus income counted under Federal eligibility rules) will be made entirely at State expense.

(e) *Credits and debits.* For purposes of determining the extent of protected payments where State supplementary payments are paid at varying levels, to the extent that payments above the adjusted payment level do not exceed the difference by which variations in payment levels (variant payment levels) are established below the adjusted payment level, payments count toward the amount of a State's fiscal liability protection. This provision is explained as follows:

(1) The variant payment levels must be both above and below the adjusted payment level. The variant payment level is the sum of the Federal benefit plus income counted under Federal eligibility rules plus the State supplementary payment.

(2) In each case where the variant payment level is below the adjusted payment level and a State supplementary payment is made, a credit will be given to the extent of the difference between the adjusted payment level and the variant payment level. While countable income affects the amount of the State's supplementary payment, it has no effect on the amount of credit given. Cumulative credit will be given for the number of cases in each variation below the adjusted payment level. The credit given to each case within such a variation is always the same because it is not adjusted to reflect payments that are reduced due to income.

(3) In each case where the variant payment level is above the adjusted payment level and a State supplementary

payment is made which equals either the full or partial difference between the variant payment level and the adjusted payment level, a debit will be given to the extent of such difference. A cumulative debit amount will be given for such cases in each variation that exceeds the adjusted payment level.

(4) Neither a credit nor a debit is applicable to those cases where a State's variant payment level is equal to the adjusted payment level.

(5) For those States which apply additional income exclusions as explained in § 416.2025(c), the computation of credits and debits will be made as if supplementary payments had been made without regard to such additional income exclusions.

(6) For purposes of paragraph (e)(4) of this section, credits may be applied to debits at any time within a fiscal year. The amount that would count toward a State's fiscal liability protection once the non-Federal share of 1972 expenditures has been met will be determined by the extent to which total credits within each category of supplementation equal total debits within each category of supplementation in a fiscal year. The amount by which total debits exceed total credits will be borne entirely at State expense.

(f) *Fiscal limit not applicable.* The limitation on fiscal liability provision will not apply to any State supplementary payments which are made to individuals or couples within any category for which the adjusted payment level is less than, or equal to, the Federal monthly benefit rate for an eligible individual or eligible couple as specified in §§ 416.410 and 416.412. Further, the provisions of paragraph (a) of this section shall not apply to the amount of any State supplementary payment which results from the application of additional income exclusions specified by the State in its agreement with the Secretary (see § 416.2025(c)). In addition, the provisions of paragraph (a) of this section shall not apply with respect to supplementary payments to any individual or couple who is both:

(1) Not required to be included in the agreement administered by the Secretary (see § 416.2010(a)), and

(2) Would have been ineligible (for reasons other than income) for payments under the appropriate approved State plan as in effect for January 1972.

§ 416.2082 Non-Federal share of expenditures; defined.

The term "non-Federal" share of expenditures as aid or assistance for quarters in the calendar year 1972 under the plans of a State approved under titles I, X, XIV, or XVI of the Act means the difference between:

(a) The total matchable expenditures as aid or assistance for such plans (excluding expenditures authorized under section 1119 of the Act as in effect prior to October 30, 1972, for repairing the home of an individual who was receiving aid or assistance under one of the appropriate approved State plans); and

(b) The total of the amounts determined under sections 3, 1003, 1118, 1403, and 1603 of the Act and under section 9 of the Act of April 19, 1950, for such State with respect to such expenditures in such quarters.

§ 416.2085 Adjusted payment level.

(a) *Adjusted payment level; defined.* "Adjusted payment level" means the amount of the money payment under the appropriate State plan(s) approved under titles I, X, XIV, or XVI of the Social Security Act to individuals (or couples) within a category who had no other income (excluding eligible recipients who received no payments) for the month of January 1972; plus (at State option) an amount no greater than the sum of a payment level modification (as described in paragraph (d) of this section) and (at State option) beginning July 1, 1975, the bonus value of food stamps in the State for January 1972 (as described in paragraph (e) of this section). Also, prior to July 1, 1975, those States which the Secretary has determined provide supplementary payments the level of which has been found by the Secretary pursuant to section 8 of Pub. L. 93-233 (87 Stat. 956) to have been specifically increased so as to include the bonus value of food stamps may include such bonus value in the computation of the adjusted payment level. (See 7 CFR § 271.10 published at 39 FR 3812, January 30, 1974.)

(1) *Amount of money payment.* The amount of the money payment will be determined by computing the average of the cash payments made for basic needs and special needs, (but excluding cases involving only personal needs payments to recipients residing in medical facilities, and payments that included an amount for the needs of an "essential person") to individuals who were not living in the household of another, whose support and maintenance was not contributed to by another, and who had no other income. In addition, States may include domiciliary care payments to individuals with no other income (within each category).

(2) *No other income.* Cases in which income which was totally disregarded by a State in determining the amount of the money payment will be considered cases in which there was "no other income." For these purposes, in-kind or imputed income will be treated the same as cash income.

(b) *Adjusted payment levels for couples: computation method.* If the State's records do not contain sufficient information to compute the actual amount of the money payment for couples for January 1972, then the adjusted payment level for couples may be computed by multiplying the sum of the average money payment to individuals in the appropriate category (as defined in § 416.2020(d)) and the payment level modification for that category by the ratio of the payment standard for a couple to the payment standard for an individual in that category, and then in accordance with paragraph (a) of this section, adding the bonus value of food stamps to the result. With respect to adjusted payment levels used for the period January 1, 1974, through June 30, 1974, the ratio of the payment standards, if less than 1.5 shall be raised to 1.5; ratios in excess of 2.0 shall be lowered to 2.0.

(c) *Payment standard.* "Payment standard" (PS) means the amount specified as the "payment standard" in the approved State plan as in effect for January 1972 under titles I, X, XIV, or XVI of the Act.

(d) *Payment level modification.* "Payment level modification (PLM) with respect to any State plan means the amount by which a State which paid less than 100 percent of its standard of need could have increased its January 1972 money payments for basic needs to persons with no other income by reducing the need standard and raising the maximum amount payable so that the increased payments equal 100 percent of the new standard without increasing the non-Federal share of expenditures under titles I, X, XIV, and XVI of the Act for calendar year 1972.

(1) *Maximum amount payable.* The "maximum amount payable" (M) means the amount specified as the largest amount payable for basic needs in the approved State plan as in effect for January 1972 under title I, X, XIV, or XVI of the Act.

(2) *Computing the payment level modification.* The payment level modification shall be determined by computing a Reduced Payment Standard (RS) and subtracting the maximum amount payable (PLM=RS−M).

(i) The Reduced Payment Standard shall be computed (within a category) by use of the following formula:

$$RS=\frac{TP+TCI}{TR}$$

(TP=Total Payments for January 1972 for basic needs,
TCI=Total Countable Incomes of recipients for January 1972, and
TR=Total Number of Recipients for January 1972.)

(ii) For a State entitled to a payment level modification and for which State total countable incomes of recipients for January 1972 cannot be determined, TCI may be estimated using the following formula:

$$TCI=TN-TP\ (PS).$$
$$\overline{M}$$

TN=PS×TR=Total Needs for January 1972.)

(e) *Bonus value of food stamps.* (1) The term "bonus value of food stamps in a State for January 1972" means (with respect to any individual) the difference between:

(i) The face value of the coupon allotment which would have been provided to such individual under the Food Stamp Act of 1964 (7 U.S.C. 2011 ff.) for January 1972, and

(ii) The charge which such individual would have paid for such coupon allotment.

(2) *Income schedules.* The total face value of such coupon allotment and the cost thereof for January 1972 shall be determined in accordance with the schedules prescribed by the Secretary of Agriculture. Such schedules for 48 States and the District of Columbia are those published in the FEDERAL REGISTER on January 26, 1972 (37 FR 1180). Such schedules for Alaska and Hawaii are those published in the FEDERAL REGISTER on March 3, 1972 (37 FR 4456–58). The schedule as applicable to a household of one shall be used with respect to an individual, and the schedule as applicable to a household of two shall be used with respect to a couple.

(3) *Determining bonus value.* In determining the charge such individual (or couple) would have paid for such coupon allotment, the individual's (or couple's) monthly net income will be considered to equal the State's January 1972 adjusted payment level as set forth in paragraph (a) of this section including the results of any payment level modification as described in paragraph (d) of this section but excluding the bonus value of food stamps. If such amount exceeds the maximum allowable monthly income for food stamp eligibility (as published for non-public assistance households), the bonus value is the difference between the monthly coupon allotment and the monthly purchase requirement listed in the schedule for households with the maximum allowable monthly income. (This situation may occur since public assistance households are eligible for food stamps regardless of income.)

§ 416.2090 State funds advanced for supplementary payments.

(a) *Advance payment and adjustment.* Any State which has entered into an agreement with the Secretary which provides for Federal administration of such State's supplementary payments shall pay to the Secretary either: (1) An amount equal to the Secretary's estimate of State supplementary payments for any month which shall be made by the Secretary on behalf of such State; or (2) where the provisions of § 416.2080 are applicable, an amount equal to one-twelfth of the State's non-Federal share of expenditures (as described in § 416.2082) plus the unprotected payments which are payable for the month for which funds are provided. In order for the Secretary to make State supplementary payments as provided by the agreement, the necessary amount of State funds must be on deposit with the Secretary on or before the date payments are to be received by the recipients, unless otherwise agreed to by the Secretary. The amount of State funds paid to the Secretary for State supplementary payments will be adjusted as necessary to maintain the balance with State supplementary payments paid out by the Secretary on behalf of the State.

(b) *Accounting of State funds.* (1) As soon as feasible, after the end of each calendar month, the Secretary will provide the State with a statement showing, cumulatively, the total amounts paid by the Secretary on behalf of the State during the current fiscal year; the State's total liability, therefore; and the end-of-month balance of the State's cash on deposit with the Secretary.

(2) The Secretary shall provide an accounting of State funds received and paid as State supplementary payments within 3 calendar months following the termination of an agreement under § 416.2005.

(3) Adjustment will be made because of State funds due and payable or amounts of State funds recovered for calendar months for which the agreement was in effect. No interest shall be charged or payable by the Secretary or the State with respect to the adjustment and accounting of State supplementary funds.

(c) *State audit.* Any State entering into an agreement with the Secretary which provides for Federal administration of the State's supplementary payments has the right to an audit (at State expense) of the payments made by the Secretary on behalf of such State. The Secretary and the State shall mutually agree upon a satisfactory audit arrangement to verify that supplementary payments paid by the Secretary on behalf of the State were made in accordance with the terms of the administration agreement under § 416.2005. Resolution of audit findings shall be made in accordance with the provisions of the State's agreement with the Secretary.

Subpart U—Medicaid Eligibility Determinations

§ 416.2101 Authority to perform State Medicaid functions.

(a) *Section 1634 of the Act.* Pursuant to section 1634 of the Act, the Secretary may, should a State so desire, enter into an agreement with that State to determine the eligibility for medical assistance on behalf of such State in the case of aged, blind, and disabled individuals under such State's medical assistance plan approved for Federal financial participation under title XIX of the Act.

(b) *Data exchange.* Pursuant to authority under the Intergovernmental Cooperation Act (42 U.S.C. 4222), the Secretary will enter into an agreement with a State, if the State so desires, to provide information obtained through the administration of the title XVI program and other additional assistance or support related to the administration of the State's medical assistance programs where administratively feasible and subject to such limitations as may be necessary for the efficient and effective administration of the title XVI program.

§ 416.2104 Renewal, termination, or modification of agreement.

(a) *Terms of agreement.* An agreement between the Secretary and a State described in § 416.2101 remains in effect for the term specified in the agreement and shall be automatically renewed for a period of 1 year except that the Secretary or the State may terminate the agreement by written notice at least 120 days in advance of the proposed termination date.

(b) *Modification or termination of agreement.* The Secretary or the State may modify or terminate the agreement at any time by mutual consent.

§ 416.2107 Effect of agreement on existing Federal-State responsibilities.

The terms and conditions for approval of a State's medical assistance plan under title XIX of the Act and the State's responsibility under such plan remain unchanged except to the extent otherwise specifically provided for in the agreement. Thus, a State will continue to be responsible for any aspects of medical assistance eligibility determinations and other functions not specifically undertaken to be performed by the Secretary pursuant to the agreement. Functions permitted or required by title XIX of the Act that shall remain as State responsibilities include, but are not limited to:

(a) Issuance of emergency authorizations for medical service pending processing of applications;

(b) Outstationing of medical assistance eligibility workers at providers of medical services to receive Medicaid applications;

(c) Establishment, administration, and operation of the cost-sharing systems (including spend-down computations) for medical assistance recipients;

(d) Issuance, control, and termination of medical assistance identification cards and other notices to individuals within the purview of the agreement;

(e) Determination of retroactive eligibility for medical assistance.

§ 416.2111 Conditions for agreement to determine eligibility for medical assistance.

As a condition for having the Secretary agree to determine or redetermine eligibility for medical assistance under a State's approved plan, the plan must specify that:

(a) Such eligibility is to be determined using the criteria established under title XVI of the Act to determine eligibility for benefits as a disabled, blind, or aged individual; and

(b) Such Medicaid eligibility is provided to all individuals of a particular category (i.e., aged, blind, or disabled) eligible for benefits under title XVI of the Act.

§ 416.2112 Limitations as to individuals covered by agreement to determine eligibility for medical assistance.

Determinations of Medicaid eligibility pursuant to an agreement are limited to individuals who have been determined to be eligible individuals under title XVI of the Act or who are receiving a State supplementary payment which is federally administered, or both (see § 416.2003 and § 416.2052 in connection with federally administered State supplementary payments).

§ 416.2116 Terms of agreement; functions performed by the Secretary.

Under the agreement the Secretary may perform the following:

(a) *Determinations and redeterminations.* (1) Make determinations of eligibility for medical assistance pursuant to

the agreement on behalf of a State so requesting;

(2) Make redeterminations of eligibility for medical assistance as frequently and to the same extent that redeterminations of eligibility for benefits are made under the title XVI program or as frequently and to the same extent as may be mutually agreed upon.

(b) *Notification to States.* Notify the State in a manner mutually agreed upon concerning:

(1) Individuals determined or redetermined to be eligible to receive a benefit under title XVI or a federally administered State supplementary payment, or both;

(2) Changes in status of individuals covered under the agreement;

(3) Individuals determined or redetermined to be ineligible to receive a benefit under title XVI or a federally administered State supplementary payment, or both.

(c) *Quality reviews and program integrity reviews.* Apply the same procedures established for the performance of quality assurance reviews and program integrity reviews for the title XVI program to determinations made under the agreement and to notify the State of findings that affect the status of individuals covered under the agreement.

(d) *Other items of mutual concern.* Other matters of mutual concern relevant to the purpose of the agreement or related functions may, in the Secretary's discretion, be incorporated into its terms.

§ 416.2118 State requests for studies, evaluations, and other information or assistance.

(a) *Studies and evaluations.* The Secretary may, in a separate agreement, agree to conduct such studies and evaluations as the State may request, provided that:

(1) The costs of such studies and evaluations shall be borne by the State, and

(2) The Secretary determines that any such study or evaluation requested by the State is consistent with effective and efficient administration of the title XVI program and does not interfere with the administration of that program.

(b) *Information sharing.* The Secretary may provide the State with information obtained upon an application for title XVI benefits which may be relevant to medical assistance eligibility determinations in a manner mutually agreed upon.

(c) *Coordination with title XVI program.* The Secretary may provide such other assistance with respect to coordination between the State medical assistance programs and the title XVI program, such as the gathering of additional information required by a State to make eligibility determinations for medical assistance, the referral of applicants under the title XVI program to the appropriate State agency, and the placement of State medical assistance workers in offices of the Social Security Administration, as may be administratively feasible and subject to such limitations as may be necessary for the efficient and effective administration of the title XVI program.

§ 416.2119 Functions performed by the State.

(a) *Agreements for Federal determination of eligibility for medical assistance.* The State shall make a timely payment to the Secretary as specified in the agreement of an amount equal to one-half of the administrative costs incurred in carrying out the agreement. In determining such administrative costs only the costs that are necessitated by the agreement and that are additional to the Secretary's costs incurred in administering the title XVI program shall be included.

(b) *Agreements for data exchange.* The State shall make a timely payment to the Secretary, as specified in the agreement of the identifiable costs incurred in carrying out the agreement. Only those costs, necessitated by the agreement that are additional to the Secretary's costs incurred in administering the title XVI program shall be included.

[FR Doc. 75-4793 Filed 2-20-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 1—GENERAL

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Railroad-Highway Insurance Protection; Revocation and Corrections

The matters affected relate to grants benefits, or contracts within the purview of 5 U.S.C. 553(a)(2), therefore general notice of proposed changes is not required. The changes will become effective on the date of issuance.

A revocation and corrections are hereby published as set forth below.

§ 1.14 [Removed]

§ 1.14 (Project Agreements) is hereby revoked. The provisions of this section have been codified in Part 630, Subpart C of this title.

Appendix A [Amended]

1. The last line in Item 1 of paragraph 10 in Appendix A should be corrected by placing a close parenthesis symbol after the word "State."

2. The reference to the "Atomic Energy Act of 1964" in the third full subparagraph of paragraph 4 under "Exclusions" in Appendix A should be changed to "Atomic Energy Act of 1954."

3. In paragraph 11 under "Conditions" in Appendix A, after the words in the seventh line "competent appraiser, and" insert the words "the appraisers shall select a".

Issued on February 12, 1975.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-4723 Filed 2-20-75;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. FI-321]

List of Communities; Correction

On August 6, 1974, in 39 FR 28252, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Tallahassee, Florida, as an eligible community and included map No. H 120144 10 which indicates that Lots No. 12–25 of Block F, Lots No. 1, 2, 16–26 of Block G, and Lots No. 1–12 and 14–26 of Block J, Apalachee Ridge Subdivision Unit No. 4, Tallahassee, Florida, as recorded in Plat Book 4, Page 18, in the Office of the Clerk of the Circuit Court, Leon County, Florida, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 120144 10 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: February 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4763 Filed 2-20-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This included Fairfax County, Virginia as an eligible community and

included map No. H 515525 13 which indicates that Lot No. 37, Section 2, Pomponio's Addition to Valley Brook, Mason District, Fairfax County, Virginia, as recorded in Deed Book 1478, Page 4 of the land records of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. Accordingly, effective June 17, 1970, Map No. H 515525 13 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: February 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4764 Filed 2-20-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. FI-315]

List of Communities; Correction

On August 6, 1974, in 39 FR 28265, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Charlotte, North Carolina, as an eligible community and included map No. H 370159 18 which indicates that property at 2219 Windingwood Lane, Charlotte, North Carolina, as recorded in Volume 9, at Page 231 in the records of Mecklenburg County, North Carolina, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in the view of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 370-159 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

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

Issued: February 6, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-4765 Filed 2-20-75;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Amendments

The Foreign Assets Control Regulations are being amended to revoke or modify provisions applicable to the People's Republic of China and its nationals that were made obsolete by the issuance in 1971 of general licenses removing virtually all restrictions on transactions with the People's Republic of China, and to add statements of licensing policies.

The Foreign Assets Control Regulations are being amended in the following respects:

Section 500.204 is being amended by revoking those subparagraphs which are applicable to merchandise presumptively of Chinese origin. Such provisions are unnecessary in view of the general license in § 500.547.

The Appendix to § 500.204 is being revoked as unnecessary in view of § 500.547, except for certain items which are being recodified with appropriate amendments as §§ 50.410, 500.411, and 500.412 within Subpart D "interpretations", or recodified as §§ 500.549–500.553 within Subpart E. As a result, the title of Subpart E is being amended to read "Licenses, Authorizations and Statements of Licensing Policy."

Sections 500.413 and 500.414 setting forth interpretations which have formerly been available for public inspection but not published are being added.

Section 500.508 which licenses payments to blocked accounts is being amended by the addition of paragraph (f) which requires as a condition thereof that confirmation bef urnished to the Office of Foreign Assets Control of the establishment of a blocked account in the name of the designated national by the bank receiving the authorized payment.

Paragraphs (c) and (d) of § 500.536, authorizing certain transactions in merchandise presumptively of Peoples Republic of China origin, are being revoked as unnecessary in view of the general license in § 500.547.

Paragraph (d) of § 500.538 and paragraph (c) of § 500.541 are being amended so that references therein to the Department of Commerce's Commodity Control List will correspond to the currently published format of that list.

Section 500.545 authorizing travel to and in the Peoples Republic of China is being revoked as unnecessary in view of § 500.546.

Sections 500.554–500.559 containing statements of licensing policies not heretofore published are being added.

Section 500.808 containing Customs' procedures with respect to merchandise subject to § 500.204 is being amended to revoke those provisions which relate to certificates of origin. Such provisions are unnecessary in view of the general license in § 500.547.

1. Section 500.204 (a) and (a)(1) are revised to read:

§ 500.204 Importation of and dealings in certain merchandise.

(a) Except as specifically authorized by the Secretary of the Treasury (or any person, agency, or instrumentality designated by him) by means of regulations, or rulings, instructions, licenses, or otherwise, persons subject to the jurisdiction of the United States may not purchase, transport, import, or otherwise deal in or engage in any transaction with respect to any merchandise outside the United States specified in following subparagraph (1) of this paragraph:

(1) Merchandise the country of origin of which is China (except Formosa), North Korea, or North Viet-Nam. Articles which are the growth, produce or manufacture of these areas shall be deemed for the purposes of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, notwithstanding that they may have been subjected to one or any combination of the following processes in another country: (i) Grading; (ii) testing; (iii) checking; (iv) shredding; (v) slicing; (vi) peeling or splitting; (vii) scraping; (viii) cleaning; (ix) washing; (x) soaking; (xi) drying; (xii) cooling, chilling or refrigerating; (xiii) roasting; (xiv) steaming; (xv) cooking; (xvi) curing; (xvii) combining of fur skins into plates; (xviii) blending; (xix) flavoring; (xx) preserving; (xxi) pickling; (xxii) smoking; (xxiii) dressing; (xxiv) salting; (xxv) dyeing; (xxvi) bleaching; (xxvii) tanning; (xxviii) packing; (xxix) canning; (xxx) labeling; (xxxi) carding; (xxxii) combing; (xxxiii) pressing; (xxxiv) any process similar to any of the foregoing. Any article wheresoever manufactured shall be deemed for the purpose of this chapter to be merchandise whose country of origin is China (except Formosa), North Korea, or North Viet-Nam, if there shall have been added to such articles any embroidery, needle point, petit point, lace or any other article of adornment which is the product of China (except Formosa), North Korea, or North Viet-Nam notwithstanding that such addition to the merchandise may have occurred in a country other than China (except Formosa), North Korea or North Viet-Nam.

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§ 500.204 Appendix [Revoked]

2. Section 500.204, Appendix, is hereby revoked.

3. Subpart D "Interpretations" is hereby amended by the addition of §§ 500.410, 500.411, 500.412, 500.413 and 500.414 to read:

Sec.
§ 500.410 Currency, coins, and postage and other stamps.
§ 500.411 Dealings abroad in commodities subject to the Regulations.
§ 500.412 Process v. manufacture.
§ 500.413 Property excluded from paragraph (b) of § 500.541.
§ 500.414 Foreign branches of a U.S. Firm.

§ 500.410 Currency, coins, and postage and other stamps.

Currency, coins, and postage and other stamps issued by North Korea or North Viet-Nam are merchandise of North Korean or North Viet-Namese origin subject to § 500.204(a)(1).

§ 500.411 Dealings abroad in commodities subject to the Regulations.

Section 500.204 prohibits the unlicensed importation into the United States of commodities of North Korean or North Viet-Namese origin. It also prohibits, unless licensed, persons subject to the jurisdiction of the United States from purchasing, transporting or otherwise dealing in such commodities which are outside the United States.

§ 500.412 Process v. manufacture.

A commodity subject to § 500.204 remains subject howsoever it has been processed. It should not be assumed that a commodity which has undergone operations other than those listed in § 500.204 (a)(1), has become a manufactured form of the commodity rather than a processed form thereof. In case of question, a ruling should be requested from the Office of Foreign Assets Control. Requests for rulings in the form of license applications or otherwise should include adequate technical detail. It should be noted that it is quite possible for merchandise to have North Korea or North Viet-Nam as its "country of origin" for Foreign Assets Control purposes while having some other country as its "country of origin" for marking or statistical purposes.

§ 500.413 Property excluded from paragraph (b) of § 500.541.

The term "any property subject to the jurisdiction of the U.S." as used in § 500.541(b) of the Foreign Assets Control Regulations does not include tangible property located in a foreign country.

Securities (registered or bearer) located abroad, issued by a person entitled to the privileges of § 500.541 are also not included within that term.

§ 500.414 Foreign branches of a U.S. Firm.

Section 500.541 is applicable to foreign branches of a United States firm.

4. The title of Subpart E "Licenses and Authorizations" is hereby amended to read: "Licenses, Authorizations and Statements of Licensing Policy".

5. Section 500.508 is hereby revised to read:

§ 500.508 Payments to blocked accounts in domestic banks.

(a) Any payment or transfer of credit to a blocked account in a domestic bank in the name of any designated national is hereby authorized providing such payment or transfer shall not be made from any blocked account if such payment or transfer represents, directly or indirectly, a transfer of the interest of a designated national to any other country or person.

(b) This section does not authorize:

(1) Any payment or transfer to any blocked account held in a name other than that of the designated national who is the ultimate beneficiary of such payment or transfer; or

(2) Any foreign exchange transaction including, but not by way of limitation, any transfer of credit, or payment of an obligation, expressed in terms of the currency of any foreign country.

(c) This section does not authorize any payment or transfer of credit comprising an integral part of a transaction which cannot be effected without the subsequent issuance of a further license.

(d) This section does not authorize the crediting of the proceeds of the sale of securities held in a blocked account or a sub-account thereof, or the income derived from such securities, to a blocked account or sub-account under any name or designation which differs from the name or designation of the specific blocked account or sub-account in which such securities are held.

(e) This section does not authorize any payment or transfer from a blocked account in a domestic bank to a blocked account in another domestic bank held under any name or designation which differs from the name or designation of the specific blocked account or sub-account from which the payment or transfer is made.

(f) The authorization in paragraph (a) is subject to the condition that a notification from the domestic bank receiving an authorized payment or transfer is furnished by the transferor to the Office of Foreign Assets Control confirming that the payment or transfer has been deposited in a blocked account under the regulations in this Part and providing the name and address of the designated national in whose name the account is held.

6. Section 500.536 (a) and (b) are revised to read:

§ 500.536 Certain transactions with respect to merchandise affected by § 500.204.

(a) With respect to merchandise the importation of which is prohibited by § 500.204, all Customs transactions are authorized except the following:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, and any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone.

(b) Paragraph (a) of this section is intended solely to allow certain restricted disposition of merchandise which is imported without proper authorization. Paragraph (a) does not authorize the purchase or importation of any merchandise.

* * * * *

7. Section 500.538 is hereby revised to read:

§ 500.538 Transportation and insurance of merchandise.

(a) Except as provided in paragraphs (c) and (d) of this section, to the extent that transportation or insurance of merchandise is prohibited by §§ 500.201 or 500.204, such transportation by carriers or insurance is authorized.

(b) [Reserved]

(c) This section does not authorize the transportation or insurance of any merchandise directly or indirectly to or from North Korea or North Viet-Nam, nor does it authorize the transportation or insurance of any merchandise of North Korean or North Viet-Namese origin.

(d) This section does not authorize the transportation directly or indirectly to mainland China or insurance of: 1) Any merchandise of United States origin, except as authorized by § 500.533; 2) Any merchandise regardless of origin of a type included in the Commodity Control List of the United States Department of Commerce (15 CFR Part 399) and identified by the code letter "A" following the Export Control Commodity Number, or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10.

8. Section 500.541 is hereby revised to read:

§ 500.541 Certain transactions by persons in foreign countries.

(a) Except as provided in paragraphs (b), (c), (e), and (f) of this section, all transactions incident to the conduct of business activities abroad engaged in by any individual ordinarily resident in a foreign country in the authorized trade territory, or by any partnership, association, corporation, or other organization which is organized and doing business under the laws of any foreign country in the authorized trade territory, are hereby authorized.

(b) This section does not authorize any transaction involving property subject to the jurisdiction of the United States as of May 6, 1971, in which there existed, or had existed at any time on or since the effective date, any direct or

indirect interest of China or nationals thereof.

(c) This section does not authorize any transaction involving the purchase or sale or other transfer of:

(1) Merchandise or technical data of United States origin unless it is in compliance with § 500.533; and,

(2) Merchandise, regardless of origin, of a type included in the Commodity Control List of the United States Department of Commerce (15 CFR Part 399) and identified by the code letter "A" following the Export Control Commodity Number, or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 570.10, unless the transaction is in compliance with § 505.31 of this chapter.

(d) [Deleted]

(e) This section does not authorize the supply of petroleum products to any vessel bound to or from North Korea, North Viet-Nam, or Cuba.

(f) This section does not authorize any transaction involving North Korea of North Viet-Nam or their nationals or merchandise the country of origin of which is North Korea, or North Viet-Nam.

§ 500.545 [Revoked]

9. Section 500.545 is hereby revoked.

10. Sections 500.549–500.562 are hereby added to read:

Sec.

§ 500.549 Proof of origin.

Specific licenses for importation of goods of North Korean or North Viet-Namese origin are generally not issued unless the applicant submits satisfactory documentary proof of the location of the goods outside North Korea or North Viet-Nam prior to the applicable effective dates and of the absence of any North Korean or North Viet-Namese interest in the goods at all times on or since that date. Since the type of documents which would constitute satisfactory proof varies depending upon the facts of the particular case, it is not possible to state in advance the type of documents required. However, it has been found that affidavits, statements, invoices, and other documents prepared by manufacturers, processors, sellers or shippers cannot be relied on and are therefore not by themselves accepted by the Office of Foreign Assets Control as satisfactory proof of origin. Independent corroborating documentary evidence, such as insurance documents, bills of lading, etc., may be accepted as satisfactory proof.

§ 500.550 Publications, films, etc. from North Korea and North Viet-Nam.

(a) Specific licenses are issued for commercial importations of publications, films, posters, phonograph records, photographs, microfilms, microfiche and tapes originating in North Korea or North Viet-Nam, provided all payments due the suppliers are made into blocked accounts in the name of the seller and provided that reports of any such imports and deposits, as required by the Office of Foreign Assets Control, are made by the licensee.

(b) Specific licenses are also issued for such publications, films, etc. originating in North Korea and North Viet-Nam, without restriction as to method of payment or on an exchange basis, under programs approved by the Librarian of Congress or the National Science Foundation for universities, libraries, research and scientific institutions.

(c) Such publications, films, etc. are also licensed when the Office of Foreign Assets Control is satisfied that they are bona fide gifts to the importer and that there is not and has not been, since the applicable effective date, any direct or indirect financial or commercial benefit to designated countries or nationals thereof from the importations.

§ 500.551 Reimports.

Specific licenses are issued for reimportation of merchandise subject to § 500.204 on proof of the export of the identical merchandise from the United States. Persons planning to export any such merchandise for exhibition, repair, or for any other purpose should first ascertain that reimportation will be authorized. Generally, reimportation is authorized only if Customs Form 4455 was completed at the time of export.

§ 500.552 Research samples.

Specific licenses are issued for importation of commodities subject to § 500.204 for bona fide research purposes in sample quantities only.

§ 500.553 Prior contractual commitments not a basis for licensing.

Specific licenses are not issued on the basis that an unlicensed firm commitment or payment has been made in connection with a transaction prohibited by § 500.204. Contractual commitments to engage in transactions subject to the prohibitions in § 500.204 should not be made, unless the contract specifies that the transaction is authorized by a general license or that it is subject to the issuance of a specific Foreign Assets Control license.

§ 500.554 Gifts of North Korean or North Viet-Namese origin.

(a) Except as stated in paragraph (b) of this section and in § 500.550, specific licenses are not issued for the importation of North Korean or North Viet-Namese origin goods sent as gifts to persons in the United States or acquired abroad as gifts by persons entering the United States. However, licenses are issued, upon request, for the return of such goods to the donors in countries other than North Korea or North Viet-Nam.

(b) Specific licenses are issued for the importation directly from North Korea or North Viet-Nam (1) of goods which are claimed by the importer to have been sent as a bona fide gift and (2) of goods which are imported by a person entering the U.S., which are claimed to have been acquired in North Korea or North Viet-Nam as a bona fide gift, subject to the conditions that:

(i) The goods are of small value, and

(ii) There is no reason to believe that there is, or has been since the applicable effective date, any direct or indirect financial or commercial benefit to North Korea or North Viet-Nam or nationals thereof from the importation.

§ 500.555 Bank accounts and other property of persons who were in mainland China on or after December 17, 1950 and prior to May 7, 1971.

(a) *Persons who left mainland China after December 17, 1950.* Specific licenses are issued unblocking the accounts and other property of persons who left mainland China after December 17, 1950, provided that they submit evidence satisfactorily demonstrating that they have established residence in a foreign country in the authorized trade territory.

(b) *Non-Chinese Decedents who died in mainland China on or after December 17, 1950 and prior to May 7, 1971.* Specific licenses are issued authorizing the administration of the estates of non-Chinese decedents who died in mainland China on or after December 17, 1950 and prior to May 7, 1971, provided that any distribution to a blocked national of China is made by deposit in a blocked account in a domestic bank in the name of the blocked national.

§ 500.556 Joint bank accounts.

Specific licenses are issued unblocking a portion of or all of a blocked joint bank account where a non-blocked applicant claims beneficial ownership, as follows:

(a) *Joint bank account, without survivorship provisions.* Specific licenses are issued unblocking only that amount with respect to which the applicant is able to prove beneficial ownership by documentary evidence independent of his assertions of interest.

(b) *Joint bank account, with survivorship provision.* Specific licenses are issued unblocking an amount equivalent

to that portion of the total amount to which the applicant would be entitled if the total were divided evenly among the persons in whose names the account is held (e.g. 50 percent where there are two names; 33⅓ percent where there are three names). Such licenses are issued on the basis of applicant's assertions of beneficial ownership interest without the requirement of independent evidence.

§ 500.557 Proceeds of insurance policies.

(a) Specific licenses are issued authorizing payment of a portion of the proceeds of a blocked life insurance policy issued on the life of a Chinese, North Korean, or North Viet-Namese national who died in one of those countries after the applicable effective date, and in the case of a Chinese national, prior to May 7, 1971, to non-blocked beneficiaries as follows:

(1) Payment may be licensed of a portion equal to the proportionate shares due the beneficiaries after deduction of an amount equal to the cash surrender value of the policy on the date of the insured's death, (i.e., the value of the blocked insured's interest), subject to the condition that the amount deducted is deposited in a blocked account in a domestic bank in the name of the estate of the insured.

(2) As an alternative procedure, at the option of the applicant, payment may be licensed of the total amount of the proceeds into a blocked account in a domestic bank in the names of the beneficiaries, subject to the condition that the account is designated as blocked by reason of the interest of the decreased insured in the policy. Specific licenses may subsequently be issued authorizing payments from such blocked accounts to non-blocked beneficiaries provided that the balance remains equal to the cash surrender value of the policy on the date of the insured's death, plus any accrued interest.

(3) Where a non-blocked surviving spouse of the insured is a beneficiary, payments to such spouse are licensed pursuant to the procedures in paragraphs (a) (1) and (2) of this section.

(b) Where a blocked life insurance policy on the life of a Chinese, North Korean, or North Viet-Namese national who died in any one of those countries after the applicable effective date, and in the case of the Chinese national prior to May 7, 1971, provides for payment to the estate of the insured, licenses are not issued for payment except to a blocked account in a domestic bank in the name of the estate of the deceased insured.

§ 500.558 Accounts of blocked partnerships.

Specific licenses are issued unblocking partnerships established under the laws of China, North Korea, or North Viet-Nam, as follows:

(a) Where all of the general partners and limited partners, if any, have emigrated from China, North Korea or North Viet-Nam and have established residence in the United States or in a country in the authorized trade territory, specific licenses are issued unblocking the assets of the partnership after deducting the total debt due creditors wherever located.

(b) Where one or more partners, whether general or limited, is in China, North Korea or North Viet-Nam (or elsewhere but still blocked), specific licenses are issued unblocking only the net pro-rata shares of those partners who are resident in the United States or in a country in the authorized trade territory after deducting the total debt due creditors wherever located.

(c) The issuance of licensees is conditioned on the applicant furnishing the following information:

(1) Detailed information as to the status of all debts and other obligations of the blocked partnership, specifying the citizenship and residence of each creditor as of the applicable effective date, and as of the date of the application;

(2) The current status of the blocked partnership e.g., liquidated, nationalized, inoperative, etc.;

(3) A detailed description of all the partnership's assets, wherever located; and,

(4) A list of all partners, indicating whether they are general, limited, etc. and giving their citizenship and residence as of the applicable effective date and as of the date of filing of the application.

§ 500.559 Accounts of Chinese, North Korean, or North Viet-Namese sole proprietorships.

Specific licenses are issued unblocking sole proprietorships established under the laws of China, North Korea, or North Viet-Nam if the proprietor has emigrated from those countries and established residence in the United States or a country in the authorized trade territory. Such licenses do not unblock any indebtedness of the proprietorship due to persons in North Korea or North Viet-Nam or to persons in China if the indebtedness existed prior to May 7, 1971.

§ 500.560 Bank accounts of official representatives in North Korea or North Viet-Nam of foreign governments.

Specific licenses are issued authorizing payments from accounts of official representatives in North Korea or North Viet-Nam of foreign governments for transactions which are not inconsistent with the purposes of any of the regulations in this chapter.

§ 500.561 Transfers of abandoned property under State laws.

(a) Except as stated in paragraph (b) of this section, specific licenses are not issued authorizing the transfer of blocked property to State agencies under State laws governing abandoned property.

(b) Specific licenses are issued authorizing the transfer of blocked property, pursuant to the laws of the State governing abandoned property, to the appropriate State agency provided that the State's laws are custodial in nature, *i.e.*, there is no permanent transfer of beneficial interest to the State. Licenses require the property to be held by the State in accounts which are identified as blocked under the regulations. A separate index of these blocked assets is required to be maintained by the State agency.

§ 500.562 News materials from North Korea or North Viet-Nam.

(a) *Imports by newsgathering agencies.* Specific licenses are issued for the purchase and importation of North Korean and North Viet-Namese origin newspapers, magazines, photographs, films, tapes, and other news material or copies thereof by newsgathering agencies in the United States without restriction as to method of payment, provided such materials are imported for domestic news publication or news broadcast dissemination.

(b) *News material acquired in North Korea or North Viet-Nam by journalists and news correspondents.* (1) Specific licenses are issued to journalists and news correspondents holding U.S. passports validated for travel to North Korea or North Viet-Nam authorizing (i) payment of expenses for travel to and from, and maintenance within, North Korea or North Viet-Nam for the purpose of gathering and transmitting news to the United States; and (ii) the acquisition in North Korea or North Viet-Nam for transmission to and importation into the United States of newspapers, magazines, photographs, films, tapes, and other news material, or copies thereof, necessary for the journalistic assignments.

(2) A condition of any such license as it applies to an importation is that a validated United States passport for travel to North Korea or North Viet-Nam must be presented to Customs at the time of importation.

11. § 300.808 is hereby amended to read:

§ 500.808 Customs procedures; merchandise specified in § 500.204.

(a) With respect to merchandise specified in § 500.204, whether or not such merchandise has been imported into the United States, directors of customs shall not accept or allow any:

(1) Entry for consumption (including any appraisement entry, any entry of goods imported in the mails, regardless of value, or any other informal entries);

(2) Entry for immediate exportation;

(3) Entry for transportation and exportation;

(4) Withdrawal from warehouse;

(5) Transfer or withdrawal from a foreign-trade zone; or

(6) Manipulation or manufacture in a warehouse or in a foreign-trade zone, until either;

(i) a specific license pursuant to this chapter is presented; or,

(ii) instructions from the Foreign Assets Control, either directly or through the Federal Reserve Bank of New York, authorizing the transaction are received.

(b) Whenever a specific license is presented to a director of customs in accordance with this section, one additional

legible copy of the entry, withdrawal or other appropriate document with respect to the merchandise involved shall be filed with the director of customs at the port where the transaction is to take place. Each copy of any such entry, withdrawal or other appropriate document, including the additional copy, shall bear plainly on its face the number of the license pursuant to which it is filed. The original copy of the specific license shall be presented to the director in respect to each such transaction and shall bear a notation in ink by the licensee or person presenting the license showing the description, quantity, and value of the merchandise to be entered, withdrawn or otherwise dealt with. This notation should be so placed and so written that there will exist no possibility of confusing it with anything placed on the license at the time of its issuance. If the license in fact authorizes the entry, withdrawal or other transaction with regard to the merchandise, the director, or other authorized customs employee, shall verify the notation by signing or initialing it after first assuring himself that it accurately describes the merchandise it purports to represent. The license shall thereafter be returned to the person presenting it and the additional copy of the entry, withdrawal or other appropriate document shall be forwarded by the director to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220.

(c) Whenever a person shall present an entry, withdrawal or other appropriate document affected by this section and shall assert that no specific Foreign Assets Control license is required in connection therewith, the director of customs shall withhold action thereon and shall advise such person to communicate directly with the Federal Reserve Bank of New York to request that instructions be issued to the director to authorize him to take action with regard thereto.

(The provisions of this Part 500 issued under Act of October 6, 1917, sec. 5, 40 Stat. 415, as amended (50 U.S.C. App. 5); E.O. 9193, 3 CFR, Cum. Supp., p. 1174 (1943), E.O. 9989, 3 CFR, 1943–1948 Comp. p. 748)

Effective date: This amendment of Part 500 shall become effective on February 21, 1975.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.75-4833 Filed 2-20-75;8:45 am]

Title 45—Public Welfare

CHAPTER XVII—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PART 1701—DISCLOSURE OF INFORMATION

Miscellaneous Amendments

FEBRUARY 19, 1975.

These amendments revise the regulations of the National Commission on Libraries and Information Science in conformity with the requirements of the Freedom of Information Act as amended by Pub. L. 93–502, 88 Stat. 1561.

The amended regulations, while maintaining the same general system as presently exists, establish more specific requirements for the making and processing of requests. These changes are intended to insure compliance with the new time limits, the provision applying to fees, and other changes made by the recent amendments to the Act.

With the exception of the provision concerning fees, relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable to these new regulations because they pertain to matters of policy and procedure. The Freedom of Information Act as amended does require each agency to promulgate regulations, pursuant to notice and receipt of public comment, specifying a uniform schedule of fees applicable to all constituent units of such agency, 88 Stat. 1561, but since all of the changes set forth here are necessary to achieve compliance with the amendments to the Freedom of Information Act which become effective on February 19, 1975, there is not sufficient time to receive and evaluate public comment prior to implementation of any of them. Accordingly, all of the changes, including those concerning fees, will become effective without consideration of public comment.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments on these amendments to the Associate Director, National Commission on Libraries and Information Science, Room 601, 1717 K Street, NW., Washington, D.C. 20036, no later than March 19, 1975. Arrangements to inspect copies of written comments may be made by calling Mrs. Mary Alice Hedge Reszetar, Associate Director, National Commission on Libraries and Information Science, (202) 382–6595. All comments received in this manner will be evaluated and acted upon as if this document were a proposal.

Effective date: These amendments become effective on February 19, 1975.

Approved by the Commission on February 14, 1975.

FREDERICK BURKHARDT,
Chairman, National Commission on Libraries and Information Science.

In consideration of the above, Title 45, Chapter XVII, Part 1701, is amended as set forth below.

1. Section 1701.2 is amended by revising paragraph (b)(1), (7) and adding a new paragraph (c) as follows:

§ 1701.2 Disclosure of records and informational materials.

(b) * * *

(1)(i) Specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (ii) are in fact properly classified pursuant to such Executive Order;

* * * * *

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

* * * * *

(c) The Commission shall maintain and make available for public inspection and copying a current index providing identifying information for the public as to any matter issued, adopted, or promulgated by the Commission since its creation on July 20, 1970, and required by section 552(a)(2) of Title 5 to be made available or published. However, in accordance with 5 U.S.C. 552(a)(4)(A) the Commission deems that publication of the index or supplements thereto would be unnecessary and impracticable. Accordingly, it shall provide copies of such index on request but shall not publish and distribute it quarterly or more frequently.

2. Section 1701.3 is amended by redesignating it "Requests," revoking paragraphs (d) and (e), and revising paragraphs (a) and (b) to read as follows:

§ 1701.3 Requests.

(a) A member of the public may request records from the National Commission on Libraries and Information Science by writing to the Associate Director, National Commission on Libraries and Information Science, Suite 601, 1717 K Street, NW, Washington, D.C. 20036.

(b) A request for access to records should reasonably describe the records requested such that Commission personnel will be able to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester.

* * * * *

3. Sections 1701.4 and 1701.5 are revoked and the following new sections 1701.4, 1701.5, 1701.6 and 1701.7 are added:

Sec.
1701.4 Fees.
1701.5 Prompt response.
1701.6 Form of denial.
1701.7 Appeals.

§ 1701.4 Fees.

(a) A fee may be charged for direct costs of document search and duplication at the rate of $0.10 per page for copying and $5.00 per hour for time expended in identifying and locating records.

(b) A fee may be waived in whole or in part where it is determined that it is in the public interest because furnishing the information can be considered as primarily benefiting the general public or where other circumstances indicate that a waiver is appropriate.

(c) The Commission may limit the number of copies of any document provided to any person.

§ 1701.5 Prompt response.

(a) Within ten days (excluding Saturdays, Sundays and legal public holidays) of the receipt of a request, the Associate Director shall determine whether to comply with or deny such request and shall dispatch such determination to the requester, unless an extension is made under paragraph (c) of this section.

(b) Only the Associate Director may deny a request and is the "person responsible for the denial" within the meaning of 5 U.S.C. 552(a). When a denial is made at the behest of another agency, the person in that agency responsible for urging the denial may also be a "person responsible for the denial" if he is so advised before the Associate Director informs the requester that his request is denied.

(c) In unusual circumstances as specified in this paragraph, the Associate Director may extend the time for the initial determination of a request up to a total of ten days (excluding Saturdays, Sundays and legal public holidays). Extensions shall be made by written notice to the requester setting forth the reason for the extension and the date upon which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the request—

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

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (3) the need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request.

(d) If no determination has been dispatched at the end of the ten-day period, or the last extension thereof, the requester may deem his request denied, and exercise a right of appeal in accordance with § 1701.7. When no determination can be dispatched within the applicable time limit, the Associate Director shall nevertheless continue to process the request. On expiration of the time limit he shall inform the requester of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his rights to treat the delay as a denial and appeal to the Executive Director in accordance with § 1701.7. He may also ask the requester to forego appeal until a determination is made.

§ 1701.6 Form of denial.

A reply denying a request shall be in writing, signed by the Associate Director, and shall include (a) a specific reference to the exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, (b) a brief explanation of how the exemption(s) applies to the record(s) withheld, (c) a statement that the denial may be appealed under § 1701.7 within thirty days by writing to the Executive Director, National Commission on Libraries and Information Science, Suite 601, 1717 K Street NW., Washington, D.C. 20036, and (d) that judicial review will thereafter be available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated, or in the District of Columbia.

§ 1701.7 Appeals.

(a) When the Associate Director has denied a request for records in whole or in part, the requester may, within thirty days of receipt of the letter notifying him of the denial, appeal to the Commission. Appeals to the Commission shall be in writing, addressed to the Executive Director, National Commission on Libraries and Information Science, 1717 K Street, NW., Washington, D.C. 20036.

(b) The Commission will act upon an appeal within twenty days (excepting Saturdays, Sundays or legal public holidays) of its receipt, unless an extension is made under paragraph (c) of this section.

(c) In unusual circumstances as specified in this paragraph, the time for action on an appeal may be extended up to ten days (excluding Saturdays, Sundays, and legal public holidays) minus any extension granted at the initial request level pursuant to § 1701.5(c). Such extension shall be made by written notice to the requester setting forth the reason for the extension and the date on which a determination is expected to be dispatched. As used in this paragraph "unusual circumstances" means, but only to the extent necessary to the proper processing of the appeal—

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

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

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request.

(d) If no determination of the appeal has been dispatched at the end of the twenty-day period or the last extension thereof, the requester is deemed to have exhausted his administrative remedies, giving rise to a right of review in a district court of the United States as specified in 5 U.S.C. 552(a)(4). When no determination can be dispatched within the applicable time limit, the appeal will nevertheless continue to be processed. On expiration of the time limit the requester shall be informed of the reason for the delay, of the date on which a determination may be expected to be dispatched, and of his right to seek judicial review in the United States district court in the district in which he resides or has his principal place of business, the district in which the records are situated, or the District of Columbia. The requester may be asked to forego judicial review until determination of the appeal.

(e) The Commission's determination on appeal shall be in writing. An affirmance in whole or in part of a denial on appeal shall include (1) a reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record, (2) a brief explanation of how the exemption(s) applies to the record(s) withheld, and (3) a statement that judicial review of the denial is available in the district in which the requester resides or has his principal place of business, the district in which the agency records are situated, or the District of Columbia.

[FR Doc.75-4802 Filed 2-20-75;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER D—TARIFFS AND SCHEDULES

[Docket No. 35613 [1]]

PASSENGER AND FREIGHT TARIFFS AND SCHEDULES

Regulations for the Transmission and Furnishing of Tariffs and Schedules to Subscribers and Other Interested Persons

Miscellaneous Amendments; Correction

FEBRUARY 18, 1975.

The regulations as published in February 12, 1975, 40 FR 6503 (served February 6, 1975), inadvertently failed to disclose appendices C thru K. Therefore the purpose of this correction is to republish this document including all applicable appendices.

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of January 1975.

Notice of the institution of this rulemaking proceeding was published in the March 8, 1974, issue of the FEDERAL REGISTER (39 FR 9205). The purpose of this notice was to announce our intention to

[1] This proceeding embraces certain issues raised in Docket No. 35959, *Investigation of Charges for Furnishing Tariffs by Eastern Railroads*, discontinued February 27, 1974.

consider the amendment of Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1309 for the purpose of establishing therein regulations to govern the transmission and furnishing of tariffs and schedules to subscribers and other interested persons. The regulations proposed then would require the transmission by first-class mail of one copy of each new publication to each subscriber thereto not later than the time the copies for official filing are transmitted to the Commission and would require the furnishing without delay of a copy of any tariff or schedule to any person upon reasonable request therefor. A 4-day mailing delay would be permitted to transmit publications filed on less than 10 days' notice. It was proposed that the charge for furnishing the copy could not exceed the cost of mailing the copy by first-class mail.

The participation was very substantial. As the result of the comments received, we conclude that the proposed rules should be modified and the modified ones adopted.

The modified rules will provide that one copy of each new publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The 4-day mailing delay has been changed to five for publications filed on less than 10 days' notice. The charge for furnishing the copy would be shared by the subscriber and the carrier or agent, except that this would not apply to participating carriers as to a particular tariff. The modified rules are set forth in appendixes C through K. An interim period of 90 days has been allowed for carrier development of implementation procedures.

It appearing, That the notice of proposed rulemaking in this docket having been published in the March 8, 1974, issue of the Federal Register (39 FR 9205), a full investigation of the matters and things involved in this docket having been made, and the Commission on this date having entered its report setting forth its findings and conclusions, which report is hereby referred to and made a part hereof; therefore:

It is ordered, That Parts 1300, 1303, 1304, 1306, 1307, 1308, and 1309 of Chapter X of Title 49 of the Code of Federal Regulations be and they are hereby, amended as follows:

1. § 1300.30 is amended to read as set forth in appendix C. (12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; (49 U.S.C. 12, 304); secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; (49 U.S.C. 5, 6, 317)).

2. § 1303.36 is amended to read as set forth in appendix D. (secs. 5, 6, 12, 24 Stat. 380, 49 Stat. 546, 560; secs. 304, 306, 54 Stat. 933; (49 U.S.C. 5, 6, 12, 304, 317, 906)).

3. § 1304.42 is amended to read as set forth in appendix E. (secs. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; (49 U.S.C. 12, 304); secs. 5, 6, 24 Stat. 380, as amended, 49 Stat. 560, as amended; (49 U.S.C. 5, 6, 317)).

4. § 1306.17 is amended to read as set forth in appendix F. (secs. 204, 217, 218, 49 Stat. 546, as amended, 560, as amended, 561, as amended; (49 U.S.C. 304, 317, 318)), unless otherwise noted.

5. § 1307.14 is amended to read as set forth in appendix G. (secs. 204, 217, 218, 49 Stat. 546, as amended, 561, as amended, sec. 210a, 52 Stat. 1238, as amended; (49 U.S.C. 304, 317, 318, 310a)), unless otherwise noted. Subpart B—Common carrier Freight Tariffs and Classifications.

6. § 1307.48 is amended to read as set forth in appendix H. secs. 204, 217, 49 Stat. 546, as amended, 560, as amended, sec. 210a, as amended, 52 Stat. 1238, as amended; (49 U.S.C. 304, 317, 310a)).

7. § 1308.12 is amended to read as set forth in appendix I.

8. § 1308.109 is amended to read as set forth in appendix J. (secs. 304, 306, 54 Stat. 933, 935; (49 U.S.C. 904, 906)).

9. § 1309.5 is amended to read as set forth in appendix K. (secs. 20, 24 Stat. 386, as amended, secs. 204, as amended, 217, as amended, 19a, as amended, 49 Stat. 546, as amended, 560, as amended, 563, as amended, secs. 403, 405, 413, 56 Stat. 285, 287, 295; (49 U.S.C. 20, 304, 317, 319, 1003, 1005, 1013)).

It is further ordered, That this order shall become effective 90 days from the date of service of this order to afford the carriers an opportunity to develop implementation procedures as explained in the report.

And it is further ordered, That notice of this order be given to the general public by mailing a copy to each party of record in docket No. 35613, to the Governor of every State and to the public utilities commissions or other regulatory commissions or boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication in the Federal Register as notice to all interested persons.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

PART 1300—FREIGHT SCHEDULES: RAILROADS

1. Section 1300.30 is amended to read as follows:

§ 1300.30 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications reproducing service orders.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one-half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies or carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

PART 1303—PASSENGER SERVICE SCHEDULE: RAIL AND WATER CARRIERS

2. Section 1303.36 is amended to read as follows:

§ 1303.36 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

PART 1304—EXPRESS COMPANIES SCHEDULES AND CLASSIFICATIONS

3. Section 1304.42 is amended to read as follows:

§ 1304.42 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and looseleaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal

accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calender days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail or other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies of official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

PART 1306—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES OF MOTOR CARRIERS

4. Section 1306.17 is amended to read as follows:

§ 1306.17 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff, schedule, or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates, fares, or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff or schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff or schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff or schedule without a request for future amendments thereto.

PART 1307—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS OF MOTOR CARRIERS

5. Section 1307.14 is amended to read as follows:

§ 1307.14 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) This paragraph will not apply to publications or provisions filed under § 1307.4(e)(2) (§ 187.4(e)(2) of Tariff Circular MF No. 4). If a new schedule or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber, carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay at least one copy of any of their schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a schedule without a request for future amendments thereto.

6. Section 1307.48 is amended to read as follows:

§ 1307.48 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission

to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission, publications (published in the name of a carrier only) announcing adoptions, and publications containing only rates or provisions covering emergency transportation authorized by this Commission under section 210a(a) of the Interstate Commerce Act.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certificatin:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

PART 1308—FREIGHT TARIFFS AND SCHEDULES OF WATER CARRIERS

7. Section 1308.12 is amended to read as follows:

§ 1308.12 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to carriers parties to the tariff, this being a matter between the agent and the carriers or between carriers.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

8. Section 1308.109 is amended to read as follows:

§ 1308.109 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new schedule, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new schedule or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and carrier or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send at least one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a carrier only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publications listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

Date

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Carriers and agents shall furnish without delay one copy of any of their schedule publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each carrier and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular schedule and amendments thereto (including reissues thereof) by the publishing carrier or agent. The term does not, however, pertain to requests for a copy or copies of a schedule without a request for future amendments thereto.

PART 1309—TARIFFS AND CLASSIFICATIONS OF FREIGHT FORWARDERS

9. Section 1309.5 is amended to read as follows:

§ 1309.5 Transmission of publications to subscribers.

(a) Except as otherwise authorized in paragraphs (b) and (d) of this section, one copy of each new tariff, supplement, and loose-leaf page must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and forwarder or agent) not later than the time the copies for official filing are transmitted to the Commission. The letter of transmittal accompanying the copies to the Commission must contain the following certification:

I hereby certify that I have on or before this day sent one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

(b) If a new tariff or supplement is filed which in its entirety is published under an authority from this Commission to publish and file without notice or on notice of less than ten days, or, if a new loose-leaf page is filed which contains a provision published under an authority from this Commission to publish and file without notice or on notice of less than ten days, paragraph (a) of this section need not be complied with as to such publication if it cannot be or compliance would cause excessive delay, but one copy of such publication must be transmitted to each subscriber thereto by first-class mail (or other means agreed upon in writing by subscriber and forwarder or agent) within five calendar days, starting with the calendar day following that on which the copies for official filing are transmitted to the Commission, and the

letter of transmittal to the Commission must contain the following certification:

I hereby certify that I will within five calendar days after today send one copy of each publication listed hereon to each subscriber thereto by first-class mail, or by other means of transmission agreed upon in writing by the subscriber.

Signature of person transmitting publication(s)

Date

Included in this exception are supplements issued for the purpose of announcing suspensions made by the Commission and publications (published in the name of a forwarder only) announcing adoptions.

(c) When copies of different publications are transmitted to the Commission at the same time, some copies of which have been transmitted to subscribers in compliance with paragraph (a) of this section and some copies of which will be transmitted to subscribers in compliance with paragraph (b) of this section, two letters of transmittal must accompany the copies to the Commission, one complying with paragraph (a) of this section and the other complying with paragraph (b) of this section.

(d) If there are no subscribers to any publication listed on a letter of transmittal accompanying the copies for official filing to the Commission, the letter of transmittal must contain the following certification:

I hereby certify that there are no subscribers to the publication(s) listed hereon.

Signature of person transmitting publication(s)

If copies of different publications are transmitted to the Commission at the same time, some of which are subscribed to and some of which are not, only the provisions of paragraphs (a) or (b) of this section, or both, as the case may be, need be complied with.

(e) Expedited service (when transmitting one copy of each publication) must be provided to each subscriber requesting it. The cost of this service may be passed on to the subscriber.

(f) Forwarders and agents shall furnish without delay one copy of any of their tariff publications, effective or published but not yet effective, to any person upon reasonable request therefor.

(g) Each forwarder and each agent shall furnish the one copy to the subscriber or other person without charge, or at a charge which in no case is more than one-half of the demonstrable cost of the paper and the printing or other reproduction process employed which is proportionately assignable to the copy as part of the publication of multiple copies for filing, normal distribution, and stocking. Carrier or publishing agent in-house cost factors only related to the material and its physical reproduction operation, such as for compiling, overhead, equipment depreciation, handling, sorting, etc. may not be included in the base for the calculation, but the actual cost of the postal service or other authorized means of transmission may be added thereto. The provisions of this paragraph do not apply to the furnishing of copies to forwarders parties to the tariff, this being a matter between the agent and the forwarders.

(h) As used herein, the term "subscriber" means a party who voluntarily or upon reasonable request is furnished at least one copy of a particular tariff and amendments thereto (including reissues thereof) by the publishing forwarder or agent. The term does not, however, pertain to requests for a copy or copies of a tariff without a request for future amendments thereto.

[FR Doc.75-4818 Filed 2-20-75;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Savannah National Wildlife Refuge, South Carolina; Correction

In FR Doc. 75-2736, appearing on page 4408 of the issue for Thursday, January 30, 1975, under § 33.5, all paragraphs under Savannah National Wildlife Refuge should read as follows:

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

* * * * *

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge is permitted on impounded waters, tidal creeks, ditches and canals in an area comprising approximately 13,000 acres and is delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The sport fishing season extends from March 15 through October 25, daylight hours only.

(2) Rod and reel, pole and line, artificial and live baits permitted.

(3) Outboard motors prohibited in impounded waters.

(4) All State regulations must be obeyed while fishing on the refuge and fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special refuge permit is required.

(5) All areas posted with "Closed Area Signs" are closed to all activities including fishing.

* * * * *

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

FEBRUARY 11, 1975.

[FR Doc.75-4775 Filed 2-20-75;8:45 am]

PART 33—SPORT FISHING

National Wildlife Refuges—Missouri

The following special regulation is issued and is effective February 21, 1975.

§ 33.5 Special regulations: Sport fishing: for individual wildlife refuge areas.

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Missouri is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: April 1, 1975 through December 31, 1975 Daylight hours only.

(2) Spearing or gigging is permitted: April 1, 1975 through June 30, 1975.

(3) Refuge waters will be open to the use of rowboats, canoes and sailboats. No sailboats after September 1, 1975.

(4) The use of motors on boats will be restricted to trolling or electric type motors.

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.

GERALD M. NUGENT,
Refuge Manager, Squaw Creek National Wildlife Refuge.

FEBRUARY 10, 1975.

[FR Doc.75-4776 Filed 2-20-75;8:45 am]

proposed rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 54]

INDIVIDUAL RETIREMENT ACCOUNTS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 27, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 27, 1975. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 219(b)(5), 408(a)(6), 408(b), 408(h), 408(i), 4974, and 7805 of the Internal Revenue Code of 1954 (88 Stat. 959, 88 Stat. 960, 88 Stat. 964, 88 Stat. 967, and 68A Stat. 917; 26 U.S.C. 219(b)(5), 408(a)(6), 408(b), 408(h), 408(i), 4974, and 7805).

This document contains proposed amendments to the income tax regulations (26 CFR Part 1) and the retirement income plan excise tax regulations (26 CFR Part 54) in order to conform those regulations to the provisions of section 2002 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 88 Stat. 958), relating to deduction for retirement savings.

Generally, under section 219 of the Internal Revenue Code, as added by section 2002(a) of the Act, a deduction from gross income is permitted to an individual for amounts contributed by or on behalf of such individual to an individual retirement account (described in section 408(a) of the Code), an individual retirement annuity (described in section 408(b) of the Code), or a retirement bond (described in section 409 of the Code).

Under section 408 of the Code, as added by section 2002(b) of the Act, requirements are prescribed for establishing and maintaining an individual retirement account or annuity. Section 408 of the Code also prescribes the tax treatment of distributions from an individual retirement account or annuity.

Section 409 of the Code, as added by section 2002(c) of the Act, prescribes rules for the issuance of retirement bonds under the Second Liberty Bond Act and prescribes the tax treatment of such bonds.

An excise tax on excess contributions to or for an individual retirement account, individual retirement annuity, retirement bond, or certain section 403(b) annuity contracts is imposed by section 4973 of the Code, as added by section 2002(d) of the Act.

An excise tax on certain accumulations in individual retirement accounts or annuities is imposed by section 4974 of the Code, as added by section 2002(e) of the Act.

Section 2002(g) of the Act, inter alia, amends sections 402 and 403 of the Code to permit rollover contributions.

Section 408(b) of the Code provides that the term "individual retirement annuity" includes an endowment contract, as determined under regulations prescribed by the Secretary of the Treasury or his delegate. Section 1.408-3(e) of the proposed regulations sets forth certain characteristics which a contract must have in order to be treated as an endowment contract for this purpose.

Proposed amendments to the regulations. In order to conform the income tax regulations (26 CFR Part 1) and the retirement income plan excise tax regulations (26 CFR Part 54) to the provisions of section 2002 of the Employee Retirement Income Security Act of 1974 (Pub. L. 93-406, 99 Stat. 958), such regulations are amended as set forth below.

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

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

1. Section 1.62 is amended by adding new paragraphs (9) and (10) and amending the historical note. These added and amended provisions read as follows:

§ 1.62 Statutory provisions; adjusted gross income defined.

* * * * *

(9) *Pension, etc., plans of electing small business corporations.* The deduction allowed by section 1379(b)(3).

(10) *Retirement savings.* The deduction allowed by section 219 (relating to deduction of certain retirement savings).

[Sec. 62 as amended by sec. 7(b), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 828); sec. 213(b), Rev. Act 1964 (78 Stat. 52); sec. 531(b), Tax Reform Act 1969 (83 Stat. 655); sec. 2002(a)(2) Employee Retirement Income Security Act of 1974 (88 Stat. 959)]

2. Section 1.62-1 is amended by revising pargraph (c)(11) and adding new paragraphs (c)(12) and (13). These amended provisions read as follows:

§ 1.62-1 Adjusted gross income.

* * * * *

(c) * * *

(11) The deduction for moving expenses allowed by section 217;

(12) The deduction allowed by section 1379(b)(3) to an individual or his beneficiaries upon the termination of rights to receive benefits prior to the excludable recovery of amounts which were included in the gross income of a shareholder-employee as excess employer contributions to a pension, etc., plan of an electing small business corporation;

(13) The deduction allowed by section 219 for contributions to an individual retirement account described in section 408(a), for an individual retirement annuity described in section 408(b), or for a retirement bond described in section 409.

* * * * *

3. Immediately after § 1.218 there are added the following new sections:

§ 1.219 Statutory provisions; retirement savings.

SEC. 219. *Retirement savings*—(a) *Deduction allowed.* In the case of an individual, there is allowed as a deduction amounts paid in cash during the taxable year by or on behalf of such individual for his benefit—

(1) To an individual retirement account described in section 408(a),

(2) For an individual retirement annuity described in section 408(b), or

(3) For a retirement bond described in section 409 (but only if the bond is not redeemed within 12 months of the date of its issuance).

For purposes of this title, any amount paid by an employer to such a retirement account or for such a retirement annuity or retirement bond constitutes payment of compensation to the employee (other than a self-employed individual) who is an employee within the meaning of section 401(c)(1) includible in his gross income, whether or not a deduction for such payment is allowable under this section to the employee after the application of subsection (b).

(b) *Limitations and restrictions*—(1) *Maximum deduction.* The amount allowable as a deduction under subsection (a) to an individual for any taxable year may not exceed an amount equal to 15 percent of the compensation includible in his gross income for such taxable year, or $1,500, whichever is less.

(2) *Covered by certain other plans.* No deduction is allowed under subsection (a) for an individual for the taxable year if for any part of such year—

(A) He was an active participant in—

(i) A plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

(ii) An annuity plan described in section 403(a),

(iii) A qualified bond purchase plan described in section 405(a), or

(iv) A plan established for its employees by the United States, by a State or political division thereof, or by an agency or instrumentality of any of the foregoing, or

(B) Amounts were contributed by his employer for an annuity contract described in section 403(b) (whether or not his rights in such contract are nonforfeitable).

(3) *Contributions after age 70½.* No deduction is allowed under subsection (a) with respect to any payment described in subsection (a) which is made during the taxable year of an individual who has attained age 70½ before the close of such taxable year.

(4) *Recontributed amounts.* No deduction is allowed under this section with respect to a rollover contribution described in section 402(a)(5), 403(a)(4), 408(d)(3), or 409(b)(3)(C).

(5) *Amounts contributed under endowment contract.* In the case of an endowment contract described in section 408(b), no deduction is allowed under subsection (a) for that portion of the amounts paid under the contract for the taxable year properly allocable, under regulations prescribed by the Secretary or his delegate, to the cost of life insurance.

(c) *Definitions and special rules*—(1) *Compensation.* For purposes of this section, the term "compensation" includes earned income as defined in section 401(c)(2).

(2) *Married individuals.* The maximum deduction under subsection (b)(1) shall be computed separately for each individual, and this section shall be applied without regard to any community property laws.

[Sec. 219 as added by sec. 2002(a)(1) Employee Retirement Income Security Act of 1974 (88 Stat. 958)]

§ 1.219–1 Deduction for retirement savings.

(a) *In general.* Subject to the limitations and restrictions of paragraph (b) and the special rules of paragraph (c)(2) of this section, there shall be allowed a deduction under section 62 from gross income of amounts paid during the taxable year of an individual by or on behalf of such individual for his benefit to an individual retirement account described in § 1.408–2, for an individual retirement annuity described in § 1.408–3, or for a retirement bond described in section 409. The deduction described in the preceding sentence shall only be allowed to the individual in whose name such individual retirement account, individual retirement annuity, or retirement bond is established or purchased. The first sentence of this paragraph shall only apply in the case of a contribution of cash, and a contribution of property other than cash is not allowable as a deduction. In the case of a retirement bond, a deduction will not be allowed if the bond is redeemed within 12 months of the date of its issuance.

(b) *Limitations and restrictions*—(1) *Maximum deduction.* The amount allowable as a deduction under section 219(a) to an individual for any taxable year cannot exceed an amount equal to 15 percent of the compensation includible in his gross income for such taxable year, or $1,500, whichever is less.

(2) *Restrictions*—(i) *Individuals covered by certain other plans.* No deduction is allowable under section 219(a) to an individual for the taxable year if for any part of such year—

(A) He was an active participant in—

(1) A plan described in section 401(a) which includes a trust exempt from tax under section 501(a),

(2) An annuity plan described in section 403(a),

(3) A qualified bond purchase plan described in section 405(a), or

(4) A retirement plan established for its employees by the United States, by a State or political subdivision thereof, or by an agency or instrumentality of any of the foregoing, or

(B) Amounts were contributed by his employer for an annuity contract described in section 403(b) (whether or not the individual's rights in such contract are nonforfeitable).

(ii) *Contributions after age 70½.* No deduction is allowable under section 219(a) to an individual for the taxable year of the individual, if he has attained the age of 70½ before the close of such taxable year.

(iii) *Recontributed amounts.* No deduction is allowable under section 219 for any taxable year of an individual with respect to a rollover contribution described in § 1.402(a)–3, 1.403(a)–3, 1.408–1(b)(2), or 1.409–1(c).

(iv) *Amounts contributed under endowment contracts.* (A) For any taxable year, no deduction is allowable under section 219(a) for that portion of amounts paid under an endowment contract described in § 1.408–3(e) which is allocable under subdivision (B) to the cost of life insurance.

(B) For any taxable year, the cost of current life insurance protection under an endowment contract described in paragraph (b)(2)(iv)(A), of this section, is the product of the net premium cost, as determined by the Commissioner, multiplied by the excess, if any, of the death benefit payable under the contract during the taxable year over the cash value of the contract at the end of such year.

(C) The provisions of this subdivision can be illustrated by the following examples:

Example (1). A, an individual who is otherwise entitled to the maximum deduction allowed under section 219, purchases, at age 20, an endowment contract described in § 1.408–3(e) which provides for the payment of an annuity of $100 per month, at age 65, with a minimum death benefit of $10,000, and an annual premium of $220. The cash value at the end of the first year is 0. The net premium cost, as determined by the Commissioner, for A's age is $1.61 per thousand dollars of life insurance protection. The cost of current life insurance protection is $16.10. A's maximum deduction under section 219 with respect to amounts paid under the endowment contract for the first year is $203.90 ($220−$16.10).

Example (2). Assume the same facts as in example (1), except that the cash value at the end of the second year is $200 and the net premium cost is $1.67 per thousand for A's age. The cost of current life insurance protection is $16.37. A's maximum deduction under section 219 with respect to amounts paid under the endowment contract for the second year is $203.63 ($220−$16.37).

(c) *Definitions and special rules*—(1) *Definitions.* (i) For purposes of this section the term "compensation" means wages, salaries, or professional fees, and other amounts received for personal services actually rendered (including, but not limited to, commissions paid salesmen, compensation for services on the basis of a percentage of profits, commissions on insurance premiums, tips, and bonuses) and includes earned income, as defined in section 401(c)(2), but does not include amounts received as earnings or profits from property (including, but not limited to, interest and dividends) or amounts not includible in gross income such as income from sources without the United States excluded from gross income under section 911.

(ii) (A) For purposes of this section, the term "active participant" means, except as provided in paragraph (c)(1)(ii)(B) of this section, an individual who is a participant in a plan described in paragraph (b)(2)(i)(A) of this section and for whom, at any time during the taxable year,

(1) Benefits are accrued under the plan on his behalf,

(2) The employer is obligated to contribute to or under the plan on his behalf, or

(3) The employer would have been obligated to contribute to or under the plan on his behalf if any contributions were made to or under the plan.

For purposes of the preceding sentence, a participant includes an individual regardless of whether or not his benefits under the plan are nonforfeitable (within the meaning of section 411). In applying paragraphs (c)(1)(ii)(A)(2) and (3) of this section, if an employer is or would have been obligated to contribute an amount on behalf of the individual with respect to a plan year of the plan which includes any portion of the taxable year of the individual, such individual shall be considered an active participant during such taxable year. However, for any taxable year of an individual in which

there have been no contributions and there has been a complete discontinuance of contributions under a plan under which such individual is covered, such individual shall not be considered an active participant.

(B) For purposes of this section, an individual is not an active participant under a plan—

(*1*) With respect to any prior taxable year of such individual, merely because he is given past service credit for prior years of service;

(2) With respect to any taxable year of such individual beginning after his separation from service covered under the plan and before he resumes service covered under the plan, whether or not he has a nonforfeitable right to benefits under such plan; or

(*3*) For any taxable year of such individual in which such individual does not elect under the plan to participate in such plan.

This subdivision shall not apply in the case of an individual who elects not to be covered under the plan and subsequently elects to be covered under the plan if, under the plan, such individual can receive benefits based upon all prior years in which such individual could have been covered under the plan had he so elected, upon the payment by him of an amount specified under the plan for such prior years. In such case, the individual shall be treated as an active participant under the plan for each such prior year with respect to which such payment is made.

(2) *Special rules.* (i) The maximum deduction allowable under section 219(b)(1) is computed separately for each individual. Thus, if a husband and wife each has compensation of $10,000 for the taxable year and they are each otherwise eligible to contribute to an individual retirement account and they file a joint return, then the maximum amount allowable as a deduction under section 219 is $3,000. However, if, for example, the husband alone has compensation of $20,000 and they are each otherwise eligible to contribute to an individual retirement account for the taxable year, and they file a joint return, the maximum amount allowable under section 219 is $1,500.

(ii) Section 219 is to be applied without regard to any community property laws. Thus, if, for example, a husband and wife, who are otherwise eligible to contribute to an individual retirement account, live in a community property jurisdiction and the husband alone has compensation of $20,000 for the taxable year, then the maximum amount allowable as a deduction under section 219 is $1,500.

(3) *Employer contributions.* For purposes of this chapter, any amount paid by an employer to an individual retirement account or for an individual retirement annuity or retirement bond constitutes the payment of compensation to the employee (other than a self-employed individual who is an employee within the meaning of section 401(c)(1)) includible in his gross income, whether or not a deduction for such payment is allowable under section 219 to such employee after the application of section 219(b). Thus, an employer will be entitled to a deduction for compensation paid to an employee for amounts the employer contributes on the employee's behalf to an individual retirement account, for an individual retirement annuity, or for a retirement bond if such deduction is otherwise allowable under section 162.

4. Section 1.402 is amended by revising paragraph (a)(5) and the historical note. These amended and revised provisions read as follows:

§ 1.402(a) Statutory provisions; taxability of beneficiary of employees trust; exempt trust.

Sec. 402. *Taxability of beneficiary of employees' trust*—(a) *Taxability of exempt trust*—• • •

(5) *Rollover amounts*—In the case of an employees' trust described in section 401(a) which is exempt from tax under section 501(a), if—

(A) The balance to the credit of an employee is paid to him on [*sic*] one or more distributions which constitute a lump sum distribution within the meaning of subsection (e)(4)(A) (determined without reference to subsection (e)(4)(B)),

(B)(i) The employee transfers all the property he receives in such distribution to an individual retirement account described in section 408(a), and individual retirement annuity described in section 408(b) (other than an endowment contract), or a retirement bond described in section 409, on or before the 60th day after the day on which he received such property, to the extent the fair market value of such property exceeds the amount referred to in subsection (e)(4)(D)(i), or

(ii) The employee transfers all the property he receives in such distribution to an employees' trust described in section 401(a) which is exempt from tax under section 501(a), or to an annuity plan described in section 403(a) on or before the 60th day after the day on which he received such property, to the extent the fair market value of such property exceeds the amount referred to in subsection (e)(4)(D)(i), and

(C) The amount so transferred consists of the property (other than money) distributed, to the extent that the fair market value of such propery does not exceed the amount required to be transferred pursuant to subparagraph (B), then such distributions are not includible in gross income for the year in which paid. For purposes of this title, a transfer described in subparagraph (B)(i) shall be treated as a rollover contribution as described in section 408(d)(3). Subparagraph (B)(ii) does not apply in the case of a transfer to an employees' trust, or annuity plan if any part of the lump sum distribution described in subparagraph (A) is attributable to a trust forming part of a plan under which the employee was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

[Sec. 402(a) as amended by sec. 4(c), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 221(c)(1), Rev. Act 1964 (78 Stat. 75); sec. 232(e)(1), Rev. Act 1964 (78 Stat. 111); sec. 515(a)(1), Tax Reform Act 1969 (83 Stat. 643); sec. 2002(g)(5), Employee Retirement Income Security Act 1974 (88 Stat. 968)]

5. After § 1.402(a)-2 there is added the following new section:

§ 1.402(a)-3 Rollover amounts.

(a) *In general.* Under section 402(a)(5), any amount distributed from an employees' trust described in section 401(a) which is exempt from tax under section 501(a) and which satisfies the requirements of paragraph (b) of this section is not includible in the gross income of the employee for the year in which paid.

(b) *General rule.* Except as provided in paragraph (c) of this section, an amount satisfies the requirements of this paragraph if—

(1) The balance to the credit of the employee is paid or distributed to him in one or more distributions which constitute a lump sum distribution within the meaning of section 402(e)(4)(A) (determined without reference to section 402(e)(4)(B)),

(2) The employee transfers all the property he receives in such distributions to—

(i) An individual retirement account described in section 408(a) and the regulations thereunder, an individual retirement annuity described in section 408(b) (other than an endowment contract) and the regulations thereunder or a retirement bond described in section 409 and the regulations thereunder, or

(ii) An employees' trust described in section 401(a) which is exempt from tax under section 501(a), or to an annuity plan described in section 403(a), on or before the 60th day after the day on which he received such property, to the extent the fair market value of the property exceeds the amounts considered contributed by the employee (determined by applying section 72(f) and paragraph (b) of § 1.72-16), reduced by any amounts theretofore distributed to him which were not includible in gross income, and

(3) The amount so transferred consists of the same property (other than cash) distributed, to the extent that the fair market value of such property does not exceed the amount required to be transferred pursuant to paragraph (b)(2) of this section.

(c) *Special rules.* (1) Paragraph (b)(2)(ii) of this section does not apply in the case of a transfer to an employees' trust or annuity plan if any part of the lump sum distribution described in paragraph (b)(1) of this section is attributable to a trust forming part of a plan under which the employee receiving the lump sum distribution was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

(2) Paragraph (b)(2)(ii) of this section does not apply unless the plan of which the employees' trust is a part or the annuity plan provides for the acceptance of such contributions.

(d) *Effective date.* (1) Except as provided in paragraph (d)(2) of this section, the provisions of this section shall

apply to all transfers described in paragraph (b)(2) of this section made after September 1, 1974.

(2) The provisions of this section shall only apply to transfers described in paragraph (b)(2)(i) of this section made to an individual retirement account, individual retirement annuity or retirement bond after December 31, 1974.

6. Section 1.403 is amended by adding the following new paragraph (a)(4) and revising the historical note. These amended and revised provisions read as follows:

§ 1.403(a)- Statutory provisions; taxation of employee annuities; qualified annuity plan.

Sec. 403. *Taxation of employee annuities*—(a) *Taxability of beneficiary under a qualified annuity plan*—* * *

(4) *Rollover amounts.* In the case of an employee annuity described in 403(a), if—

(A) The balance to the credit of an employee is paid to him in one or more distributions which constitute a lump sum distribution within the meaning of section 402(e)(4)(A) determined without reference to section 402(e)(4)(B).

(B)(i) The employee transfers all the property he receives in such distribution to an individual account described in section 408(a), an individual retirement annuity described in section 408(b) (other than an endowment contract), or a retirement bond described in section 409, on or before the 60th day after the day on which he received such property to the extent the fair market value of such property exceeds the amount referred to in section 402(e)(4)(D)(i), or

(ii) The employee transfers all the property he receives in such distribution to an employees' trust described in section 401(a) which is exempt from tax under section 501(a), or to an annuity plan described in subsection (a) on or before the 60th day after the day on which he received such property to the extent the fair market value of such property exceed the amount referred to in section 402(e)(4)(D)(i), and

(C) The amount so transferred consists of the property distributed to the extent that the fair market value of such property does not exceed the amount required to be transferred pursuant to subparagraph (B), then such distribution is not includible in gross income for the year in which paid. For purposes of this title, a transfer described in subparagraph (B)(i) shall be treated as a rollover contribution described in section 408(d)(3). Subparagraph (B)(ii) does not apply in the case of a transfer to an employees' trust, or annuity plan if any part of the lump sum distribution described in subparagraph (A) is attributable to an annuity plan under which the employee was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

[Sec. 403(a) as amended by sec. 23(b), Technical Amendments Act 1958 (72 Stat. 1622); sec. 4(d), Self-Employed Individuals Tax Retirement Act 1962 (76 Stat. 825); sec. 232(e)(4), Rev. Act 1964 (78 Stat. 111); sec. 2002(g)(6), Employee Retirement Income Security Act 1974 (88 Stat. 969)]

7. Immediately after § 1.403(a)-2 there is added the following new section:

§ 1.403(a)-3 Rollover amounts.

(a) *In general.* Under section 403(a)(4), any amount distributed from an employees' annuity plan described in section 403(a)(1) which satisfies the requirements of paragraph (b) of this section is not includible in the gross income of the employee for the year in which paid.

(b) *General rule.* Except as provided in paragraph (c) of this section an amount satisfies the requirements of this paragraph if—

(1) The balance to the credit of an employee is paid to him in one or more distributions which constitute a lump sum distribution within the meaning of section 402(e)(4)(A) (determined without reference to section 402(e)(4)(B)),

(2) The employee transfers all of the property he receives in such distribution to—

(i) An individual retirement account described in section 408(a) and the regulations thereunder, an individual retirement annuity described in section 408(b) (other than an endowment contract) and the regulations thereunder, or a retirement bond described in section 409 and the regulations thereunder, or

(ii) An employees' trust described in section 401(a) which is exempt from tax under section 501(a), or to an annuity plan described in section 403(a), on or before the 60th day after the day on which he received such property to the extent the fair market value of such property exceeds the amount considered contributed by the employee (determined by applying section 72(f) and paragraph (b) of § 1.72-16), reduced by any amount theretofore distributed to him which were not includible in gross income, and

(3) The amount so transferred consists of the same property (other than cash) distributed, to the extent that the fair market value of such property does not exceed the amount required to be transferred pursuant to paragraph (b)(2) of this section.

(c) *Special rule.* (1) Paragraph (b)(2)(ii) of this section does not apply in the case of a transfer to an employees' trust or annuity plan if any part of the lump sum distribution described in paragraph (b)(1) of this section is attributable to a plan under which the employee receiving the lump sum distribution was ar. employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

(2) Paragraph (b)(2)(ii) of this section does not apply unless the plan of which the employees' trust is a part or the annuity plan provides for the acceptance of such contributions.

(d) *Effective date.* (1) Except as provided in paragraph (d)(2) of this section, the provisions of this section shall apply to all transfers described in paragraph (b)(2) of this section made after September 1, 1974.

(2) The provisions of this section shall only apply to transfers described in paragraph (b)(2)(i) of this section made to an individual retirement account, individual retirement annuity or retirement bond after December 31, 1974.

8. Immediately after § 1.405-3 there are added the following new sections:

§ 1.408 Statutory provisions; individual retirement accounts.

Sec. 408. *Individual retirement accounts*—(a) *Individual retirement account.* For purposes of this section, the term "individual retirement account" means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries, but only if the written governing instrument creating the trust meets the following requirements:

(1) Except in the case of a rollover contribution described in subsection (d)(3) in section 402(a)(5), 403(a)(4), or 409(b)(3)(C), no contribution will be accepted unless it is in cash, and contributions will not be accepted for the taxable year in excess of $1,500 on behalf of any individual.

(2) The trustee is a bank (as defined in section 401(d)(1)) or such other person who demonstrates to the satisfaction of the Secretary or his delegate that the manner in which such other person will administer the trust will be consistent with the requirements of this section.

(3) No part of the trust funds will be invested in life insurance contracts.

(4) The interest of an individual in the balance of his account is nonforfeitable.

(5) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

(6) The entire interest of an individual for whose benefit the trust is maintained will be distributed to him not later than the close of his taxable year in which he attains age 70½, or will be distributed, commencing before the close of such taxable year, in accordance with regulations, prescribed by the Secretary or his delegate, over—

(A) The life of such individual or the lives of such individual and his spouse, or

(B) A period not extending beyond the life expectancy of such individual or the life expectancy of such individual and his spouse.

(7) If an individual for whose benefit the trust is maintained dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in paragraph (6) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of the surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence does not apply if distributions over a term certain commenced before the death of the individual for whose benefit the trust was maintained and the term certain is for a period permitted under paragraph (6).

(b) *Individual retirement annuity.* For purposes of this section, the term "individual retirement annuity" means an annuity contract, or an endowment contract (as determined under regulations prescribed by the Secretary or his delegate), issued by an insurance company which meets the following requirements:

(1) The contract is not transferable by the owner.

(2) The annual premium under the contract will not exceed $1,500 and any refund of premiums will be applied before the close of the calendar year following the year of the refund toward the payment of future

premiums or the purchase of additional benefits.

(3) The entire interest of the owner will be distributed to him not later than the close of his taxable year in which he attains age 70½, or will be distributed, in accordance with regulations prescribed by the Secretary or his delegate, over—

(A) The life of such owner or the lives of such owner and his spouse, or

(B) A period not extending beyond the life expectancy of such owner or the life expectancy of such owner and his spouse.

(4) If the owner dies before his entire interest has been distributed to him, or if distribution has been commenced as provided in paragraph (3) to his surviving spouse and such surviving spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) will, within 5 years after his death (or the death of the surviving spouse), be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of his surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity will be immediately distributed to such beneficiary or beneficiaries. The preceding sentence shall have no application if distributions over a term certain commenced before the death of the owner and the term certain is for a period permitted under paragraph (3).

(5) The entire interest of the owner is nonforfeitable.

Such term does not include such an annuity contract for any taxable year of the owner in which it is disqualified on the application of subsection (e) or for any subsequent taxable year. For purposes of this subsection, no contract shall be treated as an endowment contract if it matures later than the taxable year in which the individual in whose name such contract is purchased attains age 70½; if it is not for the exclusive benefit of the individual in whose name it is purchased or his beneficiaries; or if the aggregate annual premiums under all such contracts purchased in the name of such individual for any taxable year exceed $1,500.

(c) *Accounts established by employers and certain associations of employees.* A trust created or organized in the United States by an employer for the exclusive benefit of his employees or their beneficiaries, or by an association of employees (which may include employees within the meaning of section 401(c)(1)) for the exclusive benefit of its members or their beneficiaries, shall be treated as an individual retirement account (described in subsection (a)), but only if the written governing instrument creating the trust meets the following requirements:

(1) The trust satisfies the requirements of paragraphs (1) through (7) of subsection (a).

(2) There is a separate accounting for the interest of each employee or member.

The assets of the trust may be held in a common fund for the account of all individuals who have an interest in the trust.

(d) *Tax treatment of distributions*—(1) *In general.* Except as otherwise provided in this subsection, any amount paid or distributed out of an individual retirement account or under an individual retirement annuity shall be included in gross income by the payee or distributee, as the case may be, for the taxable year in which the payment or distribution is received. The basis of any person in such an account or annuity is zero.

(2) *Distributions of annuity contracts.* Paragraph (1) does not apply to any annuity contract which meets the requirements of paragraphs (1), (3), (4), and (5) of subsection (b) and which is distributed from an individual retirement account. Section 72 applies to any such annuity contract, and for purposes of section 72 the investment in such contract is zero.

(3) *Rollover contribution.* An amount is described in this paragraph as a rollover contribution if it meets the requirements of subparagraphs (A) and (B).

(A) *In general.* Paragraph (1) does not apply to any amount paid or distributed out of an individual retirement account or individual retirement annuity to the individual for whose benefit the account or annuity is maintained if—

(i) The entire amount received (including money and any other property) is paid into an individual retirement account or individual retirement annuity (other than an endowment contract) or retirement bond for the benefit of such individual not later than the 60th day after the day on which he receives the payment or distribution; or

(ii) The entire amount received (including money and any other property) represents the entire amount in the account or the entire value of the annuity and no amount in the account and no part of the value of the annuity is attributable to any source other than a rollover contribution from an employees' trust described in section 401(a) which is exempt from tax under section 501(a) (other than a trust forming part of a plan under which the individual was an employee within the meaning of section 401(c)(2) at the time contributions were made on his behalf under the plan), or an annuity plan described in section 403(a) (other than a plan under which the individual was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan) and any earnings on such sums and the entire amount thereof is paid into another such trust (for the benefit of such individual) or annuity plan not later than the 60th day on which he receives the payment or distribution.

(B) *Limitation.* This paragraph does not apply to any amount described in subparagraph (A)(i) received by an individual from an individual retirement account or individual retirement annuity if at any time during the 3-year period ending on the day of such receipt such individual received any other amount described in that subparagraph from an individual retirement account, individual retirement annuity, or a retirement bond which was not includible in his gross income because of the application of this paragraph.

(4) *Excess contributions returned before due date of return.* Paragraph (1) does not apply to the distribution of any contribution paid during a taxable year to an individual retirement account or for an individual retirement annuity to the extent that such contribution exceeds the amount allowable as a deduction under section 219 if—

(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

(B) No deduction is allowed under section 219 with respect to such excess contribution, and

(C) Such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which received.

(5) *Transfer of account incident to divorce.* The transfer of an individual's interest in an individual retirement account, individual retirement annuity, or retirement bond to his former spouse under a divorce decree or under a written instrument incident to such divorce is not to be considered a taxable transfer made by such individual notwithstanding any other provision of this subtitle, and such interest at the time of the transfer is to be treated as an individual retirement account of such spouse, and not of such individual. Thereafter such account, annuity, or bond for purposes of this subtitle is to be treated as maintained for the benefit of such spouse.

(e) *Tax treatment of accounts and annuities*—(1) *Exemption from tax.* Any individual retirement account is exempt from taxation under this subtitle unless such account has ceased to be an individual retirement account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

(2) *Loss of exemption of account where employee engages in prohibited transaction*—(A) *In general.* If, during any taxable year of the individual for whose benefit any individual retirement account is established, that individual or his beneficiary engages in any transaction prohibited by section 4975 with respect to such account, such account ceases to be an individual retirement account as of the first day of such taxable year. For purposes of this paragraph—

(i) The individual for whose benefit any account was established is treated as the creator of such account, and

(ii) The separate account for any individual within an individual retirement account maintained by an employer or association of employees is treated as a separate individual retirement account.

(B) *Account treated as distributing all its assets.* In any case in which any account ceases to be an individual retirement account by reason of subparagraph (A) as of the first day of any taxable year, paragraph (1) of subsection (d) applies as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

(3) *Effect of borrowing on annuity contract.* If during any taxable year the owner of an individual retirement annuity borrows any money under or by use of such contract, the contract ceases to be an individual retirement annuity as of the first day of such taxable year. Such owner shall include in gross income for such year an amount equal to the fair market value of such contract as of such first day.

(4) *Effect of pledging account as security.* If, during any taxable year of the individual for whose benefit an individual retirement account is established, that individual uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to that individual.

(5) *Purchase of endowment contract by individual retirement account.* If the assets of an individual retirement account or any part of such assets are used to purchase an endowment contract for the benefit of the individual for whose benefit the account is established—

(A) To the extent that the amount of the assets involved in the purchase are not attributable to the purchase of life insurance, the purchase is treated as a rollover contribution described in subsection (d)(3), and

(B) To the extent that the amount of the assets involved in the purchase are attributable to the purchase of life, health, accident, or other insurance, such amounts are treated as distributed to that individual (but the provisions of subsection (f) do not apply).

(6) *Commingling individual retirement account amounts in certain common trust funds and common investment funds.* Any common trust fund or common investment fund of individual retirement account assets which is exempt from taxation under this subtitle does not cease to be exempt on account of the participation or inclusion of assets of a trust exempt from taxation under section 501(a) which is described in section 401(a).

(f) *Additional tax on certain amounts included in gross income before age 59½*—(1) *Early distributions from an individual retirement account, etc.* If a distribution from an individual retirement account or under an individual retirement annuity to the individual for whose benefit such account or annuity was established is made before such individual attains age 59½, his tax under this chapter for the taxable year in which such distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includible in his gross income for such taxable year.

(2) *Disqualification cases.* If an amount is includible in gross income for a taxable year under subsection (e) and the taxpayer has not attained age 59½ before the beginning of such taxable year, his tax under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount so required to be included in his gross income.

(3) *Disability cases.* Paragraphs (1) and (2) do not apply if the amount paid or distributed, or the disqualification of the account or annuity under subsection (e), is attributable to the taxpayer becoming disabled within the meaning of section 72(m)(7).

(g) *Community property laws.* This section shall be applied without regard to any community property laws.

(h) *Custodial accounts.* For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary or his delegate, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an individual retirement account described in subsection (a). For purposes of this title, in the case of custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

(i) *Reports.* The trustee of an individual retirement account and the issuer of an endowment contract described in subsection (b) or an individual retirement annuity shall make such reports regarding such account, contract, or annuity to the Secretary or his delegate and to the individuals for whom the account, contract, or annuity is, or is to be, maintained with respect to contributions, distributions, and such other matters as the Secretary or his delegate may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.

(j) *Cross references.* (1) For tax on excess contributions in individual retirement accounts or annuities, see section 4973.

(2) For tax on certain accumulations in individual retirement accounts or annuities, see section 4974.

[Sec. 408 as added by sec. 2002(b) Employee Retirement Income Security Act 1974 (88 Stat. 959)]

§ 1.408–1 General rules.

(a) *In general.* Section 408 prescribes rules relating to the individual retirement account and the individual retirement annuity. If the individual retirement account or individual retirement annuity satisfies the requirements of §§ 1.408–2 or 1.408–3, as the case may be, the following rules shall apply.

(1) *Exemption from tax.* The individual retirement account or individual retirement annuity is exempt from all taxes under subtitle A of the Code other than the taxes imposed under section 511, relating to imposition of tax on unrelated business income of charitable, etc., organizations. If (i) the individual on whose behalf an account is established or his beneficiary engages in any transaction prohibited by section 4975, or (ii) the owner of an individual retirement annuity borrows any money under or by use of such contract, such account or annuity ceases to be an individual retirement account or an individual retirement annuity.

(2) *Distributions.* The distributions received from an individual retirement account or individual retirement annuity are includable in income in accordance with the requirements of paragraph (b) of this section.

(3) *Sanctions.* If the individual retirement account or individual retirement annuity makes premature distributions (i.e., distributions or payments to the individual before he has attained age 59½ unless he has become disabled within the meaning of section 72(m)(7)) to the individual on whose behalf the account is established or who is the owner of the annuity, the individual will be subject to an additional tax (see paragraph (c) of this section). If an individual retirement account or individual retirement annuity is disqualified within the meaning of section 408(e)(2) and such individual has not attained age 59½ or become disabled (within the meaning of section 72(m)(7)) before the taxable year in which the account was disqualified, the individual on whose behalf the account is established or who is the owner of the annuity will be subject to an additional tax (see paragraph (c) of this section). If an individual retirement account or individual retirement annuity accepts and retains, beyond the time permitted for withdrawal, excess contributions, the individual on whose behalf the account is established or who is the owner of the annuity will be subject to the excise tax imposed by section 4973. If an individual retirement account or individual retirement annuity fails to distribute the minimum amount required to be distributed, the individual on whose behalf the account is established or who is the owner of the annuity, or the beneficiary of such individual, will be subject to the excise tax imposed by section 4974. If any person, described in section 4975(e)(2), other than the individual on whose behalf the account is established or his beneficiary engages, with respect to such account, in any transaction prohibited by section 4975 such person shall be subject to the excise taxes imposed by section 4975.

(4) *Reports.* The trustee of an individual retirement account or the issuer of an individual retirement annuity shall submit to the Commissioner and the individual for whose benefit the account is maintained or in whose name the annuity is purchased the reports, described in paragraph (d) of this section, regarding contributions to and distributions from the account or annuity.

(5) *Limitation on contributions and benefits.* An individual retirement account or individual retirement annuity is subject to the limitation on contributions and benefits imposed by section 415 for years beginning after December 31, 1975.

(b) *Treatment of distributions*—(1) *General rule.* Except as otherwise provided in this paragraph, any amount paid or distributed from an individual retirement account or individual retirement annuity shall be included in the gross income of the payee or distributee for the taxable year in which the payment or distribution is received. The basis (or investment in the contract) of any person in such an account or annuity is zero. For purposes of this section, an assignment of an individual's rights under an individual retirement account or an individual retirement annuity shall, except as provided in paragraph (f) of this section (relating to transfer incident to divorce), be deemed a distribution from such account or annuity of the amount assigned.

(2) *Rollover contribution.* (i) Except as limited by paragraph (b)(2)(iii) of this section, paragraph (b)(1) of this section shall not apply to any amount paid or distributed from an individual retirement account or individual retirement annuity to the individual for whose benefit the account was established or who is the owner of the annuity if the entire amount received (including the same amount of money and any other property) is paid into an account, annuity (other than an endowment contract), or bond (described in section 409) (created for the benefit of such individual) not later than the 60th day after the day on which he receives the payment or distribution.

(ii) Paragraph (b)(1) of this section shall not apply to any amount paid or distributed from an individual retirement account or individual retirement annuity to the individual for whose benefit the account was established or who is the owner of the annuity if—

(A) No amount in the account or no part of the value of the annuity is attributable to any source other than a rollover contribution (see section 402(a)(5) and § 1.402–3) from an employees' trust described in section 401(a) which is exempt from tax under section 501(a) or a rollover contribution (see section 403(a)(4) and § 1.403–3) from an annuity plan described in section 403(a) and the earnings on such sums, and

(B) The entire amount received (including the same amount of money and

any other property) represents the entire amount in the account and is paid into another such trust or plan (for the benefit of such individual) not later than the 60th day after the day on which he receives the payment or distribution.

This paragraph shall not apply if any portion of the rollover contributions described in (b)(2)(ii)(A) of this section is attributable to an employees' trust forming part of a plan or an annuity plan under which the individual was an employee within the meaning of section 401(c)(1) at the time contributions were made on his behalf under the plan.

(iii) Paragraph (b)(2)(i) of this section does not apply to any amount received by an individual from an account, annuity or retirement bond if at any time during the 3-year period ending on the day of receipt, the individual received any other amount from an account, annuity or retirement bond which was not includible in his gross income because of the application of this subparagraph.

(iv) An amount may be distributed to an individual on whose behalf the account is established and who has not attained age 59½ or who is not disabled within the meaning of section 72(m)(7) and paragraph (f) of § 1.72–17 only if the trustee of the account receives from such individual a statement signed by such individual indicating whether the amount distributed is to be a rollover contribution within the meaning of paragraph (b)(2)(i), (ii), and (iii) of this section.

(3) *Excess contributions.* (i) Paragraph (b)(1) of this section does not apply to the distribution of any contribution paid during a taxable year to an account or annuity to the extent the contribution exceeds the amount allowable as a deduction under section 219 if—

(A) The distribution is received on or before the day prescribed by law (including extensions) for filing the individual's return for such taxable year;

(B) No deduction is allowed under section 219 with respect to the excess contribution; and

(C) The distribution is accompanied by the amount of net income attributable to the excess contribution as of the date of the distribution.

The amount of net income described in the preceding sentence is includible in the gross income of the individual for the taxable year in which it is received. Thus the amount of net income distributed may be subject to the tax imposed by section 408(f)(1).

(ii)(A) For purposes of paragraph (b)(3)(i)(C) of this section, the amount of net income attributable to the excess contributions is an amount equal to the amount which bears the same ratio to the net income earned by the account during the computation period as the excess contribution bears to the sum of the balance of the account as of the first day of the taxable year in which the excess contribution is made and the total contribution made for such taxable year. For purposes of this subparagraph, the term "computation period" means the period beginning on the first day of the taxable year in which the excess contribution is made and ending on the date of the distribution from the account.

(B) For purposes of paragraph (b)(3)(i) of this section, the net income earned by the account during the computation period is the fair market value of the balance of the account immediately after the distribution increased by the amount of distributions from the account during the computation period, and reduced (but not below zero) by the sum of—

(*1*) The fair market value of the balance of the account as of the first day of the taxable year in which the excess contribution is made, and

(2) The amount of contribution to the account made during the computation period.

(iii) The provisions of paragraphs (b)(1) and (b)(3) may be illustrated by the following examples:

Example (1). On January 1, 1975, A, age 55, who is a calendar year taxpayer, contributes $1,500 to an individual retirement account established for his benefit. For 1975, A is entitled to a deduction of $1,400 under section 219. For 1975, A does not claim as deductions any other items listed in section 62. A's gross income for 1975 is $9,334. On April 1, 1976, $107 is distributed to A from his individual retirement account. As of such date, the balance of the account is $1,498 [$1,605—$107]. There were no other distributions from the account as of such date. The net amount of income earned by the account is $105 [$1,498+$107—(0+$1,500)]. The net income attributable to the excess contribution is $7. [$105×($100/$1,500)]. A's adjusted gross income for 1975 is his gross income for 1975 ($9,334) reduced by the amount allowable to A as a deduction under section 219 ($1,400), or $7,934. A will include the $7 of the $107 distribtued on April 1, 1976, in his gross income for 1976.

Example (2). Assume the same facts as in example (1) except that there is no distribution on April 1, 1976. Assume further that the net income attributable to the excess contribution as of April 1, 1977 is $14.49; that A is entitled to a deduction of $1,500 under section 219 for 1976 and contributes that amount to the account in 1976; that A is not entitled to deduct any other items enumerated in section 62 for 1976; that A's otherwise determined gross income for 1976 is $11,500; and that on April 1, 1977, $114.49 is distributed to A. A's adjusted gross income is the sum of his otherwise determined gross income ($11,500) plus the amount includible in his gross income for 1976 under subparagraph (1) of this paragraph ($114.49), reduced by the amount allowable to A as a deduction under section 219 ($1,500), or $10,-114.49.

(4) *Deemed distribution.* (i) In any case in which an account ceases to be an individual retirement account by reason of the application of section 408(e)(2), paragraph (b)(1) of this section shall apply as if there were a distribution on the first day of the taxable year in which such account ceases to be an individual retirement account of an amount equal to the fair market value on such day of all of the assets in the account on such day. In the case of a deemed distribution from an individual retirement annuity, see § 1.408–3(d).

(ii) In any case in which an individual for whose benefit an individual retirement account is established uses, directly or indirectly, all or any portion of the account as security for a loan, paragraph (b)(1) of this section shall apply as if there were distributed on the first day of the taxabe year in which the loan was made an amount equal to that portion of the account used as security for such loan.

(5) *Distribution of annuity contracts.* Paragraph (b)(1) of this section does not apply to any annuity contract which is distributed from an individual retirement account and which satisfies the requirements of paragraphs (b)(1), (3), (4), and (5) of § 1.408–3. Amounts distributed under such contracts will be taxable to the distributee under section 72. For purposes of applying section 72 to a distribution from such a contract, the investment in such contract is zero.

(6) *Treatment of assets distributed from an individual retirement account for the purchase of an endowment contract.* Under section 408(e)(5), if all, or any portion, of the assets of an individual retirement account are used to purchase an endowment contract described in § 1.408–3(e) for the benefit of the individual for whose benefit the account is established, (i) the excess, if any, of the total amount of assets used to purchase such contract over the portion of the assets attributable to life insurance protection or waiver of premium upon disability shall be treated as a rollover contribution described in paragraph (b)(2)(i) of this section, and (ii) the portion of the assets attributable to life insurance protection or waiver of premium upon disability shall be treated as a distribution described in paragraph (b)(1) of this section, except that the provisions of section 408(f) and paragraph (c)(1) of this section shall not apply to such amount.

(c) *Additional taxes.* (1) *Premature distributions.* If a distribution (whether a deemed distribution or an actual distribution, including an amount described in paragraph (b)(3) of this section) is made from an individual retirement account, or individual retirement annuity, to the individual for whose benefit the account was established, or who is the owner of the annuity, before he attains the age of 59½, his tax under chapter 1 of the Code for his taxable year in which such distribution is received is increased under section 408(f)(1) by an amount equal to 10 percent of the amount of the distribution which is includible in his gross income for the taxable year. Thus, for example, if an unmarried individual, age 40, with taxable income in 1975 (determined without regard to this section) of $20,000 receives a distribution of $3,000 from an individual retirement account established and maintained by him, his income tax for 1975 would be $6,690 ($6,390 in tax on $23,000 of taxable income, plus a $300 additional tax on the premature distribution). Except in the case of the credits allowable under section 31, 39, or 42, no credit can be used

to offset the tax described in the first sentence of this paragraph (c)(1).

(2) *Disqualification distributions.* If an amount is includible in gross income for a taxable year as a distribution under paragraph (b)(4) of this section and the individual has not attained the age of 59½ before the beginning of such taxable year, his tax under chapter 1 of the Code is increased under section 408(f)(2) by an amount equal to 10 percent of the amount required to be included in his gross income as a distribution under paragraph (b)(4) of this section.

(3) *Exception for disability.* Paragraphs (c)(1) and (2) of this section do not apply if the amount paid or distributed, or deemed paid or distributed under paragraph (b)(4) of this section is attributable to the individual becoming disabled within the meaning of section 72(m)(7).

(d) *Reports*—(1) *In general.* The trustee of an individual retirement account or the issuer of an individual retirement annuity shall submit to the Commissioner and the individual on whose behalf the account is established or in whose name the annuity is purchased (or his beneficiary) annual reports regarding the amount of contributions to the account or annuity; the amount of distributions from the account or annuity; in the case of an endowment contract, the amount of the premium allocable to retirement savings; and such other information as is required by the form prescribed pursuant to paragraph (d)(2) of this section and the instructions relating thereto in the manner and at the time required under paragraph (d)(2) of this section.

(2) *Manner and time for filing.* (i) The trustee of an individual retirement account or the issuer of an individual retirement annuity (other than an endowment contract) shall file the form prescribed for that purpose for each individual retirement account or annuity he maintains during the taxable year of the individual on whose behalf such account was established or such annuity contract was issued. Such form shall be filed on or before the 30th day of the first month following the close of the individual's taxable year.

(ii) The issuer of an endowment contract shall provide to the individual on whose behalf the contract is purchased the information relating to the amount of the premium allocable to retirement savings on or before the 30th day after the first premium payment during the individual's taxable year but in no event later than the close of the individual's taxable year. The issuer shall also file the form prescribed for that purpose for each endowment contract he maintains during the taxable year of the individual on whose behalf the contract was issued. Such form shall be filed on or before the 30th day of the first month following the close of the individual's taxable year.

(3) *Statements to be furnished to individuals with respect to whom information is furnished.* Each trustee or issuer filing a report described in paragraph (d)(1) of this section shall furnish to each individual for whom a report is filed under this paragraph, within the time provided in paragraph (d)(2) of this section, a written statement showing in addition to the information described in paragraph (d)(1) of this section the name and address of the trustee or issuer filing such report.

(e) *Community property laws.* This section, § 1.408–2, and § 1.408–3 shall be applied without regard to any community property laws.

(f) *Transfer incident to divorce*—(1) *In general.* The transfer of an individual's interest, in whole or in part, in an individual retirement account, individual retirement annuity, or a retirement bond, to his former spouse under a valid divorce decree or a written instrument incident to such divorce shall not be considered to be a distribution from such an account or annuity to such individual or his former spouse nor shall it be considered a taxable transfer by such individual to his former spouse notwithstanding any other provision of this subchapter.

(2) *Treatment of transferred interest.* The interest described in paragraph (f)(1) of this section which is transferred to the former spouse shall be treated as an individual retirement account of such spouse if the interest is an individual retirement account; an individual retirement annuity of such spouse if such interest is an individual retirement annuity; and a retirement bond of such spouse if such interest is a retirement bond.

§ 1.408–2 Individual retirement accounts.

(a) *In general.* An individual retirement account must be a trust or a custodial account (see paragraph (e) of this section). It must satisfy the requirements of paragraph (b) of this section in order to qualify as an individual retirement account. It may be established and maintained by an individual, by an employer for the benefit of his employees (see paragraph (c) of this section), or by an employee association for the benefit of its members (see paragraph (c) of this section). It is exempt from tax (see paragraph (a)(1) of § 1.408–1) unless disqualified under paragraph (d) of this section.

(b) *Requirements.* An individual retirement account must be a trust created or organized in the United States (as defined in section 7701(a)(9)) for the exclusive benefit of an individual or his beneficiaries. Such trust must be maintained at all times as a domestic trust in the United States. The instrument creating the trust must be in writing and the following requirements must be satisfied.

(1) *Amount of acceptable contributions.* Except in the case of a rollover contribution described in § 1.402(a)–2, § 1.403(a)–3, § 1.408–1(b)(2), or § 1.409–1(c), the trust instrument must provide that contributions may not be accepted by the trustee for the taxable year in excess of $1,500 on behalf of any individual for whom the trust is maintained.

(2) *Trustee.* (i) The trustee must be a bank (as defined in section 401(d)(1) and the regulations thereunder) or another person which demonstrates, in the manner described in (b)(2)(ii) of this section to the satisfaction of the Commissioner, that the manner in which such other person will administer the trust will be consistent with the requirements of section 408 and this section.

(ii) [Reserved]

(3) *Life insurance contracts.* No part of the trust funds may be invested in life insurance contracts. An individual retirement account may invest in annuity contracts which provide a death benefit, provided that such death benefit is not based upon mortality assumptions.

(4) *Nonforfeitability.* The interest of any individual on whose behalf the trust is maintained in the balance of his account must be nonforfeitable.

(5) *Prohibition against commingling.* (i) The assets of the trust must not be commingled with other property except in a common trust fund or common investment fund.

(ii) For purposes of this subparagraph, the term "common investment fund" means a group trust created for the purpose of providing a satisfactory diversification of investments or a reduction of administrative expenses for the individual participating trusts, and which group trust satisfies the requirements of section 408(c) (except that it need not be established by an employer or an association of employees) and the requirements of section 401(a) in the case of a group trust in which one of the individual participating trusts is an employees' trust described in section 401(a) which is exempt from tax under section 501(a).

(iii) For purposes of this subparagraph, the term "individual participating trust" means an employees' trust described in section 401(a) which is exempt from tax under section 501(a) or a trust which satisfies the requirements of section 408(a) provided that in the case of such an employees' trust, such trust would be permitted to participate in such a group trust if all of the other individual participating trusts were employees' trusts described in section 401(a) which are exempt from tax under section 501(a).

(6) *Distribution of interest.* (i) The trust instrument must provide that the entire interest of the individual for whose benefit the trust is maintained must be distributed to him in accordance with paragraphs (b)(5)(ii) or (iii) of this section.

(ii) Unless the provisions of paragraph (b)(6)(iii) of this section apply, the entire interest of the individual must be actually distributed to him not later than the close of his taxable year in which he attains age 70½.

(iii) In lieu of distributing the individual's entire interest as provided in paragraph (b)(6)(ii) of this section, the interest may be distributed commencing not later than the taxable year described in such paragraph (b)(6)(ii). In such case, the trust must expressly

provide that the entire interest of the individual shall be distributed to him and his beneficiaries, in a manner which satisfies the requirements of paragraph (b)(6)(v) of this section, over any of the following periods (or any combination thereof)—

(A) The life of the individual,

(B) The joint life and last survivor expectancy of the individual and his spouse,

(C) A period certain not extending beyond the life expectancy of the individual, or

(D) A period certain not extending beyond the joint life and last survivor expectancy of the individual and his spouse.

(iv) The life expectancy of the individual or the joint life and last survivor expectancy of the individual and his spouse cannot exceed the period computed by use of the expected return multiples in § 1.72–9, or, in the case of payments under a contract issued by an insurance company, the period computed by use of the life expectancy tables of such company.

(v) If an individual's entire interest is to be distributed over a period described in paragraph (b)(6)(iii) of this section, beginning in the year the individual attains 70–½ the amount to be distributed each year must be not less than the lesser of the balance of the individual's entire interest or an amount equal to the quotient obtained by dividing the entire interest of the individual in the trust at the beginning of such year by the life expectancy of the individual (or the joint life and last survivor expectancy of the individual and his spouse (whichever is applicable)), determined in either case as of the date the individual attains age 70–½ in accordance with paragraph (b)(6)(iv) of this section, reduced by the number of whole years elapsed since the individual's attainment of age 70–½. However, no distribution need be made in any year, or a lesser amount may be distributed, if beginning with the year the individual attains age 70–½ the aggregate amounts distributed by the end of any year are at least equal to the aggregate of the minimum amounts required by this subdivision to have been distributed by the end of such year.

(vi) If an individual's entire interest is distributed in the form of an annuity contract, then the requirements of section 408(a)(6) are satisfied if the distribution of such contract takes place before the close of the taxable year described in paragraph (b)(6)(ii) of this section, and if the individual's interest will be paid over a period described in paragraph (b)(6)(iii) of this section and at a rate which satisfies the requirements of paragraph (b)(6)(v) of this section.

(7) *Distribution upon death.* The trust instrument must provide that if the individual for whose benefit the trust is maintained dies before his entire interest in the trust has been distributed to him, or if distribution has been commenced as provided in paragraph (b)(6) of this section to his surviving spouse and such spouse dies before the entire interest has been distributed to such spouse, the entire interest (or the remaining part of such interest if distribution thereof has commenced) must, within 5 years after his death (or the death of the surviving spouse) be distributed, or applied to the purchase of an immediate annuity for his beneficiary or beneficiaries (or the beneficiary or beneficiaries of the surviving spouse) which will be payable for the life of such beneficiary or beneficiaries (or for a term certain not extending beyond the life expectancy of such beneficiary or beneficiaries) and which annuity contract will be immediately distributed to such beneficiary or beneficiaries. Paragraph (b)(1) of § 1.408–1 does not apply to a contract described in the preceding sentence. Amounts distributed under such a contract will be taxable under section 72. For purposes of applying section 72 to a distribution from such a contract, the investment in such contract is zero. The first sentence of this paragraph (b)(7) shall have no application if distributions over a term certain commenced before the death of the individual for whose benefit the trust was maintained and the term certain is for a period permitted under paragraph (b)(6)(iii) (C) or (D) of this section.

(8) *Definition of beneficiaries.* The term "beneficiaries" on whose behalf an individual retirement account is established includes the estate of the individual, dependents of the individual, and any person designated by the individual to share in the benefits of the account after the death of the individual.

(c) *Accounts established by employers and certain association of employees.* (1) *In general.* A trust created or organized in the United States (as defined in section 7701(a)(9)) by an employer for the exclusive benefit of his employees or their beneficiaries, or by an association of employees for the exclusive benefit of its members or their beneficiaries, is treated as an individual retirement account individual if the requirements of paragraphs (c)(2) and (c)(3) of this section are satisfied under the written governing instrument creating the trust. A trust described in the preceding sentence is for the exclusive benefit of employees or members even though it may maintain an account for former employees or members and employees who are temporarily on leave.

(2) *General requirements.* The trust must satisfy the requirements of paragraphs (b) (1) through (7) of this section.

(3) *Special requirement.* There must be a separate accounting for the interest of each employee or member.

(4) *Definitions.* (i) *Separate accounting.* For purposes of paragraph (c)(3) of this section, the term "separte accounting" means that separate records must be maintained with respect to the interest of each individual for whose benefit the trust is maintained. The assets of the trust may be held in a common trust fund, common investment fund, or common fund for the account of all individuals who have an interest in the trust.

(ii) *Employee Association.* For purposes of this paragraph and section 408 (c), the term "employee association" means any organization composed of two or more employees including, but not limited to, an employee association described in section 501(c)(4). Such association may include employees within the meaning of section 401(c)(1).

(d) *Disqualification and effect thereof.* (1) *Disqualification.* If during any taxable year of the individual for whose benefit an individual retirement account was established such individual or his beneficiary engages in any transaction prohibited by section 4975 with respect to such account, such account will cease to be an individual retirement account as of the first day of such taxable year. For purposes of this subparagraph, the individual for whose benefit an account was established shall be treated as the creator of such account, and the interest of any individual within an individual retirement account maintained by an employer or employee association is treated as a separate individual retirement account.

(2) *Effect of disqualification.* (i) If the individual for whose benefit the account is maintained or his beneficiary engages in any transaction prohibited by section 4975 during any taxable year, the deemed distribution described in § 1.408–1(b)(4) will be includible in the gross income for such year of the person engaging in such acts. If the trust with which the individual engages in any transaction described in the preceding sentence is established by an employer or employee association under section 408(c), only that portion of such trust which is equal to such individual's interest will be disqualified. Thus, for example if an employer establishes an individual retirement account for all of his employees and one employee whose interest is 10 percent of the entire account borrows money from the account only that 10 percent interest is disqualified.

(ii) In the case of an individual who has not attained age 59½, or become disabled within the meaning of section 72 (m)(7) before the first day of the taxable year in which the deemed distribution described in § 1.408–1(b)(4) is includible in his gross income, the additional tax described in § 1.408–1(c)(1) is applicable.

(e) *Custodial accounts.* For purposes of this section and section 408(a), a custodial account is treated as a trust described in section 408(a) if such account satisfies the requirements of section 408 (a) except that it is not a trust and if the assets of such account are held by a bank (as defined in section 401(d)(1) and the regulations thereunder) or such other person who satisfies the requirements of paragraph (b)(2)(ii) of this section. For purposes of this chapter, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account will be treated as the trustee thereof.

§ 1.408–3 Individual retirement annuities.

(a) *In general.* An individual retirement annuity is an annuity contract or endowment contract (described in paragraph (e)(1) of this section) issued by an insurance company which is qualified to do business under the law of the jurisdiction in which the owner of the contract resides at the time of the issuance of the contract and which satisfies the requirements of paragraph (b) of this section. A distribution under the contract, other than a deemed distribution described in paragraph (d), is includible in gross income in accordance with the provisions of § 1.408–1(b). An individual retirement annuity contract which satisfies the requirements of section 408(b) need not be purchased under a trust if the requirements of paragraph (b) of this section are satisfied. An individual retirement endowment contract may not be purchased under a trust which satisfies the requirements of section 408(a). Distribution of the contract is not a taxable event. Distributions under the contract, other than a deemed distribution described in paragraph (d) of this section, are includible in gross income in accordance with the provisions of § 1.408–1(b).

(b) *Requirements*—(1) *Transferability.* The annuity or the endowment contract must not be transferable by the owner.

(2) *Annual premium.* The annual premium for the annuity or the endowment contract cannot exceed $1,500, and any refund of premiums must be applied before the close of the calendar year following the year of the refund toward the payment of future premiums or the purchase of additional benefits.

(3) *Distribution.* The entire interest of the owner must be distributed to him in the same manner and over the same period as described in § 1.408–2(b)(6).

(4) *Distribution upon death.* If the owner dies before his entire interest has been distributed to him, the remaining interest must be distributed in the same manner, over the same period, and to the same beneficiaries as described in § 1.408–2(b)(7).

(5) *Nonforfeitability.* The entire interest of the owner in the annuity or endowment contract must be nonforfeitable.

(6) *Borrowing prohibited.* The contract must provide that the owner may not use such contract as security for a loan.

(c) *Disqualification.* If during any taxable year the owner of an annuity borrows any money under the annuity or endowment contract or by use of such contract (including, but not limited to, pledging the contract as security for any loan), such contract will cease to be an individual retirement annuity as of the first day of such taxable year. If an annuity or endowment contract which constitutes an individual retirement annuity is disqualified as a result of the preceding sentence, an amount equal to the fair market value of the contract as of the first day of the taxable year of the owner in which such contract is disqualified is deemed to be distributed to the owner. See paragraph (d) of this section for treatment of deemed distribution from an individual retirement annuity because of disqualification.

(d) *Deemed distribution.* If an individual retirement annuity is disqualified as a result of a transaction described in paragraph (c) of this section and the amount described in such paragraph (c) is deemed distributed to the owner of such annuity, then the owner of the annuity contract is to include such amount in his gross income in his taxable year in which the annuity is disqualified. If an amount is includible in the gross income of the individual under this paragraph, see § 1.408–1(c)(2) for additional tax in disqualification cases. If the individual has not attained age 59½, see § 1.408–1(c)(1) for additional tax on premature distributions.

(e) *Endowment contracts*—(1) *Additional requirements for endowment contracts.* No contract providing life insurance protection issued by a company described in paragraph (a) of this section shall be treated as an endowment contract for purposes of this section if—

(i) Such contract matures later than the taxable year of the individual in whose name the contract is purchased attains the age of 70½;

(ii) Such contract is not for the exclusive benefit of such individual or his beneficiaries;

(iii) Such contract does not provide that such individual shall notify the issuer in the event that the aggregate annual premiums due under all such contracts purchased in his name, whether or not such contracts are purchased from the same issuer, exceed $1,500;

(iv) Premiums under such contract may increase over the term of the contract;

(v) The cash value of such contract at maturity is less than the death benefit payable under the contract at any time before maturity;

(vi) The death benefit does not, at some time before maturity, exceed the greater of the cash value or the sum of premiums paid under the contract;

(vii) Such contract does not provide for a cash value;

(viii) Such contract provides that the life insurance element of such contract may increase over the term of such contract, unless such increase is merely, because such contract provides for the purchase of additional benefits; or

(ix) Such contract provides insurance other than life insurance and waiver of premiums upon disability.

(2) *Treatment of proceeds under endowment contract upon death of individual.* In the case of the payment of a death benefit under an endowment contract upon the death of the individual in whose name the contract is purchased, the portion of such payment which is equal to the cash value immediately before the death of such individual is not excludable from gross income under section 101(a) and is treated as a distribution from an individual retirement annuity. The remaining portion, if any, of such payment constitutes current life insurance protection and is excludable under section 101(a). If a death benefit is paid under an endowment contract at a date or dates later than the death of the individual, section 101(d) is applicable only to the portion of the benefit which is attributable to the amount excludable under section 101(a).

§ 1.409 Statutory provisions; retirement bonds.

Sec. 409. *Retirement bonds*—(a) *Retirement bond.* For purposes of this section and section 219(a), the term "retirement bond" means a bond issued under the Second Liberty Bond Act, as amended, which by its terms, or by regulations prescribed by the Secretary or his delegate under such Act—

(1) Provides for payment of interest, or investment yield, only on redemption;

(2) Provides that no interest, or investment yield, is payable if the bond is redeemed within 12 months after the date of its issuance;

(3) Provides that it ceases to bear interest, or provide investment yield on the earlier of—

(A) The date on which the individual in whose name it is purchased (hereinafter in this section referred to as the "registered owner") attains age 70½; or

(B) 5 years after the date on which the registered owner dies, but not later than the date on which he would have attained the age 70½ had he lived;

(4) Provides that, except in the case of a rollover contribution described in subsection (b)(3)(C) or in section 402(a)(5), 403(a)(4), or 408(d)(3) the registered owner may not contribute for the purchase of such bonds in excess of $1,500 in any taxable year; and

(5) Is not transferable.

(b) *Income tax treatment of bonds*—(1) *In general.* Except as otherwise provided in this subsection, on the redemption of a retirement bond the entire proceeds shall be included in the gross income of the taxpayer entitled to the proceeds on redemption. If the registered owner has not tendered it for redemption before the close of the taxable year in which he attains age 70½, such individual shall include in his gross income for such taxable year the amount of the proceeds he would have received if the bond had been redeemed at age 70½. The provisions of section 72 (relating to annuities) and section 1232 (relating to bonds and other evidences of indebtedness) shall not apply to a retirement bond.

(2) *Basis.* The basis of a retirement bond is zero.

(3) *Exceptions*—(A) *Redemption within 12 months.* If a retirement bond is redeemed within 12 months after the date of its issuance, the proceeds are excluded from gross income if no deduction is allowed under section 219 on account of the purchase of such bond.

(B) *Redemption after age 70½.* If a retirement bond is redeemed after the close of the taxable year in which the registered owner attains age 70½, the proceeds from the redemption of the bond are excluded from the gross income of the registered owner to the extent that such proceeds were includible in his gross income for such taxable year.

(C) *Rollover into an individual retirement account or annuity or a qualified plan.* If a retirement bond is redeemed at any time before the close of the taxable year in which the registered owner attains age 70½, and the

registered owner transfers the entire amount of the proceeds from the redemption of the bond to an individual retirement account described in section 408(a) or to an individual retirement annuity described in section 408(b) (other than an endowment contract) which is maintained for the benefit of the registered owner of the bond, or to an employees' trust described in section 401(a) which is exempt from tax under section 501 (a), or an annuity plan described in section 403(a) for the benefit of the registered owner, on or before the 60th day after the day on which he received the proceeds of such redemption, then the proceeds shall be excluded from gross income and the transfer shall be treated as a rollover contribution described in section 403(d)(3). This subparagraph does not apply in the case of a transfer to such an employees' trust or such an annuity plan unless no part of the value of such proceeds is attributable to any source other than a rollover contribution from such an employees' trust or annuity plan (other than an annuity plan or a trust forming part of a plan under which the individual was an employee within the meaning of section 401 (c)(1) at the time contributions were made on his behalf under the plan).

(c) *Additional tax on certain redemptions before age 59½*—(1) *Early redemption of bond.* If a retirement bond is redeemed by the registered owner before he attains age 59½, his tax under this chapter for the taxable year in which the bond is redeemed shall be increased by an amount equal to 10 percent of the amount of the proceeds of the redemption includible in his gross income for the taxable year.

(2) *Disability cases.* Paragraph (1) does not apply for any taxable year during which the retirement bond is redeemed if, for that taxable year, the registered owner is disabled within the meaning of section 72(m)(7).

(3) *Redemption within one year.* Paragraph (1) does not apply if the registered owner tenders the bond for redemption within 12 months after the date of its issuance.

[Sec. 409 as added by sec. 2002(c) Employee Retirement Income Security Act 1974 (88 Stat. 964)]

§ 1.409–1 Retirement bonds.

(a) *In general.* Section 409 authorizes the issuance of bonds under the Second Liberty Bond Act the purchase price of which would be deductible under section 219. Section 409 also prescribes the tax treatment of such bonds. See paragraph (b) of this section.

(b) *Income tax treatment of bonds*—(1) *General rule.* Except as provided in paragraph (b)(2) of this section, the entire proceeds upon redemption of a retirement bond described in section 409 (a) shall be included in the gross income of the taxpayer entitled to such proceeds. If a bond has not been tendered for redemption by the registered owner before the close of the taxable year in which he attains age 70-½, he must include in his gross income for such taxable year the amount of the proceeds he would have received if the bond had been redeemed at age 70-½. The provisions of sections 72 and 1232 do not apply to a retirement bond.

(2) *Exceptions.* (i) If a retirement bond is redeemed within 12 months after the issue date, the proceeds are excluded from gross income if no deduction is allowed under section 219 on account of the purchase of such bond. For definition of issue date, see 31 CFR 346.1(c).

(ii) If a retirement bond is redeemed after the close of the taxable year in which the registered owner attains age 70-½ the proceeds from the redemption of the bond are excludable from the gross income of the registered owner or his beneficiary to the extent that such proceeds were includible in the gross income of the registered owner for such taxable year.

(iii) If a retirement bond is surrendered for reissuance in the same or lesser face amount, the difference between current redemption value of the bond surrendered for reissuance and the current surrender value of the bond reissued is excludable from the gross income of the registered owner.

(3) *Basis.* The basis of a retirement bond is zero.

(c) *Rollover.* The first sentence of paragraph (b)(1) of this section shall not apply in any case in which a retirement bond is redeemed by the registered owner before the close of the taxable year in which he attains the age of 70-½ if he transfers the entire amount of the proceeds of such redemption to—

(1) An individual retirement account described in section 408 (a) or an individual retirement annuity described in section 408 (b) (other than an endowment contract described in § 1.408–3(e)), or

(2) An employees' trust which is described in section 401(a) which is exempt from tax under section 501(a), or an annuity plan described in section 403(a), for the benefit of the registered owner, on or before the 60th day after the day on which he received the proceeds of such redemption. This subparagraph shall not apply in the case of a transfer to a trust or plan described in (c)(2) of this section unless no part of the purchase price of the retirement bond redeemed is attributable to any source other than a rollover contribution from such an employees' trust or annuity plan (other than an annuity plan or employees' trust forming part of a plan under which the individual was an employee within the meaning of section 401 (c)(1) at the time contributions were made on his behalf under the plan).

(d) *Additional tax.* (1) *Early redemption.* Except as provided in paragraph (d)(2) of this section, under section 409(c) if a retirement bond is redeemed by the registered owner before he attains age 59½, his tax under chapter 1 of the Code is increased by an amount equal to 10 percent of the proceeds of the redemption includible in his gross income for the taxable year. Except in the case of the credits allowable under sections 31, 39, or 42, no credit can be used to offset the tax described in the preceding sentence.

(2) *Limitations.* Paragraph (d)(1) of this section shall not apply if—

(i) During the taxable year of the registered owner in which a retirement bond is redeemed, the registered owner becomes disabled within the meaning of section 72(m)(7), or

(ii) A retirement bond is tendered for redemption in accordance with paragraph (b)(2)(i) of this section.

9. These regulations are prescribed as part of a new Part 54:

PART 54—EXCISE TAXES IMPOSED WITH RESPECT TO RETIREMENT INCOME PLANS

Sec.

AUTHORITY: Secs. 219(b)(5), 408(a)(6), (b), (h), (i), 4974 and 7805, Internal Revenue Code of 1954, 88 Stat. 959, 960, 964, 967, 68A Stat. 917; (26 U.S.C. 219(b)(5), 408(a)(6), (b), (h), (i), 4974 and 7805).

§ 54.4973 Statutory provisions; tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds.

Sec. 4973. *Tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds*—(a) *Tax imposed.* In the case of—

(1) An individual retirement account (within the meaning of section 408(a)),

(2) An individual retirement annuity (within the meaning of section 408(b)), a custodial account treated as an annuity contract under section 403(b)(7)(A) (relating to custodial accounts for regulated investment company stock), or

(3) A retirement bond (within the meaning of section 409), established for the benefit of any individual, there is imposed for each taxable year a tax in an amount equal to 6 percent of the amount of the excess contributions to such individual's accounts, annuities, or bonds (determined as of the close of the taxable year). The amount of such tax for any taxable year shall not exceed 6 percent of the value of the account, annuity, or bond (determined as of the close of the taxable year). In the case of an endowment contract described in section 408(b), the tax imposed by this section does not apply to any amount allocable to life, health, accident, or other insurance under such contract. The tax imposed by this subsection shall be paid by such individual.

(b) *Excess contributions.* For purposes of this section, in the case of individual retirement accounts, individual retirement annuities, or bonds, the term "excess contributions" means the sum of—

(1) The excess (if any) of—

(A) The amount contributed for the taxable year to the accounts or for the annuities or bonds (other than a rollover contribution described in section 402(a)(5), 403(a)(4), 408(d)(3)), or 409(b)(3)(C), over

(B) The amount allowable as a deduction under section 219 for such contributions, and

(2) The amount determined under this subsection for the preceding taxable year, reduced by the excess (if any) of the maximum amount allowable as a deduction under

section 219 for the taxable year over the amount contributed to the accounts or for the annuities or bonds for the taxable year and reduced by the sum of the distributions out of the account (for all prior taxable years) which were included in the gross income of the payee under section 408(d)(1). For purposes of this paragraph, any contribution which is distributed out of the individual retirement account, individual retirement annuity, or bond in a distribution to which section 408(d)(4) applies shall be treated as an amount not contributed.

(c) *Section 403(b) contracts.* For purposes of this section, in the case of a custodial account referred to in subsection (a)(3) [*sic*], the term "excess contributions" means the sum of—

(1) The excess (if any) of the amount contributed for the taxable year to such account, over the lesser of the amount excludable from gross income under section 403(b) or the amount permitted to be contributed under the limitations contained in section 415 (or under whichever such section is applicable, if only one is applicable), and

(2) The amount determined under this subsection for the preceding taxable year, reduced by—

(A) The excess (if any) of the lesser of (i) the amount excludable from gross income under section 403(b) or (ii) the amount permitted to be contributed under the limitations contained in section 415 over the amount contributed to the account for the taxable year (or under whichever such section is applicable, if only one is applicable), and

(B) The sum of the distributions out of the account (for all prior taxable years) which are included in gross income under section 72(e).

[Sec. 4973 as added by sec. 2002(d) Employee Retirement Income Security Act 1974 (88 Stat. 966)]

§ 54.4973–1 Excess contributions to certain accounts, contracts and bonds.

(a) *In general.* (1) *General rule.* Under section 4973, in the case of an individual retirement account (as described in section 408(a)), an individual retirement annuity (as described in section 408(b)), a custodial account treated as an annuity contract under section 403(b)(7)(A), or a retirement bond described in section 409, a tax equal to 6 percent of the amount of excess contributions (as defined in paragraph (b) of this section) to such account, annuity, or bond is imposed on the individual for whose benefit such account, annuity, or bond is established.

(2) *Special rules.* (i) The tax imposed by section 4973 cannot exceed 6 percent of the value (determined as of the close of the individual's taxable year) of the account, annuity, or bond.

(ii) In the case of an endowment contract described in section 408(b), the tax imposed by section 4973 is not applicable to any amount allocable under § 1.219–1(b)(2)(iv)(B) to life insurance under the contract.

(b) *Excess contributions defined.* (1) *Sections 408 and 409 excess contributions.* For purposes of this section, in the case of an individual retirement account (described in section 408(a)), an individual retirement annuity (described in section 408(b)), or a retirement bond described in section 409, the term "excess contribution" means the sum of—

(i) The excess (if any) of the amount contributed for the taxable year to an account or for an annuity or bond (other than a rollover contribution described in section 402(a)(5), 403(a)(4), 408(d)(3), or 409(b)(3)(C)), over the amount allowable for such taxable year as a deduction under section 219 for such contributions, and

(ii) The amount determined under this subparagraph for the preceding taxable year, reduced by the excess (if any) of the maximum amount allowable as a deduction under section 219 for the taxable year over the amount contributed to the account or for the annuity or bond for the taxable year and reduced by the sum of the distributions out of the account (for all prior taxable years) which were included in the gross income of the payee under section 408(d)(1) or 409(b)(1).

For purposes of paragraph (b)(1)(ii) of this section any contribution which is distributed out of the account or annuity in a distribution to which section 408(d)(4) or 409(b)(3)(A) applies is treated as an amount not contributed.

(2) *Section 403(b)(7)(A) excess contributions.* For purposes of this section, in the case of a custodial account treated as an annuity contract under section 403(b)(7)(A), the term "excess contributions" means the sum of—

(i) The excess (if any) of the amount contributed for the taxable year to such account, over the lesser of the amount excludable from the gross income of the employee under section 403(b) or the amount permitted to be contributed under the limitations contained in section 415 (or under whichever such section is applicable, if only one is applicable), and

(ii) The amount determined under this paragraph (b)(2)(ii) for the preceding taxable year, reduced by—

(A) The excess (if any) of the lesser of (*1*) the amount excludable from the gross income of the employee under section 403(b) or (*2*) the amount permitted to be contributed under the limitations contained in section 415 (or under whichever such section is applicable, if only one is applicable), over the amount contributed to the account for the taxable year, and

(B) The sum of the distributions out of the account (for all prior years) which are included in the gross income of the employee under section 72(e).

(C) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). On January 1, 1975, A, an individual, establishes an individual retirement account and contributes $1,500. On December 31, 1975, the value of A's account is $1,500. On January 31, 1976, A determines he has compensation for 1975 within the meaning of section 219(c) and the regulations thereunder of $9,334. Under section 219, the maximum amount allowable as a deduction for retirement savings available to A is $1,400. On April 15, 1976, A files his income tax return for 1975 taking a deduction of $1,400 for his contribution to his individual retirement account, and as of such date there had been no distribution from the account. Under section 4973, A would have $100 of excess contribution in his account for 1975 [($1,500−$1,400)+0] and A would be liable for an excise tax of $6 on such excess contribution.

Example (2). Assume the same facts as in Example (1). Assume further that on June 1, 1976, A contributes $1,500 to his account. On January 31, 1977, he determines that he has compensation for 1976 of $10,000. Under section 219, the maximum amount allowable to A as a deduction for retirement savings is $1,500 for 1976. On April 15, 1977, A files his income tax return for 1976 taking a deduction of $1,500 for his contribution to his individual retirement account, and as of such date there has been no distribution from the account. Under section 4973, A would have $100 of excess contribution in his account for 1976 [($1,500−$1,500)+$100] and A would be liable for an excise tax of $6 on such excess contribution.

Example (3). Assume the same facts as in Examples (1) and (2). Assume further that on June 1, 1977, A contributes $1,500 to his account. On January 31, 1978, A determines he has compensation for 1977 of $11,000. Under section 219, the maximum amount allowable to A as a deduction for retirement savings is $1,500 for 1977. On March 26, 1978, A receives a distribution of $100 from his account. On April 15, 1978, A files his income tax return for 1977 taking a deduction for retirement savings of $1,500. Under section 4973, A would have $100 of excess contributions for 1977 [(0+$100)] and A would be liable for an excise tax of $6 on such excess contribution. For additional tax, see section 408(f).

Example (4). Assume the same facts as in Examples (1), (2), and (3). Assume further that on June 1, 1978, A contributes $1,500 to his account. On January 31, 1979, A determines he has compensation for 1978 of $11,000. Under section 219, the maximum amount allowable to A as a deduction for retirement savings is $1,500 for 1978. On April 15, 1979, A files his income tax return for 1978 taking a deduction for retirement savings of $1,500 and including the $100 distribution of March 26, 1978, in his gross income for 1978. Under section 4973, A would have no excess contribution in his individual retirement account [0+($100−$100)] and would have no excise tax liability for excess contributions.

Example (5). Assume the same facts as in example (3), except that instead of contributing $1,500 to his account A contributes $1,400 and is allowed a deduction for retirement savings under section 219 of $1,400. Under section 4973, A would have no excess contribution in his individual retirement account [0+($100−($1,500−$1,400))] and would have no excise tax liability for excess contributions.

Example (6). On May 7, 1975, B establishes an individual retirement account and contributes $1,000 to such account. On October 13, 1975, B purchases an individual retirement annuity for $900. B has compensation of $10,000 for 1975. Under section 219, the maximum amount allowable to B as a deduction for retirement savings is $1,500. On April 15, 1976, B files his income tax return for 1975 and there has been no distribution from the account nor has there been any refund of premiums under the annuity. Under section 4973, B would have $400 of excess contribution [($1,900−$1,500)+0] and would be liable for an excise tax of $24.

Example (7). Assume the same facts as in example (1) except the value of A's account

as of the end of 1975 is $90. Under section 4973, A would have $100 of excess contribution in his account for 1975 but A would only be liable for an excise tax of $5.40 (6% of $90).

Example (8). On January 1, 1977, a custodial account under section 403(b)(7)(A) is established for the benefit of A who is otherwise eligible to have such an account established and a contribution of $7,000 is made to such account by A's employer which is a tax-exempt organization described in section 501(c)(3). The amount excludable from A's gross income in 1977 under section 403(b) is $4,000 and the amount permitted to be contributed for 1977 under section 415 is $5,000. Under section 4973, A would have an excess contribution of $3,000 [($7,000−$4,000)+0] in his account for 1977 and would be liable for an excise tax of $180.

Example (9). Assume the same facts as in example (8). Assume further that on June 22, 1978, a contribution of $1,000 is made by A's employer. The amount otherwise excludable from A's income in 1978 under section 403(b) is $4,000 and the amount permitted to be contributed for 1978 under section 415 is $5,000. Under section 4973, A would have no excess contribution in his account for 1978 [0+($3,000−($4,000−$1,000))] and would have no excise tax liability for 1978.

§ 54.4974 Statutory provisions; excise tax on certain accumulations in individual retirement accounts or annuities.

Sec. 4974. *Excise tax on certain accumulations in individual retirement accounts or annuities*—(a) *Imposition of tax.* If, in the case of an individual retirement account or individual retirement annuity, the amount distributed during the taxable year of the payee is less than the minimum amount required to be distributed under section 408(a)(6) or (7), or 408(b)(3) or (4) during such year, there is imposed a tax equal to 50 percent of the amount by which the minimum amount required to be distributed during such year exceeds the amount actually distributed during the year. The tax imposed by this section shall be paid by such payee.

(b) *Regulations.* For purposes of this section, the minimum amount required to be distributed during a taxable year under section 408(a)(6) or (7) or 408(b)(3) or (4) shall be determined under regulations prescribed by the Secretary or his delegate.

[Sec. 4974 as added by sec. 2002(e) Employee Retirement Income Security Act 1974 (88 Stat. 967)]

§ 54.4974–1 Excise tax on accumulations in individual retirement accounts or annuities.

(a) *General rule.* A tax equal to 50 percent of the amount by which the minimum amount required to be distributed from an individual retirement account or annuity described in section 408 during the taxable year of the payee under paragraph (b) of this section exceeds the amount actually distributed during the taxable year is imposed by section 4974 on the payee.

(b) *Minimum amount required to be distributed.* For purposes of this section, the minimum amount required to be distributed is the amount required under § 1.408–2(b)(6)(v) to be distributed in the taxable year described in paragraph (a) of this section.

(c) *Examples.* The application of this section may be illustrated by the following examples.

Example (1). In 1975, the minimum amount required to be distributed under § 1.408–2(b)(6)(v) to A under his individual retirement account is $100. Only $60 is actually distributed to A in 1975. Under secton 4974, A would have an excise tax liability of $20 [50% of ($100−$60)].

Example (2). Although no distribution is required under § 1.408–2(b)(6)(v) to be made in 1986, H, a married individual born on February 1, 1921, who has established and maintained an individual retirement account decides to begin receiving distributions from the account beginning in 1986. H's wife, W, was born on March 6, 1921. H and W are calendar year taxpayers. H decides to receive his interest in the account over the joint life and last survivor expectancy of himself and his wife. On January 1, 1986, the balance in H's account is $10,000; H and W, based on their nearest birthdates, are 65; and the joint life and last survivor expectancy of H and his wife is 22.0 years (see Table II of § 1.72–9). His annual payments during the following years (none of which were required) were determined by dividing the balance in the account on the first day of each year by the joint life and last survivor expectancy reduced by the number of whole years elapsed since the distributions were to commence.

Date	Life expectancy minus whole years elapsed	Account balance at beginning of each year	Annual payment
Jan. 1, 1986	22.0	$10,000	$455
Jan. 1, 1987	21.0	10,118	482
Jan. 1, 1988	20.0	10,214	511
Jan. 1, 1989	19.0	10,285	541
Jan. 1, 1990	18.0	10,329	574
Jan. 1, 1991	17.0	10,340	608

For 1986, 1987, 1989, and 1990, the amount required to be distributed under § 1.408–2(b)(6)(v) is zero. Thus, H would have no excise tax liability under section 4974 for these years. In 1991, the year H attains age 70½, the amount required to be distributed from the account under § 1.408–2(b)(6)(v) is $565, determined by dividing $10,340 (the account balance as of January 1, 1991) by 18.3 years (the joint life and last survivor expectancy of H and W, assuming they are both still living, as of January 1, 1991). If W should die after December 31, 1990, the joint life and last survivor expectancy determined on January 1, 1991 (18.3 years) would not be redetermined. Because the amount distributed from the account in 1991 ($608) exceeds the amount required to be distributed from the account in 1991 ($565), H has no excise tax liability under section 4974 for 1991.

Example (3). Assume the same facts as in example (2) except that W dies in 1988. For 1988, 1989, and 1990, the amount required to be distributed under § 1.408–2(b)(6)(v) is zero. Thus, H would have no excise tax liability under section 4974 for these years. In 1991, the amount required to be distributed under § 1.408–2(b)(6)(v) is $855, determined by dividing $10,340 (the account balance as of January 1, 1991) by 12.1 years (the life expectancy of H as of January 1, 1991). Because the amount distributed from the account in 1991 ($608) is less than the amount required to be distributed from the account in 1991 ($855), H has an excise tax liability of $123.50 under section 4974 for 1991 [50% of ($855−$608)].

[FR Doc.75–4356 Filed 2–13–75;9:16 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 3300]

QUALIFIED JOINT BIDDERS

Pursuant to the authority vested in the Secretary of the Interior with respect to the promulgation of regulations as may be necessary to carry out the provisions of the Outer Continental Shelf Lands Act, 43 U.S.C. section 1331 (1970) and to amend such regulations, notice is hereby given that the Department of the Interior has under consideration the promulgation of a regulation to become a part of 43 CFR Subpart 3302, and amendment of existing regulations in 43 CFR Subparts 3300, 3302, and 3305 with the objective of enhancing competitive bidding for oil and gas leases granted on submerged lands of the Outer Continental Shelf.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rule making to the Director, Bureau of Land Management (Attn: 720, Washington, D.C. 20240), by the close of business March 25, 1975.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours 7:45 a.m. to 4:15 p.m.

Subpart 3300—Outer Continental Shelf Mineral Deposits; General

1. Section 3300.1 is amended to read as follows:

§ 3300.1 Persons qualified to hold leases.

Mineral leases issued pursuant to section 8 of the act may be held only by citizens and nationals of the United States, aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. section 1101(a)(20), private, public, or municipal corporations organized under the laws of the United States or any state or Territory thereof, or associations of such citizens, nationals, resident aliens, private, public or municipal corporations, States, or political subdivisions of a State.

Subpart 3302—Issuance of Leases

2. Section 3302.1 is amended to read as follows:

§ 3302.1 General.

Tracts will be offered for lease by competitive sealed bidding under conditions specified in the Notice of Lease Offer and in accordance with the provisions of §§ 3300.1, 3302.2, 3302.3 and 3302.4 of this Subpart. Each oil and gas lease issued pursuant to section 8 of the Act shall cover a compact area not exceeding 5,760 acres.

3. The proposed new regulation which will appear at 43 CFR 3302.3 reads as follows:

§ 3302.3–1 Definitions.

For the purposes of the regulations appearing at §§ 3302.3 through 3302.4 of this Subpart the following definitions shall control:

(a) *"Barrel"* means 42 United States gallons.

(b) *"Crude Oil"* means a mixture of liquid hydrocarbons including condensate that exists in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, but does not include liquid hydrocarbons produced from tar sands, gilsonite, oil shale, or coal. All measurements shall be at 60° F.

(c) *"An Economic Interest"* means any right to, or any right dependent upon, production of crude oil, natural gas, or liquefied petroleum products and shall include, but not be limited to, a royalty interest, or overriding royalty interest, whether payable in cash or in kind, a working interest, a net profits interests, a production payment, or a carried interest.

(d) *"Liquefied Petroleum Products"* means natural gas liquid products including the following: ethane, propane, butane, pentane, natural gasoline, and other natural gas products recovered by a process of absorption, adsorption, compression, refrigeration cycling, or a combination of such processes. All measurements shall be 60° F.

(e) *"Natural Gas"* means a mixture of hydrocarbons and varying quantities of nonhydrocarbons that exist in the gaseous phase.

(f) *"Oil and Gas Lease"* means an oil and gas lease either offered or issued pursuant to the provisions of the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331–1334 (1970).

(g) *"Owned"* means: (1) with respect to crude oil—having either an economic interest in or a power of disposition over the production of crude oil; and

(2) with respect to natural gas—having either an economic interest in or a power of disposition over the production of natural gas; and

(3) with respect to liquefied petroleum products—having either an economic interest in or a power of disposition over any liquefied petroleum product at the time of completion of the liquefaction process.

(h) *"Prior Production Period"* means the continuous six month period of January 1 through June 30, preceding November 1 through April 30 for joint bids submitted during the six month bidding period from November 1 through April 30, and means the continuous six month period of July 1 through December 31 preceding May 1 through October 31 for joint bids submitted during the six month bidding period from May 1 through October 31.

(i) *"Production"* (1) *of crude oil* means the volume of crude oil produced worldwide from reservoirs during the prior production period. The amount of such crude oil production shall be established by measurement of volumes delivered from storage tanks (i.e. the point of custody transfer) to pipeline, trucks, tankers or other media for transport to refineries or terminals with adjustments for

(i) net differences between opening and closing inventories, and

(ii) basic sediment and water;

(2) *Of natural gas* means those volumes of natural gas produced worldwide from natural oil and gas reservoirs during the prior production period, with adjustments where applicable, to reflect

(i) the volume of gas returned to natural reservoirs, and

(ii) the reduction of volume resulting from the removal of natural gas liquids and nonhydrocarbon gases.

For purposes of reporting net production of natural gas under section 3302.3–2, and chargeability under section 3302.3–3, 5,620 cubic feet of natural gas at 14 pounds per square inch (msl) shall equal one barrel;

(3) *Of liquefied petroleum products* means those volumes of natural gas liquids which are portions of reservoir gas and liquefied at surface separators, field facilities, or gas processing plants worldwide during the prior production period including the following:

(i) *Condensate*—natural gas liquid recovered from gas well gas (associated and non-associated) in separators or field facilities.

(ii) *Gas Plant Products*—natural gas liquids recovered from natural gas in gas processing plants and from field facilities. Gas plant products shall be subclassified according to standards of the Natural Gas Processors Association (NGPA) or the American Society for Testing Materials (ASTM) as follows:

(A) Ethane—C_2H_6

(B) Propane—C_3H_8

(C) Butane—C_4H_{10} including all products covered by NGPA specifications for commercial butane,

(*1*) Isobutane

(2) Normal butane

(3) Other butanes—all butanes not included as isobutane or normal butane.

(*4*) *Butane-Propane Mixtures*—All products covered by NGPA specifications for butane-propane mixtures.

(*5*) *Natural Gasoline*—Mixture of hydrocarbons extracted from natural gas, which meet vapor pressure, end point, and other specifications for natural gasoline set by the NGPA.

(*6*) *Plant Condensate*—A natural gas plant product recovered and separated as a liquid at gas inlet separators or scrubbers in processing plants or field facilities.

(*7*) *Other Natural Gas Plant Products* meeting refined product standards (e.g. gasoline, kerosene, distillate, etc.).

(j) *"Six Month Bidding Period"* means the six month period of time (1) from May 1 through October 31 or (2) from November 1 through April 30, respectively.

§ 3302.3–2 Joint bidding requirements.

Any person who submits a joint bid for any oil and gas lease during a particular six month bidding period must file a Report of Production of Crude Oil, Natural Gas, and Liquefied Petroleum Products with the Director, on a form approved by him, and hereinafter referred to as a Report of Production, no later than 45 days prior to the commencement of the applicable six month bidding period, except that for the bidding period commencing May 1, 1975 and ending October 31, 1975 Reports of Production must be filed no later than May 16, 1975. The Report of Production shall list in barrels the production of crude oil, natural gas, and liquefied petroleum products chargeable to the reporting person in accordance with section 3302.3–3 for the prior production period. The Director will, no less than semi-annually, publish in the FEDERAL REGISTER a "List of Disqualified Joint Bidders," to be effective immediately upon publication and to continue in force and effect until a subsequent list is published. The List of Disqualified Joint Bidders shall be made up of those persons who in the judgment of the Director, based on information available to him, including, but not limited to sworn Reports of Production, are chargeable under section 3302.3–3 with an average net production in excess of 1.6 million barrels per day of crude oil, natural gas, and liquefied petroleum products for the prior production period. The first List of Disqualified Joint Bidders shall be published no later than _____.

When a person is placed on the List of Disqualified Joint Bidders the Director shall serve that person either personally or by certified mail, return receipt requested, with a copy of the Director's Order placing said person on the List of Disqualified Joint Bidders. Any appeal from said Order or from an adverse effect of said Order shall be made in accordance with the provisions of 43 CFR 4.410 et seq.

The submission of a Report of Production which misrepresents the actual production of the reporting person shall constitute failure to comply with the regulation; and if a lease has been awarded in reliance on that Report, it may be cancelled pursuant to section 8(1) of the Act and regulations issued thereunder.

§ 3302.3–3 Chargeability for production.

(a) As used in this subsection the following definitions shall control:

(1) *"person"* means a natural person or company,

(2) *"company"* means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any group of persons whether incorporated or not, or any receiver, trustee in bankruptcy or similar official or any of the foregoing in his capacity as such.

(3) *"subsidiary"* means a company 50 percent or more of whose stock or other interest having power to vote for the election of directors, trustees, or other similar controlling body of said subsidiary is directly or indirectly owned, controlled, or held with the power to vote by another company.

(4) *"security or securities"* means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate, pre-organization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security", or any certificate of interest or participation in, temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any of the foregoing.

(b) A person filing a Report of Production under section 3302.3–2 shall be charged with and shall include in its Report of Production for the prior production period the following:

(1) the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products which it owned worldwide; and

(2) the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products owned worldwide by every subsidiary of the reporting person; and

(3) the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products owned worldwide by any person or persons of which the reporting person is a subsidiary; and

(4) the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products owned worldwide by any subsidiary, other than the reporting person, of any person or persons of which the reporting person is a subsidiary.

(c) A person filing a Report of Production shall be charged with and shall include in its Report of Production, in addition to the requirements of (b) above, but not in duplication thereof, its proportionate share of the average number of barrels per day of production of crude oil, natural gas, and liquefied petroleum products owned worldwide by every person: 1) which has an interest in the reporting person, and 2) in which the reporting person has an interest, whether said interest referred to in section 3302.3–3 (c) (1) and (2), is by virtue of ownership of securities or other evidence of ownership, or by participation in any contract, agreement, or understanding respecting the control of any person or of any person's production of crude oil, natural gas, or liquefied petroleum products, equal to said interest.

§ 3302.3–4 Bids disqualified.

The following bids for any oil and gas lease will be disqualified and unaccepted in their entirety:

(a) a bid submitted by two or more persons who are on the effective List of Disqualified Joint Bidders, or

(b) a bid submitted by two or more persons when one or more of such persons has not filed the required Report of Production pursuant to sections 3302.3–2 and 3302.3–3 for the applicable six month bidding period; or

(c) a solo or joint bid submitted pursuant to an agreement, whether written, oral, formal or informal, entered into or arranged prior to or simultaneously with the submission of such solo or joint bid, or prior to or simultaneously with the award of the bid upon tract, which agreement provides (1) for the assignment, transfer, sale, or other conveyance of less than a 100 percent interest in the entire bid upon tract by a person or persons on the List of Disqualified Joint Bidders, effective on the date of submission of the bid, to another person or persons on the same List of Disqualified Joint Bidders; or (2) for the assignment, sale, transfer or other conveyance of less than a 100 percent interest in any fractional interest in the entire tract, (which fractional interest was originally acquired by the person making the assignment, sale, transfer, or other conveyance, under the provisions of the Outer Continental Shelf Lands Act) by a person or persons on the List of Disqualified Joint Bidders, effective on the date of submission of the bid, to another person or persons on the same List of Disqualified Joint Bidders, or (3) for the assignment, sale, transfer, or other conveyance of any interest in a tract by a person or persons not on the List of Disqualified Joint Bidders, effective on the date of submission of the bid, to two or more persons on the same List of Disqualified Bidders. Assignments expressly required by law, other existing regulation, lease, or stipulation to lease shall not disqualify an otherwise qualified bid; or

(d) a bid submitted by or in conjunction with a person who has filed a false or fraudulent or otherwise intentionally misrepresentation Report of Production.

4. Section 3302.4 is amended to add paragraphs (c) and (d) thereto as follows:

§ 3302.4 What must accompany bids.

* * * * *

(c) In addition to the above, every joint bid submitted for any oil and gas lease shall be accompanied by a sworn statement by each joint bidder stating that the bid is not disqualified under §§ 3302.3–4(c) or (d), and 3302.4(d).

(d) To verify the accuracy of the statements submitted pursuant to §§ 3302.3–2, 3302.3–3 and 3302.4(c) the Director may require the person submitting such information to permit the inspection and copying by an official of the Department of the Interior of such documents, records of production of crude oil, natural gas and liquefied petroleum products, analyses and other material as are necessary to demonstrate the accuracy of any statement or information upon which any statement was based and derived.

5. Section 3302.5 is amended to read as follows:

§ 3302.5 Award of leases.

Sealed bids received in response to the Notice of Lease Offer shall be opened at the place, date and hour specified in the notice. The opening of bids is for the sole purpose of publicly announcing and recording the bids received and no bids will be accepted or rejected at that time. In accordance with section 8 of the Act, leases will be awarded only to the highest qualified responsible bidder. The United States reserves the right and discretion to reject any and all bids received for any tract, regardless of the amount offered. Awards of leases will be made only by written notice from the authorized officer. Such notices shall transmit the lease forms for execution. In the event the highest bids are tie bids, tie bidders, unless they would be disqualified under section 3300.1, or disqualified under section 3302.3–4 had their bids been a joint bid, may file with the Director within 15 days after notification an agreement to accept the lease jointly; otherwise all bids will be rejected. If the officer fails to accept the highest bid for a lease within 30 days after the date on which the bids are opened, all bids for such lease will be considered rejected. Notice of his action will be transmitted promptly to the several bidders. If the lease is awarded, three copies of the lease will be sent to the successful bidder and he will be required not later than the 15th day after his receipt thereof, or the 30th day after the date of the sale, whichever is later, to execute them, pay the first year's rental, the balance of the bonus bid, and file a bond as required in § 3304.1. Deposits on rejected bids will be returned. If the successful bidder fails to execute the lease or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the act. If before the lease is executed on behalf of the United States the land is withdrawn or restricted from leasing, all payments made by the bidder will be refunded. If the awarded lease is executed by an agent acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the agent to execute the lease. When the three copies of the lease are executed by the successful bidder and returned to the authorized officer, the lease will be executed on behalf of the United States, and one fully executed copy will be mailed to the successful bidder.

Subpart 3305—Assignments or Transfers

6. Section 3305.1 is amended as follows:

§ 3305.1 Assignment of leases or interests therein.

Leases, or any undivided interest therein, may be assigned in whole, or as to any officially designated subdivision, subject to the approval of the authorized officer, to any one qualified under section 3300.1 to take and hold a lease. An assignment pursuant to any pre-lease agreement described in section 3302.3–4

(c) of Subpart 3302 will not qualify for approval. Any assignment made under this section shall, upon approval, be deemed to be effective on and after the first day of the lease month following its filing in the appropriate office of the Bureau of Land Management, unless at the request of the parties an earlier date is specified in the Director's approval. The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

7. Section 3305.2 is amended to add paragraph (e) as follows:

§ 3305.2 Requirements for filing of transfers.

* * * * *

(e) Where the assignment or transfer is of the entire lease or fractional interest in a lease acquired by a joint bid, the assignor or transferor must file a copy, prior to approval of the assignment, of all joint bidding agreements applicable to the acquisition of said lease or fractional interest therein.

Dated: February 14, 1975.

KENT FRIZZELL,
Acting Secretary of the Interior.

[FR Doc.75-4713 Filed 2-20-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[24 CFR Part 115]

[Docket No. R-75-152]

CALIFORNIA

Recognition of Substantially Equivalent Fair Housing Laws

On November 4, 1974, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (39 FR 38909) a notice to the State of California and all interested persons and organizations that the Department was in the process of evaluating the California fair housing law in accordance with Department regulations. The State agency and interested persons and organizations were invited to submit written comments on or before November 19, 1974. Due to the short period of time that was allowed and the few comments that were received, it has been decided to extend the time for submittal of comments and to actively encourage the participation of the public in this proceeding.

In the notice of November 4, 1974 it was explained that pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of California, has been recognized previously, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred to the California Fair Employment Practice Commission.

Now the Department is extending the time for filing comments until March 26, 1975, and is continuing its evaluation in accordance with 24 CFR 115.2(a), 115.3 and 115.8. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said State law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The State agency, interested persons and organizations may, on or before the above date, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

Issued at Washington, D.C., February 18, 1975.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.75-4799 Filed 2-20-75;8:45 am]

[24 CFR Part 115]

[Docket No. R-75-152]

INDIANA

Recognition of Substantially Equivalent Fair Housing Laws; Extension of Comment Period

On November 4, 1974, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (39 FR 38909) a notice, to the State of Indiana and all interested persons and organizations, that the Department was in the process of evaluating the Indiana fair housing law in accordance with Department regulations. The State agency and interested persons and organizations were invited to submit written comments on or before November 19, 1974. Due to the short period of time that was allowed and the few comments that were received, it has been decided to extend the time for submittal of comments and to actively encourage the participation of the public in this proceeding.

In the notice of November 4, 1974 it was explained that pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Indiana, has been recognized previously, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred to the Indiana Civil Rights Commission.

Now the Department is extending the time for filing comments until March 26, 1975, and is continuing its evaluation in accordance with 24 CFR 115.2(a), 115.3 and 115.8. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said State law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The State agency, interested persons and organizations may, on or before the above date, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

Issued at Washington, D.C., February 18, 1975.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.75-4805 Filed 2-20-75;8:45 am]

[24 CFR Part 115]

[Docket No. R-75-152]

OHIO

Recognition of Substantially Equivalent Fair Housing Laws; Extension of Comment Period

On November 4, 1974, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (39 FR 38909) a notice, to the State of Ohio and all interested persons and organizations, that the Department was in the process of evaluating the Ohio fair housing law in accordance with Department regulations. The State agency and interested persons and organizations were invited to submit written comments on or before November 19, 1974. Due to the short period of time that was allowed and the few comments that were received, it has been decided to extend the time for submittal of comments and to actively encourage the participation of the public in this proceeding.

In the notice of November 4, 1974 it was explained that pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Ohio, has been recognized previously, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred to the Ohio Civil Rights Commission.

Now the Department is extending the time for filing comments until March 26, 1975, and is continuing its evaluation in accordance with 24 CFR 115.2(a), 115.3 and 115.8. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said State law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The State agency, interested persons and organizations may, on or before the

above date, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d)).

Issued at Washington, D.C., February 18, 1975.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.75-4806 Filed 2-20-75;8:45 am]

[24 CFR Part 115]

[Docket No. R-75-152]

WISCONSIN

Recognition of Substantially Equivalent Fair Housing Laws; Extension of Comment Period

On November 4, 1974, the U.S. Department of Housing and Urban Development published in the FEDERAL REGISTER (39 FR 38909) a notice, to the State of Wisconsin and all interested persons and organizations, that the Department was in the process of evaluating the Wisconsin fair housing law in accordance with Department regulations. The State agency and interested persons and organizations were invited to submit written comments on or before November 19, 1974. Due to the short period of time that was allowed and the few comments that were received, it has been decided to extend the time for submittal of comments and to actively encourage the participation of the public in this proceeding.

In the notice of November 4, 1974 it was explained that pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Wisconsin, has been recognized previously, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred to the Wisconsin Department of Industry, Labor and Human Relations, Equal Rights Division.

Now the Department is extending the time for filing comments until March 26, 1975, and is continuing its evaluation in accordance with 24 CFR 115.2(a), 115.3 and 115.8. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said State law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The State agency, interested persons and organizations may, on or before the above date, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

Issued at Washington, D.C., February 18, 1975.

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.75-4807 Filed 2-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 75-SW-1]

AIRWORTHINESS DIRECTIVES

Mooney Model M20 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Mooney Model M20 series airplanes. There have been cracks and failures of the engine mounts reported on Mooney Model M20 series airplanes that could possibly result in loss of the engine. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require repetitive inspection of the engine mounts for cracks and replacement of cracked mounts.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before March 24, 1975 will be considered before taking action on 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, at the office of the Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 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:

MOONEY. Applies to Mooney Models M20, M20A, M20B, M20C, M20D, M20E, M20F, and M20G airplanes with 200 or more hours' time in service.

Compliance required within the next 25 hours' time in service after the effective date of this AD or before the accumulation of 225 hours' time in service, whichever occurs later, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours' time in service from the last inspection.

a. To detect cracked engine mount members, visually inspect the entire tubular mount.

b. If cracks are found, replace the engine mount before further flight with an engine mount of the same part number or later FAA approved revision or with an equivalent mount approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Fort Worth, Texas.

c. Repetitive inspections are required on new engine mounts.

Issued in Fort Worth, Texas, on February 10, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-4687 Filed 2-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-RM-4]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Sidney, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before March 24, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

The NDB RWY 19 and NDB RWY 1 approach procedures to Sidney-Richland, Mont. Airport have been revised. The NDB RWY 28 approach procedure has been cancelled. Other minor refinements to the procedures have been made. It is necessary to change controlled airspace accordingly to protect aircraft conducting these revised procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

§ 71.181 [Amended]

In § 71.181 (40 FR 441) the description of the Sidney, Mont. transition area is amended to read:

SIDNEY, MONTANA

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Sidney-Richland Municipal Airport (latitude 47°42'35" N., longitude 104°11'10" W.); within 9.5 miles east and 4.5 miles west of the 356° bearing from the Sidney NDB (latitude 47°42'45" N., longitude 104°10'56" W.) extending from the 9-mile radius area to 18.5 miles north of the NDB; and within 9.5 miles southeast and 4.5 miles northwest of the 215° bearing from the Sidney NDB extending from the 9-mile radius area to 18.5 miles southwest of the NDB.

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

Issued in Aurora, Colorado, on February 19, 1975.

M. M. MARTIN,
Director, Rocky Mountain Region.

[FR Doc.75-4691 Filed 2-20-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-AL-2]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a control zone and transition area at Umiat, Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

All communications received on or before March 24, 1975, will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

Increased air activity in the Umiat area has necessitated the installation of a nondirectional radio beacon to provide navigational coverage for Instrument Flight Rule (IFR) operations.

The proposed control zone and transition area would be designated to provide controlled airspace protection for Instrument Flight Rule (IFR) traffic using the Umiat airport. The proposed configuration conforms to the minimum requirement for controlled airspace protection for standard instrument procedures as specified in the U.S. Standard for Terminal Instrument Procedures (TERPs) which criteria are premised on safety.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.171 [Amended]

1. In § 71.171 (40 FR 354) the Umiat, Alaska, control zone is designated to read:

UMIAT, ALASKA

Within a 5-mile radius of the Umiat airport, latitude 69°22'17" N, longitude 152°08'00" W; within 3 miles each side of the 079° bearing from the Umiat RBN extending from the 5-mile radius zone to 8 miles east of the RBN; and within 3 miles each side of the 259° bearing from the Umiat RBN extending from the 5-mile radius zone to 8 miles west of the RBN.

§ 71.181 [Amended]

2. In § 71.181 (40 FR 441) the Umiat, Alaska, transition area is designated to read:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the Umiat airport (latitude 69°22'17" N, longitude 152°08'00" W).

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 USC 1348(a)) and section 6(c) of the Department of Transportation Act (49 USC 1655(c)).

Issued in Anchorage, Alaska, on February 10, 1975.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.75-4692 Filed 2-20-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 81, 83, 87, 89, 91, 93 & 95]

[Docket No. 20351; FCC 75-145]

SAFETY AND SPECIAL RADIO SERVICES

Station Transmissions; Automatic Identification System

1. The Commission hereby gives Notice of Proposed Rule Making looking toward adoption of rules requiring transmitters used by stations licensed in the Safety and Special Radio Services to be fitted with an automatic transmitter identification system (ATIS).

2. The Commission by statute is charged with developing the efficient use of the radio spectrum. In practical terms, the goal is to provide rules which promote the orderly use of radio facilities and the radio frequency spectrum by the maximum number of persons. In order to accomplish that goal, the Commission has promulgated various rules with which licensees must comply in order to assure efficient use of the spectrum. To assure compliance with these rules, and, more importantly, to identify violators and improper activities, the Commission has consistently found it necessary to require identification of every transmission made from a transmitting station.

3. The Commission's rules now require the transmitter operator to identify every transmission generally at least at the end of each transmission. The Commission, however, recognizes the fact that proper station identification is not always accomplished by the operator. Whether he does not know how he must identify, he forgets, or deliberately fails to identify the end result is a difficult procedure to locate the station should it be operated for any reason improperly. It is important to recognize that the problem of proper identification is not confined to any one service. While the Citizens Radio Service enforcement activities are severely aggravated by the lack of identification, Commission enforcement personnel are very much aware that in almost every Safety and Special Radio Service there is virtually no identification of the transmitting station.

4. Within recent years, the electronic industries have developed inexpensive but reliable devices which automatically identify a transmitting station. Not only do these devices assure the correct identification of every transmission but will also increase spectrum efficiency when the need for voice identification can be eliminated. (See paragraph 8 below).

5. To alleviate this enforcement difficulty and to bring our technical rules up to the existing level of the state of the art, we are proposing that each transmitter used under Parts 81, 83, 87, 89, 91, 93 and 95 which operates between 25 MHz and 960 MHz and produced after (one year following adoption of final rules) be fitted with an automatic transmitter identification device. This proposal is prospective only; it will not affect existing transmitters.

6. The actual ATIS system proposed is set forth in the attached Appendix. Our proposed rules will regulate the output of the ATIS device, e.g., the system must use the American Standard Code for Information Interchange (ASCII) and the tone must be transmitted at a particular rate and at a particular modulation level; they will not regulate the actual means by which that output is achieved. In the Citizens Radio Service we have proposed additional requirements designed to insure that the ATIS device is properly installed and operating and will not be tampered with once put into service.

7. We welcome comments from the electronics industry and affected licensees on any aspect that will improve this system of automatic identification. We specifically request comments and supporting data on the following:

A. Whether the proposed system will significantly affect the quality of ongoing communications.

B. Overall economic impact of the ATIS program including a cost analysis of the proposed system as installed in transmitters.

C. Whether a code other than ASCII should be adopted.

D. Whether the proposed ATIS will be compatible with present and future designs on selective calling, coded squelch, control of repeaters, or other non-voice control functions.

E. Whether it will be feasible to substitute the proposed ATIS for the Morse Code system adopted in Docket 18262.

F. Whether any types of transmitters should be exempt from utilizing the ATIS system, e.g., operational fixed stations operating on frequencies above 952 MHz for multi-channel use, Developmental stations, repeater stations. Detailed reasons and supporting technical or economic data should be included with any recommendation for exemption.

G. Whether another system of automatic identification should be adopted. Consideration should be given to a subaudible system. Any recommendation for another system should include data on the foregoing queries; and should also include recommended technical standards to implement such systems.

8. We are not proposing to eliminate the voice identification requirements now in effect. Such a proposal would for the present be premature. Since our ATIS proposal most likely cannot be decoded without reasonably sophisticated receiving equipment, elimination of voice identification would be in violation of the International Radio Regulations. More importantly, in the radio services where international communications frequently, or may reasonably be expected to take place, the lack of voice identification may be a safety hazard until ATIS decoding devices are in common use. It may be expected that the Commission will support a proposal to amend the International Radio Regulations regarding the use of ATIS and modifying the requirements for voice identification.

9. Authority for the proposed rule amendments herein is contained in § 4(i), 302 and 303 of the Communications Act of 1934, as amended.

10. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before May 19, 1975, and reply comments on or before June 2, 1975. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision on the rules which are proposed herein, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

11. In accordance with the provisions of § 1.419 of the Commission's Rules and Regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

12. 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 in Washington, D.C. (1919 M Street, NW).

Adopted: February 5, 1975.

Released: February 13, 1975.

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

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.983, paragraph (h) is added to read as follows:

§ 2.983 Application for type acceptance.

* * * * *

(h) For equipment including the ATIS function, a complete description of the system and installation details of the ATIS identifier shall be submitted.

2. In § 2.989, paragraph (i) is added to read as follows:

§ 2.989 Measurement required: Occupied bandwidth.

* * * * *

(i) Transmitters employing an ATIS identifier when operating at required keying speed and modulation percentage.

3. In § 2.995, paragraph (f) is added to read as follows:

§ 2.995 Measurements required: Frequency stability.

* * * * *

(f) The frequency stability of the ATIS identifier tone frequency shall be measured in accordance with paragraph (a), (b) and (c) above.

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

PART 87—AVIATION SERVICES

PART 89—PUBLIC SAFETY RADIO SERVICE

PART 91—INDUSTRIAL RADIO SERVICES

PART 93—LAND TRANSPORTATION RADIO SERVICES

4. Parts 81, 83, 87, 89, 91, and 93 are to be amended to add the following sections:

§ ---.--- Automatic transmitter identification.

(a) A transmission system the purpose of which is to automatically identify the transmissions of particular stations.

(b) The system is alphanumeric and provides for the transmission of the station call sign, binary coded in the American Standard Code for Information Inter-change (ASCII), which is transmitted automatically at the beginning and end of each transmission, or at intervals of approximately thirty seconds in the case of longer transmissions, at a rate of 100 bauds.

§ ---.--- Applicability.

The requirements of this Subpart are applicable to transmitters which are placed in service or manufactured after (one year after final rules are adopted) for operation in the (name of service) service on frequencies in the bands between 25 and 960 MHz.

§ ---.--- ATIS identifiers.

(a) The ATIS identifier shall be the station call sign preceded by "SYN" and shall be followed by "i".

(b) The ATIS identifier shall be included in each transmitter subject to this Subpart.

§ ---.--- Supplementary information for type acceptance.

After (after adoption of final rules) an application for type acceptance of each type of transmitter fitted with ATIS, as required by this Subpart, shall include that information required by §§ 2.983(h), 2.989(i) and 2.995(f) of the Commission's Rules.

§ ---.--- Transmission of identification.

(a) The ATIS identifier shall be automatically transmitted at the beginning and conclusion of each transmission and, in the case where a transmission is of more than thirty seconds duration, once each thirty seconds, ±10 seconds.

(b) The binary (ATIS) information shall be applied to the carrier as modulation by audio frequency shift keying (AFSK) of 85 Hz above and below of the center frequency of 1200 Hz. The information "O" (low) and "1" (high) shall be applied in such a manner the "O" is the lower frequency and "1" is the higher frequency.

(c) The ATIS identifier shall be transmitted at a modulation level of 50%, ±10%.

(d) The ATIS identifier shall be transmitted at a rate of 100 bauds.

(e) The frequency of the tone oscillator shall not vary more than 85 ±1Hz from the center frequency of 1200 Hz.

§ ---.--- ATIS as an integral part of the transmitter.

(a) The ATIS shall be incorporated into and made an integral part of each transmitter installed pursuant to this Subpart. The ATIS shall be installed in each transmitter by the manufacturer of the transmitter. The ATIS identifier shall be encoded by a person holding a first or second class commercial telephone operator's license or by the manufacturer.

(b) The timing, programming and encoding functions of the ATIS identifier shall be incorporated into the transmitter so as to prohibit adjustment, change or disabling of these functions once initially established in accordance with (a) above.

§ ---.--- Technical standards applicable to ATIS identifiers.

The following technical standards shall be employed in formation of each of the characters of the ATIS identifier:

(a) Standard ATIS code. Each of the characters of the ATIS identifier shall be formed from the following code:

Bits b7 b6 b5 / b4 b3 b2 b1 / ROW	0 0 0	0 0 1	0 1 0	0 1 1	1 0 0	1 0 1	1 1 0
COLUMN	0	1	2	3	4	5	6
0 0 0 0 0				0		P	
0 0 0 1 1				1	A	Q	
0 0 1 0 2				2	B	R	
0 0 1 1 3				3	C	S	
0 1 0 0 4				4	D	T	
0 1 0 1 5				5	E	U	
0 1 1 0 6		SYN		6	F	V	
0 1 1 1 7				7	G	W	
1 0 0 0 8				8	H	X	
1 0 0 1 9				9	I	Y	i
1 0 1 0 10					J	Z	
1 0 1 1 11					K		
1 1 0 0 12					L		
1 1 0 1 13					M		
1 1 1 0 14					N		
1 1 1 1 15					O		

(b) Standard bit sequence. The bit sequence shall be least significant bit first to most significant bit, that is, in terms of the standard ATIS code b1 through b7 in ascending (consecutive) order.

(c) Standard character structure. The character structure shall consist of eight bits (seven bits plus one character parity bit) having equal time intervals. This requirement corresponds to the standard for a synchronous data communication system.

(d) Character parity. The character parity bit shall be transmitted and shall follow the most significant bit, b7, of the character to which it applies.

(e) Standard sense of character parity. The sense of character parity shall be odd over the eight bits, i.e., an odd number of "1" (marking) bits per character.

PART 95—CITIZENS RADIO SERVICES

5. Part 95 is amended to add the following:

§ --.---- **Automatic transmitter identification.**

(a) A transmission system the purpose of which is to automatically identify the transmission of particular stations.

(b) The system is alphanumeric and provides for the transmission of the station call sign, binary coded in the American Standard Code for Information Inter-change (ASCII), which is transmitted automatically at the beginning and end of each transmission, or at intervals of approximately thirty seconds in the case of longer transmissions, at a rate of 100 bauds.

§ --.---- **Applicability.**

The requirements of this Subpart are applicable to transmitters which are placed in service after (one year after final rules are adopted) for operation in the Citizens Radio Service on frequencies in the bands between 26.960 and 27.540 MHz.

§ --.---- **ATIS identifiers.**

(a) The ATIS identifier shall be the station call sign preceded by "SYN" and shall be followed by "i" except as provided in subparagraph (c) of this section.

(b) The ATIS identifier shall be included in each transmitter subject to this subpart.

(c) At the point of manufacture each transmitter capable of operating between 26.960 MHz and 27.540 MHz shall be equipped with an ATIS identifier which shall be the serial number of the transmitter. After issuance of a station license, the station licensee shall have a first or second class commercial radio telephone licensee or the manufacturer encode the station call sign into the ATIS device.

§ --.---- **Supplementary information for type acceptance.**

After (after adoption of final rules) an application for type acceptance of each type of transmitter fitted with ATIS, as required by this Subpart, shall include that information required by Section 2.983(h), 2.989(i) and 2.995(b) of the Commission's Rules.

§ --.---- **Transmission of identification.**

(a) The ATIS identifier shall be automatically transmitted at the beginning and conclusion of each transmission and, in the case where a transmission is of more than thirty seconds duration, once each thirty seconds, ±10 seconds.

(b) The binary (ATIS) information shall be applied to the carrier as modulation by audio frequency shift keying (AFSK) of 85 Hz above and below of the center frequency of 1200 Hz. The information "O" (low) and "1" (high) shall be applied in such a manner the "O" is the lower frequency and "1" is the higher frequency.

(c) The ATIS identifier shall be transmitted at a modulation level of 50%, ±10%.

(d) The ATIS identifier shall be transmitted at a rate of 100 bauds.

(e) The frequency of the tone oscillator shall not vary more than 85 ±1Hz from the center frequency of 1200 Hz.

§ --.---- **ATIS as an integral part of the transmitter.**

(a) The ATIS shall be incorporated into and made an intergral part of each transmitter installed pursuant to this Subpart. The ATIS shall be installed in each transmitter by the manufacturer of the transmitter in the case of a Class D station and shall be designed in such a manner that the transmitter will not function unless an encoded ATIS device is installed and operating.

(b) The timing, programming and encoding functions of the ATIS shall be incorporated into the transmitter so as to prohibit adjustment, change disabling of these functions once initially established in accordance with (a) above.

§ --.---- **Technical standards applicable to ATIS identifiers.**

The following technical standards shall be employed in formation of each of the characters of the ATIS identifier:

(a) Standard ATIS code. Each of the characters of the ATIS identifier shall be formed from the following code:

b_7 b_6 b_5 → / Bits b_4 b_3 b_2 b_1	COLUMN / ROW	0_0	0_1	0_2	0_3	1_0	1_1	1_2
		0	1	2	3	4	5	6
0 0 0 0	0				0		P	
0 0 0 1	1				1	A	Q	
0 0 1 0	2				2	B	R	
0 0 1 1	3				3	C	S	
0 1 0 0	4				4	D	T	
0 1 0 1	5				5	E	U	
0 1 1 0	6		SYN		6	F	V	
0 1 1 1	7				7	G	W	
1 0 0 0	8				8	H	X	
1 0 0 1	9				9	I	Y	
1 0 1 0	10					J	Z	
1 0 1 1	11					K		
1 1 0 0	12					L		
1 1 0 1	13					M		
1 1 1 0	14					N		
1 1 1 1	15					O		

(b) Standard bit sequence. The bit sequence shall be least significant bit first to most significant bit, that is, in terms of the standard ATIS code b1 through b7 in ascending (consecutive order).

(c) Standard character structure. The character structure shall consist of eight bits (seven bits plus one character parity bit) having equal time intervals. This requirement corresponds to the standard for a synchronous data communication system.

(d) Character parity. The character parity bit shall be transmitted and shall follow the most significant bit, b7, of the character to which it applies.

(e) Standard sense of character parity. The sense of character parity shall be odd over the eight bits, i.e., an odd number of "1" (marking) bits per character.

§ ------- Responsibility of licensee.

The station licensee shall be responsible for all transmissions which occur with the transmission of an ATIS identifier assigned to such licensee.

[FR Doc.75-4601 Filed 2-20-75;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 541, 545]

[No. 75-118]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Interest Rate Adjustments

Correction

In FR Doc. 75-4177 appearing at page 6870 in the issue for Friday, February 14, 1975, make the following changes:

1. On page 6871, in the third paragraph of the middle column, in the 4th line, the word "dates" should read "rates".

2. On page 6871, in the 4th paragraph of the middle column, in the 9th line, the word "st" should read "set".

3. On page 6873, amendatory paragraph 1. should be changed to read as follows: "Section 541.14 is amended by revising paragraphs (a), (b), (c)(4), redesignating (c)(5) and (c)(6) as (c)(6) and (c)(7), and by adding a new (c)(5) as follows. Paragraph (c)(4) is carried here for purposes of clarity."

4. In § 545.6-2 (c)(2)(v), between the 3rd line which begins "this section***" and the 4th line which begins "rate on such***" insert the following: "rate decreases, the contract interest".

5. In § 545.6-2 (c)(2)(x)(A)(4), the word now reading "effcted" should be changed to read "effected".

6. In § 545.6-2 (c)(2)(x)(A)(8), the word now reading "prpaid" should be changed to read "prepaid".

FEDERAL POWER COMMISSION

[18 CFR Part 35]

[Docket No. RM74-20]

FILING OF RATE SCHEDULES

Proposed Revisions Under the Federal Power Act

FEBRUARY 14, 1975.

1. Pursuant to 5 U.S.C. 553 and Sections 205, 206, 304, and 309 of the Federal Power Act (49 Stat. 851, 852, 855, 856, 858, 859; 16 U.S.C. 824d, 824e, 825e, 825h), the Commission hereby gives notice that it is proposing to amend its Regulations under the Federal Power Act to require the submission of rate design information by public utilities as a part of their filings of initial rate schedules under § 35.12 of the Regulations and their filings of rate schedule changes under § 35.13. The proposed revisions would become effective 30 days following their promulgation.

2. The revised regulations herein are to be submitted for the proposal contained in the Commission's notice of proposed rulemaking, dated April 26, 1974.

3. As the Commission noted in its Notice of Proposed Rulemaking, and as several parties have indicated in their written comments, a prime consideration for the evaluation of proposed and existing rate structures is the cost of service. The revised regulations proposed herein elicit certain cost information and data to enable a more thorough evaluation of the form and substance of those rate structures under the jurisdiction of this Commission. The proposed regulations, as revised, would require to be submitted as part of an initial rate schedule filing a summary cost analysis together with a complete explanation of the method used in arriving at the cost of service allocated to the sales and services for which the rate or charge is proposed and the data underlying such allocation. For rate increases, a summary cost analysis to justify cost based rate designs and to justify the blocking of energy or demand charges would be required.

4. As originally noticed we proposed identical language to amend §§ 35.12(b)(5-8) and 35.13(b)(5-8). This renotice proposes instead to revise § 35.12 by amending only § 35.12(b)(5) with new language and to delete the existing Statement P under § 35.13(b)(4)(iii) and substituting therefore a new Statement P under that Section which will incorporate generally with modification the language originally proposed to be included in §§ 35.12(b)(5-8) and 35.13(b)(5-8).

5. To effect these changes, the following is proposed:

Sections 35.12 and 35.13 of the Commission's Regulations are proposed to be amended as follows:

A new § 35.12(b)(5) will be added immediately following § 35.12(b)(4), to read as follows:

§ 35.12 Filing of initial rate schedules.

* * * * *

(b) * * *

(5) In support of the design of the proposed rate, the filing public utility shall submit the same material required to be furnished pursuant to § 35.13(b)(4)(iii) Statement P. In addition, the public utility shall also submit a summary cost analysis, together with a complete explanation as to the method used in arriving at the cost of service allocated to the sales and service for which the rate or charge is proposed, and showing the principal determinants used for allocation purposes. In connection therewith, the following data should be submitted:

(a) In the event the filing public utility considers certain special facilities as being devoted entirely to the service involved, it shall show the cost of service related to such special facilities.

(b) Computations showing the energy responsibility of the service, based upon considerations of energy sales under the

proposed rate schedule and the Kwh delivered from the filing public utility's supply system.

(c) Computations showing the demand responsibility of the service, and explaining the considerations upon which such responsibility was determined (e.g., coincident or non-coincident peak demands, etc.).

Delete existing Statement P under § 35.13(b) (4) (iii) and substitute therefor the following:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(b) * * *

(4) * * *

Statement P—In support of the design of the proposed rate, the filing public utility shall submit the following material:

(1) A narrative statement describing and justifying the objectives of the design by the proffered rate. If the purpose of the rate design is to reflect costs, the narrative should state how that objective is achieved, and should be accompanied by a summary cost analysis that would justify the rate design. If the rate design is not intended to reflect costs (whether fully distributed, incremental or other) a statement should be furnished justifying the departure from cost-based rates.

(2) Where the billing determinants (quantities of demand, energy, delivery points, etc.) are on different bases than the cost allocation determinants supporting such charges, an explanation shall be submitted setting forth the economic or other considerations which warrant such departure. The information should include, but need not be limited to, the following:

(a) For rate schedules so structured, where the individual rates for the demand, energy, and customer charges do not correspond to the comparable cost classifications supporting such charges, a detailed explanation shall be submitted stating the reasons for the differences.

(b) For rate schedules so structured, where the rates being charged contain more than one demand or energy block, a detailed explanation shall be submitted indicating the rationale for the blocking and the considerations upon which such blocking is based, together with adequate cost support for the specific blocking.

6. Any interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, not later than March 3, 1975, any views, comments, or suggestions in writing concerning all or part of the proposed revisions set forth herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters proposed herein. An original and 14 conformed copies of any comments shall be filed on the Secretary of the Commission. Submittals to the Commission shall indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal shall be addressed.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

KENNETH F. PLUMB,
Secretary.

By direction of the Commission.

[FR Doc.75-4744 Filed 2-20-75;8:45 am]

RENEGOTIATION BOARD

[32 CFR Part 1480]

AVAILABILITY OF RECORDS

Implementation Regulations

The Renegotiation Board is considering amendments to its regulations on control and availability of records, 32 CFR Part 1480, to ensure effective implementation of the recent Freedom of Information Act amendments ((5 U.S.C. 552), as amended by Pub. L. 93-502, November 21, 1974).

The Board's proposed changes include a provision which would make available any reasonably segregable portion of a document otherwise exempt.

The proposed changes provide that copies of a current index of Board documents made available for public inspection pursuant to 32 CFR 1480.4 and 1480.5 shall be provided upon request at a cost not to exceed the direct cost of duplication. The Board has determined that publication of such an index on a quarterly or other basis is unnecessary and impracticable.

The Board's present regulations state that a request must be for an "identifiable" record. The proposed changes eliminate that requirement; records requested to be disclosed under the proposed regulations shall be "reasonably described." Thus each request ought to describe the record to the extent possible, including the subject matter of the record, its approximate date, and the names or titles of the persons by whom it was prepared or to whom it was addressed.

The proposed changes outline the procedures for requesting documents and for appealing from initial denials. In addition, the proposals outline Board procedures for acting on requests and set time limits for Board action. Basically an initial determination must be made within ten days after receipt of a request for records and a subsequent determination, if necessary, must be made within twenty days after receipt of an appeal from an initial denial of a request. Where unusual circumstances exist, either of these time limits may be extended by not more than ten days in the aggregate.

The proposed changes also include the preparation and substance of an annual report on the Freedom of Information Act activities of the Board which shall be submitted to the Congress.

The Board's proposed changes eliminate charges for monitoring inspections by a requester, eliminate charges for time spent in deleting exempt material and revise charges for search and duplication to reflect direct costs only in accordance with section 1(b)(2) of Pub. L. 93-502, 88 Stat. 1561.

In order to protect the public from incurring unexpected costs, the proposed rules provide that where fees in excess of $25 are anticipated, and the requester has not indicated his willingness to accept these costs, the request will not be deemed received until the requester is notified of the anticipated costs and agrees to bear them. Such notification will be given as quickly as possible, and in any event a notification giving the best estimate then available shall be transmitted within 5 working days.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should be submitted in triplicate to the Office of General Counsel, Renegotiation Board, Washington, D.C. 20446. All communications received on or before March 17, 1975 will be considered before final action is taken on the amendments. No public hearing will be held. The proposal contained in this notice may be changed in light of comments received.

Written material or suggestions submitted will be available for public inspection during regular business hours in the library at the principal office of the Board, 2000 M Street NW., Washington, D.C.

Dated: February 18, 1975.

REX M. MATTINGLY,
Acting Chairman.

PART 1480—AVAILABILITY AND CONTROL OF RECORDS

1. In § 1480.2, paragraph (a) and (d) are revised to read as follows:

§ 1480.2 Statutory provisions and Executive Orders.

(a) *Freedom of information.* The regulations in this part implement the provisions of section 552 of title 5, United States Code (section 3 of the Administrative Procedure Act as amended by Pub. L. No. 90-21, approved June 5, 1967 (81 Stat. 54) and by Pub. L. 93-502, approved November 21, 1974 (88 Stat. 1561)).

* * * * *

(d) *Classified information.* Records of the Board are subject to the restrictions on disclosure of classified information as provided in Executive Order 11652, dated March 8, 1972 (37 FR 5209, March 10, 1972).

* * * * *

§ 1480.3 [Amended]

2. Section 1480.3 is amended by deleting "10501" following the words Executive Order and inserting "11652" therein.

3. In § 1480.5 paragraph (b) is added and paragraph (d) is amended by adding two sentences to read as set forth below:

§ 1480.5 Public inspection of records; index.

* * * * *

(b) *Records containing both available and unavailable information.*—Any rea-

sonably segregable portion of a record otherwise exempt from disclosure requirements under 5 U.S.C. § 552 shall be made available unless such portion is readily available from another source and the other source is made known to the person desiring the record. A reasonably segregable portion of a record is such portion that is not inextricably intertwined with facts that are exempt under 1480.9 or with policymaking processes.

* * * * *

(d) * * * Publication of such index or indexes has been determined by the Board to be unnecessary and impracticable. Upon request, the Board shall provide copies of its index or indexes at a cost not to exceed the direct cost of duplication.

* * * * *

4. Section 1480.6 is revised to read as follows:

§ 1480.6 Production of reasonably described records.

(a) *In general.* (1) Subject to the exemption provisions of § 1480.9, upon request made as provided in § 1480.7 the Board will make available for inspection and copying any record not published or made available for public inspection and copying pursuant to the provisions of § 1480.4 or § 1480.5.

(2) A document is "reasonably described" when the request specifies the title or subject matter of the record, the approximate date of the record sought to be made available, and the names or titles of the persons by whom it was prepared or to whom it was addressed.

(3) This part applies only to records or categories of records which exist at the time the request for the information is made. The Board is not required to compile or procure a record solely for the purpose of making it available under this part.

(b) *Referrals to other agencies.* (1) When the Board receives a request to make available a record which is the exclusive concern of another agency of the Government (see § 1451.23 of this subchapter), the Board will refer the request to such other agency and will notify the person making the request of such referral. This paragraph specifically includes all requests for records containing classified information (see § 1480.2 (d) and § 1480.9(a)(1) of this part).

(2) When the Board receives a request to make aavilable a record which is of concern to more than one agency of the Government, the Board will retain and act upon the request if the Board is one of the agencies concerned and if its interest in the record is paramount; otherwise, the Board will refer the request to the agency having the paramount interest and will notify the person making the request of such referral (see § 1480.7).

5. Section 1480.7 is revised to read as follows:

§ 1480.7 Procedure for obtaining access to records; time limits; responsibility.

(a) *In general.* (1) Each person desiring access to a reasonably described record pursuant to §§ 1480.4, 1480.5, or 1480.6 must submit a written request for the record; such request must indicate that it is being made pursuant to the Freedom of Information Act and the envelope in which the request is sent must be prominently marked with the letters "FOIA." If a copy of a particular record is desired instead of an inspection thereof, the written request shall so state.

(2) All requests, including requests for documents located at regional boards, must be addressed to the Public Information Officer, Renegotiation Board, Washington, D.C. 20446.

(b) *Receipt of requests.* If the requirements of paragraph (a) of this section are not met, the ten-day time limit described in paragraph (c) of this section will not begin to run until the request has been received by the Public Information Office.

(c) *Initial determination.* An initial determination as to whether to release a record requested pursuant to § 1480.6 shall be made within ten days (excepting Saturdays, Sundays, and legal public holidays) after the request is received in accordance with paragraphs (a) and (b) of this section except that this time limit may be extended by up to ten working days in accordance with paragraph (e) of this section. The person making the request will be notified promptly of such determination. If such determination is to release the requested record, such record shall be made promptly available. If such determination is not to release the record in whole or in part, the person making the request shall, at the same time he is notified of such determination, be notified of (a) the reason for the determination; and (b) the right of such person to appeal the determination within the Board.

(d) *Appeal procedures.* (1) Any person who has been given an initial determination in accordance with paragraph (c) of this section that a requested record will not be disclosed, may appeal to the Board for a reconsideration of the determination.

(2) Each such application for reconsideration shall be made by letter addressed to and filed with the Office of General Counsel, Renegotiation Board, Washington, D.C. 20446, within twenty days after the date of the initial determination. Such application for reconsideration shall include all information and arguments relied upon by the person making the application and shall indicate that it is an appeal by the person making the application and shall indicate that it is an appeal from a denial of a request made under the Freedom of Information Act. The envelope in which the application is sent shall be prominently marked with the letters "FOIA." If these requirements are not met, the twenty-day time limit in subparagraph (3) below will not begin to run until the application has been identified as an appeal under the Freedom of Information Act and has been received by the Office of General Counsel.

(3) A determination with respect to any appeal made pursuant to this paragraph will be made within twenty days (excepting Saturdays, Sundays, and legal public holidays) after receipt of such appeal except that this time limit may be extended by up to ten working days in accordance with paragraph (e).

(4) The decision by the General Counsel as to the availability of the record is administratively final. The decision by the General Counsel not to disclose a record under this part is considered to be a withholding by the Board for the purposes of section 552(a)(3) of title 5, United States Code.

(e) *Extensions of time.* (1) In unusual circumstances as specified in this paragraph, the time limits prescribed in either §§ 1480.7(c) or 1480.7(d)(3) may be extended by not more than ten days in the aggregate. In such a case written notice to the person making the request is required setting forth the reasons for such extension and the date on which a determination is expected to be dispatched.

(2) As used in this paragraph, "unusual circumstances" means, but only to the extent reasonably necessary to the proper processing of the particular request—(i) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (ii) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or (iii) the need for consultation which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(f) *Responsibility.* The authority to administer this part is delegated to the Director, Office of Administration with respect to initial determinations and to the General Counsel with respect to appeals therefrom, or in the absence of either officer, to his deputy.

6. In § 1480.9 paragraphs (a)(1) and (a)(7) are revised to read as follows:

§ 1480.9 Exemptions.

(a) * * *

(1) Records specifically authorized under criteria established by Executive Order 11652, dated March 8, 1972, as amended (37 FR 5209, March 10, 1972),

to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to Executive Order 11652 (see § 1480.2(d) and § 1480.6 (b)(1)).

* * * * *

(7) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings (ii) deprive a person of a right to a fair trial or an impartial adjudication (iii) constitute an unwarranted invasion of personal privacy (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source (v) disclose investigative techniques and procedures or (vi) endanger the life or physical safety of law enforcement personnel.

7. Section 1480.12 is revised to read as follows:

§ 1480.12 Copies of records; fees or charges.

(a) Upon request, the Board will furnish a copy or copies of any record made available pursuant to this part, except records published in the FEDERAL REGISTER and offered for sale by the Superintendent of Documents, Government Printing Office (see § 1480.4).

(b) *Fees.* The following specific fees shall be applicable with respect to services rendered to members of the public under this part:

(1) The charge for duplication or photocopy will be fifteen (15) cents per page.

(2) The charge for search of Renegotiation Board records by clerical personnel will be at the rate of $5.00 per hour.

(3) The charge for search of Renegotiation Board records by professional personnel will be at the rate of $9.00 per hour.

(4) The charge for authentication of each record as a true copy will be $2.50.

(5) Computer costs shall be assessed in accordance with actual costs incurred by the Board. A computer cost estimate shall be furnished to the requester at the time the request is granted, if the cost estimate exceeds $25.00.

(c) *Other charges.* When a response to a request requires services or materials other than the common ones described in paragraphs (b)(1) through (b)(5) of this section, the direct cost of such services or materials may be charged, but only if the requester has been notified of such cost before it is incurred.

(d) *Records located elsewhere than at Board headquarters.* If records requested under this part are stored elsewhere than the headquarters of the Renegotiation Board at 2000 M Street, NW, Washington, D.C., the actual costs of transportation of people or records as is required to process the request at headquarters will be added to the search costs.

(e) *Notice of anticipated fees in excess of $25.* Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In such cases, a request will be not be deemed to have been received until the requester is notified of the anticipated cost and agrees to bear it. Such a notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. The notification shall offer the requester the opportunity to confer with Board personnel with the object of reformulating the request so as to meet his needs at lower cost.

(f) *Advance deposit.* (1) Where the anticipated fee chargeable under this section exceeds $25, an advance deposit of 25 percent of the anticipated fee or $25, whichever is greater, may be required.

(2) Where a requester has previously failed to pay a fee under this section, an advance deposit of the full amount of the anticipated fee may be required. In such cases, a request will not be deemed to be received until receipt of full payment.

(g) *Individual inspection and copying.* Persons may inspect and copy records by their own means in the principal office of the Board without charge except for any search charges payable pursuant to this section.

(h) *Remittance of fees.* Remittances shall be made payable to the order of the Renegotiation Board and mailed to the Renegotiation Board, Attention: Director, Office of Administration, Washington, D.C. 20446. The Board will assume no responsibility for cash which is lost in the mail.

(i) *Waiver of fee.* The Board shall waive any fee or charges prescribed in this part in any instance in which the Board, in its discretion, determines such waiver to primarily benefit the general public. There shall be no charge for the making or authentication of copies of records required for use by other agencies of the Government.

8. Part 1480 is revised by adding a new § 1480.13 to read as follows:

§ 1480.13 Freedom of information report.

(a) On or before March 1 of each calendar year, the Board shall submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate. The report shall include the following:

(1) The number of determinations made by the Board not to comply with requests for records made under § 1480.7 (c) and the reasons for each such determination.

(2) The number of appeals made pursuant to § 1480.7(d), the result of such appeals, and the reasons for the action upon each appeal that results in a denial of information.

(3) The names and titles or positions of each person responsible for denial of records and the number of instances of participation of each.

(4) The results of each proceeding conducted pursuant to subsection (a)(4)(F) of 5 U.S.C. section 552, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(5) A copy of every rule made by the Board regarding 5 U.S.C. section 552.

(6) A copy of the fee schedule and the total amount of fees collected by the Board for making records available.

(7) The cost of administering the Freedom of Information Act.

(8) Such other information as indicates effort to administer fully the Freedom of Information Act.

(Sec. 109, 65 Stat. 22; 50 U.S.C.A., App. Sec. 1219)

[FR Doc.75-4796 Filed 2-18-75;3:45 pm]

TENNESSEE VALLEY AUTHORITY

[18 CFR Ch. II]

FEES FOR SEARCH AND DULPICATION OF RECORDS

Notice of Proposed Rulemaking

The Tennessee Valley Authority (TVA) is considering amendments to its regulations concerning fees for the search and duplication of TVA records requested pursuant to the Freedom of Information Act, 5 U.S.C. section 552.

The current fee regulations concerning records search and duplication are found in § 301.1(e) of Part 301 of Title 18 of the Code of Federal Regulations, and provide for the recovery of the direct or incremental cost to TVA for searching, compiling, copying, transporting, or otherwise preparing or furnishing the records. Recent amendments to the Freedom of Information Act provide for publication of uniform fee schedules limited to reasonable standard charges to recover the direct costs of search and duplication. The proposed regulation so provides.

At this time, charges for files search and duplication are proposed to be made only for clerical time involved, and no charge is proposed for supervisory time. If it develops that significant amounts of supervisory time are being required in the search and duplication process, the regulations may be amended to provide for charges therefor.

TVA also publishes and sells to the public at nominal cost various materials concerning its activities and other matters within its statutory responsibilities, and also provides for the sale of other materials, such as maps prepared by other agencies, at prices prescribed by such agencies. Such services are not performed under the Freedom of Information Act. For the convenience of the public, reference to the availability of such publications and materials is contained in the first sentence of § 301.1(e). The providing of such services is not affected by the proposed rulemaking.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted to the Director of Information, Tennessee Valley Authority, Knoxville, Tennessee 37902. All communications received on or before February 28, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated. The proposal contained in this notice may be changed in light of the comments received.

Comments received will be available for examination in the Director of Information's Office, Room 333, New Sprankle Building, 500 Union Avenue, Knoxville, Tennessee 37902.

This revision is proposed under the authority of 16 U.S.C. §§ 831–831dd and Pub. L. 93–502.

Dated: February 14, 1975.

LYNN SEEBER,
General Manager.

PART 301—PROCEDURES

Part 301 of Title 18 is amended by adding the following new section.

§ 301.2 Schedule of fees.

(a) *Basis.* Except as otherwise provided in subsection (c) of this section, TVA records which are available for public inspection under § 301.1 are made available upon payment of uniform fees which will approximately cover the direct costs to TVA of searching for, compiling, transporting, and copying the records.

(b) *Fees.* The following fees are applicable:

(1) *Time charges.* For time spent searching files, compiling requested material from files, and making any requested copies the charge is $4.15 per hour.

(2) *Duplication charges.* For reproduction of requested material which consists of sheets no larger than 8½ by 14 inches, the charge is ten cents per page. For reproduction of other materials, the charge is the direct cost of photostat or other means necessarily used for duplication.

(3) *Other charges.* Where a response to a request requires services or materials (including personnel) other than the common ones described in paragraphs (1) and (2) of this section, the charge is the direct cost of such services and materials to TVA, but only if the requester has been notified of such cost before it is incurred, or if the request contains a statement that all costs are acceptable.

(c) *Waiver or reduction of fees.* (1) No time charge is made with respect to any request for records requiring less than four (4) hours' time for searching and reproducing documents.

(2) If it is determined by TVA that all material requested is exempt from disclosure under § 301.1 of this part, and TVA accordingly declines to furnish all such material, no fees shall be charged. TVA may waive or reduce fees otherwise chargeable under this section upon its determination that waiver or reduction is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

[FR Doc.75-4830 Filed 2-20-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 5]

PAYROLL REPORTING REQUIREMENTS FOR TRUCK OWNER-OPERATORS

Labor Standards Concerning Contracts for Federally Financed and Assisted Construction

The Department of Labor on September 13, 1961, announced that the labor standards provisions of the Davis-Bacon and Related Acts would not be applied to bona fide truck owner-operators who are independent contractors until it could devise a practicable way to report wage rates for such bona fide owner-operators. Contractors performing work subject to the Davis-Bacon and Related Acts were not required to report on their payrolls more than the operator's name and the words "owner-operator."

It has come to the attention of the Department of Labor that the predetermined prevailing rates for truck drivers have not in all cases been paid to individuals, under the guise that they were bona fide independent contractors for whom the payroll information requirements had been waived.

The Secretary of Labor, in a letter of July 10, 1974, announced that the policy enunciated by the Department's 1961 letter would be rescinded, and made clear that in the future the wage rates for truck owner-operators would be treated for wage determination and enforcement purposes under the applicable statutes no differently from any other classifications of laborers and mechanics subject to the Davis-Bacon and Related Acts to insure labor standards protections provided by the statutes.

This Department considers it essential to amend its regulations to make clear what will be required of the agencies and of contractors and subcontractors affected, if uniformity is to be achieved as contemplated by Reorganization Plan No. 14 of 1950.

The purpose of this proposal, therefore, is to present for comment payroll reporting requirements with respect to truck owner-operators. Because of the practical problems of reporting wage rates and hours worked for those individuals who are bona fide independent contractors, it is proposed that payroll reporting requirements will continue to be waived for such individuals. However, the proposed regulation sets forth factors which would be considered in determining whether a truck owner-operator is in fact an independent contractor. This proposal would be effective as to new contracts entered into 120 days after its final publication. It shall have no effect on existing contracts or on contracts for which bids have already been opened or negotiations concluded within 120 days after its final publication.

To assure that any final implementing regulations will take into account the practical problems which may be encountered by procurement agencies and contractors, and will be drafted with the benefit of the experience of affected agencies and organizations representing construction laborers and mechanics and construction contractors, the Department solicits detailed comments and suggestions so that it may best preserve their interests and at the same time protect the interests of laborers and mechanics affected.

Interested persons should submit comments on or before April 7, 1975, to the Administrator, Wage and Hour Division, 14th and Constitution Avenue NW., Washington, D.C. 20210.

Accordingly, it is proposed to add a new § 5.16 to Part 5 of Title 29 of the Code of Federal Regulations as follows:

§ 5.16 Payroll reporting requirements for truck owner-operators.

All truck owner-operators working on the site are laborers and mechanics subject to the Davis-Bacon and Related Acts. However, because of practical considerations where such owner-operators are in fact bona fide independent contractors, the payroll reporting requirements contained in § 5.5(a)(3) above are modified for such independent owner-operators as follows: With respect to truck owner-operators who are bona fide independent contractors, contractors and subcontractors shall include on their payrolls the name of the truck owner-operator and the notation "truck owner-operator—independent contractor." No further information need be included on the payrolls. The contractor or subcontractor shall make available on request a copy of his contract with any truck owner-operator. However, the actual relationship rather than the relationship stated in the contract shall control where they differ. Factors which will be considered in determining whether an owner-operator is a bona fide independent contractor include, but are not necessarily limited to, the amount of investment by the owner-operator in facilities and equipment, and whether the contractor or subcontractor shares a financial interest with the owner-operator in the truck or incurs some or all of the truck's operating expenses; whether the services in question are an integral part of the business of the contractor or subcontractor; the nature and degree of control retained or exercised by the contractor or subcontractor over the owner-operator; the degree of independent initiative, judgment, and foresight in open-market competition with others required for success of the owner-operator's alleged independent operation; whether the owner-operator holds himself/herself out to the general public as being in business for himself/herself; and

whether there are clear opportunities for profit and loss to the owner-operator.

Signed at Washington, D.C., this 14th day of February 1975.

BETTY SOUTHARD MURPHY,
Administrator,
Wage and Hour Division.

[FR Doc.75-4759 Filed 2-20-75;8:45 am]

Occupational Safety and Health Administration

[29 CFR Part 1952]

CONNECTICUT PLAN SUPPLEMENTS

Proposed Approval

1. Background. Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. On January 4, 1974, a notice was published in the FEDERAL REGISTER of the approval of the Connecticut plan and of the adoption of Subpart X of Part 1952 containing the decision (39 FR 1012). On September 16, 1974, the State of Connecticut submitted supplements to the plan involving developmental changes (see Subpart B of 29 CFR Part 1953). The supplements consist of the Governor's Executive Order Number Twenty-Seven and revision of Connecticut's Target Industries Program.

2. Issues. The Governor's Executive Order Number Twenty-Seven is in response to the State commitment under the requirements of 29 CFR 1952.303(e) of the State's developmental schedule to establish a State agency safety program which covers employees of State departments and agencies. The Executive Order outlines a comprehensive safety and health program applicable to State employees and places various safety and health responsibilities upon the head of each State agency and department. Accordingly, this directive implements the Connecticut Occupational Safety and Health Act wherein public employees, both State and municipal, are already protected by the same standards, inspections, citations, discrimination procedures, recordkeeping and all remaining features of the Connecticut Act, as employees in the private sector, by that Act's definition of "employer" (Connecticut General Statutes, Chapter 571, Public Act 73-379 as amended by Public Act 74-137 as amended by Public Act 74-137, sec. 31-367(d)) which term includes "the State and any political subdivision thereof".

Additionally, based upon a survey which covers the first full year of recordkeeping under the Federal Act, Connecticut has revised its Target Industries Program to focus attention on those industries in Connecticut with high rates of job-related injuries. These include: concrete work, roofing and sheet metal work, lumber and wood products, iron and steel industries and concrete products. The Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) has reviewed the supplements and hereby gives notice that their approval is in issue before him.

3. Location of the supplements for inspection and copying. A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, 18 Oliver Street, Fifth Floor, Boston, Massachusetts 02110; and Department of Labor, 200 Folly Brook Blvd., Wethersfield, Connecticut 06109.

4. Public participation. Interested persons are hereby given until March 24, 1975, in which to submit written data, views and arguments concerning whether the supplements should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above where they will be available for inspection and copying.

Any interested person may request an informal hearing concerning the proposed supplements, by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this approval and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart X of Part 1952 and initiate appropriate further proceedings if necessary.

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

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-4758 Filed 2-20-75;8:45 am]

[29 CFR Part 1910]

[Docket No. OSHA-37]

HEARING ON PROPOSED INORGANIC ARSENIC STANDARD

Change of Location

On January 21, 1975, a notice of proposed rulemaking on inorganic arsenic was published in the FEDERAL REGISTER, (40 FR 3392). The notice stated in Part VII, *Public Participation,* page 3399, column 1, that an informal public hearing will be held at the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, NW., beginning on April 8, 1975, at 9:30 a.m. E.D.T.

The location for this hearing has been changed to the Department of Commerce Auditorium, 14th Street and Constitution Avenue, NW., Washington, D.C. The hearing date and time remain unchanged.

Written data, views, and arguments concerning the proposal may be mailed to the Docket Officer, Docket OSH-37, Occupational Safety and Health Administration, Room 260, 1726 M Street, NW., Washington, D.C. 20210. Such data, views, and arguments will be available for public inspection and copying at the above address.

Persons desiring to appear at the hearing must file a notice of intention to appear on or before March 17, 1975, with Ms. N. Hucke, OSHA Committee Management Office, Docket OSH-37, 1726 M Street NW., Room 200, U.S. Department of Labor, Washington, D.C. 20210 (Phone: 202/961-2248 or 2487). The notice must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which he will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific provisions of the proposal that will be addressed;

(5) A brief statement of the position that will be taken with respect to each provision addressed; and

(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate. The use of prepared statements by witnesses is encouraged.

Any questions concerning the hearing or the change in location should be directed to N. Hucke, OSHA Committee Management Office.

Signed at Washington, D.C. this 12th day of February, 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-4757 Filed 2-20-75;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.

TREASURY DEPARTMENT

OFFICE OF FOREIGN ASSETS CONTROL

Statement of Organization; Amendments

The Statement of Organization of the Office of Foreign Assets Control required to be published pursuant to 5 U.S.C. 552 (a) (1) (A), is being amended to reflect changes since its last publication. As amended, the Statement reads:

Office of Foreign Assets Control Statement of Organization

The Office of Foreign Assets Control is established under Treasury Department Order No. 128 of December 14, 1950, as amended. The Office of Foreign Assets Control is headed by a Director who reports to the Assistant Secretary (Enforcement, Operations and Tariff Affairs).

The Office administers controls over the assets in the United States of, and financial transactions by, North Korea, North Viet-Nam, Cuba, and their nationals for the purpose of preventing transactions which would be inimical to the interests of the United States. Similar controls which applied to the People's Republic of China have been removed under general licenses authorizing all transactions except with respect to Chinese property in the United States which was blocked as of May 6, 1971. Controls are also administered over the assets remaining blocked under World War II controls of Czechoslovakia, East Germany, Estonia, Latvia, Lithuania, and their nationals, and with respect to certain scheduled securities. In addition, the Office administers the Transactions Control Regulations which prohibit persons in the United States from engaging in certain transactions involving the shipment of certain strategic merchandise from foreign countries to Russia or other Communist countries unless licensed. A general license authorizes such transactions from certain countries upon specified conditions.

The above controls are administered through a system of licenses, rulings and other documents (see 31 CFR Ch. V) pursuant to powers of the President under section 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations, or rulings that have been or may be issued thereunder. The Director of the Office of Foreign Assets Control has been delegated power to exercise and perform all authority, duties and functions which the Secretary of the Treasury is authorized or required to exercise or perform under sections 3 and 5(b) of the Trading With the Enemy Act, as amended, and any proclamations, orders, regulations, or rulings that have been or may be issued thereunder.

The Office also administers import and financial controls with respect to Rhodesia (see 31 CFR Part 530) pursuant to Executive Orders Nos. 11322 and 11419 of 1967 and 1968 respectively, which implement United Nations Resolutions calling for an embargo against Rhodesia.

The Office of Foreign Assets Control is represented in the field by the Federal Reserve Bank of New York. Authority to take final licensing action on certain applications for specific licenses authorizing certain types of transactions prohibited by the Regulations, is delegated to the Foreign Assets Control Division, Federal Reserve Bank of New York, subject to policies and procedures prescribed by the Office of Foreign Assets Control.

The public may in general secure any information or make submittals, requests, or petitions with respect to any Foreign Assets Control matters by communicating through correspondence or by telephone or by coming in person or sending a representative either to the central office in Washington or to the Federal Reserve Bank of New York.

Correspondence with the central office should be directed to the Office of Foreign Assets Control, United States Treasury Department, Washington, D.C. 20220. Personal inquiries to the central office should be made to the Office of Foreign Assets Control, 1331 G St., NW., Washington, D.C. All correspondence or inquiries to the Federal Reserve Bank of New York should be addressed as follows: Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, N.Y. 10045.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

[FR Doc.75-4856 Filed 2-20-75;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

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 the DIA Scientific Advisory Committee Panel Meeting which was previously scheduled for Friday, 7 March 1975 as announced in the Federal Register on 10 February 1975 has been rescheduled and will be held at the Pentagon on Friday, 14 March 1975.

The entire meeting commencing at 0830 hours is devoted to the discussion of classified information as defined in section (b) (1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to conduct a study of specialized intelligence data requirements and U.S. ability to meet these requirements.

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

FEBRUARY 18, 1975.

[FR Doc.75-4751 Filed 2-20-75;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON SPECIFICATIONS AND STANDARDS IMPROVEMENT

Notice of Cancellation of Advisory Committee Meeting

The DOD Committee Management Officer has determined that the notice of meeting published in the FEDERAL REGISTER on 10 February 1975 was not timely and in accordance with provisions of Public Law 92-463. Consequently, the meeting of the Defense Science Board Task Force on Specifications and Standards Improvements scheduled for 21-22 February is cancelled.

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

FEBRUARY 18, 1975.

[FR Doc.75-4750 Filed 2-20-75;8:45 am]

DEFENSE SCIENCE BOARD ON EXPORT OF U.S. TECHNOLOGY

Advisory Committee Meeting

A special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 13 March 1975 in the Pentagon, Washington, D.C. The subcommittee meeting on this date will be concerned with Instrumentation.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92–463 are concerned.

Dated: February 18, 1974.

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

[FR Doc.75–4794 Filed 2–20–75;8:45 am]

DEFENSE SCIENCE BOARD ON "EXPORT OF U.S. TECHNOLOGY: IMPLICATIONS TO U.S. DEFENSE"

Advisory Committee Meeting

The jet engine subcommittee of a special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 18 March 1975 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long-range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. Defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92–463 are concerned.

Dated: February 18, 1975.

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

[FR Doc.75–4795 Filed 2–20–75;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES V. NORRIS INDUSTRIES

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Central District of California in Civil Action No. 73–1036, United States of America v. Norris Industries, Inc. The complaint in this case alleges that the acquisition of Pressed Steel Tank Company by Norris Industries substantially lessened competition in the markets for various types of high pressure cylinders and shells. The proposed judgment requires Norris to divest certain assets which it acquired in the merger and enjoins it from acquiring any company for ten years engaged in the manufacture of these cylinders and shells. Public comment is invited on or before April 22, 1975. Such comments and responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Hugh Morrison, Chief, Special Trial Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: February 18, 1975.

THOMAS E. KAUPER,
Assistant Attorney General, Antitrust Division.

ATTORNEYS FOR THE PLAINTIFF

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UNITED STATES DISTRICT COURT,
CENTRAL DISTRICT OF CALIFORNIA

[Civil Action No. 73–1036 WPG]

UNITED STATES OF AMERICA, PLAINTIFF, v. NORRIS INDUSTRIES, INC., DEFENDANT

Stipulation. It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendant in this and any other proceeding.

Dated: February 18, 1975.

For Plaintiff:

THOMAS E. KAUPER,
Assistant Attorney General.
FRANK BENTKOVER,
BADDIA J. RASHID,
ROBERT J. LUDWIG,
CHARLES F. B. MCALEER,
RONALD J. SILVERMAN,
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Norris Industries.
HENRY P. SAILER,
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UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

[Civil Action No. 73–1036 WPG]

UNITED STATES OF AMERICA, Plaintiff
v.
NORRIS INDUSTRIES, INC., Defendant

Final Judgment. Plaintiff, United States of America, having filed its complaint herein on May 9, 1973, and its amended complaint herein on June 25, 1974, and defendant Norris Industries having appeared by its attorneys and having filed its answers to said complaint and amended complaint, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment, without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by any party with respect to any issue of fact or law herein;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue or fact or law herein, and upon the consent of the parties hereto, it is hereby, *ordered, adjudged, and decreed:*

I.

This Court has jurisdiction of the subject matter herein and of the parties hereto. The complaint states a claim upon which relief may be granted under section 7 of the Act of Congress of October 15, 1914, as amended, entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," commonly known as the Clayton Act. Entry of this Judgment is in the public interest.

II.

As used in this Final Judgment:

(A) "Norris" means defendant Norris Industries, Inc.;

(B) "PST" means Pressed Steel Tank Company, Inc., and any person owned or controlled directly or indirectly by Norris that in connection with the divestiture of PST Plant 1 succeeds to the business or assets of PST other than PST Plant 1;

(C) "PST Plant 1" means all real and personal property (except for accounts receivable on conditional sales contracts and leases), business, manufacturing and shipping facilities and operations of PST located at 1445 South 66th Street, Milwaukee, Wisconsin, and related to the manufacture and sale of the products there manufactured; all technical data owned or controlled by PST relating to the manufacture and sale of any product manufactured by PST Plant 1 on the date of completion of the divestiture ordered by subsection (A), section IV of this Final Judgment; and the names Pressed Steel Tank Company, Inc., PST and all other trade names and trademarks owned or controlled by PST on the date of completion of the divestiture ordered by section IV(A) of this Final Judgment, except any such names that (a) do not relate to the sale of any product manufactured by PST Plant 1 on the date of completion of such divestiture, and (b) have not been utilized by PST in the sale of high pressure compressed gas cylinders more than ninety (90) days prior to the expiration of plaintiff's right to object to a proposed plan

for such divestiture or the Court's consent to such a proposed plan pursuant to section IV(C) of this Final Judgment;

(D) "Person" means any individual, corporation, partnership, association, firm or other legal entity;

(E) "High-pressure compressed gas cylinders" means seamless, one-piece compressed gas cylinders made according to Department of Transportation standards which hold compressed and liquefiable gases at service pressures of 900 pounds per square inch ("p.s.i."), and above and includes carbon dioxide cylinders, round bottom cylinders, and industrial cylinders;

(F) "Industrial cylinders" means high-pressure compressed gas cylinders, excluding round-bottom cylinders, made for service pressures of 2000 p.s.i. and above and with capacities of 650 cubic inches to 4100 cubic inches;

(G) "Carbon dioxide cylinders" means high-pressure compressed gas cylinders made to hold carbon dioxide at a service pressure of 1800 p.s.i. and with capacities of 2400 cubic inches or less;

(H) "Round-bottom cylinders" means high-pressure compressed gas cylinders with rounded or ellipsoidal bottoms, made for service pressures of 1800 p.s.i. and above and with capacities of less than 1600 cubic inches;

(I) "Acetylene cylinder shells" means empty cylindrical metal containers or their components which are used in making acetylene cylinders;

(J) "Acetylene cylinders" means acetylene cylinder shells containing a porous filler and acetone;

(K) "Accumulator shells" means pressure vessels used in making high-pressure bladder type accumulators (those with operating pressures of 1000 p.s.i. and above);

(L) "Technical data" means all written know-how, technology, production manuals, drawings, patents and patent applications of PST; and

(M) "PST technical data" means all know-how, technology, drawings, patents and patent applications of PST relating to the manufacture of industrial cylinders by PST other than at Plant 1 on the effective date of this Final Judgment existing in writing on that date, and one or more production manuals describing the equipment and processes used by PST in such manufacture on that date.

III.

The provisions of this Final Judgment applicable to Norris shall apply also to each of its subsidiaries, successors and assigns, and their officers, directors, agents and employees and to those persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise. The provisions of this Final Judgment shall not apply to any person who acquires any of the assets divested pursuant to such Final Judgment.

IV.

(A) Norris is ordered and directed to divest all of its interest, direct and indirect, in either

(1) PST Plant 1 within eighteen months from the date of entry of this Final Judgment; or

(2) PST within three years from the date of entry of this Final Judgment.

Said divestiture shall not be made by means of an exchange offer or distribution to Norris shareholders.

(B) The divestiture ordered by this Final Judgment shall be of a single viable, going business, and Norris shall not take any action, including but not limited to the disposition of any assets of PST, which would impair or impede such viability or Norris' ability to accomplish such divestiture.

(C) Norris shall submit in writing to plaintiff the complete details of any proposed divestiture plan intended to implement the provisions of subsection (A) of this Section IV. Plaintiff shall have thirty (30) days from the date of first receipt of a proposed divestiture plan in which to request additional information from Norris, which shall have ten (10) days from the receipt of such request to advise plaintiff the extent to which such information is unavailable and twenty (20) days to furnish in writing such information to the extent it is available. Plaintiff shall have thirty (30) days following the date of receipt of the requested additional information, or following the date of receipt of a written statement from Norris that such information is not available, in which to object in writing to the proposed divestiture plan. If plaintiff objects to the proposed divestiture plan, it shall not be consummated unless plaintiff withdraws its objection the Court gives its consent to the plan. If no request is made for additional information, plaintiff shall advise defendant in writing no later than thirty (30) days after the receipt of the proposed divestiture plan whether it has any objections to the proposed divestiture plan.

(D) The time periods set forth in subsection (A) of this Section IV shall be tolled from the date plaintiff first receives in writing from Norris the details of any divestiture plan up to and including the date Norris receives written notification of plaintiff's final decision on such divestiture proposal.

(E) Nothing in this Final Judgment shall prohibit Norris from accepting and enforcing a *bona fide* lien, mortgage or other form of security interest, whether by agreement or judgment, on the assets to be divested pursuant to this Final Judgment, to secure full payment of the price at which such assets are sold.

(F) Should Norris reacquire any of the assets divested pursuant to this Final Judgment, Norris is ordered to divest such reacquired assets in accordance with the provisions of this Final Judgment within one (1) year from the date of such reacquisition.

(G) Defendant shall promptly take steps to advise prospective purchasers of the availability of the assets required to be divested by this Final Judgment, and shall furnish to all *bona fide* prospective purchasers on an equal and non-discriminatory basis all necessary information, including business records, regarding the assets to be divested and shall permit such prospective purchasers to make such inspection as may reasonably be necessary for such purpose, provided that defendant may schedule any such inspection in such a manner as not unduly to interfere with its business operations.

V.

If the divestiture required by this Final Judgment has not been completed within three (3) years from the date of entry of this Final Judgment plus any additional time provided for in subsection (D) of Section IV, the Court, upon application by plaintiff, shall appoint a trustee, who shall have full authority to manage and to dispose of PST after opportunity of the parties to be heard. The costs and expenses of such trustee required to accomplish divestiture are to be at the expense of Norris.

VI.

(A) In the event PST Plant 1 is divested pursuant to this Final Judgment, the purchaser thereof may, at any time within six (6) months from the completion of the divestiture, request PST technical data from Norris, and Norris shall as promptly as possible supply such technical data at a cost not exceeding the cost of reproducing such data to the extent it already exists in writing, and at a cost not exceeding the cost of preparing such data to the extent it does not already exist in writing. Norris shall, for a period of thirty (30) months following the completion of such divestiture, at the purchaser's request clarify or explain such PST technical data or make reasonable efforts to supplement such PST technical data with additional technical data of PST (whether or not existing in writing on the effective date of this Final Judgment), at a cost not exceeding the cost of such clarifying, explaining or supplementing, to the end of attempting to assist the purchaser to manufacture the industrial cylinders manufactured by PST other than at Plant 1 on the effective date of this Final Judgment, provided that nothing herein shall make Norris a guarantor of the purchaser's ability to manufacture such industrial cylinders by use of such technical data or otherwise.

(B) In the event PST Plant 1 is divested pursuant to this Final Judgment, Norris may retain non-exclusive, royalty-free, licenses with the unrestricted right to sublicense, under any patent or patent applications of PST relating to the manufacture of any product produced by PST other than at PST Plant 1 on the date of completion of divestiture of PST Plant 1, together with copies of, and an unrestricted proprietary interest in, all technical data relating to the manufacture of such products.

VII.

No officer, director, agent or employee of Norris shall at the same time be an officer, director or employee of the purchaser of any of the assets divested pursuant to this Final Judgment.

VIII.

Norris is enjoined and restrained, for a period of ten (10) years from the effective date of this Final Judgment from acquiring without the prior consent of the plaintiff any equity interest in or evidence of indebtedness (other than indebtedness arising from the sale of goods or services in the ordinary course of business) of any company engaged in the manufacture of high pressure compressed gas cylinders, acetylene cylinders, acetylene cylinder shells or accumulator shells or any of the capital assets of any such company that are or have been used in the manufacture of any such products.

IX.

Beginning six (6) months after the date of entry of this Final Judgment, and continuing every six (6) months until the divestiture ordered by this Final Judgment has been completed or until the appointment of a trustee pursuant to this Final Judgment, Norris shall furnish a written report to plaintiff setting forth the steps it has taken to accomplish the divestiture required by said Final Judgment.

X.

For the purpose of determining or securing compliance with this Final Judgment and for no other purpose, and subject to any legally recognized privilege:

(A) Any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Norris, made to its principal office, be permitted (1) access during the regular office hours of Norris, to inspect and copy

any and all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of Norris, relating to any of the subject matter contained in this Final Judgment, and (2) subject to the reasonable convenience of Norris, and without restraint or interference from it, to interview officers or employees of Norris, who may have counsel present, regarding such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, Norris shall submit such reports in writing with respect to the matters contained in this Final Judgment as may from time to time be requested.

No information obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

XI.

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

UNITED STATES DISTRICT JUDGE.

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

[Civil Action No. 73-1036 WPG]

UNITED STATES OF AMERICA, PLAINTIFF V. NORRIS INDUSTRIES, INC., DEFENDANT

Proposed Consent Decree

Competitive impact statement. Pursuant to section 2(b) of the *Antitrust Procedures and Penalties Act* (15 U.S.C. 16 (b)-(h)), the United States of America hereby files this Competitive Impact Statement relating to the proposed consent judgment submitted for entry in this civil antitrust proceeding.

On May 7, 1973, the Department of Justice filed a civil antitrust suit alleging that the acquisition of Pressed Steel Tank Company, Inc. ("PST") by Norris Industries, Inc. ("Norris") violated section 7 of the Clayton Act. The original complaint alleged that the acquisition would eliminate competition generally, and between Norris and PST, in the production and sale of acetylene cylinders, acetylene cylinder shells, high-pressure compressed gas cylinders, carbon dioxide cylinders, round-bottom cylinders and industrial cylinders, and would increase concentration in these product markets. The amended complaint added "accumulator shells" as a line of commerce wherein competition was allegedly lessened by the acquisition.

Compressed gas cylinders are metal containers used to store and transport compressed and liquefiable gases such as oxygen, argon, nitrogen, carbon dioxide, acetylene and medical and refrigerant gases. High-pressure compressed gas cylinders hold gas at pressures about 900 p.s.i. There are three basic types of high-pressure compressed gas cylinders: carbon dioxide cylinders, round-bottom cylinders and industrial cylinders.

Acetylene cylinders, an additional cylinder mentioned in the complaint, are sold to vendors of acetylene gas who fill the cylinders with gas. Acetylene gas, among other uses, is used as a heat source in devices which cut, remove and shape metal. Because of the explosive nature of acetylene gas, a special cylinder is required to contain it. An acetylene cylinder consists of an acetylene cylinder shell to which a porous filling and acetone solvent have been added.

High-pressure bladder type accumulators are used in fluid power systems to store hydraulic energy, absorb shock, compensate for changes in fluid pressure or volume, dispense fluids and for other purposes. Applications of these accumulators include use in hydraulic presses, on machine tools, in drilling operations and in pumping installations. High-pressure bladder type accumulators are composed of an accumulator shell into which a rubber bladder is inserted. Compressible gas is contained within the bladder, separated from the fluid in the system which usually operates at pressures of 1000 p.s.i. and above. As fluid is pumped into the accumulator the gas is compressed in the bladder, thus storing hydraulic energy in the accumulator.

At the time Norris acquired PST, Norris ranked fourth among the six producers of high-pressure compressed gas cylinders in the United States. It ranked third among the manufacturers of carbon dioxide cylinders, second among the manufacturers of round-bottom cylinders and fourth among he manufacturers of industrial cylinders. Norris was also the second largest of only two manufacturers of acetylene cylinder shells, and the third largest of only three sellers of acetylene cylinders in 1970. Norris was the second largest of six manufacturers of accumulator shells in 1970.

In 1970, when Norris acquired all of the shares of the capital stock of PST, PST ranked second among the six producers of high-pressure compressed gas cylinders in the United States. It ranked fourth among the manufacturers of carbon dioxide cylinders, first among the manufacturers of round-bottom cylinders and second among the manufacturers of industrial cylinders. At that time PST was the nation's largest manufacturer of acetylene cylinder shells and of accumulator shells.

Prior to the acquisition, Norris and PST engaged in substantial competition in the manufacture and sale of high-pressure compressed gas cylinders. In 1970 PST accounted for approximately 25.8 percent of total shipments of high-pressure compressed gas cylinders and Norris accounted for approximately 8.2 percent, for a combined total of 34 percent. At that time, Norris accounted for approximately 17.6 percent, and PST approximately 10.9 percent of total shipments of carbon dioxide cylinders, for a combined total of 28.5 percent. In the market for round-bottom cylinders Norris accounted for approximately 31.1 percent of total shipments and PST approximately 66.8 percent, for a combined total of 97.9 percent, and in the market for industrial cylinders, Norris accounted for approximately 1.4 percent and PST approximately 30.4 percent of total 1970 shipments. At the time of the acquisition Norris and PST were the only manufacturers of acetylene cylinder shells in the United States. In the market for accumulator shells in 1970, Norris accounted for approximately 34.4 percent of total shipments and PST accounted for approximately 47.5 percent.

In industrial cylinders, unlike the other products alleged in the complaint, the case primarily involved a lessening of potential competition. Norris had been unsuccessfully attempting to enter this highly concentrated market in which PST held a large market share. The complaint sought divestiture by Norris of all of the stock or assets of PST.

PST operates two manufacturing plants, both in Milwaukee, Wisconsin. Plant one, built in 1902, is used to manufacture all relevant product lines except industrial cylinders and accumulator shells. The plant has no room for expansion. Plant two is used to manufacture industrial cylinders, a product line in which Norris had no substantial production prior to the acquisition. A small dollar volume of accumulator shells was manufactured in plant one prior to 1969 and thereafter they were manufactured in plant two. Each plant uses different machinery and production processes and is therefore not equipped to produce cylinders made by the other plant.

The proposed consent decree provides a combination of measures to dispel the anticompetitive effects alleged by the complaint. First, Norris is required to divest either plant one, the larger of PST's two plants, within eighteen months, or all of PST including both plants within three years. Second, if Norris divests PST plant one, it will provide the purchaser of the plant with the technology and know-how involved in making industrial cylinders. Third, if the required divestiture has not been completed within three years, the Court, upon application of the United States, shall appoint a trustee to carry out the divestiture, at the expense of Norris. Fourth, Norris is enjoined for a period of ten years from acquiring, without the consent of the Justice Department, any company engaged in manufacturing any products covered by the complaint. These measures should serve to increase competition and reduce industry concentration.

As noted above, the prayer for relief in this case sought divestiture of all of the stock or assets acquired from PST. The proposed settlement would permit Norris to retain PST plant two, if it promptly sells plant one; otherwise, it must divest all of PST.

The alternative to the proposed consent decree considered by the Antitrust Division of the Department of Justice was a full trial on the merits in order to attempt to obtain complete divestiture by Norris of PST. The Antitrust Division determined that the additional relief which might be obtained at trial did not justify the commitment of manpower and additional delay in obtaining relief. Here competition could be promptly restored in those major lines of commerce where Norris and PST previously were direct competitors, and important technology and know-how in manufacturing industrial cylinders would be made available to the purchaser of plant one. This transfer of technology will enhance the position of a purchaser of plant one as a potential entrant into the industrial cylinder market. An important factor in this settlement was the relatively small dollar volume of sales here involved. In the year of the acquisition, PST had sales of industrial cylinders of less than $6 million.

Although PST moved production of accumulator shells from plant one to plant two in 1969, it later discontinued production of these shells some time after the acquisition. Since the acquisition, an additional firm has entered the industry and become a major supplier of these shells.

Many general considerations are involved in every enforcement decision. Here, for example, an appraisal of the time and effort that would be required for a trial on the merits was obviously a factor. Also, the proof of a potential competition case, such as is involved in industrial cylinders, is significantly more difficult than for a case involving existing competition. Moreover, Norris' past inability to successfully manufacture industrial cylinders compounded these problems and was a factor in gauging the likelihood of success on this part of the case.

In evaluating the relative benefits to competition of the relief here proposed and

that which might be obtained at trial were complete divestiture ordered, we ultimately must judge the relative effectiveness of two potential competitors. With this settlement, the purchaser of plant one would be a potential competitor in industrial cylinders. On the other hand, if divestiture of all of PST were ordered at trial, the divested company would be the actual competitor in industrial cylinders and Norris would return to its pre-acquisition status as a potential entrant. Norris had tried to enter this market, and not succeeded as of the date of the acquisition. The Antitrust Division evaluates Norris as a more likely entrant than a new owner of PST plant one, but the Division does not believe that this difference in competitive impact is sufficiently significant to justify the resource allocations and risks involved in trial. Of far greater competitive significance is the prompt restoration of PST as a competitor in those lines of commerce where it and Norris were direct and substantial competitors prior to the acquisition, which the proposed Judgment would achieve.

Any potential private plaintiffs who might have been damaged by the alleged violations will retain the same right to sue for monetary damages and any other legal and equitable remedies which they would have had, were the proposed consent decree not entered. However, this judgment may not be used as *prima facie* evidence in private litigation pursuant to section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

The proposed Final Judgment is subject to a stipulation by and between the United States and the Defendant, which provides that the United States may withdraw its consent to the proposed Final Judgment until the Court has found that entry of the proposed judgment is in the public interest. By its terms, the proposed Judgment provides for retention of jurisdiction of this action in order, among other things, to permit either of the parties thereto to apply to the Court for such orders as may be necessary or appropriate for its modification.

As provided by the *Antitrust Procedures and Penalties Act*, any persons believing that the proposed Judgment should be modified may for a 60 day period submit written comments to the United States Department of Justice, Antitrust Division, Washington, D.C. 20530, which will file with the Court and publish in the FEDERAL REGISTER such comments and its response to such comments. The Department of Justice will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed Final Judgment.

No materials and documents of the type described in section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)) were considered in formulating this Proposed Judgment.

Dated: February 18, 1975.

FRANK N. BENTKOVER,
RONALD J. SILVERMAN,
Attorneys, Department of Justice.

[FR Doc.75-4761 Filed 2-20-75;8:45 am]

FEDERAL ADVISORY COMMITTEE ON FALSE IDENTIFICATION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. Appendix I) that the fifth meeting of the Federal Advisory Committee on False Identification will be held at 10:00 a.m., Thursday, March 13, 1975, at the Briefing and Conference Center of the Department of Justice (opposite Room 1315), 10th and Constitution Avenues, NW., Washington, D.C.

The Committee was established by the Attorney General to study the criminal use of false identification at Federal, state and local levels and to recommend measures to prevent the criminal use of false identification and the obtaining of fraudulent identification documents.

At the fifth meeting the Committee's five Task Forces will continue to examine the scope of the false identification problem in the following areas: Government payments, commercial transactions, fugitives, Federal identification documents, and state and local identification documents. Each area will be reviewed with emphasis on: (1) the number of cases in which member agencies or organizations are victimized by false identification; (2) the dollar impact of using false identification; (3) social and other costs of the criminal use of false identification; (4) false identification techniques; and (5) user and victim profiles. The meeting, open to the public, will adjourn at approximately 3:30 p.m.

Further information concerning this meeting may be obtained from David J. Muchow, General Crimes Section, Criminal Division, Department of Justice, Room 402 Federal Triangle Building, 315 9th Street, NW., Washington, D.C. 20530; telephone: area code 202-739-2745. Minutes of the meeting will be available for public inspection two weeks after the meeting in Room 402, Federal Triangle Building.

JOHN C. KEENEY,
Acting Assistant Attorney General.

[FR Doc.75-4714 Filed 2-20-75;8:45 am]

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Application

Pursuant to Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on January 17, 1975, G. D. Searle & Company, Searle Parkway and Niles Avenue, Skokie, Illinois 60076, made application to the Drug Enforcement Administration to be registered as an Importer of Diphenoxylate, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Diphenoxylate in bulk may, on or before March 24, 1974 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the applicaiton (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position of those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: February 12, 1975.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.75-4803 Filed 2-20-75;8:45 am]

Law Enforcement Assistance Administration

PRIVATE SECURITY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given as to the specific location of the meeting of the Law Enforcement/Private Security Relationship Study Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration. As previously announced, the meeting will take place on Friday, March 7, 1975. The specific location will be Room 2109, Hilton International Hotel at O'Hare International Airport, Chicago, Illinois. The meeting will begin at 9:30 AM.

Difficulties were encountered in scheduling this meeting and arranging for meeting facilities. To provide sufficiently advanced notice of this meeting, the initial notice had to be published without including the specific meeting location.

For further information, please contact: Irving Slott, Director, Planning Development and Evaluation Division, Office of National Priority Programs, LEAA, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. (202) 386-3317.

GERALD YAMADA,
Attorney-Advisor
Office of General Counsel.

[FR Doc.75-4891 Filed 2-20-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

KODIAK, ALASKA

Nominations of Lands; Notice of Hearing

Notice is hereby given that pursuant to 43 U.S.C. 2653.7, a public hearing will be held on March 17, 1975, beginning at 1 p.m., in the Kodiak Borough Assembly Conference Room at Kodiak, Alaska, for the purpose of obtaining public comment on the nomination of lands near Kodiak by the Natives of Kodiak, Inc. under provisions of the Alaska Native Claims Settlement Act.

The hearing will be open to the public, and any interested person may make

an oral statement or file a written statement. Requests to give oral statements should be made to the Bureau of Land Management representative at the public hearing, and written statements may be submitted by April 2, 1975, to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska, 99501.

Additional public hearings required under the aforementioned authority shall be scheduled in Juneau and Sitka, with locations and dates to be announced.

JENS C. JENSEN,
Acting State Director, Alaska.

[FR Doc.75-4710 Filed 2-20-75;8:45 am]

[Colorado 22344]

WESTERN SLOPE GAS CO.

Notice of Pipeline Application

FEBRUARY 12, 1975.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right of way for a four-inch natural gas gathering pipeline across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 3 S., R. 101 W.,
Sections 30 and 31.
T. 3 S., R. 102 W.,
Section 25, all in Rio Blanco County, Colorado

The pipeline will connect the Fuelco Rope Canyon 5-31C FED and 7-31C FED natural gas wells to applicant's West Douglas to Grand Junction Transmission Line. The purpose of the project is to enable applicant to meet the increasing demands for adequate supplies of natural gas in the Grand Junction, Colorado, market area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.75-4712 Filed 2-20-75;8:45 am]

[NM.24512]

NEW MEXICO

Notice of Application

FEBRUARY 14, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc. has applied for a 6 inch natural gas pipeline and a 46.25 acre compressor site right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 19 S., R. 32 E.
Sec. 5, SW¼NW¼, W½SW¼;
Sec. 6, S½NE¼, S½SE¼;
Sec. 8, W½W½;
Sec. 17, W½W½;
Sec. 20, W½NW¼.

This pipeline will convey natural gas across 4.08 miles of national resource lands in Lea County, New Mexico.

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

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, PO Box 1397, 1717 West Second Street, Roswell, NM 88201.

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

[FR Doc.75-4774 Filed 2-20-75;8:45 am]

[Int. Des. 75-]

OUTER CONTINENTAL SHELF OFFSHORE SOUTHERN CALIFORNIA

Availability of Draft Environmental Impact Statement; Public Hearing Regarding Possible Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 297 tracts of submerged lands on the Outer Continental Shelf offshore southern California.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 7663 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012 and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for review in the main public libraries in various coastal cities in the sale area.

In accordance with 43 CFR 3301.4, a public hearing will be held in the Los Angeles area in May, 1975, for the purpose of receiving comments and suggestions relating to the possible lease sale. The exact location and dates of this hearing will be announced at a later date.

Review comments on the draft environmental statement will be accepted by the Department until May 23, 1975. These comments should be addressed to the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, at the above listed address.

After a public hearing is held and comments have been received and analyzed a final environmental statement will be prepared.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: February 3, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4930 Filed 2-20-75;8:45 am]

[Wyoming 49454]

WYOMING

Notice of Application

FEBRUARY 11, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 13 N., R. 92 W.,
Sec. 5, E½NE¼, SW¼NE¼, and W½SE¼;
Sec. 8, W½NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 17, NW¼NW¼;
Sec. 18, E½NE¼, SW¼NE¼, E½SW¼, NW¼SE¼, and lot 8;
Sec. 19, lots 5, and 6.
T. 14 N., R. 92 W.,
Sec. 4, SW¼NW¼, and W½SW¼;
Sec. 5, lot 5, and SE¼NE¼;
Sec. 9, W½W½;
Sec. 16, W½NW¼, N½SW¼, and SE¼SW¼;
Sec. 21, NE¼NW¼, and W½W½;
Sec. 28, W½W½;
Sec. 29, E½SE¼;
Sec. 32, E½E½.
T. 15 N., R. 92 W.,
Sec. 6, lots 9, 10, SW¼NE¼, W½SE¼, and SE¼SE¼;
Sec. 7, E½NE¼;
Sec. 8, SW¼NW¼, and W½SW¼;
Sec. 17, N½NW¼, SE¼NW¼, and E½SW¼;
Sec. 20, E½NW¼, SW¼NE¼, and W½SE¼;
Sec. 29, W½NE¼, N½SE¼, and SE¼SE¼;
Sec. 32, E½E½.
T. 16 N., R. 92 W.,
Sec. 30, lot 8;
Sec. 31, lots 5, 6, 7, and E½SW¼.
T. 12 N., R. 93 W.,
Sec. 3, lot 1, SE¼NE¼, and NE¼SE¼.
T. 13 N., R. 93 W.,
Sec. 24, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 25, N½NW¼, and SW¼NW¼;
Sec. 26, SE¼NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 34, SE¼SE¼;
Sec. 35, NE¼NW¼, S½NW¼, and W½SW¼.

T. 16 N., R. 93 W.,
Sec. 11, SW¼NE¼, E½SW¼, and NW¼ SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, NE¼NE¼, S½NE¼, N½NW¼, SE¼NW¼, SE¼SW¼, and W½SE¼;
Sec. 15, N½NE¼;
Sec. 22, N½NE¼;
Sec. 23, N½N½, and SE¼NE¼;
Sec. 24, SW¼NW¼, W½SW¼, and SE¼ SW¼;
Sec. 25, W½NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼.

The pipeline will be a part of the Barrel Springs Gathering System in Carbon 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 670, Rawlins, WY 82301.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-4711 Filed 2-20-75;8:45 am]

Office of the Secretary

[INT FES 75-33]

E-65 SYSTEM PROJECT IMPROVEMENTS, CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement on a Pub. L. 984, Small Reclamation Projects Loan Application, by the Central Nebraska Public Power and Irrigation District, proposing a water supply project for the purpose of storing and furnishing supplemental irrigation water to water-deficient areas of E-65 project lands located in Gosper and Phelps Counties, Nebraska.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240 Telephone (202) 343-4991

Director of Design and Construction, Attention: Code 203, Room 1010 E&R Center, Denver Federal Center Denver, Colorado 80225 Telephone (303) 234-2050

Office of the Regional Director, Bureau of Reclamation Lower Missouri Region Building 20, Denver Federal Center Denver, Colorado 80225 Telephone (303) 234-4441

Planning Officer, Nebraska Reclamation Office Bureau of Reclamation P.O. Box 1607 Grand Island, Nebraska 68801 Telephone (308) 382-3660

Single copies of the final statement may be obtained upon request to the Commissioner of Reclamation, the Regional Director, or the Planning Officer, Nebraska Reclamation Office. Please refer to the statement number above.

Dated: February 18, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4797 Filed 2-20-75;8:45 am]

[INT DES 75-7]

SAN FELIPE DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply project for the purpose of furnishing supplemental municipal and irrigation water supplies to water-deficient portions of Santa Clara and San Benito Counties, south of San Francisco Bay, California. The environmental statement concerns the effects of construction of tunnels and conduits with associated pumping plants and regulating reservoirs to deliver some 200,000 acre-feet of water per year (by the year 2020) from Central Valley Project supplies conveyed through and diverted from the Sacramento-San Joaquin Delta to areas of the two specified Counties. Written comments may be submitted to the Regional Director (address below) within 45 days of the date of this notice.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3006.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4792.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: February 19, 1975.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.75-4868 Filed 2-20-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A146]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Iowa:

Howard Wapello

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall May 7-25 and June 3 and killing frost September 21 and 23, 1974, in Howard County; and excessive rainfal May 4 through June 21; drought July 6-30; abnormally cloudy, cool weather August 1 through September 20; hailstorm in Blakesburg area on August 13; and killing frost September 20 and October 2, 1974, in Wapello County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 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 14th day of February, 1975.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.75-4812 Filed 2-20-75;8:45 am]

[Notice of Designation Number A145]

NORTH DAKOTA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in North Dakota:

LaMoure

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 1 to July 31 and hail, wind, and a tornado on August 19, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 1975, for production losses, except that qualified

borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 14th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4813 Filed 2-20-75;8:45 am]

[Notice of Designation Number A139]

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in South Dakota:

Hand Potter

The Secretary has found that this need exists as a result of a natural disaster consisting of drought June 15 through November 8, 1974, in Hand County and April 1 through September 30, 1974, in Potter County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 10, 1975, for physical losses and November 10, 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 14th day of February 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4814 Filed 2-20-75;8:45 am]

[Notice of Designation Number A143]

WYOMING

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Wyoming:

Crook Weston
Niobrara

The Secretary has found that this need exists as a result of a natural disaster consisting of drought January 1 to November 1, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of former Governor Stanley K. Hathaway that such designation be made.

Applications for Emergency loans must be received by this Department no later than April 11, 1975, for physical losses and November 11, 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 14th day of February, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-4815 Filed 2-20-75;8:45 am]

Forest Service

LATOUCHE ISLAND TIMBER SALE

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 Latouche Island Timber Sale, Report Number USDA-FS-DES(Adm)R-10-75-02.

This environmental statement concerns a proposed timber sale involving the harvesting of 2.780 million board feet of timber.

This draft environmental statement was transmitted to the CEQ on February 11, 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.

U.S. Department of Agriculture
Forest Service—Alaska Region
Federal Building
Juneau, Alaska 99802

Forest Supervisor
Chugach National Forest
121 W. Fireweed Lane, Suite 205
Anchorage, Alaska 99503

Forest Supervisor, Chatham Area
Tongass National Forest
Federal Building
Sitka, Alaska 99835

Forest Supervisor, Stikine Area
Tongass National Forest
Federal Building
Petersburg, Alaska 99833
Forest Supervisor, Ketchikan Area
Tongass National Forest
Federal Building, Room 313
Ketchikan, Alaska 99901

A limited number of single copies are available upon request to Clay G. Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage, Alaska 99503.

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

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Clay G. Beal, Forest Supervisor, Chugach National Forest, 121 W. Fireweed Lane, Anchorage, Alaska 99503. Comments must be received by April 14, 1975 in order to be considered in the preparation of the final environmental statement.

C. A. YATES,
Regional Forester, Alaska Region.

FEBRUARY 11, 1975.

[FR Doc.75-4696 Filed 2-20-75;8:45 am]

ROGUE PLANNING UNIT, SISKIYOU NATIONAL FOREST, OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Rogue Planning Unit, Siskiyou National Forest, Oregon. USDA-FS-DES-(Adm)-74-8.

The environmental statement concerns a proposed land use management plan for the Rogue Planning Unit, Siskiyou National Forest, in Coos and Curry Counties, Oregon. The proposed plan applies to a 27,000-acre roadless area.

This final environmental statement was transmitted to CEQ on February 12, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3231
12th Street and Independence Avenue, SW.
Washington, D.C. 20250

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

Siskiyou National Forest
1504 N.W. 6th Street
Grants Pass, Oregon 97526

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor William P. Ronayne, 1504 NW. 6th Street, Grants Pass, Oregon 97526.

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

ROBERT R. TYRREL,
Director, Planning, Programing and Budgeting.

FEBRUARY 12, 1975.

[FR Doc.75-4697 Filed 2-20-75;8:45 am]

MANAGEMENT OF FAIRVIEW, PUDDIN ROCK AND CANTON-STEELHEAD ROADLESS AREAS 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 Fairview, Puddin Rock and Canton-Steelhead Roadless Areas, Umpqua National Forest, Oregon. USDA-FS-R-6-DES-(Adm)-75-09.

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 February 14, 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 S.W. 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.

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

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470. Comments must be received by April 25, 1975, in order to be considered in the preparation of the final environmental statement.

KENT T. CHURCHILL,
Acting Forest Supervisor, Umpqua National Forest.

FEBRUARY 14, 1975.

[FR Doc.75-4770 Filed 2-20-75;8:45 am]

SAN JUAN NATIONAL FOREST GRAZING ADVISORY BOARD; MONTEZUMA SECTION

Cancellation of Meeting

As reestablishment of the grazing board is still pending, the meeting of the Montezuma Section of the San Juan National Forest Grazing Advisory Board scheduled for February 12, 1975, was cancelled on January 20, 1975, and will not be held.

JOHN R. COOLEY,
Acting Forest Supervisor.

FEBRUARY 11, 1975.

[FR Doc.75-4771 Filed 2-20-75;8:45 am]

SAN JUAN NATIONAL FOREST GRAZING ADVISORY BOARD; SAN JUAN SECTION

Cancellation of Meeting

As reestablishment of the grazing board is still pending, the meeting of the San Juan Section of the San Juan National Forest Grazing Advisory Board scheduled for February 13, 1975, was cancelled on January 20, 1975, and will not be held.

JOHN R. COOLEY,
Acting Forest Supervisor.

FEBRUARY 11, 1975.

[FR Doc.75-4772 Filed 2-20-75;8:45 am]

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with loan applications from Colorado-Ute Electric Association, Inc., Box 1149, Montrose, Colorado 81401. The statement covers approximately 16.5 miles of new 115 kV transmission line from Basalt, Eagle County, Colorado, to Aspen, Pitkin County, Colorado; the upgrading of an existing parallel 69 kV line to 115 kV to provide loop service from Basalt to Aspen, Colorado; the installation of terminal facilities for both lines at the existing Basalt Substation and a 3.5 mile 115 kV tap line from the proposed Basalt to Aspen loop transmission system to a 115-24.9 kV substation in the Snowmass-at-Aspen area. It will also cover 42 miles of 115 kV transmission line from Bayfield, LaPlata County, Colorado to Pagosa, Archuleta County, Colorado; terminal facilities at the existing Bayfield Substation and a new 115-69 kV Pagosa Substation.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Final Environmental Impact Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before March 24, 1975 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 11th day of February, 1975.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.75-4816 Filed 2-20-75;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

STATE COASTAL ZONE MANAGEMENT PROGRAMS

Necessity of Cooperation Between Federal and State Agencies in Development

The attention of Federal agencies is invited to the fact that certain provisions of the Coastal Zone Management Act of 1972 (86 Stat. 1280), hereafter the Act) require that, before the Secretary of Commerce (by delegation, the Administrator, National Oceanic and Atmospheric Administration, hereafter the Administrator) can approve a state's coastal zone management program, he must determine, among other things, that there has been:

the opportunity of full participation (in the development of a program) by relevant Federal agencies (section 306(c)(1):

and that;

the views of Federal agencies principally affected by such program have been adequately considered (section 307(b)).

The Administrator has determined that the Federal agencies listed below are "relevant" to any state coastal zone management program, and shortly will issue regulations which will require any state agency or other entity responsible

for the development of a coastal zone management program to work with the appropriate office(s) of each of these Federal agencies in the development of its program.

Department of Agriculture
Department of Commerce
Council on Environmental Quality
Department of Defense
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Transportation
Environmental Protection Agency
Energy Research and Development Administration
Nuclear Regulatory Commission
Federal Energy Administration
Federal Power Commission
General Services Administration

However, it is possible that a given state program may involve the interests of one or more Federal agencies not listed. Therefore, in order to insure that no such agencies are overlooked in the development of any state program, there are listed below the coastal states (and their individual state agencies) which have received grants, as authorized by section 305 of the Act, for the purpose of developing coastal zone management programs. Should any Federal agency not appearing on the above list believe that its interests would be "relevant" to any of these developing state programs, or be "principally affected" by any of them, that Federal agency should so inform the Administrator, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Attention: Office of Coastal Zone Management). Upon receipt of this information, the Administrator shall inform each state agency of the name and contact office of any Federal agency not listed above which has interests which are relevant to, or could be principally affected by, that state agency's coastal zone management program; and he shall instruct that state agency to work with such Federal agency in the development of the state program.

Alabama:
Alabama Development Office
State Office Building
Montgomery, Alabama 36104

Alaska:
Division of Marine and Coastal Zone Management
Department of Environmental Conservation
Pouch 0
Juneau, Alaska 99801

California:
California Coastal Zone Conservation Commission
1540 Market Street
San Francisco, California 94102

Connecticut:
Department of Environmental Protection
State Office Building
Hartford, Connecticut 06115

Delaware:
Executive Department
Delaware State Planning Office
Thomas Collins Building
Dover, Delaware 19901

Florida:
Coastal Coordinating Council
309 Office Plaza Drive
Tallahassee, Florida 32301

Georgia:
Georgia Office of Planning and Budget
Room 613
Trinity-Washington Building
Atlanta, Georgia 30334

Hawaii:
Department of Planning and Economic Development
P.O. Box 2359
Honolulu, Hawaii 96804

Illinois:
Illinois Department of Conservation
605 State Office Building
400 South Spring Street
Springfield, Illinois 62706

Louisiana:
Louisiana State Planning Office
P.O. Box 44425
Baton Rouge, Louisiana 70804

Maine:
State Planning Office
184 State Street
Augusta, Maine 04330

Maryland:
Maryland Department of Natural Resources
Water Resources Administration
Tawes State Office Building
Annapolis, Maryland 21401

Massachusetts:
Executive Office of Environmental Affairs
Commonwealth of Massachusetts
18 Tremont Street
Boston, Massachusetts 02108

Michigan:
Michigan Department of Natural Resources
Stevens T. Mason Building
Lansing, Michigan 48926

Minnesota:
State Planning Agency
Capitol Square Building
St. Paul, Minnesota 55101

Mississippi:
Mississippi Marine Resources Council
P.O. Box 497
Long Beach, Mississippi 39560

New Hampshire:
Office of Comprehensive Planning
State House Annex
Concord, New Hampshire 03301

New Jersey:
New Jersey Department of Environmental Protection
John Fitch Plaza
P.O. Box 1889
Trenton, New Jersey 08625

New York:
New York State Office of Planning Services
488 Broadway
Albany, New York 12207

North Carolina:
North Carolina Department of Natural and Economic Resources
116 West Jones Street
Raleigh, North Carolina 27611

Ohio:
Ohio Department of Natural Resources
Fountain Square, Building E
1952 Belcher Drive
Columbus, Ohio 43224

Oregon:
Department of Land Conservation and Development
240 Cottage Street, S.E.
Salem, Oregon 97310

Pennsylvania:
Department of Environmental Resources
P.O. Box 1467
Harrisburg, Pennsylvania 17120

Puerto Rico:
Department of Natural Resources
P.O. Box 5887
Puerta de Tierra
San Juan, Puerto Rico 00906

Rhode Island:
Rhode Island Department of Administration
Rhode Island State House—Room 118
Providence, Rhode Island 02903

South Carolina:
South Carolina Coastal Zone Planning and Management Council
P.O. Box 12559
Charleston, South Carolina 29412

Texas:
Texas General Land Office
1700 North Congress
Austin, Texas 78711

Virgin Islands:
Virgin Islands Planning Office
Office of the Governor
P.O. Box 2606
St. Thomas, Virgin Islands 00801

Virginia:
Virginia Division of State Planning and Community Affairs
Commerce and Resources Section
Office of Environmental Resources
1010 James Madison Building
109 Governor Street
Richmond, Virginia 23219

Washington:
Washington State Department of Ecology
Olympia, Washington 98504

Wisconsin:
Department of Administration
One West Wilson
Madison, Wisconsin 53711

The immediately foregoing list of states and state agencies includes all of the coastal states subject to the Act except Indiana and the territories of Guam and Samoa. The Administrator has received no application for a development grant from any of these. When he receives such an application, he shall publish a notice of receipt of such application in the FEDERAL REGISTER; and shall solicit an expression of interest in such application by Federal agencies not listed above.

ROBERT M. WHITE,
Administrator.

[FR Doc.75-4698 Filed 2-20-75;8:45 am]

Office of the Secretary

[DOO 25-4B; Amdt. 3]

OFFICE OF MINORITY BUSINESS ENTERPRISE

Authority and Organization

This order, effective February 4, 1975, further amends the material appearing at 38 FR 27430 of October 3, 1973; 38 FR 27431 of October 3, 1973; and 39 FR 26768 of July 23, 1974.

Department Organization Order 25-4B, dated August 30, 1973 is hereby further amended as follows:

1. SECTION 3. *Office of the Director.* Paragraph .07 is added to read as follows:

.07 The Indian Office shall be jointly responsible, with the Regional Directors, for coordinating, developing, monitoring and evaluating all OMBE programs and activities related to American Indians.

2. SEC. 5. *National Programs Division.* Delete paragraph .10.

3. SEC. 6. *Field Structure.* a. The opening paragraph is revised to read as follows:

The principal field structure of OMBE shall consist of regional offices ("OMBE

Regional Offices"), located in New York, Washington, D.C., Atlanta, Chicago, Dallas, and San Francisco. Except as provided in (a) and (b) of this paragraph and in subparagraph .01(b) of this section, each Regional Office shall direct the support and evaluation of OMBE contracts and grants, and the mobilization of public and private resources in support of the minority enterprise program over a prescribed multi-State region, as depicted in Exhibit 2 of this Order. The Regional Offices shall not be responsible for the support and evaluation of:

(a) Those contracts and grants affecting the program in more than one region, which shall be the responsibility of the National Programs Division; and

(b) Experiment and Demonstration projects, which shall be the responsibility of the Program Research and Development Staff.

b. Paragraph .01 is revised to read as follows:

.01(a) The *Regional Directors in New York, Chicago, Washington, D.C., Atlanta, Dallas and San Francisco* shall be responsible for effectively implementing the OMBE program in their respective OMBE regions. Each Regional Director shall report directly to the OMBE Director on all activities and developments in the region, represent OMBE in meetings and conferences, and make speeches and statements through the media to promote the OMBE program. He shall be responsible for the management practices and procedures of the Regional Office, the support and evaluation of all OMBE contracts and grants assigned to the region, and recommendations on renewal or nonrenewal of existing contracts, and funding of new contract proposals.

(b) In addition to the functions and responsibilities described in subparagraph (a) of this paragraph, the *Regional Director in Chicago*, through the National Franchising Center, shall be responsible for planning, directing and coordinating all activities related to OMBE's nationwide franchising program, and shall be the Contracting Officer's Technical Representative for all contracts and grants related to the franchising program.

c. Paragraph .04 is revised to read as follows:

.04 The *Project Support and Evaluation Staff* shall be headed by a Senior Project Officer and composed of several project officers. The number of project officers shall depend on the number of OMBE contractors in the Region. This staff shall be responsible for the support and evaluation of all OMBE contracts assigned to a Region.

d. Delete subparagraphs .04 (a) and (b).

4. The organization chart Exhibit 1, attached to this amendment supersedes the organization chart dated August 30, 1973. A copy of the Organization chart is attached to the original of this document on file in the Office of the Federal Register.

Effective date: February 4, 1975.

ALEX M. ARMENDARIS,
Director, Office of Minority Business Enterprise.

Approved:
GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.75-4725 Filed 2-20-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EPDA TEACHERS FOR INDIAN CHILDREN AND BILINGUAL EDUCATION TRAINING PROGRAMS

Closing Date for Receipt of Applications

Pursuant to the authority contained in section 501(b) and 532 of the Higher Education Act of 1965 as amended (20 U.S.C. 1091(b) and 1119a), notice is hereby given that the U.S. Commissioner of Education has established a closing date for receipt of applications for the renewal of presently funded projects in the Teachers for Indian Children Program and the Bilingual Education Training Program. Because the appropriation avilable for these programs is quite limited, only a small number of the currently funded projects will be renewed and applications for support of new projects will not be accepted.

In reviewing applications for continuation projects to be awarded in Fiscal Year 1975, the Commissioner will utilize the review criteria set forth in 45 CFR 100a.26, and will evaluate the extent to which the applicant is meeting the objectives set forth in the previously approved work statement and the extent to which the applicant is fulfilling the funding criteria published in the FEDERAL REGISTER for April 4, 1974 (pp. 12273–12276), on which such projects were approved and supported. (A copy of these criteria are attached as an appendix to this notice, for the information of eligible applicants.)

In order to be assured of consideration, applications must be received by the U.S. Office of Education Application Control Center on or before March 31, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.506 (for the Bilingual Education Training Program) or 13.546 (for the Teachers for Indian Children Program). An application sent by mail will be deemed to have been received on time:

(1) If the application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) If the application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Educational Systems Development, Bureau of Occupational and Adult Education, Office of Education, Room 3032, 7th and D Streets, SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to these programs are the Office of Education General Provisions Regulations (45 CFR Part 100a), and the regulations for the Education Profession's Development Program (45 CFR Part 174).

(Catalog of Federal Domestic Assistance Numbers 13.506 and 13.546 Educational Personnel Training Grants—Bilingual Education Training, and Teachers for Indian Children)

Dated: February 9, 1975.

T. H. BELL,
Commissioner of Education.

APPENDIX

A. *The criteria used during FY 74 for the funding of applications under the Bilingual Education Training Program were as follows.*—1. The extent to which the program or project will result in educational personnel better prepared to teach children of limited English-speaking ability or educational personnel better prepared to train such teachers;

2. The extent to which the program or project will increase the capability of an institution to train educational personnel in bilingual education;

3. The extent to which the training of personnel under the program or project is coordinated with, or supportive of, projects funded under the Bilingual Education Program authorized by Title VII of the Elementary and Secondary Education Act of 1965 or with projects of the type that may be supported under that program;

4. The extent to which the proposed program or project is directed toward the educational personnel needs of a particular school or school district serving children of limited English-speaking ability;

5. The extent to which the teaching techniques and methods proposed for trained educational personnel are effective for bilingual education;

6. Under 45 CFR 100a.26(b)(8)(ii): the extent to which the proposed program includes effective procedures for evaluating the impact of the program or project in terms of the number and effectiveness of teachers serving in bilingual education programs; and

7. The extent to which the trainees are or will be trained to be literate in and able to teach in the non-English language involved.

(20 U.S.C. 1091(b) and 1119)

B. *The criteria used during FY 74 for the funding of applications under the Teachers for Indian Children Program were as follows*—1. The extent to which the proposed program or project (a) is directed toward the educational personnel needs of schools serving Indian children on a particular reservation, and (b) is designed to meet the special educational needs of such children;

2. The extent to which the applicant has, for the purposes of the program or project, established effective communication with the schools which are likely to employ persons trained under such program or project and with the Indian communities whose children are attending such schools, and has consulted with such schools, and such communities in the formulation of the proposal;

3. The number and percentage of Indians to be trained in the program or project;

4. The extent to which the proposal includes provisions for practicum or work experience;

5. Under 45 CFR 100a.26(b)(8)(ii): the extent to which the proposal includes effective procedures for evaluating the impact of the program or project in terms of the number of and effectiveness of teachers serving in target schools and in terms of meeting the needs of the students attending such schools;

6. The degree to which the training will involve educational approaches which take into account the culture and heritage of Indian children; and

7. The degree to which the training program focuses on approaches, methods and techniques which are pertinent to the education of Indian children.

(20 U.S.C. 1119a)

[FR Doc.75-4791 Filed 2-20-75;8:45 am]

Federal Council on the Aging

Notice of Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (P.L. 93-29), for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given, pursuant to P.L. 92-463 that the Council will hold a regular meeting on March 13, 14 and 15, 1975. On March 13, 1975, the meeting will be in Room 4549 Donohoe Building, 400 Sixth Street SW., Washington, D.C. from 9:30 a.m. to 5 p.m. Agenda (a.m.): status of studies and other mandated activities of the FCA, briefing on Employees Retirement Income Security Act of 1974 by a Department of Labor official; (p.m.): briefing on national income support policy for the elderly, James B. Cardwell, Commissioner of Social Security Administration, DHEW and a representative from the Office of Planning and Evaluation, DHEW. March 14, 9 a.m. to 5 p.m., Room 4549 Donohoe Building, agenda: an invited panel of experts to discuss Federal strategy to assist the frail elderly. March 15, 9 a.m. to 3 p.m., Channel Inn, 650 Water Street SW., Washington, D.C. agenda: implementation of Council priority issues and approval of Annual Report of the Council to the President.

This meeting open for public observation.

Further information on the Council may be obtained from Cleonice Tavani, Executive Director, Federal Council on the Aging, Room 4022, Donohoe Building, 400 Sixth Street, SW., Washington, D.C. 20201, telephone: (202) 245-0441.

CLEONICE TAVANI,
Executive Director,
Federal Council on the Aging.

FEBRUARY 13, 1975.

[FR Doc.75-4745 Filed 2-20-75;8:45 am]

Food and Drug Administration

[GRASP 5G0047]

BEATRICE FOODS CO., INC.

Filing of Petition for Affirmation of GRAS Status

Correction

In FR Doc. 75-3116 appearing at page 5180 in the issue for Wednesday, February 4, 1975 change the comments date from April 17, 1975 to April 7, 1975.

National Institutes of Health

CLINICAL TRIALS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart and Lung Institute, April 1-2, 1975, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on April 1, 1975, to discuss an administrative report. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on April 1, 1975 from 9:30 a.m. to adjournment, for the review, discussion and evaluation, of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Samuel M. Schwartz, Associate Director for Review, Division of Extramural Affairs, NHLI, Westwood Building, Room 655A, phone (301) 496-7351 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, . National Institutes of Health).

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

FEBRUARY 11, 1975.

[FR Doc.75-4709 Filed 2-20-75;8:45 am]

NATIONAL HEART AND LUNG INSTITUTE BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Heart and Lung Institute Board of Scientific Counselors, April 25 and 26, 1975, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9 a.m. to p.m. on April 25 and 9 a.m. to 11 a.m. on April 26 to discuss the work of the Laboratory of Cell Biology, the Laboratory of Chemical Pharmacology and the Section on Experimental Atherosclerosis, National Heart and Lung Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 4 p.m. to adjournment on April 25 and from 11 a.m. to adjournment on April 26 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Board members. Substantive information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLI, NIH Building 10, Room 7N214, phone (301) 496-2116.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

FEBRUARY 10, 1975.

[FR Doc.75-4708 Filed 2-20-75;8:45 am]

DIET, NUTRITION AND CANCER PROGRAM ADVISORY COMMITTEE

Notice of Establishment

The Director, National Institutes of Health, announces the establishment on

January 22, 1975, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Public Law 92-463) setting forth standards governing the establishment and use of advisory committees.

Name: Diet, Nutrition and Cancer Program Advisory Committee

Purpose: The Committee provides to the Director, NCI, advice concerning the need to formulate and make available to the public the best scientific recommendation for diets and nutrition appropriate to prevent cancer in healthy individuals, and to improve the cure, long-term management and rehabilitation of the cancer patient. The Committee will terminate on January 22, 1977.

R. W. LAMONT-HAVERS, M.D.,
Acting Director,
National Institutes of Health.

FEBRUARY 12, 1975.

[FR Doc.75-4707 Filed 2-20-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[Docket No. N-75-262]

TRAINING FOR STATE AND LOCAL AGENCIES

Notice of Conference

Pursuant to delegation of authority (35 FR 6877 (1970)) with respect to the administration of fair housing under Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, and HUD recognition of substantially equivalent State and local laws (24 CFR, Part 115; 37 FR 16540 (8-16-72)), notice is hereby given of a training conference for staff members of State and local fair housing agencies. The conference will convene on Monday, March 10, 1975, at 8:30 a.m. in the HUD-West Training Center, 3001 South Federal Boulevard, Denver, Colorado 80236 and extend through Friday, March 14, 1975.

The purpose of the training is to provide information on Title VIII and on the procedures developed under provisions of Title VIII to assure achievement of the fair housing objectives of Title VIII. Information will be provided on Title VIII requirements regarding the issuance by HUD of recognition of State and local fair housing laws that provide fair housing rights and remedies substantially equivalent to the rights and remedies provided in Title VIII. The conference is designed to provide an overview and working knowledge of HUD's regulations on substantially equivalent State and local fair housing laws. The training will also focus on current relations between HUD and the State and local agencies.

Persons eligible to participate in the training conference are members of the fair housing compliance enforcement staffs of State and local agencies in States and local governmental units that have fair housing laws or ordinances. Participation will be limited to 40 persons. Eligibility lists will close on February 28, 1975.

For further information concerning HUD's provision of lodging and meals call, Fair Housing, Toll Free WATS Line: (800) 424-8590.

THOMAS O. JENKINS,
Acting Assistant Secretary for Equal Opporunity.

FEBRUARY 14, 1975.

[FR Doc.75-4762 Filed 2-20-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 75-51]

INTERNATIONAL VOYAGE LOAD LINES

Chedabucto Bay, Canada; New Interpretations Regarding Certain Voyages

The purpose of this notice is to inform the public of certain new interpretations of the International Convention on Load Lines, 1966, by the Government of Canada with regard to coastal voyages to or from the Chedabucto Bay area.

The Secretary-General of the Inter-Governmental Maritime Consultative Organization has informed all Contracting Governments to the International Convention on Load Lines, 1966 of the following information received from the Government of Canada:

The Government of Canada, taking cognizance of Article 11(2) of the International Load Line Convention, 1966, regards Chedabucto Bay and the Strait of Canso to the Canso Causeway as a port standing on the boundary line between the North Atlantic Winter Seasonal Zone II and the North Atlantic Winter Seasonal Area as defined in Regulation 46(1)(b) and 46(2) respectively in Annex II of the International Load Line Convention, 1966.

Article 11(2) of the International Convention on Load Lines, 1966 states:

A port standing on the boundary line between two zones or areas shall be regarded as within the zone or area from or into which the ship arrives or departs.

Therefore, vessels over 328 feet in length will no longer be considered to be passing through the North Atlantic Winter Seasonal Zone II when sailing directly to or from the Chedabucto Bay area to or from the North Atlantic Winter Seasonal area. The effective dates for loading to the applicable Load Line for vessels over 328 feet in length on these North American coastal voyages are changed accordingly. These vessels may now load to the Summer Load Line from 16 February through 15 December and must not exceed the Winter Load Line from 16 December through 15 February as indicated in Regulation 46(2) of the International Convention on Load Lines, 1966 and 46 CFR 42.30-5(b).

Dated: February 18, 1975.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant Marine Safety.

[FR Doc.75-4756 Filed 2-20-75;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

ELIGIBLE PROPERTY IN WHEELING, WEST VIRGINIA

Public Information Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on March 6, 1975, 7:30 p.m., a public information meeting will be held in the Wheeling City Council Chambers, 2nd floor, City County Building, 1600 Chapline Street, Wheeling, West Virginia, so that representatives of national, State, and local units of government, and representatives of public and private organizations, and interested citizens can receive information and express their views on a proposed undertaking of the Economic Development Administration, U.S. Department of Commerce that will have an adverse effect upon a property eligible for inclusion in the National Register of Historic Places. The proposed undertaking is the construction of a municipal auditorium in Wheeling, West Virginia. The eligible property is the B&O Railroad Freight Station and Train Shed.

A summary of the agenda of the public information meeting follows:

I. Explanation of the procedures and purpose of the meeting by representatives of the Executive Director of the Advisory Council.

II. Explanation of the project by representatives of the Economic Development Administration, U.S. Department of Commerce.

III. Statement by the West Virginia State Historic Preservation Officer on the project.

IV. Statements from the public on the project.

Speakers will be permitted to present their views on the project and should limit their statements to approximately five minutes. Statements should be limited to the undertaking, its effects on historic and cultural properties, and alternate courses of action. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005 (202-254-3380).

Dated: February 19, 1975.

ROBERT R. GARVEY, Jr.,
Executive Director.

[FR Doc.75-4906 Filed 2-20-75;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27153]

HONOLULU-VANCOUVER ROUTE PROCEEDING

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that public hearings in the *Honolulu-Vancouver Route Proceeding*, Docket 27153, will be held on April 29, 1975, at 10 a.m. (local time) in the Imperial Suite, Ilikai Hotel, 1777 Ala Moana Boulevard, Honolulu, Hawaii, before Associate Chief Administrative Law Judge Ross I. Newmann.

Notice is further given that any person, other than a party of record, may appear at this session and present factual evidence which is relevant to the issues in accordance with Rule 14 of the Board's rules of practice. All such participants will be heard at the beginning of the hearing and will be followed by the State of Hawaii, Aloha Airlines, Hawaiian Airlines, Northwest Airlines, United Air Lines, Western Air Lines, and the Bureau of Operating Rights.

For details of the issues involved in this proceeding, interested persons are referred to the Board's Order 74–11–33 dated November 6, 1974, instituting this proceeding; the Prehearing Conference Report served on December 24, 1974; the Supplemental Prehearing Conference Report served on January 14, 1975; and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., February 14, 1975.

[SEAL] ROSS I. NEWMANN,
Associate Chief Administrative Law Judge.

[FR Doc.75–4798 Filed 2–20–75;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 15, 1975, at the Airport Marina Hotel, 8601 Lincoln Boulevard (Pompino Room), Los Angeles, California 90045.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting is to discuss activities of each subcommittee and to be briefed on upcoming open meeting in Salinas and Sacramento.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–4781 Filed 2–20–75;8:45 am]

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a press conference of the California State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 4, 1975, at the Saint Francis Hotel, at Union Square (Elizabethe Room—Second Floor/Tower Section) San Francisco, California 94119.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this press conference is to release Asian American Report, "A Case of Mistaken Identity."

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–4790 Filed 2–20–75;8:45 am]

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 5, 1975, 25 Community Drive, Maine Teachers Association, Augusta, Maine 04330.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is a follow-up to SAC's report on the Maine Indian project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–4782 Filed 2–20–75;8:45 am]

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee (SAC) to this Commission will convene at 8 p.m. on March 13, 1975, Social Security Building, Baltimore, Maryland.

Persons wishing to attend this meeting should contact the Commission Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting is to discuss follow-up on published reports, plan for 1975 major activities, and identify potential SAC members.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–4783 Filed 2–20–75;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. on March 13, 1975, in the Detroit Heritage Hotel, Grand Circus Park, Detroit, Michigan 48226.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, 32nd Floor, 230 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be (1) Review results of Feb. 20 informal open meeting in Livonia; (2) Plan place and date for next such meeting dealing with the Housing and Community Development Act of 1974; (3) Finally approve Advisory Committee meeting procedures; (4) Discuss Advisory Committee membership.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75–4788 Filed 2–20–75;8:45 am]

NEVADA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nevada State Advisory Committee (SAC)

to this Commission will convene at 7:30 p.m. on March 27, 1975, at the Holiday Inn, 3740 Las Vegas Boulevard, Las Vegas, Nevada 89101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting is to discuss draft of State Advisory Committee report on Nevada's parole system.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-4784 Filed 2-20-75;8:45 am]

NEW JERSEY STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 11, 1975, at the College of Medicine and Dentistry, 100 Bergen Street, Newark, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss the status report on CETA project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-4785 Filed 2-20-75;8:45 am]

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Ohio State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on March 15, 1975, Neil House, 41 S. High Street, Columbus, Ohio.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 230 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting is to discuss the education subcommittee project-release of Ohio Prison Study and the Revenue Sharing project.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-4786 Filed 2-20-75;8:45 am]

RHODE ISLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island State Advisory Committee (SAC) to this Commission will convene at 4:30 p.m. on March 18, 1975, at the Central Congregational Church, 296 Angell Street, Providence, Rhode Island 02906.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting is to discuss follow-up to Committee's report "minorities and Women: Practice vs Promise" and other new projects.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-4787 Filed 2-20-75;8:45 am]

TEXAS STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the Texas State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for February 23, 1975, a notice of which was previously published on page 5575 in the FEDERAL REGISTER on Thursday, February 6, 1975 (FR Doc. 75-3464) has been cancelled.

Dated at Washington, D.C., February 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-4780 Filed 2-20-75;8:45 am]

WASHINGTON STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Washington State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on March 22, 1975, at the Olympic Hotel, Fourth and Seneca Streets, Queens Room, Seattle, Washington 98111.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting is to review background materials concerning the State Advisory Committee project on economic disparities facing women and minorities in King County.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. February, 18, 1975.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.75-4789 Filed 2-20-75;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Correction

In FR Doc. 75-4231, appearing on page 6816 in the issue for Friday, February 14, 1975, the sixth line which begins "service the position * * *" is out of place and should be moved to appear below the seventh line which begins "executive assignment * * *".

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from February 10 through February 14, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (April 7, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Palomar Planning Unit, Cleveland National Forest, San Diego and Riverside Counties, Calif., February 10: The statement refers to the 124,000 acre Palomar Mountain Planning Unit of the Cleveland National Forest. The plan proposes designation of 36,629 acres of National Forest lands as special interest area—(scenic), encompassing two roadless

areas, a complete fuel modification program for the entire unit, acquisition of 5,315 acres privately owned lands and 1,828 acres BLM land, and nondevelopment status on all slopes over 50%. Adverse impacts include increased litter and fire risk as a result of additional people engaged in back country activity. (ELR Order No. 50190.)

Final

Mountain Home Unit, Boise National Forest, Elmore County, Idaho, February 10: The statement refers to a proposed land use plan for the 443,946 acre Mountain Home Planning Unit of the Boise National Forest. The unit has been divided into five management areas, which are divided into management units. Management will be for timber, range, recreation, wildlife, and wilderness and backcountry values. There are 124,760 acres of inventoried roadless areas within the unit. Of these, 38,600 acres will remain undeveloped. The remainder may be developed as the need arises (two volumes). Comments made by: EPA, DOI, and State agencies and concerned citizens. (ELR Order No. 50195.)

Timber Management Plan, Chippewa National Forest, Beltrami, Cass, and Itasca Counties, Minn., February 13: The statement refers to the proposed timber management plan for the Chippewa National Forest. The plan period will extend from July 1, 1974 through June 30, 1982. The plan outlines an annual potential harvest of 86.6 MMBF of pulpwood, sawtimber, and other products. This harvest would consist of 8,200 acres of regeneration cuts and 5,900 acres of intermediate cuts. The impacts from herbicide use and road construction under the plan will be discussed in separate impact statements. This statement discusses the plan's impacts upon wildlife, recreational uses, and soil quality (145 pages). Comments made by: COE, DOI, DOT, EPA, GLRC, and State agencies, national organizations, corporations, and concerned citizens. (ELR Order No. 50211.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Tombigbee Units 2 and 3, several counties, Ala., February 10: The statement refers to the request for insured and guaranteed loan funds from REA for $295,000,000 to construct Alabama Electric Cooperative's addition of two 233MW (gross output) coal fired steam generator units and approximately 157 miles of 230 kV transmission lines and acquire related coal leases. Adverse impacts include soil erosion and visual intrusion from the transmission facilities and effects associated with burning coal. (ELR Order No. 50189.)

230 kV Transmission Lines, Boone to Lamar, several counties, Colo., February 13: The statement concerns the loan application by Colorado-Ute Electric Association, Inc., for construction of approximately 98 miles of 230 kV transmission line between Boone and Lamar, Colorado. The project also includes a 2.5 section of 115 kV tie lines between the Boone substation and the existing Midway-LaJunta 115 kV line, and a 13-mile 115 kV tie line between the proposed Lamar Substation and the existing South Lamar Substation. The major adverse impact will be the intrusion of the transmission facilities upon the landscape. (ELR Order No. 50216.)

SOIL CONSERVATION SERVICE

Draft

Anderson River Watershed, several counties, Ind., February 11: The statement concerns a project for watershed protection, flood prevention, municipal and industrial water supply, and recreaton in Crawford, Dubois, Perry, and Spencer Counties, Ind. The project will inundate 12.1 miles of perenial warm water stream fishery and 8.5 miles of intermittent feeder streams and 297 acres of land. Over 1,200 acres cropland and forest will be replaced by dam, emergency spillway, and permanent pool areas (102 pages). (ELR Order No. 50203.)

Mantachie, Bogue Fala, and Bogue Ecuba Watershed, Itawamba, Lee, and Monroe Counties, Miss., February 10: The statement concerns a project for watershed protection, flood prevention, and recreation for Mantachie, Bogue Fala, and Bogue Ecuba Creeks Watershed. The project will utilize conservation land treatment, 12 floodwater retarding structures, and two multiple purpose structures. Nine hundred eighty three acres will be inundated and another 225 acres subject to seasonal flooding. Temporary construction disruption and lowered water quality will result. (ELR Order No. 50187.)

Shuqualak Creek Watershed Project, Noxubee, and Kemper Counties, Miss., February 10: Proposed is a project for watershed protection and flood prevention in Noxubee and Kemper Counties, Miss., There will be about 67 acres of land cleared for sediment pools, the dam and spillway areas, and along the channel work rights-of-way. There will be a loss of agricultural production due to the inundation of 919 acres of farm land, and there will be a loss of 153 acres of wildlife habitat on lands to be in the sediment pools. Temporary water and air pollution will result during construction. (ELR Order No. 50188.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Ave., SW., Washington, D.C. 20314, 202-693-7168.

Draft

Aubrey Lake, Supplement, Cooke County, February 10: The statement is a draft supplement to a final eis filed with CEQ March 4, 1974. The proposed action is the construction of Aubrey Lake for water supply, recreation, fish and wildlife. The project will require acquisition of approximately 42,000 acres and will inundate 90 miles of stream. Historical sites and archeological sites will be adversely affected, and families will be displaced. (Fort Worth District). (ELR Order No. 50185).

Jekyll Island Beach Erosion, Supplement, Glynn County, Ga., February 10: The statement is a revised draft prepared to supplement the draft eis filed with CEQ August 10, 1973. The proposed action consists of restoration and periodic nourishment of 27,000 feet of ocean beach and construction of a 1,000 foot rubblestone terminal groin for beach erosion control and hurricane protection. Adverse impacts include temporarily increased water turbidity and disruption of benthic, plankton, and nekton communities during construction (Savannah District). (ELR Order No. 50184.)

Chincoteague Harbor of Refuge, Maintenance Dredging, Accomack County, Va., February 10: Proposed is the maintenance dredging of Chincoteague Harbor of Refuge, Va. The estimated 8,000 cubic yards of shoaled material will be deposited in an upland diked disposal area adjacent to the harbor. The action will remove resident benthic organisms inhabiting the dredged areas (15 pages). (ELR Order No. 50201.)

Draft

St. Johns Bayou and New Madrid Floodway, New Madrid, Scott and Mississippi Counties, Mo., February 10: The statement concerns a plan for flood control and drainage to urban and rural areas in New Madrid, Scott, and Mississippi Counties, Mo. Three pumping stations will be constructed and a total of 81 miles of channels enlarged by excavating from one side. A total of 4,900 acres will be flooded annually. Adverse impacts include deteriorated water quality, the clearing of 7,000 acres of woodlands, and elimination of a significant element of stream bank cover (Memphis District). (ELR Order No. 50193.)

Final

Haines Small Boat Harbor, Alaska, February 13: The project involves the construction of a rubblemound breakwater and the dredging of an entrance channel. The project will expand the present moorage of the Haines Small Boat Harbor for resident and transient fishing vessels, pleasure craft, and commercial vessels. There will be adverse impact to marine biota from dredging operations (Anchorage District). Comments made by: DOI, DOC, EPA, USDA, DOT, and State agencies. (ELR Order No. 50217.)

NAVY

DEPARTMENT OF DEFENSE

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant, Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202-697-0892.

Final

Norfolk Naval Station, Va., February 11: Proposed is the improvement and addition of naval ship berthing spaces at the station. Approximately 1,850,000 cu. yds. of spoil will be dredged; several additional piers will be constructed. There will be adverse impact from dredging. Comments made by: EPA, DOI, USCG, DOC, COE, DOD, and Commonwealth of Virginia. (ELR Order No. 50202.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Final

Northwest Sewage Facility, Houston, Tex., February 12: Proposed is the granting of Federal funds to the City of Houston for the enlargement of wastewater treatment facilities at the Northwest Wastewater Treatment Facility Site from the existing 4 mgd. capacity to 12 mgd. The enlarged plant will provide secondary biological treatment capable of serving the 1990 estimated population of 90,000 persons. Sludge will be conveyed to the Northwest Regional Sludge Treatment Plant where it will be processed for use as fertilizer. Adverse impacts of the action include increases in noise levels and occasional odors. Comments made by: COE, DOT, USDA, HEW, HUD, DOI, and State agencies. (ELR Order No. 50209.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Sts. NW., Washington, D.C. 20405, 202-343-4161.

Draft

Soviet Embassy Complex, District of Columbia, February 14: Proposed is the construction of the five-building Soviet Embassy Complex on a 12.5-acre site in the Glover Park Neighborhood of Northwest Washington, D.C. The project is part of a bilateral agreement between the United States and U.S.S.R. providing for the reciprocal exchange of 85-year leasehold interests

for embassy sites in both Washington and Moscow. Construction and associated disruption are expected to occur continuously over a 32-month period. (ELR Order No. 50219.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202–755–6295.

Draft

Downtown East Urban Renewal, Reading, Berks County, Pa., February 11: The statement concerns an urban renewal project in 44.53 acres of the central business district of Reading, Pennsylvania. The project includes destruction of 292 structures and construction of new residential and commercial buildings. A 2-story shopping mall and parking structures are planned. Seventy-nine families and 132 businesses will be displaced. (ELR Order No. 50205.)

Final

Cedar—Riverside New Community, Minneapolis, Hennepin County, Minn., February 10: Proposed is the approval of Stage 11 housing in the New Community of Cedar—Riverside. HUD has guaranteed loans up to $24 million for the development. The new community will occupy 100 acres within a 336 acre Urban Renewal Area of Minneapolis. Adverse impacts include increased air and noise pollution, and increased generation of solid waste. Comments made by: DOC, DOI, HEW, DOT, COE, AHP, AEC, EPA, and State and local agencies and concerned citizens. (ELR Order No. 50199.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Sport Hunting of Migratory Birds, Regulations, February 10: The statement concerns a proposal recommending that annual regulations continue to be issued permitting and regulating the sport hunting of migratory birds throughout the United States. The proposal protects the birds from indiscriminate hunting. Adverse impacts include annual reductions in populations, occasional killing of endangered and other non-target species, littering, and some destruction of vegetation. (ELR Order No. 50196.)

Final

Featherstone National Wildlife Refuge, Prince William County, Va., February 10: The proposed project is the acquisition of 313 acres known as the Featherstone Marsh to be established as the Weatherstone National Wildlife Refuge. Management on the Refuge would be restricted to retaining the natural integrity of the marsh and upland areas. Principal adverse impact of the proposal would be removal of the land from potential private use and development (76 pages). Comments made by: USDA, DOI, EPA, and one State agency. (ELR Order No. 50197.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P–722, NRC, Washington, D.C. 20545, 301–973–7373.

Draft

Davis-Besse Nuclear Power Station, 2 and 3, Ottawa County, Ohio, February 14: The proposed action is the issuance of construction permits to the Toledo Edison Company for the construction of the Davis-Besse Nuclear Power Station Units 2 and 3. The station will employ identical pressurized-water reactors to produce 2,772 megawatts thermal (MWt) each. A steam turbine generator will use this heat to provide about 906 MWe (net) of electric power capacity. A cooling tower will be constructed which will obtain water from and discharge it to Lake Erie. The project will require the change of about 100 acres from agricultural to industrial use. (ELR Order No. 50218.)

Washington Nuclear Projects 3 and 5, Grays Harbor County, Wash., February 12: The proposed action is the issuance of construction permits to the Washington Public Power Supply System for the construction of Washington Nuclear Projects 3 and 5. The station will employ a pressurized water reactor to produce up to 3800 megawatts thermal (MWt) and a steam turbine generator will use this heat to provide 1240 MWe (net) of electrical power capacity. Water for cooling will be obtained from and discharged to the Chehalis River. Twelve thousand feet of transmission line will also be constructed. The project will require the disturbance of about 300 acres of the 2,170-acre forested site. (ELR Order No. 50208.)

Final

Sequoyah Uranium Hexafluoride Plant, Sequoyah County, Okla., February 13: The statement refers to the continuation of Source Material License SUB–1010, held by the Kerr-McGee Corp., authorizing the operation of a uranium hexafluoride manufacturing facility in Sequoyah County, close to the confluence of the Illinois and Arkansas Rivers. The plant produces high purity uranium hexafluoride using uranium concentrates as the starting material. It is designed to produce 5,000 tons of uranium annually. Comments made by: AHP, USDA, COE, HEW, HUD, DOI, DOT, EPA, FPC, and State agencies. (ELR Order No. 50212.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

Draft

SR 525, Swamp Creek Interchange to SR 99, Snohomish County, Wash., February 13: Proposed is the construction of a 3.2-mile segment of the Swamp Creek Interchange (I–5, I–405) to SR 99 where it will connect with existing SR 525 westerly. The highway will be a 4-lane controlled-access facility and will have a significant impact on community growth. The project will displace 42 families. (ELR Order No. 50210.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 119-Appalachian Corridor G, Kentucky and West Virginia, February 10: The statement refers to the proposed improvement of a segment of US 119 in Pike County, Kentucky and Mingo County, West Virginia, within Appalachian Corridor G. The project will extend from the Harmey Street Bridge in South Williamson, Kentucky, to Route 14 near Goatman, West Virginia, a distance of approximately 2.45 miles. Nine businesses, 83 families, and 1 non-profit organization will be displaced. Coal seams of marketable value may be opened due to construction cuts. (ELR Order No. 50192.)

SR 54, Owensboro, Daviess County, Ky., February 13: Proposed is the widening of a 1.1 mile segment of SR 54-Leitchfield Road to four lanes. The project runs from the Owensboro Beltline (SR 212) to Twelth Street east of the existing alignment. Adverse impacts include displacement of ten families and construction disruptions (111 pages). (ELR Order No. 50213.)

SR 9 By-pass, Keene, Cheshire County, N.H., February 10: Proposed is the construction of a 2.8 mile, 2-lane section of New Hampshire Route 9 By-pass from SR 12 By-pass to approximately 1,700 feet east of the junction of SR 9 and SR 10. Plans for future expansion to four lanes are included. Acquisition of 185 acres of land, including nine residences and one busines and 2.0 acres of park land, is required for the project. A 4(f) statement is included. (ELR Order No. 50198.)

SR 242, Powers Highway, Coos County, Oreg., February 13: Proposed is the reconstruction of segments of SR 242, Powers Highway, from Powers to the Coos Bay-Roseburg Highway, a distance of 18 miles. The eastern alternative utilizes the present highway corridor and the western alternative, the quicker, more direct path of the two, would utilize an abandoned railroad right-of-way and would require bridge structures. The number of displacements depends upon the alternative chosen. (ELR Order No. 50214.)

I–205, to Portland, Oreg., Oregon and Washington: Proposed is the construction of a 9.2-mile section of I–205 from the Lewis and Clark Highway in Clark County Washington to SE Foster Road in Multnomah County/Portland, Oregon. The project is the uncompleted part of 36 miles of I–205; the right-of-way has largely been acquired and cleared. Two bridges and a fill are required to cross Columbia River. A 4(f) statement is included. Eleven businesses and 24 housing units remain to be cleared. (ELR Order No. 50215.)

Final

M 99 (Logan Street), Lansing, Ingham County, Mich., February 10: Proposed is the reconstruction of 1.8 miles of Logan Street, from Victor Street to Kalamazoo Street, in Lansing. A small amount of section 4(f) land will be acquired from Riverside Park; several families will be displaced. Comments made by: CEQ, DOI, USDA, EPA, USCG, and DOT. (ELR Order No. 50194.)

Yazoo City Bypass, U.S. 49W, Yazoo County, Miss., February 10: The project consists of relocating approximately 3.8 miles of U.S. 49W from its junction with Mississippi Highway No. 3 in a southeasterly direction to a junction with Miss. Highway No. 16, Highway No. 49E, and U.S. 49. The project directly affects the town of Yazoo City in that it will provide a bypass route to the south of that city. Adverse impacts are increased air, noise, and water pollution due to construction, and the displacement of 19 families and one business (95 pages). Comments made by: DOI, EPA, HUD, USDA, and State agencies. (ELR Order No. 50200.)

U.S. 29 Improvement, Rockingham and Caswell Counties, N.C., February 11: Proposed is the improvement of a 7.4 mile segment of U.S. 29 from the U.S. 29–SR 1767 interchange in Rockingham County through Caswell County to the Virginia State Line. The project would widen U.S. 29 to two 24-foot roadways separated by a 68 foot median and would require 200 acres of woodlands and farm land for right-of-way. Twelve families and three businesses will be displaced (41 pages). Comments made by: USDA, COE, EPA, FPC, GSA, HUD, DOI, and State agencies. (ELR Order No. 50206.)

U.S. COAST GUARD

Draft

Gulf LORAN–C Project, February 10: The statement concerns the expansion of the LORAN–C (Long Range Aid to Navigation) coverage to include the harbors, estuaries, and the Coastal Confluence Zone of the Gulf of Mexico. This expansion of coverage will

require the construction and operation of three transmitting stations at Malone, Florida, Grangeville, Louisiana, and Raymondville, Texas. Adverse impacts include the conversion of forest to pastureland at the Grangeville site and construction disruption. (ELR Order No. 50186.)

Final

Prince William Sound Vessel Traffic System, Alaska, February 11: Proposed is the development of a vessel traffic system for Prince William Sound. Included in the proposal is the construction of a control center, and housing for 45 Coast Guard personnel and their dependents. The traffic system is designed to lessen the probability of tanker casualties with resulting spills of crude oil when the Valdez crude oil loading terminal becomes operational (73 pages). Comments made by: EPA, COE, USDA, DOI, DOT, and State and local agencies. (ELR Order No. 50204.)

New York Vessel Traffic System, several counties, New York, February 10: The statement refers to a proposed system which will cover the geographic areas comprising the Port of New York, the Hudson River to Albany, and Long Island Sound to the west of Block Island, Rhode Island. The system will consist of a combination of vessel traffic system levels which will include VHF/FM communications, radar surveillance, a Traffic Separation System, and a Vessel Movement Reporting System. Radar and communication sites, and a vessel traffic operations center will be constructed. There will be adverse impact from construction disruption (108 pages). Comments made by: DOC, COE, DOD, HEW, DOI, DOT, EPA, and State and local agencies. (ELR Order No. 50191.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-4752 Filed 2-20-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19902; FCC 75-144]

AM BROADCAST STATIONS

One-Hour Sign On Time Advancement

In the matter of amendment of Part 73 of the Commission's rules to provide a one-hour advancement in the sign-on times of daytime AM broadcast stations to recoup the morning hour lost by the enactment of year-round daylight saving time.

1. In accordance with Public Law 93-434, approved October 5, 1974, and effective October 27, 1974, most of the nation will observe "standard" (non-advanced) time through 2 a.m. Sunday, February 23, 1975, after which daylight saving (advanced) time will be observed through the last Sunday of October 1975. Absent further action by Congress, most areas under U.S. jurisdiction will, effective 2 a.m. Sunday, April 27, 1975, revert to the "6 and 6" formula provided by the Uniform Time Act of 1966; i.e., the observance of non-advanced time between the last Sunday of October and the last Sunday of April, and the observance of advanced time during the remaining six months of the year.

2. Thus, in 1975 (and perhaps for this year alone), the onset of advanced time will occur two months prior to the traditional last Sunday in April. In our order of October 8, 1974, in this proceeding (FCC 74-1086; 49 FCC 2d 89), we recognized that ". . . between February 23 and April 27, 1975, when most of the country again returns to daylight saving time, daytime stations will suffer varying (but diminishing) degrees of hardship." This will occur because substantial portions of their audiences will have departed for work or school prior to local sunrise, particularly during the last six days of February, when licensed sign-on times are comparatively late. For this reason, we indicated our intention, barring unforeseen circumstances, to reinstate the benefits of the earlier emergency orders[1] during this two-month period and, in addition, to incorporate whatever further pre-sunrise operating benefits could, in the meantime, be negotiated internationally.[2] We find the public interest will be served by implementing this intention.

3. Authority for the adoption of this order is contained in Public Laws 93-182 and 93-434, and in sections 4(i) and 303(r) of the Communications Act of 1934, as amended. Because of the urgent need for the interim adjustments herein ordered and because we interpret PL 93-182 as permitting these adjustments to be made without regard to hearing rights which might otherwise be asserted by co-channel fulltime stations under section 316 of the Communications Act, we find that compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is not required.

4. Accordingly, *It is ordered,* That effective February 23, 1975, the temporary pre-sunrise operating benefits available to class II and class III daytime stations under the emergency orders adopted in this proceeding on December 18, 1973 (FCC 73-1324), and February 6, 1974 (FCC 74-135), are reinstated through Sunday, April 27, 1975, at which time all AM stations shall revert to their licensed and/or authorized PSA modes of operation as provided in §§ 73.87 and 73.99 of the Commission's rules.

5. *It is further ordered,* That daytime stations assigned to the *Bahamian I-A clear channel* (1540 kHz) MAY, between February 23 and April 27, 1975, and without regard to whatever privileges they already hold under pre-sunrise service authorizations (PSA's) issued by the Commission, operate for one hour immediately preceding local sunrise at the power levels specified in Appendix A.

6. *It is further ordered,* That daytime stations assigned to Canadian I-B clear channels MAY, during said two-month period and without regard to whatever privileges they already hold under PSA's issued by the Commission, operate for one hour immediately preceding local sunrise at the power levels specified in Appendix B.

7. *It is further ordered,* That daytime stations assigned to Canadian I-A clear channels MAY, during said two-month period, operate for one hour immediately preceding local sunrise at the power levels specified in Appendix C.

8. *It is further ordered,* That any temporary pre-sunrise operation undertaken pursuant to this Order shall not commence earlier than 6 a.m. local time, shall be appropriately logged, and a description of the method used to reduce power to the level specified herein shall be entered in the maintenance log.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: February 4, 1975.

Released: February 7, 1975.

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

APPENDIX A

The following stations may operate with the powers indicated, delivered to their daytime or critical hours antenna systems; as appropriate:

1540 kHz

WCOX—Camden, Ala	19
WANL—Lineville, Ala	18
KZRK—Ozark, Ark	50
KPOL—Los Angeles, Calif	50
KJGA—Jackson, Ga	11
WOGA—Sylvester, Ga	7
WSMI—Litchfield, Ill	50
WBNL—Booneville, Ind	50
WLOI—La Porte, Ind	50
KNEX—McPherson, Kans	50
KLKC—Parsons, Kans	50
WKCB—Hindman, Ky	19
KCTO—Columbia, La	50
KGLA—Gretna, La	35
WDON—Wheaton, Md	50
WSWG—Greenwood, Miss	50
KBXM—Kennett, Mo	50
WKXR—Exeter, NH	50
WYRD—East Syracuse, N.Y	50
WKYK—Burnsville, N.C	19
WRPL—Charlotte, N.C	15
WIFM—Elkin, N.C	20
WBCO—Bucyrus, Ohio	50
WNRE—Circleville, Ohio	21
WABQ—Cleveland, Ohio	50
WNIO—Niles, Ohio	50
WBTC—Uhrichsville, Ohio	50
KZEL—Eugene, Oreg	50
WRCP—Philadelphia, Pa	50
WPTS—Pittston, Pa	50
WPME—Punxsutawney, Pa	50
WADK—Newport, R.I	50
WKKR—Pickens, S.C	17
WMLR—Hohenwald, Tenn	47
WJJT—Jellico, Tenn	32
WBRY—Woodbury, Tenn	39
KBUY—Fort Worth, Tex	50
KGBC—Galveston, Tex	50
KEDA—San Antonio, Tex	50
WRGM—Richmond, Va	7
KBES—Bellevue, Wash	50
WTKM—Hartford, Wis	50

[1] In general terms, those orders provided a minimum of one hour of additional operation during the pre-sunrise period, with a power of at least 50 watts, except where precluded by international agreement.

[2] Two international agreements bearing on this situation have been implemented since our adoption of the October 8, 1974 Order in this proceeding: a permanent agreement, reached September 4, 1974, with the Commonwealth of The Bahamas respecting the pre-sunrise operation of U.S. class II daytimers assigned to the Bahamian I-A clear channel 1540 kHz; and a temporary agreement reached January 22, 1975, with Canada respecting the pre-sunrise operation of U.S. daytimers assigned to frequencies on which Canada holds I-A and I-B clear channel priorities.

APPENDIX B

The following stations may operate with the powers indicated, delivered to their daytime or critical hours antenna systems, as appropriate:

640 kHz

WOI—Ames, Iowa	50
WHLO—Akron, Ohio	302
WNAD—Norman, Okla	50

940 kHz

WINE—Brookfield, Conn	13.2
WLQH—Chiefland, Fla	30
WMIX—Mount Vernon, Ill	6.4
WCND—Shelbyville, Ky	13.4
WIDG—Saint Ignace, Mich	0
WJOR—South Haven, Mich	[1]3.8
WCPC—Houston, Miss	27
KSWM—Aurora, Mi	28
WCIT—Lima, Ohio	10
WNAL—Nelsonville, Ohio	19.5
WESA—Charleroi, Pa	8.4
WGRP—Greenville, Pa	0
WECO—Wartburg, Tenn	27.7
KTON—Belton, Tex	5.22
KATQ—Texarkana, Tex	12.45
WNRG—Grundy, Va	20
WEOO—Smithfield, Va	17.4
WFAW—Fort Atkinson, Wis	4
WCSW—Shell Lake, Wis	3.5

1070 kHz

KILR—Estherville, Iowa	68
WKMB—Stirling, N.J	4.6
WKDR—Plattsburgh, N.Y	4.5
WSCP—Sandy Creek-Pulaski, N.Y	2.5
WHPE—High Point, N.C	6.7
WHYZ—Greenville, S.C	19
WCIR—Beckley, W. Va	4.3

1130 kHz

WPUL—Bartow, Fla	50
WNJR—Gainesville, Ga	50
KKSI—Mount Pleasant, Iowa	50
KIEY—Wellington, Kans	50
KBLR—Bolivar, Mo	50
WPYB—Benson, N.C	50
WCBX—Eden, N.C	50
KBMR—Bismarck, N. Dak	39
WASP—Brownsville, Pa	50
WEEO—Waynesboro, Pa	50
WPUB—Camden, S.C	50
WAMG—Gallatin, Tenn	50
WDTM—Selmer, Tenn	50
KWBY—Edna, Tex	50
KBGH—Memphis, Tex	50
WRRL—Rainelle, W. Va	50

1550 kHz

WMOO—Mobile, Ala	188
WEXT—West Hartford, Conn	2.9
WRHC—Coral Gables, Fla	85
WOGO—New Smyrna Beach, Fla	84
WYOU—Tampa, Fla	79
WTHB—Augusta, Ga	12.1
WYNX—Smyrna, Ga	13.2
WJIL—Jacksonville, Ill	18.8
WCSJ—Morris, Ill	12.8
KIWA—Sheldon, Iowa	12.4
KNIC—Winfield, Kans	50.5
WGKR—Greensburg, Ky	5.95
WIRV—Irvine, Ky	3.7
WMSK—Morganfield, Ky	7.5
WLUX—Baton Rouge, La	14
WSER—Elkton, Md	1.08
WNTN—Newton, Mass	2.0
WSHN—Fremont, Mich	[1]2.07
WSAO—Senatobia, Miss	18.5
KGMO—Cape Girardeau, Mo	40
KLFJ—Springfield, Mo	21.2

[1] May operate if Michigan adopts emergency daylight saving time from February 23 through April 27, 1975.

KICS—Hastings, Neb	43.6
WCGR—Canadanigua, N.Y	0
WKOT—Kingston, N.Y	1.9
WBVM—Utica, N.Y	0.0
WGNL—Greenville, N.C	9.0
WYNA—Raleigh, N.C	6.6
WTYN—Tryon, N.C	7.0
WPGD—Winston-Salem, N.C	6.2
KQWB—Fargo, N. Dak	7.2
WDLR—Delaware, Ohio	21
KMAD—Madill, Okla	21
KXOJ—Sapulpa, Okla	41
WLOA—Braddock, Pa	0.7
WTTC—Towanda, Pa	1.4
WKYE—Bristol, Tenn	4.6
WPTN—Cookeville, Tenn	5.3
WOKI—Oak Ridge, Tenn	5.5
WTBP—Parsons, Tenn	9.0
WPJD—Soddy-Daisy, Tenn	7.2
KWBC—Navasota, Tex	6.2
WKBA—Vinton, Va	2.3
WVAB—Virginia Beach, Va	8.4
WXVA—Charlestown, W. Va	0.9
WMIR—Lake Geneva, Wis	1.0
WMAD—Madison, Wis	0.8
WEVR—River Falls, Wis	2.3

APPENDIX C

The following stations may operate with the powers indicated, delivered to their daytime or critical hours antenna systems, as appropriate:

540 kHz

KVIP—Redding, Calif	56
KWMT—Ft. Dodge, Iowa	59
WDMV—Pocomoke City, Md	26
WLIX—Islip, N.Y	15
WETC—Wendell-Zebulon, N.C	109
WARO—Cannonsburg, Pa	173
WYNN—Florence, S.C	57
WDXN—Clarksville, Tenn	33
KDLT—Delta, Utah	113
WRIC—Richlands, Va	21
WYLO—Jackson, Wis	121

690 kHz

WVOK—Birmingham, Ala	63
KBBA—Benton, Ark	155
KAPI—Pueblo, Colo	159
WADS—Ansonia, Conn	74
KTCR—Minneapolis, Minn	7.5
KSTL—Saint Louis, Mo	32
KEYR—Tarrytown, Nebr	26
KRCO—Prineville, Oreg	18
KUSD—Vermillion, S. Dak	49
KZEY—Tyler, Tex	500
WZAP—Bristol, Va	22
WNNT—Warsaw, Va	25
WELD—Fisher, W. Va	13
WAGO—Oshkosh, Wis	54

740 kHz

WBAM—Montgomery, Ala	500
KBIG—Avalon, Calif	500
WSBR—Boca Raton, Fla	500
WVLN—Olney, Ill	20
KBOE—Oskaloosa, Iowa	40
WNOP—Newport, Ky	23
WCAS—Cambridge, Mass	9
KBAB—Carlsbad, N. Mex	26
WGSM—Huntington, N.Y	61
WMBL—Morehead City, N.C	23
WPAQ—Mount Airy, N.C	16
WVCH—Chester, Pa	69
WBAW—Barnwell, S.C	57
WIRJ—Humboldt, Tenn	41
WJIG—Tullahoma, Tenn	28
WMBG—Williamsburg, Va	18
WBOO—Baraboo, Wis	500

860 kHz

WHRT—Hartselle, Ala	60
WAMI—Opp, Ala	168
KOSE—Osceola, Ark	61
KWRF—Warren, Ark	176
WAZE—Clearwater, Fla	500
WKKO—Cocoa, Fla	463
WXAP—Atlanta, Ga	59
KWPC—Muscatine, Iowa	31
WSON—Henderson, Ky	22
WAYE—Baltimore, Md	196
WSBS—Great Barrington, Mass	10
KNUJ—New Ulm, Minn	15
KARS—Belen, N. Mex	250
WFMO—Fairmont, N.C	52
WSTH—Taylorsville, N.C	28
KSHA—Medford, Oreg	28
WAMO—Pittsburgh, Pa	0
WTEL—Philadelphia, Pa	160
WLBG—Laurens, S.C	47
WUCR—Sparta, Tenn	33
KFST—Fort Stockton, Tex	250
KPAN—Hereford, Tex	250
KSFA—Nacogdoches, Tex	489
KWHO—Salt Lake City, Utah	62
WEVA—Emporia, Va	33
WOAY—Oak Hill, W. Va	27
WNOV—Milwaukee, Wis	15

990 kHz

WEIS—Centre, Ala	54
WWWF—Fayette, Ala	80
WTCB—Flomaton, Ala	187
KTYD—Santa Barbara, Calif	280
KRKS—Denver, Colo	94
WNTY—Southington, Conn	5.7
WDWD—Dawson, Ga	115
WGML—Hinesville, Ga	115
WCAZ—Cartage, Ill	30
KAYL—Storm Lake, Iowa	23
KRSL—Russell, Kans	123
WNNR—New Orleans, La	250
KRIH—Rayville, La	213
WCRM—Clare, Mich	[1]35
WABO—Waynesboro, Miss	173
KRMO—Monett, Mo	105
WEEB—Southern Pines, N.C	39
WBTE—Windsor, N.C	42
WJEH—Gallipolis, Ohio	10
WTIG—Massillon, Ohio	250
KRKT—Albany, Oreg	12
WVSC—Somerset, Pa	23
WLKW—Providence, R.I	500
WAKN—Aiken, S.C	57
KWAM—Memphis, Tenn	108
KAML—Kenedy-Karnes City, Tex	95
KDYL—Tooele, Utah	65
WNRV—Narrows-Pearisburg, Va	17
WANT—Richmond, Va	20
WNNO—Wisconsin Dells, Wis	17

1010 kHz

KIQI—San Francisco, Calif	9
WCNU—Crestview, Fla	197
WBIX—Jacksonville Beach, Fla	500
WINQ—Tampa, Fla	500
WGUN—Atlanta, Ga	57
KSMN—Mason City, Iowa	21
KIND—Independence, Kans	153
KDLA—De Ridder, La	491
WKQT—Garyville, La	342
WSID—Baltimore, Md	17
WITL—Lansing, Mich	[1]18.5
WMIN—Maplewood, Minn	6
KCHI—Chillicothe, Mo	60
KXEN—Festus-St. Louis, Mo	500
WCNL—Newport, N.H	5
WABZ—Albemarle, N.C	334
WFGW—Black Mountain, N.C	204
WELS—Kinston, N.C	45
WIOI—New Boston, Ohio	11
WUDO—Lewisburg, Pa	8
WHIN—Gallatin, Tenn	28
WORM—Savannah, Tenn	52

[1] May operate if Michigan adopts emergency daylight saving time from February 23 through April 27, 1975.

KAWA—Waco-Marlin, Tex	500
WMEV—Marion, Va	19
WPMH—Portsmouth, Va	279
WCST—Berkeley Springs, W. Va	11
WSPT—Stevens Point, Wis	10

1580 kHz

WEYY—Talladega, Ala	62
KFDF—Van Buren, Ark	135
KDDF—Van Buren, Ark	135
KWIP—Merced, Calif	179
KPIK—Colorado Springs, Colo	89
WSBP—Chattahoochee, Fla	163
WGTW—Mount Dora, Fla	404
WCCF—Punta Gorda, Fla	343
WKIG—Glennville, Ga	93
WYYZ—Jasper, Ga	40
WKUN—Monroe, Ga	49
WFVR—Aurora, Ill	42
WDON—DuQuoin, Ill	28
WBBA—Pittsfield, Ill	38
WCCR—Urbana, Ill	12
KCHA—Charles City, Iowa	19
KWNT—Davenport, Iowa	23
WAXU—Georgetown, Ky	160
WMTL—Leitchfield, Ky	18
WPKY—Princeton, Ky	27
KLUV—Haynesville, La	236
WPGC—Morningside, Md	13
WRBJ—St. Johns, Mich	[1] 8
KDOM—Windom, Minn	21
WAMY—Amory, Miss	75
WLBS—Centreville, Miss	250
WORV—Hattlesburg, Miss	229
WESY—Leland, Miss	137
WPMP—Pascagoula-Moss Point, Miss	238
KTGR—Columbia, Mo	49
KESM—El Dorado Springs, Mo	114
KNIM—Maryville, Mo	52
KAMI—Cozad, Neb	53
WRDI—Hammonton, N.J	16
WCRV—Washington, N.J	12
KZIA—Albuquerque, N. M	192
WSUF—Patchogue, N.Y	14
WZKY—Albermarle, N.C	34
WVKO—Columbus, Ohio	0
KLTR—Blackwell, Okla	222
WHEX—Columbia, Pa	11
WEND—Ebensburg, Pa	7
WANB—Waynesburg, Pa	8
WORG—Orangeburg, S.C	46
WBBR—Travelers Rest, S.C	29
WSKT—Knoxville, Tenn	20
WHHM—Henderson, Tenn	52
WLIJ—Shelbyville, Tenn	35
KGAF—Gainesville, Tex	250
KKAL—Denver City, Tex	250
KIRT—Mission, Tex	500
KTLU—Rusk, Tex	479
KWED—Seguin, Tex	110
KBYP—Shamrock, Tex	250
WILA—Danville, Va	26
WPUV—Pulaski, Va	18
WTTN—Watertown, Wis	18

[1] May operate if Michigan adopts emergency daylight saving time from February 23 through April 27, 1975.

[FR Doc.75-4604 Filed 2-20-75;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FOODSERVICE ADVISORY COMMITTEE

Notice of Charter Amendment

This notice is given to advise of a change in the name of the Foodservice Advisory Committee. The charter of the Foodservice Advisory Committee was published on August 21, 1974 (39 FR 30196). The new name for this Committee will be the Food Industry Advisory Committee.

The charter published August 21, 1974, is hereby amended, effective immediately, to substitute "Food Industry Advisory Committee" for "Foodservice Advisory Committee" wherever the latter phrase appears. The charter is not amended in any other respect.

Issued at Washington, D.C. on February 18, 1975.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.75-4808 Filed 2-20-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-7490, et al.]

AMOCO PRODUCTION CO.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

FEBRUARY 10, 1975.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 27, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

APPENDIX

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-7490 C 1-20-75	Amoco Production Co., P.O. Box 3092, Houston, Tex. 77001.	Northern Natural Gas Co., Drinkard Field, Lea County, N. Mex.	[1] 55.1337	14.65
G-16878 C 10-1-73	The Superior Oil Co., (operator) et al., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., North Buffalo Field, Harper County, Okla.	[2] 21.315	14.65
G-16878 C 2-20-73	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[3] 18.7775	14.65
G-17015 D 1-13-75	Texaco, Inc. (operator) et al., P.O. Box 2420, Tulsa, Okla. 74102.	Cimarron Transmission Co., Southwest Enville Field, Love County, Okla.	[4]	
CI69-803 D 1-16-75	Pennzoil Co., 900 Southwest Tower, Houston, Tex. 77002.	Transwestern Pipeline Co., South Carlsbad Field, Eddy County, N. Mex.	Uneconomical	
CI72-822 C 1-9-75	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., East Harmon Area, Ellis County, Okla.	[5] 61.5785	14.65
CI75-367 C 1-13-75	Pennzoil Co	El Paso Natural Gas Co., Westfall A No. 1 Well, Eddy County, N. Mex.	[6] [7] 73.526	14.73
Filing Code: CI75-408 (CI69-453) F 11-11-74	American Petrofina Co., of Texas (operator) et al., (successor to J. C. Barnes, Jr. et al, and River Corp.), P.O. Box 2159, Dallas, Tex. 75221.	Panhandle Eastern Pipe Line Co., Aledo Field, Custer and Dewey Counties, Okla.	[8] 22.96	14.65
CI75-410 A 1-13-75	Devon Corp., 3300 Liberty Tower, Oklahoma City, Okla. 73102.	Texas Eastern Transmission Corp., Hospital Bayou Field, Lafourche Parish, La.	[6] [9] 65.0	15.025
CI75-411 A 1-13-75	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Texas Gas Transmission Corp., Eugene Island Block 217, offshore Louisiana.	[2] 52.53	15.025
CI75-412 A 1-13-75	Devon Corp.	Transcontinental Gas Pipe Line Corp., Crowley Field, Acadia Parish, La.	[9] 62.21	15.025
CI75-413 (CI64-789) B 1-8-75	Harry C. Boggs, P.O. Box 198, Spencer, W. Va. 25276.	Consolidated Gas Supply Corp., Spencer Field, Roane County, W. Va.	Uneconomical	
CI75-414 B 1-10-75	Ted R. Stalder, 2223 Westheimer, Houston, Tex. 77006.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Coldspring Field, San Jacinto County, Tex.	Depleted	
CI75-416 A 1-15-75	Appalachian Exploration & Development, Inc., P.O. Box 628; Charleston, W. Va. 25322.	Cabot Corp., Pocahontas Land Corporation D-1 Well, McDowell County, W. Va.	[2] [10] 62.0 [2] [11] 61.0	14.73 14.73
CI75-417 (CS71-51) F 1-13-75	Sun Calvert Co. (successor to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Mountain Fuel Supply Co., South Baggs Area, Moffat County, Colo., and Carbon County, Wyo.	[12] [13] 16.0 [13] [14] 16.24	15.025 15.025
CI75-418 A 1-16-75	Tenneco Exploration, Ltd., 3000 One Shell Plaza, Houston, Tex. 77002.	Tenneco Oil Co., Ship Shoal Block 183, offshore Louisiana.	[15] 55.13	15.025
CI75-419 A 1-16-75	Tenneco Oil Co., 3000 One Shell Plaza, Houston, Tex. 77002.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Ship Shoal Block 183, offshore Louisiana.	[15] 55.13	15.025
CI75-420 A 1-20-75	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	United Gas Pipe Line Co., Garden City Field, St. Mary Parish, La.	26.9875	15.025
CI75-421 B 1-13-75	Chesapeake Bay Gas Co., Ltd., 321 Mid American Bldg., Midland, Tex. 79701.	Northern Natural Gas Co., Ozona Southwest (Strawn) Field, Crockett County, Tex.	[16]	
CI75-422 (CI66-779) F 1-15-75	William C. Russell (successor to R & G Drilling Co., Inc.), 1775 Broadway, New York, N.Y. 10019.	El Paso Natural Gas Co., Blanco Mesa Verde-Largo Chacra Fields, San Juan County, N. Mex.	[17] 68.0	15.025
CI75-423 A 1-20-75	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Lirette Field, Terrebonne Parish, La.	[2] [9] 62.0	15.025
CI75-426 A 1-22-75	Lone Star Producing Co., 301 South Harwood St., Dallas, Tex. 75201.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 149, Ship Shoal Area, offshore Louisiana.	[2] 52.0214	15.025

[1] Subject to upward and downward Btu adjustment; estimated upward adjustment is 3.3632 cents per Mcf.
[2] Subject to upward and downward Btu adjustment.
[3] Certain properties have expired or been released.
[4] Subject to upward and downward Btu adjustment; includes estimated upward adjustment of 6.9876 cents per Mcf.
[5] Subject to upward and downward Btu adjustment; estimated upward adjustment is 0.147 cent per Mcf.
[6] Applicant is willing to accept a certificate in accordance with opinion No. 699.
[7] Subject to upward Btu adjustment; estimated adjustment is 3.1675 cents per Mcf.
[8] Subject to upward and downward Btu adjustment; estimated upward adjustment is 1.63 cents per Mcf.
[9] Includes 7.0 cents per Mcf tax reimbursement and 3.19 cents per Mcf upward Btu adjustment.
[10] Rate for gas after Jan. 1, 1975.
[11] Rate for gas to Jan. 1, 1975.
[12] Subject to downward Btu adjustment.
[13] Rate for gas in Colorado.
[14] Rate for gas in Wyoming.
[15] Subject to upward and downward Btu adjustment; estimated upward adjustment is 2.6 cents per Mcf. The contract rate is 80.0 cents per Mcf.
[16] Small volumes of gas make project unprofitable.
[17] Includes 12.75 cents per Mcf upward Btu adjustment.

[FR Doc.75-4537 Filed 2-20-75;8:45 am]

[Docket No. E-9261]

BUCKEYE POWER, INC.

Notice of Tariff Change

FEBRUARY 14, 1975.

Take notice that Buckeye Power, Inc., on February 10, 1975, tendered for filing proposed changes in its FPC Rate Schedules Nos. 3 through 30, inclusive. The proposed changes would increase revenues from jurisdictional sales and service by $5,190,636 based on the 12 month period ending March 31, 1975. The proposed changes would also change the method of determining billing demand from non-coincidental peak demand to coincidental peak demand.

Buckeye states that the primary reason for the proposed rate increase is to produce equity capital for Buckeye to be used to complete its second generating unit now under construction and to provide for additional capital expenditures for environmental protection facilities and to provide for additional generating capacity to meet its future requirements.

The proposed effective date is April 1, 1975.

Copies of the filing were served upon Buckeye Power, Inc.'s 28 member-owners which constitute its jurisdictional customers and the Public Utilities Commission of Ohio.

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 March 10, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4727 Filed 2-20-75;8:45 am]

[Docket No. CI75-438]

COLEVE

Notice of Application

FEBRUARY 14, 1975.

Take notice that on January 27, 1975, Coleve, a Joint Venture composed of Columbia Gas Development Corporation and Energy Ventures, Inc., 2500 First City National Bank Building, Houston, Texas 77002, filed in Docket No. CI75-438

an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act and § 2.75 of the Commission's rules of practice and procedure to authorize Applicant to sell natural gas from eight tracts in federal waters offshore Louisiana to Columbia Gas Transmission Corporation. Under the terms of the Gas Purchase and Sales Agreement dated January 23, 1975, the gas would be sold from certain acreage in the Federal Domain offshore Louisiana, specifically in Blocks 479, North half of West Cameron Block 507, 485, 531, and 642, West Cameron Area; Blocks 370 and 371, East Cameron Area; and Block 267, South Marsh Island Area at the initial rate of $1.44 per Mcf, together with the 2.0 cents per Mcf annual escalations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest 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 and 1.10). All such petitions or protests should be filed on or before March 3, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4728 Filed 2-20-75;8:45 am]

[Docket No. RP75-46]

EASTERN SHORE NATURAL GAS CO.

Tender of Demand Charge Adjustment and Request for Waiver of Regulations

FEBRUARY 14, 1975.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on December 24, 1974, tendered for filing revised and original tariff sheets to its FPC Gas Tariff, Original Volume No. 1, as follows:

Third Revised Sheet No. 7
Second Revised Sheet No. 9D
First Revised Sheet No. 32B
Original Sheet No. 34L
Original Sheet No. 34M

Eastern Shore states that the purposes of this filing are (1) to provide for demand charge adjustments under its curtailment plan, and (2) to set forth the procedures for reimbursement of Eastern Shore through changes in its commodity charges for the demand charge credits granted to customers.

Eastern Shore states that the proposed revisions are in the public interest because its customers will not be required to pay demand charges for that portion of contract demand not supplied by reason of gas shortage curtailment, and Eastern Shore will not be precluded from earning its cost of service. Eastern Shore further states that the operation of the proposed tariff changes will not result in any increase in Eastern Shore's annual revenues.

Eastern Shore requests waiver of the thirty-day notice provisions of the Natural Gas Act and the Commission's rules and regulations in order that the proposed tariff sheets may become effective as of January 1, 1975.

Eastern Shore states that 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 February 28, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4729 Filed 2-20-75;8:45 am]

[Docket No. RP75-42-1]

EL PASO NATURAL GAS CO.

Order Granting Petition for Emergency Relief and Granting Intervention

FEBRUARY 14, 1975.

By letter filed December 16, 1974, Paul Lime Plant, Inc. (Paul Lime) requested emergency relief from the curtailment imposed upon it by El Paso Natural Gas Company (El Paso) for a period of 60 days commencing December 11, 1974. Paul Lime has requested that it be permitted to utilize 3,800 Mcf per day for that period after which it will have installed alternate fuel facilities enabling it to pay back the gas consumed during the emergency period.

Paul Lime is a direct industrial customer of El Paso located near Douglas, Arizona, which utilizes gas for space heating in company houses and offices and in three gas fired kilns that are used in the production of calcium oxide. Paul Lime asserts that its product, calcium oxide, is an essential reagent in the production of copper concentrates by producing mines in southern Arizona and New Mexico. Consequently, Paul Lime states that gas curtailments to its plant would result in probable layoffs not only of its own employees, which number 48, but also copper workers in the southwest who number in excess of 10,000.

Paul Lime requires the emergency volumes for Priority 3 use, but following the 60 day period gas will not be required for Priority 3 consumption and Paul Lime will thus be able to effectuate a payback. Paul Lime further indicates that it will minimize gas usage during the emergency period by operating only two of the three kilns.

To initiate emergency service, and pending our disposition of Paul Lime's petition herein, El Paso, at Paul Lime's request, began emergency gas service on December 11, 1974. By telegram to the Commission dated December 16, 1974, El Paso indicated no problems in rendering the requested service.

On February 5, 1975, Pacific Gas & Electric Company (PG & E) filed a petition to intervene in the instant proceeding and claimed sufficient interest in the proceeding by virtue of its status as a customer of El Paso. However, PG & E neither opposed the petition herein nor requested formal hearing thereon.

Because of the temporary nature of the emergency herein and because of Paul Lime's expeditious installation of alternate fuel facilities, allowing full paybacks of Priority 3 volumes, we will grant the petition for the relief requested.

Finally, on February 10, 1975, the Commission received a communication from Paul Lime indicating that delivery of certain equipment to be utilized in the changeover from gas to alternate fuel had not been timely delivered and that it would need an additional 30 days of emergency relief with delivery volumes of 2,400 Mcf per day required for Priority 3 use. For good cause shown the Commission will grant the requested extension of emergency relief service.

The Commission finds. (1) Good cause exists to permit emergency gas service from El Paso to Paul Lime for the period requested in the latter's petition for emergency relief.

(2) Good cause exists to permit an extension of emergency gas service from El Paso to Paul Lime for a period not to exceed 30 days from the date of termination of the original emergency service period.

(3) The participation of PG & E may be in the public interest.

The Commission orders. (A) The emergency service of gas deliveries in the amount of 3,800 Mcf per day for Priority 3 use from El Paso to Paul Lime for the 60 day period commencing December 11, 1974, is hereby authorized, subject to payback.

(B) The emergency service from El Paso to Paul Lime shall be continued for a period not to exceed 30 days beyond the termination date of the emergency period authorized in Paragraph (A) above, subject to payback. The volumes of Priority 3 gas to be delivered during the extended period shall be 2,400 Mcf per day.

(C) PG & E is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenor shall be limited to matters directly affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved because of any order

of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4730 Filed 2-20-75;8:45 am]

[Docket No. CP74-192]

FLORIDA GAS TRANSMISSION CO.

Order Setting Pre-Hearing Conference, Prescribing Procedures, and Granting Interventions

FEBRUARY 10, 1975.

On January 24, 1974, Florida Gas Transmission Company (Florida), filed in Docket No. CP74-192 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities and pipeline system totaling approximately 881.8 miles and extending through the states of Louisiana, Mississippi, Alabama, and Florida and for a certificate of public convenience and necessity authorizing the construction and operation of certain additional facilities on Florida's 30-inch loop which parallels said 24-inch system to allow Florida to convert the 24-inch system from natural gas service to a petroleum products pipeline.

In order to complete its 30-inch system which loops its existing and original 24-inch system, Florida seeks authorization to construct and connect an additional 68.28 miles of pipeline. The proposed construction consists of:

30-inch mainline

10.48 miles in Louisiana.
6.80 miles in Alabama.
23.96 miles in Florida.

26-inch mainline

9.93 miles in Florida.

Laterals

5.90 miles of 20-inch line in Florida.
11.21 miles of 4½-inch line in Florida.

Florida also seeks authorization to install three compressor stations in Florida, as follows:

1. A 3,165 horsepower compressor to be relocated from Station No. 5, Chambers County, Texas, to Station No. 16A, Putnam County, Florida;

2. A 3,165 horsepower compressor to be relocated from Station 8, East Baton Rouge Parish, Louisiana, to Station No. 17A, Lake County, Florida; and,

3. A new 3,800 horsepower compressor to be installed at Station 21, Palm Beach County, Florida.

The proposed construction is estimated to cost $21,497,000.

The proposed abandonment, upon completion of the new facilities, consists of 881.8 miles of pipeline and related facilities to its original 24-inch system extending from a point near Zachary in East Baton Rouge Parish, Louisiana to Fort Lauderdale, Florida. The proposed abandonment consists of:

24-inch mainline

82.3 miles in Louisiana.
82.5 miles in Mississippi.
72.6 miles in Alabama.
444.5 miles in Florida.

20-inch mainline

98.4 miles in Florida.

18-inch mainline

101.5 miles in Florida.

As of June 30, 1976, the projected date of abandonment, the original cost and depreciated original cost of said facilities are estimated to be $73,318,268 and $31,558,022, respectively.

Florida states that if the requested construction and abandonment authorizations are granted, the abandoned facilities will be sold to an unidentified affiliated company at depreciated original cost, for conversion to a petroleum products pipeline with an initial daily capacity for transporting 220,000 barrels of such products as gasoline, jet fuel, kerosene, and No. 2 fuel oil.

Florida states that the delivery capacity of its 30-inch system with the proposed facilities will be approximately equal to the deliverability from connected gas reserves at the time of the proposed conversion and will exceed its firm requirements. Florida further states that the proposed conversion of the 24-inch system to a petroleum products pipeline represents the least threat to the ecology and environment in supplying petroleum products to the State of Florida.

The application by Florida was noticed on February 7, 1974, with protests or petitions to intervene due by March 1, 1974. Notice of intervention was filed by the Florida Public Service Commission. Timely petitions to intervene were filed by the following:

City Gas Company of Florida [1]
Florida Power & Light Company
Florida Power Corporation
Florida Public Utilities Company
Gainesville Gas Company
Maule-Industries, Inc.[1]
Murphy Oil Corporation
Peoples Gas System, Inc.
Port Everglades Authority
Port Everglades Towing, Inc.
Southern Gas Company
Standard Oil Company
Sun Oil Company

The cites of Fort Pierce, Gainesville, Homestead, Kissimmee, Lakeland, Sebring, Starke, and Tallahassee jointly submitted a timely request for a ten day extension of time to determine whether they should petition to intervene. On March 12, 1974, these cities submitted a joint petition to intervene, protesting the proposed abandonment and specifically requesting a formal hearing.

Petitions to intervene were filed out-of-time by the following parties:

Florida Audubon Society, Inc.
Gardinier, Inc.
Governor of Florida
Izaak Walton League, Florida Division
Tenneco Oil Company

In addition, the Gulf Coast Regional Conservation Committee of the Sierra Club filed a timely protest and the Delta Chapter of the Sierra Club filed a protest after expiration of the time prescribed.

We believe that a formal hearing should be convened to develop a complete record in this proceeding. Such proceeding should develop, inter alia, a record regarding:

1. Florida's indicated reduction in average daily delivery capacity by about 62,000 Mcf;

2. Gas pipeline safety, operating flexibility and the cost of future capacity increases;

3. The propriety and/or necessity of gas customers paying for any new construction, all necessitated by the proposed sale and conversion of certain facilities to products transportation;

4. The full cost of the proposed products pipeline, including necessary conversion costs, as compared to the full cost of a new such pipeline, in order to determine the propriety of the sale to an affiliated company at depreciated original cost of a jurisdictional facility for conversion to a non-jurisdictional use;

5. The effect of the proposal on the quality of the human environment; and,

6. The propriety of conveying natural gas pipeline right-of-way for purposes other than natural gas transmission service, under section 7(h) of the Natural Gas Act.

7. The effect on the instant proposal with and without the continued transportation service being rendered by Florida for Sun Oil Company, pursuant to Docket Nos. G-9262, et al. and CP65-393. These proceedings authorized the transportation of up to 340,000 MMBTU per day from Sun Oil. The contract for 140,000 MMBTU's is due to expire in June, 1979 and the contract for the remaining 200,000 MMBTU's is due to expire in June, 1988.

The Commission finds. (1) It is necessary and appropriate that the proceeding in Docket No. CP74-192 be set for formal public hearing.

(2) A pre-hearing conference should be convened, at which may be discussed in addition to the matters set forth in § 1.8 of the rules of practice and procedure, any requests for clarification of the facts presented by the application which may be necessary for evaluation of the environmental impact of the proposed project.

The Commission orders. (A) Florida Gas Transmission Company, and all supporting interveners, shall file testimony and exhibits comprising their cases in chief on or before March 12, 1975.

(B) A pre-hearing conference is to be convened on March 19, 1975, at the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426

[1] These petitions specifically requested a formal hearing.

to discuss procedural issues and clarification as noted in this order.

(C) A formal hearing shall be convened in the proceeding in Docket No. CP74–192 in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C., 20426 on April 1, 1975 at 10 a.m. (e.d.t.). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedures not herein provided.

(D) If necessary, the record of these proceedings shall remain open until the submission of the Commission Staff's final environmental impact statement, and no initial decision shall be issued by the Administrative Law Judge until inclusion of the environmental impact statement in the record and cross-examination thereon.

(E) The above-mentioned interveners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene, and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4731 Filed 2–20–75;8:45 am]

[Docket No. G–3727]

GETTY OIL CO.

Notice of Petition To Amend

FEBRUARY 14, 1975.

Take notice that on January 30, 1975, Getty Oil Company (Applicant), P.O. Box 1404, Houston, Texas 77001, filed in Docket No. G–3727 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) pursuant to the terms of a gas purchase agreement dated November 7, 1974, between Petitioner and Transco, said agreement having resulted from the agreement certified to the Commission in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G–2730, et al., all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection. Petitioner also requests permission to withdraw its application for permission and approval to abandon the sale to Transco filed in the subject docket on February 4, 1971.

Petitioner was issued a certificate of public convenience and necessity in the subject docket authorizing the sale of gas to Transco from certain acreage in the La Gloria Field, Brooks and Jim Wells Counties, Texas. On February 4, 1971, Petitioner filed for permission and approval to abandon sales to Transco from the subject acreage. Said application was consolidated with similar applications in Docket No. G–2730, et al., and was granted by the order accompanying Opinion No. 655 in Docket No. G–2730, et al. (49 FPC 738). On November 21, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. Transcontinental Gas Pipe Line Corporation v. FPC, 488 F.2d 1325 (D.C. Cir. 1973).

Petitioner states that on November 7, 1974, it entered into a new contract which supersedes the contract certificated in Docket No. G–3727 and which, among other things, sets forth volumes committed to Transco and provides for sales to continue until the gas reserves committed thereunder have been delivered. Said new contract is to become effective as of the date of Commission approval of the proposed settlement agreement in the proceeding in Docket No. G–2730.

Petitioner requests that, in the event the Commission approves the revised settlement proposal, the Commission contemporaneously issue an order amending Petitioners certificate issued in Docket No. G–3727 so as to authorize Petitioner to perform all acts and obligations provided for under the contract dated November 7, 1974.

Any person desiring to be heard or to make any protest with reference to said petition to amend and said request for withdrawal of application for permission and approval to abandon should on or before March 4, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–4732 Filed 2–20–75;8:45 am]

[Dockets Nos. CI64–385, CI64–1124]

GRAMPIAN CO., LTD. AND RUTH PHILLIPS BISIKER

Notice of Petitions To Amend

FEBRUARY 14, 1975.

Take notice that on February 3, 1975, Grampian Company, Limited and Ruth Phillips Bisiker (Petitioners), c/o Cecil L. Smith, 1407 Main Street, Suite 1407, Dallas, Texas 75202, filed in Docket Nos. CI64–385 and CI64–1124, respectively, petitions to amend the orders issuing certificates of public convenience and necessity in said dockets pursuant to section 7(c) of the Natural Gas Act by authorizing the sale of natural gas to Transcontinental Gas Pipe Line Corporation (Transco) pursuant to the terms of separate gas purchase agreements dated November 7, 1974, between Petitioners and Transco, said agreements having resulted from the settlement agreement certified to the Commission in Hilda B. Weinert and Jane W. Blumberg, et al., Docket No. G–2730, et al., all as more fully set forth in the petitions to amend, which are on file with the Commission and open to public inspection. Petitioners also request permission to withdraw their applications for abandonment of sale to Transco filed in the subject dockets on March 1, 1971.

Petitioners were authorized by orders issuing certificates of public convenience and necessity in the subject dockets to sell gas to Transco from acreage in the La Gloria Field, Brooks and Jim Wells Counties, Texas. Petitioners filed applications for permission and approval to abandon said sales on March 1, 1971, also in the instant dockets. Said requests, along with other similar abandonment applications, were granted by the order issuing Opinion No. 655 in Docket No. G–2730, et al. (49 FPC 738). On November 21, 1973, the United States Court of Appeals for the District of Columbia Circuit reversed Opinion No. 655 and remanded it to the Commission for further proceedings. Transcontinental Gas Pipe Line Corporation v. FPC, 488 FPC 1325 (D.C. Cir. 1973).

Petitioners state that, as a result of settlement negotiations, they have entered into new contracts with Transco which provide, inter alia, for various volumes, to be delivered to Transco during certain periods, which are different from the volumes committed under the contracts pursuant to which sales were certificated in Docket No. G–3287 [sic] and further provide for such sales to continue as set forth in said contracts until all of the gas reserves committed to Transco thereunder have been delivered. Petitioners further state that said contracts will become effective the date of Commission approval of the proposed settlement.

Petitioners, accordingly, request that in the event the Commission approves the settlement in Docket No. G–2730 the Commission contemporaneously issue orders amending the certificates of public convenience and necessity issued in Docket Nos. CI64–385 and CI64–1124 so as to authorize Petitioners to perform all acts and obligations provided for under the November 7, 1974, contracts with Transco.

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before March 3, 1975, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All pro-

tests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4733 Filed 2-20-75;8:45 am]

[Docket No. E-9046]

MONTAUP ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Increase in Rates, Granting Waiver of Notice Requirements, and Establishing Procedures

FEBRUARY 14, 1975.

On January 17, 1975, Montaup Electric Company (Montaup) tendered for filing, amendments to a rate schedule for service to the Narragansett Electric Company (Narragansett). The amendments, originally filed on October 1, 1974, were rejected as being contractually barred by the Mobile-Sierra doctrine [1] by Commission Order dated December 18, 1974 in the above-referenced docket. Montaup states that in the event its application for rehearing on the Mobile-Sierra issue is denied the above-mentioned rate schedule will nevertheless terminate on April 30, 1975, pursuant to contractual notice dated October 29, 1974. Montaup requests an effective date of May 1, 1975. Montaup further requests an 18 day suspension of the proposed rates to have the revised rate for service to Narragansett made effective subject to refund on May 19, 1975, the same date the rates to other customers filed in this proceeding will become effective subject to refund. Montaup further states that it has added a supplement to its rate schedule for service to Narragansett expressly permitting changes in rates by unilateral filing in accordance with section 205 of the Federal Power Act.

Notice of the filing was issued on January 28, 1975, with protests and petitions to intervene due on or before February 5, 1975.

Upon review of the instant filing we find that proper notice of termination of the above-mentioned contract was given to Narragansett by letter dated October 29, 1974, and that said contract will thereby terminate as of April 30, 1975. We also find that the issues raised in the present filing 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, and in recognition of Montaup's request herein, we shall grant waiver of the ninety day notice requirements of § 35.3(a) of the Commission's Regulations and accept the proposal for filing as of January 17, 1975. Additionally, we shall suspend the proposal for 18 days from Montaup's proposed effective date of May 1, 1975, until May 19, 1975, to coincide with the effective date of the other documents filed in the above docket.

Pursuant to our findings stated above and in recognition of our treatment of the issue herein presented, we will deem Montaup's application for rehearing (filed January 17, 1975) withdrawn, as requested by Montaup.

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 rates and charges contained in Montaup's revised rate schedule be suspended as hereinafter provided.

(2) Good cause exists to grant Montaup's motion for waiver of the notice requirements of the Commission's regulations.

The Commission orders. (A) Pending a hearing and a decision therein, Montaup's proposed changes in its rates and charges to Narragansett tendered January 17, 1975, are accepted for filing as of January 17, 1975, and suspended for 18 days from the May 1, 1975 proposed effective date, and the use therefore deferred until May 19, 1975, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations, and the regulations under the Federal Power Act (18 CFR Chapter I) a public hearing shall be held concerning the lawfulness of Montaup's proposed rates changes as to Narragansett, in Docket No. E-9046. The hearing herein ordered shall be consolidated with the hearing ordered on December 18, 1974 in this docket, and Paragraphs (C) and (D) of that order which established procedural dates are incorporated herein.

(C) Montaup's application for rehearing, filed January 17, 1975, is hereby deemed withdrawn.

(D) 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.

(E) 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.75-4735 Filed 2-20-75;8:45 am]

[Docket No. CP74-64]

MOUNTAIN FUEL SUPPLY CO.

Notice of Amendment to Application

FEBRUARY 14, 1975.

Take notice that on February 6, 1975, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84111, filed in Docket No. CP74-64 an amendment to its application filed in the subject docket pursuant to section 7(c) of the Natural Gas Act by which amendment Applicant proposes to sell to and exchange natural gas with Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), from an enlarged producing area, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By its application [1] filed in the subject docket on September 6, 1973, Applicant requests, inter alia, certificate authorization for the sale of natural gas to and the exchange of natural gas with CIG. The source of gas for said sale and exchange, as stated in the application, is from the Spearhead Ranch Well No. 1, Converse County, Wyoming. Applicant states that in anticipation of future natural gas development in Converse County it has enlarged the dedicated area under its sale and exchange agreement with CIG to include an additional 54 sections in the Anadarko-Fox area of Converse County.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before March 6, 1975, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene, in accordance with the Commission's rules. Persons who have heretofore filed a protest or petition to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4736 Filed 2-20-75;8:45 am]

[Docket No. RI75-109]

MURPHY OIL CORP.

Hearing and Rate Change

FEBRUARY 7, 1975.

Order providing for hearing on and suspension of proposed change in rate, and allowing rate change to become effective subject to refund.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly dis-

[1] United Gas Pipeline Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[1] Notice of the application was published in the FEDERAL REGISTER on September 27, 1973 (38 FR 26973).

criminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.-102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI75-109..	Murphy Oil Corp.....	24	17	Northwest Pipeline Corp., (Basin Dakota Field, San Juan County, N. Mex.) (Rocky Mountain Area).	$129,914	1-10-75	.....	6-22-74	22.5	[1] 35.7	

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.

[1] Plus applicable tax and Btu adjustment.

The proposed rate increase of Murphy, pursuant to an area rate clause, is from 22.5 cents to 35.7 cents per Mcf, the rate ceiling in Rocky Mountain established by Opinion No. 699–H for gas sold under contracts dated after October 1, 1968, from wells commenced prior to January 1, 1973. We shall suspend the proposed rate increase for one day from the date it would otherwise become effective under Opinion No. 699–H pending determination as to whether the Rocky Mountain ceiling in Opinion No. 699–H is applicable to the subject sales.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699–H, issued December 4, 1974, in Docket No. R-389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699–H is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated on or before January 31, 1975, will be made effective as of June 21, 1974.

[FR Doc.75-4518 Filed 2-20-75;8:45 am]

[Docket No. E-9181]

NANTAHALA POWER AND LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Granting Interventions, and Establishing Procedures

FEBRUARY 14, 1975.

On December 16, 1974, as completed on January 17, 1975,[1] Nantahala Power and Light Company (Nantahala) tendered for filing, proposed Rate Schedule PL comprising Second Revised Sheet No. 4, superseding First Revised Sheet No. 4, and Third Revised Sheet No. 5, superseding Second Revised Sheet No. 5.[2] According to Nantahala, the proposed change in rates would increase the company's present revenues by $84,879. This filing introduces a proposed purchase power cost adjustment clause into Nantahala's tariff in order that variations in the cost of purchased power above or below those rates in effect as of January 2, 1975, might be reflected. Nantahala has also amended its availablity clause by eliminating the restirictive language governing resale of power.

Notice of the instant filing was issued on December 31, 1974, with responses due on or before January 14, 1975. On January 13, 1975, North Carolina Electric Membership Corporation and Haywood Electric Membership Corporation filed a petition to intervene and a motion for the deferral of filing and hearing schedules in this proceeding. As these parties are customers of Nantahala and directly affected by the instant filing, we believe good cause exists to grant the requested interventions.

As noted above, Nantahala has included in its revised tariff sheets a purchased power cost adjustment clause which provides for monthly automatic adjustments by which Nantahala's jurisdictional customers' monthly bills are increased or decreased to reflect variations in the cost of purchased power above or below those rates in effect as of January 2, 1975. We find that this clause is sufficiently different from a fuel cost adjustment clause so as not to be subject to the new fuel cost regulations set forth in Order No. 517, issued. Accordingly, we shall not reject Nantahala's purchased power clause on the basis of its nonconformity to Order No. 517. We shall, however, provide that the issue of the justness and reasonableness of the purchased power clause be determined in the hearing ordered in this proceeding, and, in the interim, provide that any revenues collected pursuant to rate adjustments made under the purchased power clause shall be collected subject to refund pending the outcome of this proceeding.

Our review of Nantahala's filing and the issues raised therein indicates 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 one day and establish hearing procedures to determine the justness and reasonableness of Nantahala's filing.

Nantahala has requested a waiver of § 35.3 of the Commission's regulations in order that an effective date of February 1, 1975, be allowed. We do not find that Nantahala has shown good cause to waive the 30 day notice requirement. Accordingly we shall deny Nantahala's request for waiver, pursuant to § 35.11 of the regulations, of the notice requirements set forth in § 35.3 of the regulations.

The Commission finds. (1) It is necessary and proper in the public interest that a hearing be set to determine the justness and reasonableness of Nantahala's proposed rates and that the proposed rates be suspended for one day as hereinafter ordered and conditioned.

(2) Good cause exists to permit the intervention of the above-named petitioners to intervene.

(3) Good cause does not exist to waive the notice requirements of § 35.3 of the regulations.

The Commission orders. (A) Pursuant to the authority set forth in section 205 of the Federal Power Act, a public hearing shall be held on June 10, 1975, at 10 a.m., e.s.t., at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine the justness and reasonableness of the proposed changes in Nantahala's filing, in-

[1] By letter dated January 9, 1975, Nantahala was apprised that the filing had been assessed as deficient.

[2] These tariff sheets supersede the currently effective Rate Schedule PL which is the subject of Docket No. E-7942.

cluding Nantahala's proposed purchased power cost adjustment clause.

(B) Staff shall serve its prepared testimony and exhibits on or before April 29, 1975; the intervenors shall serve on or before May 13, 1975; and Nantahala shall serve any rebuttal evidence on or before May 27, 1975.

(C) Pending a hearing and decision thereon, Nantahala's proposed revised tariff sheets are accepted for filing and suspended for one day until February 18, 1975, when they shall become effective, subject to refund.

(D) Pending the outcome of this proceeding, all revenues collected pursuant to rate adjustments made under Nantahala's proposed purchased power adjustment clause shall be collected subject to refund.

(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) The above named petitioners 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 petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) Nantahala's request for waiver of the notice requirements of § 35.3 of the regulations is denied.

(H) 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.75-4737 Filed 2-20-75;8:45 am]

[Dockets Nos. E-8641, E-8251, E-8169, and E-8476]

NEW ENGLAND POWER CO.

Order Granting Late Intervention

FEBRUARY 13, 1975.

On February 26, 1974, the New England Power Company (NEPCO) tendered for filing a proposed rate increase to its primary service for resale customers (Rate R-8) and a petition for emergency relief by way of waiver of the Commission's rules and regulations to permit its new Rate R-8 to become effective, subject to refund on April 1, 1974. NEPCO's filing was noticed by the Commission on March 4, 1974, with protests and petitions to intervene due on or before March 15, 1974.

An untimely petition to intervene was filed by the Attorney General of the State of Rhode Island on January 24, 1975.

Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in the proceedings to warrant interventions.

The Commission finds. It is desirable and in the public interest to allow the above-named petitioners to intervene.

The Commission orders. (A) The above-named petitioners are hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.75-4738 Filed 2-20-75;8:45 am]

[Project No. 108]

NORTHERN STATES POWER CO.

Order Reopening the Proceeding

FEBRUARY 14, 1975.

This proceeding concerns the future of FPC Project No. 108, sometimes referred to as the Chippewa Project. The Project consists of a reservoir and dam located in Wisconsin on the Chippewa River, 179 miles above its confluence with the Mississippi. It is a storage reservoir, used to regulate the flow of the river for purposes of hydroelectric projects downstream. It has no generating facilities and produces no power.

A 50-year license for the project was issued to a predecessor of the Northern States Power Company in 1921. When that license expired in 1971, we issued to Northern States an annual license, as we were required to do by section 15(a) of the Federal Power Act. A new annual license has since been issued to Northern States each year.

The Federal Power Act provides in section 14 that when a license issued by this Commission expires, "the United States shall have the right * * * to take over and thereafter to maintain and operate" the project. Recommendations that the United States exercise the right to take over may be made by any Federal agency (section 15(a)), but this Commission is required to determine whether the United States should exercise that right (section 7(c)). The Federal Power Act further provides, in section 15, that if the United States does not exercise its right, then the Commission may issue a new license to the original licensee or a new license to a new licensee. Until one of the foregoing events occurs, the Commission is required by section 15(a) to issue an annual license to the current licensee.

Recommendations that the United States take over the Chippewa Project have been made by the Departments of Agriculture and the Interior, both of which are parties to this proceeding. The Northern States Power Company has applied for a new license. Hearings on the foregoing recommendations and application commenced in August 1973 and concluded in April 1974. Initial briefs were required to be filed on June 24, 1974, except that the Staff was to file (and it did so) an initial and reply brief on September 6, 1974. The date for filing reply briefs, most recently extended to January 29, 1975, has now passed. Given our usual practice, therefore, the case would now be ripe for an Initial Decision by the Presiding Administrative Law Judge.

On December 6, 1974, however, the Secretaries of Agriculture and the Interior jointly petitioned to reopen the record. The petition stated that each Department has recommended Federal takeover; that they presented evidence in support of that recommendation during the hearings; but that because this proceeding is one of the first involving Federal takeover, "the exact nature and extent of evidence needed to support such a recommendation was open to question." The Departments therefore asked that the record be reopened "for the purpose of introducing into evidence a Land Use and Resource Management Plan to be prepared through a cooperative effort by the United States Forest Service and the Lac Courte Oreilles Band." (As earlier orders in this proceeding make clear, Project No. 108 is located in part upon tribal lands of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. By its filing of December 23, 1974, the Lac Courte Oreilles Band indicated its support for the Agriculture-Interior request.) Agriculture and Interior stated that they anticipate that the preparation of the Land Use and Resource Management Plan "will be concluded within eight to twelve months." They referred to page 156 of the Staff brief as giving recognition to "the desirability for the introduction of additional data to support the recommendation for Federal takeover of Project No. 108." The reference is presumably to the following paragraphs on that page:

> The recapture proposals by the United States Forest Service have not been developed with any specificity. No recapture proposals of the Lac Courte Oreilles Band for project lands within the reservation boundary have been developed. No memorandum of understanding has been entered into between the parties desiring recapture which specifies joint management goals.
>
> On the other hand, we desire to make it clear that, if the management proposals submitted by the United States Forest Service and the Lac Courte Oreilles Band had been equal to those submitted by Northern States Power Company, Commission Staff Counsel would have recommended recapture of the Chippewa Project No. 108.

Commission Staff Counsel do not believe, in making a recommendation for relicensing of the Chippewa Project No. 108, that we necessarily preclude the submission of further data by the Band and those Federal agencies recommending recapture which would support such a recommendation. But based upon the record as developed in this proceeding, in the absence of further evidence, we do not believe that recapture would satisfy the criteria established in Section 10(a) of the Act.

Northern States and the Staff each responded to the petition to reopen, with Northern States strenuously objecting and the Staff agreeing with the petitioners' request. Northern States argued (1) that Agriculture and the Interior have failed to identify, "in even the most rudimentary" manner, the evidence that requires reopening of the proceeding, and they have thereby failed to meet the requirements of § 1.33(a) of our rules; (2) that Agriculture and Interior have failed to demonstrate why their proposed evidence was not introduced at the hearing, even though they have had many years of notice (at least from July 17, 1969, when the Commission issued Order No. 384, concerning the content of Federal takeover recommendations) as to what is required; and (3) that reopening the record now will result in an "incalculable delay," given the requirements of the National Environmental Policy Act, among other things, thereby increasing Northern States' expenditures of time, money, and resources and resulting, Northern States says, in a deprivation of due process. Northern States points out that our denial of the Agriculture and Interior request will not, in any event, deprive those Departments of the opportunity to present their management plan to the Congress, and it is there, Northern States says, that the ultimate judgment as to Federal takeover will be made.

For its part, the Staff stated that it did not object to reopening, because the proposed management plan could be of assistance to the Commission, and later the Congress, in resolving the issues here involved. The Staff expressed certain misgivings—concerning the amount of time required, and concerning the position of the Lac Courte Oreilles Band—and stated that the Commission is not "required" to reopen this record. But, in light of the Commission's responsibility to insure a complete record, the Staff stated its view to be that a decision to reopen would be "fully justified."

On the basis of the foregoing filings, the Administrative Law Judge denied the petition on January 9, 1975, but he certified the question to us for our consideration and disposition. His denial, based upon his balancing of the public interest and the entitlement of all parties to the elements of fair play, is based upon the failure of the petitioners to give "any hint" as to the contents of the proposed plan; the limitations apparently imposed by the Lac Courte Oreilles Band in connection with its agreement to participate with the Forest Service in preparing the study; and the absence of any showing as to the materiality of the proposed evidence. The Administrative Law Judge states his agreement with the Staff view that the evidence already presented in the case is "exhaustive".

We grant the petition to reopen the record. We do so notwithstanding our agreement with much of the argument presented by Northern States, and with much of the reasoning of the Administrative Law Judge. And we do so notwithstanding our dismay at the timing and content of the Agriculture-Interior petition. Each has had notice of Northern States' application for a new license since August 1971; each has long since recommended to us that the United States should take over the project (1968 in the case of Agriculture, 1972 in the case of Interior); and each participated in the hearings in this proceeding in 1973 and 1974. Yet seven months after the hearings were concluded and the record closed, with briefing substantially completed, the Departments have asked, in effect, that we call a complete halt. Our dismay is compounded by the singular lack of detail concerning the proposed new evidence. It is clear that no deference whatsoever has been paid to our rules.

Recognizing the fact that we are here dealing with a case of first impression, following the enactment of Pub. L. 90-451, 82 Stat. 616, i.e., one in which both Departments have proposed Federal takeover in an administrative hearing reflecting the requirement of FPC Order No. 384, we believe they should have the opportunity to present evidence in further support of their takeover position. They contend, and we are willing to accept, for purposes of this order, that existing evidence in support of Federal takeover may be deficient. While the record in the case is not yet before us, the briefs of the parties are, and an examination of those briefs suggests that existing evidence concerning Federal takeover is lacking at least in specificity. In any event, we think the existing record cannot be described as "exhaustive", so long as it does not contain a management plan of the kind these parties apparently seek to present. We cannot risk excluding the proposed evidence.

We stress the first impression characteristics of this case and in doing so, we would remind both Departments that in future instances, we expect adherence to the Commission's rules. Fairness to all parties and the orderly disposition of Commission proceedings demands observance of Commission rules by all interests, Federal departments, state agencies, Indian groups, license applicants and others. In this instance, Northern States points out that if we deny the petition, the Departments will be able, thereafter, to present their proposed management plan to the Congress. We concede that that would probably be the case. This is so because, if we were ultimately to recommend Federal takeover, that recommendation would be submitted to the Congress under section 7(c) of the Federal Power Act; if we were instead to issue a new license, then a two-year stay and notification to the Congress would follow under section 14(b). But we are unwilling to undertake to reach either of these conclusions, notwithstanding the likelihood of our being second-guessed, in the absence of as full a record before us as may be reasonable and possible. The Congress deserve more from us than a decision based on evidence that is apparently, even if arguably, incomplete.

We will, thus, order reopening, but we cannot accede to an indefinite delay. We shall select the shortest interval contained in the Departments' petition, and will, therefore, require that the Land Use and Resource Management Plan be filed with us and with the parties no later than eight months from the date of this order, with hearings thereon to commence as soon thereafter as the Presiding Administrative Law Judge may determine, but in no event later than 30 days following the date of filing of the Plan.

The Commission finds. Good cause exists to reopen the record in this proceeding, in order that a Land Use and Resource Management Plan, relating to Federal takeover of Project No. 108, may be introduced into evidence, with an opportunity afforded for cross-examination thereon.

The Commission orders. (A) The Joint Petition filed on December 6, 1974, by the Secretaries of Agriculture and the Interior is granted, and the record in this proceeding is reopened so that a Land Use and Resource Management Plan may be introduced into evidence.

(B) Such plan shall be filed with us and served upon the parties to this proceeding no later than 8 months from the date of issuance of this order.

(C) Following the filing of such plan, the Presiding Administrative Law Judge shall arrange for such further hearings, and such further briefing, as may in his judgment be appropriate, with hearings commencing no later than 30 days following the date of filing of the plan.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4739 Filed 2-20-75;8:45 am]

[Docket No. CI75-466]

TENNECO OIL CO. AND TENNESSEE GAS PIPELINE CO.

Extension of Procedural Dates

FEBRUARY 13, 1975.

On February 12, 1975, Tenneco Oil Company, Tennessee Gas Pipeline Company, a division of Tenneco, Inc., filed a motion to extend the procedural dates fixed by order issued February 7, 1975 in the above-designated matter. The motion states that the parties have been notified and have no objection.

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[1] Commissioner Moody, dissenting, will have a separate statement to be filed later.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of company testimony and documentary evidence, February 21, 1975.
Hearing, March 3, 1975 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4740 Filed 2-20-75;8:45 am]

[Docket No. RP75-13]

TENNESSEE GAS PIPELINE CO.

Proposed Revisions in Rate Increase

FEBRUARY 14, 1975.

Take notice that on February 12, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing revised tariff sheets in Docket No. RP75-13. The proposed effective date of the revised tariff sheets is March 15, 1975.

Tennessee states that the purpose of the revised tariff sheets is to revise the rates currently under suspension in this docket to (1) reflect the elimination of non-certificated facilities as required by the Commission's order of October 11, 1974, in this proceeding; (2) reflect the current cost of gas shown in Tennessee's PGA increase in Docket No. RP73-114 which became effective January 1, 1975; and (3) revise the projected sales volumes to reflect the current gas supply curtailment on Tennessee's system. In the event the Commission declines to accept these revised tariff sheets, Tennessee also tendered alternate revised tariff sheets which it states reflect only the adjustments for non-certificated facilities and current cost of gas. The alternate revised tariff sheets are also proposed to be effective on March 15, 1975.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 12, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-4741 Filed 2-20-75;8:45 am]

[Docket Nos. RP74-24, RP75-35, RP75-36, RP75-43, RP75-50, RP75-45]

TENNESSEE GAS PIPELINE, CO., ET AL.

Order Denying Motions, Construing Motions as Complaints, Consolidating Complaints and Setting Date and Procedures for Formal Hearing

FEBRUARY 14, 1975.

In the matter of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., Consolidated Edison Company of New York, Inc., *Complainant*, v. Tennessee Gas Pipeline Company, *Respondent*, Orange and Rockland Utilities, Inc., *Complainant*, v. Tennessee Gas Pipeline Company, *Respondent*, Knoxville Utilities Board, et al., and Tennessee Public Service Commission, *Complainants*, v. Tennessee Gas Pipeline Company, *Respondent*, Pennsylvania Gas and Water Company, *Complainant*, v. Tennessee Gas Pipeline Company, *Respondent;* investigation of revised curtailment level on the system of Tennessee Gas Pipeline Company.

On November 19, 1974, Consolidated Edison Company of New York, Inc. (Con Ed); on November 22, 1974, Orange and Rockland Utilities, Inc. (O&R); on December 23, 1974, Knoxville Utilities Board, et al.; and Tennessee Public Service Commission (Knoxville, et al.); and on January 3, 1975, Pennsylvania Gas and Water Company (Penn Gas), (all hereinafter styled Complainants) filed complaints in Docket Nos. RP75-35, RP75-36, RP75-43, and RP75-50, respectively, under section 5(a) of the Natural Gas Act against Tennessee Gas Pipeline Company's (TGP) operation of its curtailment plan. By order issued December 24, we initiated an investigation in Docket No. RP75-45 into the causes of the increased level of curtailment recently imposed by TGP on its system. By motion filed January 17, 1975, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) a customer on TGP's system seeks to expand the investigation to include, inter alia, a review of curtailment plan and its implementation that are presently in effect on TGP's system. By motion filed January 24, 1975, General Motors Corporation (GM), an intervenor in the curtailment proceeding in Docket No. RP74-24, seeks to reopen the record in that proceeding and to direct TGP to reinstate end-use volumes discussed therein.

Complainants Con Ed and O&R allege that as a result of TGP's establishment of its seasonal entitlements and continued assurances that additional curtailments would not be required, both companies accelerated their curtailment during the summer season in order to have greater flexibility in September and October. The entitlement period was established originally as April 1, 1974, through October 31, 1974, however because of the alleged effects of Hurricane Carmen, TGP established new Contract Period Quantity Entitlements (CPQE) on September 23, 1974, for the 39-day period from September 23, 1974 to October 31, 1974. Con Ed and O&R contend that the new CPQE's discriminate against them by not taking into account accelerated curtailments during the summer season.

TGP's response to Con Ed and O&R is that the curtailment plan approved in Docket No. RP74-24 gives them the right to change the CPQE's and the applicable period whenever circumstances warrant and that the practicalities of the situation do not permit TGP to credit these customers for their accelerated summer curtailments.

Knoxville et al argues that the December 16, 1974, 13 percent curtailment is completely opposite to TGP's repeated assurances that its gas supply would be adequate to meet all presently certificated requirements. Knoxville et al. contends that the suddenness of the new curtailment did not give it sufficient lead time to acquire alternate fuels.

Penn Gas contends that the end-use data that TGP utilized in implementing its December 16, 1974, curtailment consists of unverified information submitted unilaterally by TGP's customers which, according to Penn Gas, is unreliable and has been discriminately applied by TGP. In addition, Penn Gas requested interim relief with respect to the allocations presented in its petition to the extent that TGP be required to utilize the end-use data shown in Exhibit 2 in the proceeding in Docket No. RP74-24, as revised, consistent with the volumetric limitations imposed in Docket No. CP73-115 or curtail Penn Gas on the basis of corrected end-use data.

TGP in its answer to Penn Gas' complaint filed January 30, 1975, submits that it had to utilize end-use profile data reflecting annual design volumes which were submitted to TGP in response to TGP's letter of October 10, 1974, to its customers requesting their end-use estimates, in order to comply with the Commission's Opinion No. 712 issued November 26, 1974, which directed TGP to impose annual volumetric limitations on all of its customers at the level of its CP73-115 annual system capacity design volumes.

These complaints present issues involving the propriety of TGP's implementation of its curtailment plan that require determination on the basis of an evidentiary record. Additionally, the issues raised in the complaints contain common questions of law and fact that should be heard and decided in a consolidated proceeding.

Penn Gas' request for interim relief is based upon its allegation that TGP is erroneously implementing its curtailment

plan. That allegation will become an issue in the consolidated proceeding hereinafter instituted. Therefore, we will deny Penn Gas' request for interim relief, since the grant of that request will prejudge the issue involved in the hearing hereinafter instituted.

In addition Alabama-Tennessee's motion to expand the scope of the investigation in Docket No. RP75–45 and GM's motion to reopen the curtailment proceeding raise questions of law and fact, that more properly relate to Complainant's allegations as to the questions of gas supply allocation than to the captioned proceedings under which such motions were filed. Therefore, we will deny Alabama-Tennessee's motion to expand the scope of the investigation and we will deny GM's motion to reopen the curtailment proceeding. However, due to the nature of the allegations made in those motions already noted, we will construe those motions as complaints filed under section 5(a) of the Act and will consolidate them with the hereinabove-mentioned complaints and set the entire matter for formal hearing.

The Commission finds. (1) Good cause exists for denying Alabama-Tennessee's motion to expand the scope of the proceeding in Docket No. RP75–45, for denying GM's motion to reopen the proceeding in Docket No. RP74–24 and for construing these motions as complaints all as hereinbefore mentioned and hereinafter ordered.

(2) Good cause exists for consolidating all the hereinbefore described complaints and setting these complaints for formal hearing and establishing the procedures for that hearing, as hereinafter ordered.

(3) Good cause exists for denying Penn Gas' request for interim relief.

The Commission orders. (A) The motion to expand the scope of the proceeding in Docket No. RP75–45 filed by Alabama-Tennessee is denied.

(B) The motion of GM to reopen the proceeding in Docket No. RP74–24 is denied.

(C) Penn Gas' request for interim relief is denied.

(D) The motions of Alabama-Tennessee and GM are construed as complaints pursuant to section 5(a) of the Natural Gas Act and are hereby consolidated, along with the complaints of Con Ed, O&R, Knoxville, et al., and Penn Gas for purposes of hearing and decision.

(E) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on March 25, 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 on the issues raised in the complaints consolidated herein for purposes of hearing and decision.

(F) The direct case of all complainants supporting their complaints shall be filed and served on all parties, the Presiding Administrative Law Judge, and the Commission Staff on or before March 11, 1975.

(G) The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure and shall establish procedures not herein set for the determination of this consolidated proceeding.

(H) Notice of intervention and petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before March 7, 1975, in accordance with the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4742 Filed 2–20–75;8:45 am]

[Docket No. RP74–37–11]

UNITED GAS PIPE LINE CO.

Extension of Time

FEBRUARY 13, 1975.

On February 11, 1975, Mississippi Chemical Corporation filed a motion to extend the date for filing briefs opposing exceptions to the initial decision of the Presiding Administrative Law Judge issued December 27, 1974 in the above-designated matter.

Upon consideration, notice is hereby given that the date for filing briefs opposing exceptions in the above matter is extended to and including February 24, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75–4743 Filed 2–20–75;8:45 am]

GENERAL ACCOUNTING OFFICE

HOUSEHOLD GOODS CARRIERS

Approval of Report Proposal

Notice is hereby given that the General Accounting Office (GAO) has withdrawn its denial of clearance of a proposal by the Interstate Commerce Commission to require household goods carriers to file a new annual performance report. GAO's decision is made in the light of information developed subsequent to our initial decision.

The requirement and data to be included in the report are specified in 49 CFR 1056.7(b). Respondents are 2,500 household goods carriers.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–4817 Filed 2–20–75;8:45 am]

REGULATORY REPORTS REVIEW

Extension of Comment Deadline

This notice supplements our FEDERAL REGISTER notice of January 31, 1975, inviting comments from all interested persons, organizations, public interest groups, and affected businesses on the Federal Trade Commission's Corporate Patterns Report Forms S, 1 and 2. Notice is hereby given that the deadline for the receipt of comments has been extended from February 18, 1975, to March 4, 1975. The comments should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street NW., Washington, D.C. 02548.

CARL F. BOGAR,
Assistant Director,
Regulatory Reports Review.

[FR Doc.75–4863 Filed 2–20–75;8:45 am]

INTERNATIONAL TRADE COMMISSION

[AA1921–143]

TAPERED ROLLER BEARINGS AND CERTAIN COMPONENTS THEREOF FROM JAPAN

Statement of Reasons for Negative Determination of Commissioner Minchew

JANUARY 23, 1975.

In the investigation of Tapered Roller Bearings from Japan, AA1921–143, I have made a negative determination because I feel that all parts of the statutory criteria which would be necessary for an affirmative finding are not met.

Section 201(a) of the Antidumping Act of 1921 states—

(a) Whenever the Secretary of the Treasury (hereinafter called the "Secretary") determines that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, he shall so advise the United States Tariff Commission, and the said Commission shall determine within three months thereafter whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. . . .

The "foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value" (LFTV) portion of the statute was established by the U.S. Treasury Department with respect to tapered roller bearings from Japan for the period July–December 1973. The U.S. Tariff Commission (now the U.S. International Trade Commission) received advice to this effect from the U.S. Treasury Department on September 4, 1974, and the Commission instituted investigation No. AA1921–142 on September 11, 1974. On October 23, 1974, the Commission received an additional communication from the U.S. Treasury Department which served as the basis for terminating investigation

No. AA1921–142. On October 24, 1974, the Commission instituted a new investigation, AA1921–143, on the basis of the aforementioned clarification from the U.S. Treasury Department.[1]

The "is being or is likely to be injured" part of the statute is not met, in my opinion, because what I would consider normal tests for injury are not met. The domestic tapered roller bearing industry (domestic industry) was operating at near capacity and was unable to meet increased demands which existed in the U.S. market in that period. The domestic industry experienced increased sales in every year from 1970 to 1973, which encompasses the dumping period. The domestic industry increased its prices consistently throughout the period 1970 to 1973. In addition, the export sales of the domestic industry as a proportion of total sales increased during 1973. For me, it is not possible to establish that an industry which has the above-mentioned characteristics is being or is likely to be injured by reason of imports sold at LTFV.

The "by reason of the importation of such merchandise" section of the statute, at this point in my determination, does not have to be considered because I have not found injury or the likelihood of injury. However, had injury or the likelihood of injury been found, I do not think that I could have established the causal relationship between the injury or likelihood of injury and the sales of imports at LTFV. It is clear to me that whatever injury which might be alleged by the smaller domestic producers was due more to their competitive disadvantage against the dominant domestic producer than it was to sales at LTFV.

By Order of The Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.75–2690 Filed 1–28–75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 14, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received: the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable: the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

CIVIL SERVICE COMMISSION

Experimental Field Test of Pay Survey Methodology, single-time, different typs of industries, Strasser, A., 395–3880.

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency Program Evaluation Summary Sheet, DCPA 744–3, single-time, local civil preparedness officials, National Security Division, 395–4734.

DEPARTMENT OF THE ARMY (EXCLUDING OFFICE OF CIVIL DEFENSE)

Industrialized Buildings Production Project Data, CERL 111A, CERL 111B, CERL 111C, CERL 111D, CERL 111E, CERL 111F, single-time, industrialized building manufacturers and architects, National Security Division, 395–4734.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, NIE Product Information Guidelines, NIE 100, single-time, colleges and universities, Human Resources Division, 395–3532.

Health Resources Administration, Health Data and Information Dissemination Survey—Phase I, HRAOPEL0102, single-time, health and health-related professionals, Reese, B. F., 395–5630.

Center for Disease Control, Development of the Role of the Health Department as Coordinator of Occupational Health Programs, CDC 0127, single-time, manufacturing and services, Ellett, C. A., 395–6172.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Statement of Work-Rep 197—Motorist Survey, single-time, motorists, Strasser, A., 395–3880.

REVISIONS

CIVIL SERVICE COMMISSION

Mid-Level Data Sheet, CSC 1056, on occasion, applicants for Federal jobs, Caywood, D. P., 395–3443.

ENVIRONMENTAL PROTECTION AGENCY

Community Health and Environmental Studies: Respiratory Diseases, on occasion, individuals, Natural Resources Division, 395–6827.

EXTENSIONS

DEPARTMENT OF COMMERCE

National Bureau of Standards:
Survey on the Impact of Mechanical Properties of Metals Programs at NBS, single-time, Evinger, S. K., 395–3648.
Synthetic Polymer Fire Accident Case Study, NBS 782, on occasion, Evinger, S. K., 395–3648.
Impacts and Needs in Molecular Polymer Characterization, single-time, Evinger, S. K., 395–3648.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration:
. . . Agricultural Aircraft Operations and the Application for . . . Agricultural Aircraft Operator Certificate (Regulations), on occasion, Evinger, S. K., 395–3648.
Federal Aviation Regulations Part 141—Pilot Schools—Records Retention Requirements, FAR 141, on occasion, Evinger, S. K., 395–3648.
Application for Crew Member Certificate, FAA 8060–6, on occasion, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–4779 Filed 2–20–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on February 18, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice thru this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

ATOMIC ENERGY COMMISSION

Distribution and Evaluation of Public Service Announcements, single-time, public service directors, Lowry, R. L., 395–3772.

UNITED STATES TARIFF COMMISSION

Preliminary Inquiry 337–L–80—Angolan Robusta Coffee, single-time, roasters and/or importer-sellers of Angolan Coffee, Evinger, S. K., 395–3648.

U.S. CIVIL SERVICE COMMISSION

Civil Service Competitor Survey, single-time, Individuals Taking Civil Service tests, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Breast Cancer and Reserpine Preliminary case control study, OS–NIH–CA–23, single-time, Screenees and Physicians, Hall, George, 395–4697.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Survey of information sources: Visual Disorders and Disabilities, OS–NIH–EY–3, single-time, State, Federal and Private Agencies, Hall, George, 395–4697.

[1] I had opposed the institution of a new investigation on October 24, 1974, because I felt the communication from the U.S. Treasury Department was not new advice but simply a clarification of its advice of September 4, 1974, and consequently I felt the Commission more properly should have proceeded with its original investigation, AA1921–142. My views did not prevail, and a majority of the Commission interpreted the new communication from the U.S. Treasury Department as new advice and the basis for the new investigation, AA1921–143.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education, Report Form for the Central Catalog of Volunteer Produced Books—Braille, Large Type, Tape Recorded, OE-401, Other (See SF-83), Volunteer Transcribers for the Blind, Caywood, D. P., 395-3443.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Marketable Phosphate Rock, 6-1250-M, Monthly, Producers of Marketable Phosphate Rock, Weiner, N., 395-4890.

DEPARTMENT OF THE INTERIOR

Bureau of Mines, Capacity to Produce Asphalt and Forecast of Availability of Paving Asphalt and Road Oil, 61329-X, single-time, Suppliers of paving asphalt and road oil, Weiner, N., 395-4890.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration Underground Mine Ventilation Plan, Annually, underground metal and nonmetal mine operators, Ellett, C. A., 395-6172.

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries and Wildlife, Hunter Contact Card (Waterfowl), 3-1823, Annually, waterfowl hunters, Planchon, P., 395-3898.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-4902 Filed 2-20-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR ENGINEERING MATERIALS

Notice of Revision

This notice is to announce revision in the structure of the Advisory Panel for Engineering Materials. The changes described below are reflected in the panel's modified charter. Copies of the charter addendum, like the initial charter, have been forwarded to the Library of Congress for public inspection and filed with the standing committees of Congress having legislative jurisdiction of the National Science Foundation.

The Advisory Panel for Engineering Materials was established on December 31, 1973, to advise the Engineering Materials Program. However, since that time, the program has been merged into the Metallurgy and Materials Section and the panel now provides advice to the Metallurgy and Materials Section. Members of this panel shall be selected from the community of research scientists in Metallurgy and Materials. Accordingly, the name of the Advisory Panel for Engineering Materials shall be changed to the Advisory Panel for Metallurgy and Materials, effective immediately.

H. GUYFORD STEVER,
Director.

[FR Doc.75-4801 Filed 2-20-75;8:45 am]

ADVISORY PANEL FOR ENGINEERING CHEMISTRY AND ENERGETICS

Notice of Meeting

There will be an open meeting of the Advisory Panel for Engineering Chemistry and Energetics held at 9:30 a.m. in room 511 on March 10 and room 517 on March 11, 1975. The Panel was established January 2, 1973, and functions in accordance with the Federal Advisory Committee Act (P.L. 92-463). The purpose of this Panel is to provide advice and recommendations concerning support for research in engineering chemistry and energetics.

During the March 10 session, the full Panel will meet to discuss general program matters and then will adjourn to assemble in four subgroups. (Room numbers will be announced at the meeting.) Each subgroup will be concerned with one of the four programs in the Engineering Chemistry and Energetics Section: Chemical Processes; Thermodynamics and Mass Transfer; Heat Transfer; and Plasma Dynamics and Nuclear Engineering. The subgroups will discuss the current funding, areas which should be de-emphasized, and new areas in need of attention as they relate to each respective program.

On March 11 the full Panel will reassemble in room 517 to: discuss balance of support activities among the several programs in the Section; review administrative procedures as affecting grantees; and discuss post grant evaluation.

Any persons wishing to attend this open meeting should contact Dr. Charles E. Huckaba, Head, Engineering Chemistry and Energetics Section, Rm. 324, National Science Foundation, Washington, D.C. 20550, telephone 202/632-5867, before March 7. Dr. Huckaba may also be contacted for further information about this Panel.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, MAO, Rm. 720-K, National Science Foundation, Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

FEBRUARY 18, 1975.

[FR Doc.75-4800 Filed 2-20-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-286]

CONSOLIDATED EDISON CO. (INDIAN POINT, UNIT NO. 3)

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations 10 CFR Part 50, Appendix D, notice is hereby given that the Final Environmental Statement prepared by the Commission's Office of Nuclear Reactor Regulation related to the operation of Indian Point Nuclear Generating Plant, Unit No. 3 by Consolidated Edison Company of New York, Inc., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. The Final Environmental Statement is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

The notice of availability of the Draft Environmental Statement for the Indian Point Nuclear Generating Plant, Unit No. 3 and request for comments from interested persons was published in the FEDERAL REGISTER on October 23, 1973 (38 FR 29243). The comments received from Federal, State, local agencies and interested members of the public have been included as Appendix I to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG 75/002, Volume I and NUREG 75/003, Volume II) may be obtained at current prices by writing to the National Technical Information Service, Springfield, Virginia 22161.

Dated at Rockville, Maryland this 18th day of February 1975.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1 Division of Reactor Licensing.

[FR Doc.75-4853 Filed 2-20-75;8:45 am]

[Docket No. STN 50-535]

GENERAL ATOMIC CO.

Receipt of Standard Safety Analysis Report

General Atomic Company, in response to Option No. 1 of the policy statement of the Nuclear Regulatory Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants", issued March 5, 1973, and pursuant to Appendix 0 to 10 CFR, Part 50, has filed with the Commission a five-volume document entitled "GASSAR-6 General Atomic Standard Safety Analysis Report", which was docketed on February 5, 1975. The tendered application for GASSAR-6 was received on August 23, 1974. Following a preliminary review for completeness, the application was rejected on November 6, 1974, for lack of sufficient information. General Atomic Company submitted a revised Standard Safety Analysis Report on January 20, 1975, and the application was found to be acceptable for docketing. Docket No. STN 50-535 has been assigned to GAS

SAR–6 and should be referenced in any correspondence relating thereto.

GASSAR–6 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. GASSAR–6 describes and analyzes a high-temperature gas-cooled reactor nuclear steam supply system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at a rated core thermal power level of 3000 megawatts.

When its review of GASSAR–6 is complete, the Commission's staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, GASSAR–6 will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report 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.

All interested persons who desire to submit written comments for consideration by the staff and ACRS during their review of GASSAR–6 should send them to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section by April 22, 1975.

A copy of the GASSAR–6 Standard Safety Analysis Report is available for public inspection at the Commission's Public Document Room, 1717 H Street, Washington, D.C. 20555. When available, the Safety Evaluation Report and the ACRS report will be made available for inspection by the public at the Commission's Public Document Room.

Dated at Bethesda, Maryland, this 12th day of February, 1975.

For the Nuclear Regulatory Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Division of Reactor Licensing.

[FR Doc.75–4447 Filed 2–20–75;8:45 am]

[Dockets Nos. 50–277 and 50–278]

PHILADELPHIA ELECTRIC CO., ET AL.

Notice of Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 5 and 3 to Facility Operating Licenses Nos. DPR–44 and DPR–56, respectively, issued to Philadelphia Electric Company, Public Service Electric & Gas Company, Delmarva Power & Light Company, and Atlantic City Electric Company which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in Peach Bottom, York County, Pennsylvania. These amendments are effective as of date of issuance.

The amendments permit a decrease in the discharge pressure of the High Pressure Service Water pumps.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to these actions, see (1) the application for amendments dated December 3, 1974, (2) Amendments Nos. 5 and 3 to Licenses Nos. DPR–44 and DPR–56, with Changes Nos. 6 and 3, 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 Martin Memorial Library, 159 East Market Street, York, Pennsylvania.

A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 12th day of February, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch #3, Division of Reactor Licensing.

[FR Doc.75–4718 Filed 2–20–75;8:45 am]

[Docket No. 50–244]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 5 to Provisional Operating License No. DPR–18 issued to Rochester Gas and Electric Corporation which revised Technical Specifications for operation of the R. E. Ginna Nuclear Power Plant located in Wayne County, New York. The amendment becomes effective 30 days after the date of issuance.

This amendment revises the reporting requirements of the Technical Specifications for the R. E. Ginna Nuclear Power Plant.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated December 2, 1974, (2) Amendment No. 5 to License No. DPR–18, with Change No. 14, 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 Lyons Public Library, 67 Canal Street, Lyons, New York 14489 and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 13th day of February 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75–4719 Filed 2–20–75;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Bylaws

The bylaws of the Pennsylvania Avenue Development Corporation, amended January 28, 1975, are as follows:

ARTICLE I

TITLE AND OFFICE

Section 1. *Title*—The name of the Corporation is the Pennsylvania Avenue Development Corporation.

Section 2. *Office*—The office of the Corporation shall be in the city of Washington, District of Columbia.

ARTICLE II

ESTABLISHMENT

Section 1. *Creation*—The Corporation, a wholly owned instrumentality of the United States subject to the Government Corporation Control Act (31 U.S.C. 841 *et seq.*), was established by the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871 *et seq.*, 86 Stat. 1266), as amended, hereinafter refered to as "the Act".

Section 2. *Purposes*—The purposes for which this Corporation was established are those stated and promulgated by Congress in the Act.

ARTICLE III

BOARD OF DIRECTORS

Section 1. *Powers and responsibilities*—The business, property and affairs of the Corporation shall be managed and controlled by the Board of Directors, and all powers specified in the Act are vested in them. The Board may, at its discretion and as hereinafter provided, delegate authority necessary to carry on the ordinary operations of the Corporation to officers and staff of the Corporation.

Section 2. *Composition; number; selection; terms of office*—The Board of Directors shall be comprised of fifteen voting members and eight non-voting members. The powers and management

of the Corporation shall reside with the fifteen voting members, and the procedures of the Board shall be determined by them.

The fifteen voting members shall include the seven government agency representatives specified in Subsection 3(c) of the Act (or, their designees), and eight individuals meeting the qualifications of that Subsection, appointed by the President of the United States from private life, at least four of whom shall be residents and registered voters of the District of Columbia.

The Chairman and Vice Chairman shall be designated by the President of the United States from among those members appointed from private life.

Upon his appointment, the Chairman shall invite the eight representatives designated in Subsection 3(g) of the Act to serve as non-voting members of the Board of Directors.

Each member of the Board of Directors appointed from private life shall serve a term of six years from the expiration of his predecessor's term; except that the terms of the Directors first taking office shall begin on October 27, 1972 and shall expire, as designated at the time of appointment. A Director may continue to serve until his successor has qualified.

A Director, appointed from private life wishing to resign shall submit a letter of resignation to the President of the United States, and his resignation shall become effective upon the date of the President's acceptance thereof.

A Director, appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed, shall serve for the remainder of such term.

Section 3. *Meetings*—The Board of Directors shall meet and keep its records at the office of the Corporation.

Meetings of the Board of Directors shall be held at the call of the Chairman, but not less often than once every three months. The Chairman shall also call a meeting at the written request of any five voting members.

The Chairman shall direct the Secretary to give the members of the Board notice of each meeting, either personally, or by mail, or by telegram, stating the time, the place and the agenda for the meeting. Notice by telephone shall be personal notice. Any Director may waive in writing, notice as to himself, whether before or after the time of the meeting, and the presence of a Director at any meeting shall constitute a waiver of notice of that meeting. Notice, in whatever form, shall be given so that a Director will have received it five working days prior to the time of the meeting.

Unless otherwise limited by the notice thereof, any and all Corporation business may be transacted at any meeting.

The Chairman shall preside at meetings of the Board of Directors, or the Vice Chairman in the absence of the Chairman. In the event of the absence of both the Chairman and the Vice Chairman, the Directors present at the meeting shall designate a Presiding Officer.

Section 4. *Quorum*—The presence of any eight voting Directors at a meeting of the Board shall constitute a quorum for the transaction of business. The act of a majority of the voting Directors at any meeting at which there is a quorum shall be an act of the Board of Directors. If there shall be less than a quorum at any meeting, a majority of the voting Directors present may adjourn the meeting until such time as a quorum can practically and reasonably be obtained.

Section 5. *Directors serving in stead*—Each member of the Board of Directors specified in paragraphs (1) through (7) of Subsection 3(c) of the Act, if unable to serve in person, may designate another official from his agency or department to serve on the Board in his stead. Such designation will be effected by a letter of appointment to the Chairman from the Director specified in the Act. A Director appointed to serve in stead shall serve as the voting Director of the represented agency until the Chairman receives written notice from the appointing official, or his successor, that the appointment is rescinded. The Chairman shall cause notice of appointments of Directors to serve in stead to be published in the Federal Register.

Section 6. *Vote by proxy*—Voting members of the Board of Directors unable to attend a meeting may vote by proxy on resolutions which have been printed in the agenda in advance for the meeting.

A Director unable to attend a meeting of the Board may submit a vote to be cast by the Presiding Officer by means of a written signed statement of his vote and the resolution to which it pertains together with any statement bearing on the matter the Director wishes to have read. The proxy vote shall be submitted to the Chairman with a separate signed copy to the Secretary, to be received not later than the close of business of the day prior to date fixed for the meeting.

The Presiding Officer shall cast proxy votes received by the Chairman in the following manner: (1) upon the close of discussion on a resolution for which there has been submitted one or more valid proxy votes, the Presiding Officer shall announce that he holds proxy vote(s) from named Director(s), and shall read any explanatory statements submitted by the Director(s) voting by proxy; (2) the Presiding Officer shall take the vote of the Directors present and then declare the proxy votes in hand. The Secretary shall orally verify the validity of the votes submitted to be cast by proxy, and shall record them with the votes cast by the Directors present on the resolution.

Proxy votes shall not be utilized to effect the presence of a quorum.

Section 7. *Compensation of Directors*—Members of the Board of Directors shall be compensated in the manner provided in Section 3 of the Act.

Section 8. *Approval of annual budget*—Upon completion by the staff of a draft annual budget request, the Chairman shall call a meeting of the Board of Directors for its review and consideration. Upon approval by the Board of the draft budget request, it may be submitted to the Office of Management and Budget.

ARTICLE VI

OFFICERS

Section 1. *General provisions*—The corporate officers of the Corporation shall consist of a President, an Executive Director, two Assistant Directors, a Secretary (who shall be appointed by the Chairman from among the staff of the Corporation), and such other officers as the Board of Directors may from time to time appoint.

Any corporate officer elected or appointed by the Board of Directors may be removed at any time, with or without cause, by the affirmative vote of a majority of the Board of Directors.

Section 2. *Powers and duties of the President*—The Chairman of the Board of Directors shall be the President and chief executive officer of the Corporation and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation. The President shall see that all resolutions and policies of the Board are carried into effect, and shall have power to execute contracts, leases, agreements, and other documents necessary for the operation of the Corporation.

Section 3. *Appointment of certain officers*—The Board of Directors shall appoint an Executive Director and two Assistant Directors, who may be appointed and compensated without regard to the provisions of Title 5 of the United States Code governing appointments in the competitive service and Chapter 51 and subchapter IV of Chapter 53 of Title 5 of the United States Code.

Between meetings of the Board of Directors the Chairman may make appointments to the foregoing positions, when they become vacant by resignation or otherwise. However, the Chairman shall move to have such interim appointments confirmed at the next meeting of the Board. The Chairman shall have power to increase or decrease the salaries of the officers appointed under this section.

Section 4. *Powers and duties of the Executive Director*—The Executive Director shall be the chief of the Corporation's staff and shall have general powers of supervision and management over the administration of the Corporation. The Executive Director shall have power to: execute contracts, agreements, and other documents necessary for planning and design work and for ordinary operations of the Corporation; hire staff (including temporary or intermittent experts and consultants); procure space, equipment, supplies; and, obtain interagency and commercial support services. He shall: direct and manage the day-to-day operations and work of the Corporation; and, supervise planning and development activities of the Corporation in accordance with the development plan and resolutions of the Board of Directors. He shall also perform such other duties and exercise such powers as the President and Board of Directors may prescribe.

Section 5. *Powers and duties of the Assistant Director/Legal*—The Assistant Director/Legal shall be the General Counsel of the Corporation, advising the Board of Directors and the staff on all legal matters effecting the functioning of the Corporation. He shall: coordinate with the Department of Justice in assuring that the interests of the Corporation are represented in any litigation arising from its authorities or actions; and advise the Board of Directors and the staff of statutory or regulatory requirements, and assure compliance therewith. He shall: prepare or review all contracts, agreements or other documents of a legal nature; prepare or review all draft legislation, regulations, official notices and other legal publications; and, perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

Section 6. *Powers and duties of the Assistant Director/Finance*—The Assistant Director/Finance shall advise the Board of Directors and the officers of the Corporation on economic and financial matters, and guide the formulation of economic and financial policy for development activities. He shall contract for and coordinate the work of consultants and prepare or review proposals, studies, plans, and agreements relating to financing and economic development. He shall act as the treasurer of the Corporation, and shall have charge of the custody, safekeeping and disbursements of all development funds of the Corporation; designate qualified persons to authorize disbursements of development funds; be responsible for documents relating to development financing of the Corporation, including borrowing from the United States Treasury, commercial banks and others; have authority to collect all non-appropriated monies due the Corporation, to receipt therefore and to deposit same for the account of the Corporation; and, work and maintain liaison with appropriate committees of Congress and executive agencies on matters relating to appropriations, financing and the corporation's budget. He shall also perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

Section 7. *Powers and duties of the Secretary*—The Secretary, to be appointed by the Chairman from among the Corporation's staff, shall give notice of all meetings of the Board of Directors and record and keep the minutes thereof; keep in safe custody the seal of the Corporation, and shall affix the same to any instrument requiring it. When so affixed, the seal shall be attested by the signature of the Secretary. The Secretary shall also perform such other duties as may be prescribed by the Board of Directors, the President, or the Executive Director.

ARTICLE VII

ANNUAL REPORT

The Executive Director shall prepare annually a comprehensive and detailed report of the Corporation's operations, activities, and accomplishments for the review of the Board of Directors. Upon approval by the Board, the Chairman shall transmit the report in January of each year to the President of the United States and to the Congress.

ARTICLE VIII

SEAL

The Corporation may adopt a corporate seal which shall have the name of the Corporation and year of incorporation printed upon it. The seal may be used by causing it or a facsimile thereof to be impressed, affixed, or reproduced.

ARTICLE IX

AMENDMENTS

These bylaws may be altered, amended, or repealed by the Board of Directors at any meeting, if notice of the proposed alteration, amendment, or repeal is contained in the notice of the meeting.

By the Board of Directors.

E. R. QUESADA,
Chairman.

FEBRUARY 14, 1975.

[FR Doc.75-4720 Filed 2-20-75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Notice of Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings on March 6 and 7, 1975, at 500 North Capitol Street, Washington, D.C. 20549, in Room 776, beginning at 9:00 A.M. and on April 10 and 11, 1975 in Dallas, Texas.

The summarized agenda for the March meeting is as follows:

Completion of discussion of written comments received in response to the Committee's Preliminary Statement (Securities Exchange Act Release No. 11131, December 11, 1974).

The summarized agenda for and the location of the April meeting will be published in the FEDERAL REGISTER approximately fifteen days prior to the meeting.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.75-4880 Filed 2-20-75;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License 02/02-0295]

BT CAPITAL CORP.

Notice of Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that BT Capital Corporation (BT), 600 Third Avenue, New York, New York 10016, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application pursuant to § 107.1004(b) of the SBA rules and regulations governing small business investment companies (13 CFR 107.1004 (1975)), for an exemption from the provisions of the conflict of interest regulations.

The exemption, if granted, will permit BT to purchase for $101,428 the Notes and Warrants of Century Glove, Inc. (Century), a wholly owned subsidiary of Amadac Industries, Inc. (Amadac). Two directors and stockholders of BT are also directors and shareholders of Amadac. These individuals are considered to be "Associates" of the Licensee, as defined by § 107.3 of the regulations. This transaction, therefore, will require an exemption pursuant to § 107.1004(b)(1) of the regulations.

The application contains the following information:

1. Century, a manufacturer of industrial gloves, has its main office in Newark, New Jersey, and has plants in Newark, New Jersey and Lyerly, Georgia.

2. BT will purchase Century's Subordinated Note, and warrants to purchase Century's common stock. Century has certain repurchase rights concerning the warrants. BT will also purchase warrants for stock of Amadac. These warrants, when exercised, will represent .46 percent of Amadac's stock outstanding.

3. Messrs. Burton I. Koffman and Alan V. Iselin own 8⅓ percent and 5 percent, respectively, of BT's common stock. Messrs. Koffman and Iselin are directors of BT and Amadac. Mr. Koffman and members of his family and certain corporations which they control own a substantial equity interest in Amadac. Mr. Iselin is the Chairman of the Board of Amadac.

Notice is hereby given that any person may, no later than March 10, 1975, submit written comments on the proposed transaction to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York, New York.

Dated: February 7, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-4721 Filed 2-20-75;8:45 am]

[License No. 02/02-0310]

NIS CAPITAL CORP.

Notice of Issuance of License To Operate as a Small Business Investment Company

On January 9, 1975, a notice was published in the FEDERAL REGISTER (40 FR 1798) stating that NIS Capital Corp., 34 South Broadway, White Plains, New York 10601, had filed an application with the Small Business Administration (SBA), pursuant to Section 107.102 of the Rules and Regulations governing

small business investment companies (13 CFR 107.102 (1974)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business January 24, 1975, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-0310 to NIS Capital Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: February 10, 1975.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.75-4722 Filed 2-20-75;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

UNEMPLOYMENT BENEFITS

Notice of Extensions

I, as Secretary of Labor, have determined that there was a National "on" indicator for the week ending on February 8, 1975, which is applicable to every State, and an Extended Benefit Period therefore will commence with the week beginning on February 23, 1975 in all States in which an Extended Benefit Period is not already in effect. This determination was made under the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708.

Similarly, I have determined that there was a Federal Supplemental Benefit "on" indicator for the week ending on February 8, 1975, and a Federal Supplemental Benefit Period therefore will commence with the week beginning on February 23, 1975 in all States in which a Federal Supplemental Benefit Period is not already in effect. This determination was made under the Emergency Unemployment Compensation Act of 1974, 88 Stat. 1869.

In accordance with these determinations Federal-State Extended Benefits will be payable during the Extended Benefit Period in all States, including the District of Columbia and the Commonwealth of Puerto Rico, and Federal Supplemental Benefits also will be payable during the Federal Supplemental Benefit Period in every State which has entered into an Agreement with the Secretary of Labor of the United States pursuant to the Emergency Unemployment Compensation Act of 1974.

Section 203 of the Federal-State Extended Unemployment Compensation Act of 1970 provides that there will be a National "on" indicator for a week if in each of the three calendar months preceding that week the rate of insured unemployment (seasonally adjusted) for all States equalled or exceeded 4.5 per centum. Whenever there is a National "on" indicator under the Act an Extended Benefit Period will commence in every State, in which an Extended Benefit Period is not already in effect, with the third week following the week for which there was an "on" indicator. During an Extended Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal-State Extended Benefits, after they have exhausted their rights to regular unemployment benefits under State laws and the Federal unemployment compensation programs for government employees and for ex-servicemen and ex-servicewomen.

There have been three consecutive calendar months in which the rate of insured unemployment (seasonally adjusted) for all States equalled or exceeded 4.5 per centum. The rate was 4.5 per centum for November 1974, 5.2 per centum for December 1974, and 5.9 per centum for January 1975. Accordingly, there was a National "on" indicator for the first week of February 1975, which ended on February 8, 1975.

The same National "on" indicator is effective to commence a Federal Supplemental Benefit Period in all States in accordance with the Emergency Unemployment Compensation Act of 1974. During a Federal Supplemental Benefit Period individuals who are unemployed and qualify may receive up to 13 weeks of Federal Supplemental Benefits, after they have exhausted their rights to regular unemployment benefits and their rights to Federal-State Extended Benefits (or are not eligible for such extended benefits because of the ending of their eligibility periods) under State laws and the Federal unemployment compensation programs for government employees and for ex-servicemen and ex-servicewomen. However, Federal Supplemental Benefits are payable in a State only with respect to weeks of unemployment which begin after the week in which the State enters into an Agreement with the Secretary of Labor of the United States under the Emergency Unemployment Compensation Act of 1974.

An Extended Benefit Period in any State will last for a minimum period of 13 weeks, and will end with the third week after the week for which there is both a State and a National "off" indicator in accordance with the State's unemployment compensation law and the Federal-State Extended Unemployment Compensation Act of 1970.

A Federal Supplemental Benefit Period in any State will last for a minimum period of 26 weeks, and will end on the same date as the Extended Benefit Period ends in the State if it has been in effect for 26 or more weeks.

Persons who believe they may be entitled to Federal-State Extended Benefits or Federal Supplemental Benefits in any State, or who wish to inquire about their rights under those programs, should contact the State employment security office or unemployment insurance claims office in their locality.

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

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.75-4855 Filed 2-20-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 703]

ASSIGNMENT OF HEARINGS

FEBRUARY 18, 1975.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after February 21, 1975.

MC-F 12343, National Machinery Haulers, Inc.—Purchase—Larry L. Fenner Transport, Inc., now assigned February 27, 1975 at Omaha, Nebr., is postponed indefinitely.

MC 140504, National Machinery Haulers, Inc., now assigned February 27, 1975, at Omaha, Nebr., is postponed indefinitely.

MC 4405 Sub 512, Dealers Transit, Inc., now being assigned May 12, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135164 Sub 18, Morwall Trucking, Inc., now being assigned May 12, 1975; at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8507, Harry Schreiber, Schreiber Freight Carriers, Inc., Schreiber Freight Lines, Inc., W-P Truck Lines Inc., Gerald S. Lesher, and Dorothy H. Loughman, dba, Waynesburg-Pittsburgh Local Express—Investigation of Operations and Revocation of Certificates, now being assigned May 13, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C 8501, Short Freight Lines, Inc., and Van Haaren Specialized Carriers, Inc.,—Investigation and Revocation of Certificates—now assigned March 4, 1975 at Lansing, Mich., will be held in Room 215, Federal Building, 325 Allegan St.

MC 138896 Sub 6, Ajax Transfer Company, now assigned March 3, 1975 at St. Paul, Minn., will be held in Room 584 Circuit Court, Federal Building, 316 N. Robert St.

MC 41432 Sub 143, East Texas Motor Freight Lines, Inc., MC 48958 Sub 121, Illinois-California Express, Inc., MC 108461 Sub 122, Whitfield Transportation, Inc., now assigned March 10, 1975, at Salt Lake City, Utah, is postponed to April 7, 1975 (1 wk) at Salt Lake City, Utah.

MC 1263 Sub 18, McCarty Truck Line, now assigned March 10, 1975 at Lincoln, Nebr., will be held in Room 228, Federal Building and Courthouse, 129 N. 10th St.

MC-C-8461, Akers Motor Lines, Inc.—Investigation and Revocation of Certificates—now assigned March 6, 1975 at Atlanta, Ga., is Cancelled.

MC 136987 Sub 10, Remington Freight Lines, Inc. now being assigned April 2, 1975, at Chicago, Ill. in a hearing room to be later designated.

MC 107496 Sub 958, Ruan Transport Corp., now being assigned March 27, 1975 (2 days) at Chicago, Ill., in Room 1086A, Everett McKinley Dirksen Bldg. 219 S. Dearborn St.

MC 139979, American Colloid Carrier Corporation, now assigned March 21, 1975 at Kansas City, Mo., is postponed to April 1, 1975 (4 days) at Kansas City, Mo.

MC 112801 Sub 160, Transport Service Co., now assigned April 2, 1975 at Chicago, Ill., is cancelled and transferred to Modified Procedure.

MC 116763 Sub 284, Carl Subler Trucking, Inc., now assigned February 21, 1975, at Chicago, Ill., is cancelled and application dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4822 Filed 2-20-75;8:45 am]

[AB 6 (Sub-No. 8); AB 7 (Sub-No. 5); Finance Docket No. 27217]

BURLINGTON NORTHERN INC., AND CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment of Certain Operation and Trackage Rights

In the matter of Burlington Northern Inc., abandonment between Wrenshall, Carlton County, Minnesota and Superior, Douglas County, Wisconsin; Chicago, Milwaukee, St. Paul and Pacific Railroad Company, abandonment of operation and trackage rights between Hinckley, Pine County, Minnesota, and Carlton, Carlton County, Minnesota, also between Carlton, Carlton County, Minnesota, and West Duluth Junction, St. Louis County, Minnesota; Chicago, Milwaukee, St. Paul and Pacific Railroad Company—trackage rights—Burlington Northern Inc., between Hinckley Minnesota, and Superior, Wisconsin, and between Boylston, Wisconsin and Cloquet, Minnesota.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Douglas County, Wis. and St. Louis, Pine, and Carlton Counties, Minn., on or before March 5, 1975, and certify to the Commission that this has been accomplished.

And it is furthered ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of February, 1975.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB 6 (Sub-No. 8)]

BURLINGTON NORTHERN INC., ABANDONMENT BETWEEN WRENSHALL, CARLTON COUNTY, MINNESOTA AND SUPERIOR, DOUGLAS COUNTY, WISCONSIN

[AB 7 (Sub-No. 5)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY ABANDONMENT OF OPERATION AND TRACKAGE RIGHTS BETWEEN HINCKLEY, PINE COUNTY, MINNESOTA, AND CARLTON, CARLTON COUNTY, MINNESOTA, ALSO BETWEEN CARLTON, CARLTON COUNTY, MINNESOTA, AND WEST DULUTH JUNCTION, ST. LOUIS COUNTY, MINNESOTA

[FINANCE DOCKET No. 27217]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY—TRACKAGE RIGHTS—BURLINGTON NORTHERN INC., BETWEEN HINCKLEY, MINNESOTA, AND SUPERIOR, WISCONSIN, AND BETWEEN BOYLSTON, WISCONSIN AND CLOQUET, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated February 12, 1975, it has been determined that (1) The proposed abandonment by Burlington Northern (BN) between Wrenshall, Minn., and Superior, Wis., a distance of 14.50 miles, (2) the proposed abandonment of trackage rights and operations by the Chicago, Milwaukee, St. Paul, and Pacific Railroad Company (Milwaukee Road) between Hinckley and Carlton, Minn., a distance of 55.86 miles, and between Carlton and West Duluth Junction, Minn., a distance of 15.36 miles, and between Wrenshall, Minn. and Superior, Wis., a distance of 14.50 miles, and (3) the application by Milwaukee Road to acquire trackage rights over and joint use of certain lines of BN between Hinckley, Minn. and Superior, Wis. (via Boylston), a distance of 64.14 miles and between Boylston, Wis. and Cloquet, Minn. (via Carlton), a distance of 26.53 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that, inasmuch as all affected traffic will be diverted to alternate rail lines, there will be no significant effect on the area's rail transportation system. Furthermore, no diversion of traffic from rail to motor carrier transportation will occur, and there will be no significant impact on land use.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 20, 1975.

This negative environmental determination shall become final unless good and sufficient reason is filed to demonstrate why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.75-4819 Filed 2-20-75;8:45 am]

[No. MC-139207]

McNABB-WADSWORTH TRUCKING CO.

Contract Carrier Application

FEBRUARY 19, 1975.

At a session of the Interstate Commerce Commission, Review Board Number 3, held at its office in Washington, D.C., on the 6th day of February, 1975.

It appearing, That by application filed October 9, 1973, as published in the FEDERAL REGISTER, Harold F. McNabb and J. D. Wadsworth, Jr., a partnership, doing business as McNabb-Wadsworth Trucking Company, of Kingsport, Tenn., sought a permit authorizing operation, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of glass and glass products, from Kingsport and Greenland, Tenn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia, under contract with ASG Industries, Inc., of Kingsport, Tenn.; and that, after McNabb-Wadsworth Trucking Company was substituted as applicant by order of July 9, 1974, of Commissioner Gresham, applicant seeks, as shown by its initial verified statement, to transport crated glass and glass products, not exceeding 108 inches in height, over irregular routes, from Kingsport and Greenland to points in Alabama, Florida, Georgia, and Virginia, points in North Carolina on and east of U.S. Highway 1, and points in South Carolina on and east of U.S. Highway 1, except Columbia, S.C., and its commercial zone;

It further appearing, That the application has been processed under the Commission's modified procedure; that applicant has filed verified statements in support of the application; that protestant A. J. Metler Hauling & Rigging, Inc., a motor common carrier, has submitted a verified statement in opposition to the application; and that applicant has filed a rebuttal argument by counsel;

It further appearing, That applicant holds no permanent authority from this Commission; that it is engaged in intrastate dump truck operations, transporting sand and gravel within an 80-mile vicinity of Kingsport, and presently serves shipper in contract carrier service in the transportation of the commodities involved herein under temporary authority; that it has main offices and terminal facilities at Kingsport, operates a fleet of 19 dump trucks in its sand and gravel operations, and has a fleet of 6 tractors and 7 trailers available to provide the service proposed herein, with planned increases of 6 additional open top trailers for use in that service; that it is willing to assign all of its over-the-road tractors and trailers to the use of the supporting shipper and proposes to return equipment to its terminal through transportation of exempt commodities and trip-leasing to authorized carriers; and that applicant submitted financial data;

It further appearing, That the supporting shipper, ASG Industries, Inc., manufactures glass products which are primarily used in residential and commercial construction; that its facilities pertinent herein are located at Kingsport and Greenland; that it submitted volume data to respective States, such data actually consisting of minimum volumes of traffic shipped, so as to minimize any disclosures which would betray trade secrets as to specific volume of sales to any city or customer; that shipper also submitted a list of cities to which it has made shipments or will make shipments; that plant expansions and additions have increased ASG's efficiency and sales capacity and shipper expects to maintain its projected annual growth of approximately 15 percent for the next several years; that, accordingly, it anticipates a substantial increase in volume of glass products from the facilities involved herein; that shipper has received satisfactory service from protestant Metler in the transportation of "uncrated glass products exceeding 108 inches in height," which are transported by Metler's specially designed lowboy sling-pack trailers, equipment not used by applicant; that shipper's glass is loaded and unloaded by crane, requiring open top trailers; that it avers that existing carriers have not been able to meet shipper's needs; and that it supports applicant in its amended application for common carrier authority;

It further appearing, That protestant Metler is a motor common carrier authorized, as here pertinent, to transport flat glass from points in Hawkins County (embracing Greenland) and Kingsport, to the destination area involved herein; that it also holds common carrier authority to transport (1) uncrated flat glass, (2) crated flat glass which, because of size or weight, requires the use of special equipment, and (3) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities authorized in (1) and (2) above, from Nashville to points in the Eastern United States; that protestant maintains office and terminal facilities at Knoxville, as well as a small terminal facility at Kingsport; that it submitted an equipment list; that it offers a complete heavy hauler and specialized service; that protestant suggested to applicant that imposition of a restriction against transportation of the crated commodities exceeding 108 inches in height would protect Metler's interest and still permit applicant to handle the supporting shipper's traffic; and that Metler indicates that should the suggested restriction be accepted by the Commission, it would withdraw its opposition to the contract carrier application;

It further appearing, That protestant Metler has specially designed glass trailers with a double drop-frame construction and specially engineered and designed supports for handling uncrated glass of all sizes and crated glass of extremely large dimensions, particularly exceeding 108 inches in height; that it is important to Metler that it retain flat glass traffic handled for ASG on these units, since they are so uniquely designed for the transportation of flat glass that they cannot easily accommodate any back-haul traffic of other types of lading; that during August, September, and October 1973, protestant transported 83 shipments of flat glass totaling 3.32 million pounds and generating $50,141 in revenue for the supporting shipper from and to points in all of the six States involved herein; that it provided a list of shipments as to respective States and projected traffic for a period of a complete year based upon the three month totals, yielding 332 shipments weighing 13.3 million pounds and amounting to $200,565 in revenue; and that in view of applicant's decision to seek common carrier authority in lieu of contract carrier authority, protestant requests that any authority granted herein be restricted to the transportation of traffic originating at Kingsport and Greenland in order to protect Metler's flat glass authority from Nashville, fearing diversion of traffic if applicant is able to interline with other carriers holding authority from Nashville to the two origin points;

It further appearing, That in rebuttal applicant avers that the Commission has consistently resisted encumbering grants of authority with restrictions against joinder or interline unless a protestant specifically demonstrates that it would be materially and adversely affected by such service, and Metler has not established such an effect; and that it has not been shown that an interline from Nashville to the origin points herein is operationally feasible or desirable;

It further appearing, That the evidence of record indicates that there has been a prima facie showing of need for the proposed service; that the sole remaining protestant seeks only to have certain restrictions imposed, (1) the restriction regarding a maximum height of 108 inches for the commodities, and (2) a restriction to the transportation of traffic originating at the two origins; that protestant's interest which it avers will be protected by imposition of restriction (2) above is limited to (a) uncrated flat glass, (b) crated flat glass which, because of size or weight, requires the use of special equipment, and (c) crated flat glass which does not require the use of special equipment when moving in mixed shipments with the commodities in (a) or (b); and that in view of the commodity descriptions, the fact that protestant presented no data regarding specific traffic from Nashville, and the entire circumstances of this proceeding, we believe that a restriction to the transportation of traffic originating at the two origin points is not warranted by the evidence;

It further appearing, That while the restriction against transportation of commodities in excess of 108 inches in height is of the type generally not favored, we believe that the restriction should be imposed herein; that, further, since applicant originally sought to serve a particular shipper, we believe that the origin point herein should be the shipper's facility (which will still allow interlining on shipper's premises with its permission); and that, since it is possible that other parties which have relied upon the notice of the application as published (seeking contract carrier authority) may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the Federal Register and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition for leave to intervene in this proceeding or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced;

And it further appearing, That the evidence of record in support of the application warrants the grant of authority set forth below and establishes that applicant is fit, willing, and able, financially and otherwise, to conduct the operation authorized;

Wherefore, and good cause appearing therefor:

We find, That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of crated glass and crated glass products, not exceeding 108 inches in height, from the facilities of ASG Industries, Inc., at Kingsport and at Greenland, Tenn., to points in Alabama, Florida, Georgia, and Virginia, points in North Carolina on and east of U.S. Highway 1, and points in South Carolina on and east of U.S. Highway 1, except Columbia, S.C., and points in its commercial zone; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate certificate should be granted, subject to the condition in the second succeeding paragraph in this order; and that the application in all other respects should be denied.

It is ordered, That said application, except to the extent granted herein, be, and it is hereby, denied.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, a certificate be issued to applicant authorizing operations, in interstate or foreign commerce, as a common carrier by motor vehicle in the manner

described above, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted in this order.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority made herein shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board Number 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4821 Filed 2-20-75;8:45 am]

[Ex Parte No. 293 (Sub-No. 5)]

REVIEW OF THE UNITED STATES RAILWAY ASSOCIATION'S PRELIMINARY SYSTEM PLAN RAIL SERVICES PLANNING OFFICE HEARINGS

Notice of Public Hearing

Pursuant to section 207(a)(2) of the Regional Rail Reorganization Act of 1973, notice is hereby given that the Rail Services Planning Office will conduct hearings on the Preliminary System Plan of the United States Railway Association:

It is therefore ordered, That (1) The following dates and hearing sites are established together with the local contact coordinator who will receive requested appearance times at the respective hearings:

MONDAY, MARCH 17–FRIDAY, MARCH 21, 1975

Albany, New York. Hearing Room A, at the New Legislative Office Building, South Swan and State Streets, Albany, New York.

Contact: Marjorie Maxwell, c/o ICC Office, 518 New Federal Building, Maiden Lane and Broadway, Albany, New York 12207 Phone: 518–472–2273.

Buffalo, New York. John Lord O'Brian Hall, University of Buffalo, Amherst Campus, Amherst, New York.

Contact: Anne Siler, c/o ICC Office, 612 Federal Building, 111 West Huron Street, Buffalo, New York 14203, Phone: 716–842–2008.

Hartford, Connecticut. Rooms 148 and 149, State Department of Transportation Building, 24 Wolcott Hill Road, Wethersfield, Connecticut.

Contact: Diane Seavey, c/o ICC Office, 324 U.S. Post Office, 135 High Street, Hartford, Connecticut 06101, Phone: 203–244–2560.

Trenton, New Jersey. Labor and Industry Building, Room 1203, John Fitch Plaza, Trenton, New Jersey 08625.

Contact: Elizabeth Guttenberger, c/o ICC Office, 204 Carroll Building, 428 East State Street, Trenton, New Jersey 08608, Phone: 609–599–3511.

Harrisburg, Pennsylvania. Holiday Inn Town, 2nd and Chestnut Streets, Harrisburg, Pennsylvania.

Contact: Sandra R. Diehl, c/o ICC Office, 278 Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108, Phone: 717–782–4437.

Pittsburgh, Pennsylvania. Courtroom #2, 8th Floor, U.S. Post Office and Courthouse Building, 7th and Grant Streets, Pittsburgh, Pennsylvania.

Contact: Henrietta S. Vlasic, c/o ICC Office, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222, Phone: 412–644–2929.

Columbus, Ohio. Ohio Departments Building, 65 South Front Street, Columbus, Ohio.

Contact: Mary A. White, c/o ICC Office, 221 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215, Phone: 614–469–5620.

Lansing, Michigan. City Council Chambers, Lansing City Hall, Capitol and Michigan Streets, Lansing, Michigan.

Contact: Mary Brown, c/o ICC Office, 225 Federal Building, 325 West Allegan Street, Lansing, Michigan 48933, Phone: 517–372–1910.

Indianapolis, Indiana. Indiana Convention and Exposition Center, 100 South Capitol Avenue, Indianapolis, Indiana.

Contact: Frances Sterling, c/o ICC Office, Century Building, 8th Floor, 36 South Pennsylvania Street, Indianapolis, Indiana 46204, Phone: 317–269–7701.

Springfield, Illinois. Hotel St. Nicholas, 4th and Jefferson Streets, Springfield, Illinois.

CONTACT: Janice Livingston, c/o ICC Office, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701 Phone 217–525–4075

TUESDAY, MARCH 18—FRIDAY, MARCH 21, 1975

Boston, Massachusetts. Minnehan Auditorium, Massachusetts Division of Employment Security and Government Center, Causeway Street, Boston, Massachusetts.

Contact: Elaine Spencer, c/o ICC Office, 150 Causeway Street, Room 501, Boston, Massachusetts 02114 Phone: 617–223–2372

MONDAY, MARCH 17—WEDNESDAY, MARCH 19, 1975

Montpelier, Vermont. Auditorium Pavilion Office Building, Montpelier, Vermont

Contact: Carol Perry, c/o ICC Office, 87 State Street, Room 303, Montpelier, Vermont 05602 Phone: 802–223–8435

Providence, Rhode Island. Hearing Room, 2nd Floor, Division of Public Utilities and Carriers, 160 Weybosset Street, Providence, Rhode Island

Contact: Josephine M. Long, c/o ICC Office, 187 Westminster Street, Room 402, Providence, Rhode Island 02903 Phone: 401–528–4306

Salisbury, Maryland. Auditorium, Delmarva Power and Light Company, Route 13 and Naylor Mill Road, Salisbury, Maryland.

Contact: Essie Cooper, Rail Services Planning Office, ICC, 12th and Constitution Avenue, NW., Washington, D.C. 20423 Phone: 202–254–3294

Washington, D.C. Hearing Room A, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423

Contact: Essie Cooper, Rail Services Planning Office, ICC, 12th and Constitution Avenue, NW., Washington, D.C. 20423 Phone: 202–254–3294

Charleston, West Virginia. Rooms A and B, 2nd Floor, State Office Building, 1900 Washington Street E., Charleston, West Virginia

Contact: Margaret C. Thompson, c/o ICC Office, 3108 Federal Building, 500 Quarrier Street, Charleston, West Virginia 25301 Phone: 304–343–6181 Ext. 354 or 355

Chicago, Illinois. Everett McKinley Dirksen Building, Courtroom 2503, 219 South Dearborn Street, Chicago, Illinois

Contact: Nancy Clawson, c/o ICC Office, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, Illinois 60604 Phone: 312–353–7275

FRIDAY, MARCH 21, 1975

Green Bay, Wisconsin. Room 201, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin

Contact: Gail Dougherty, c/o ICC Office, 135 West Wells Street, Room 807, Milwaukee, Wisconsin 53203 Phone: 414–224–3183

MONDAY, MARCH 24—WEDNESDAY, MARCH 26, 1975

Syracuse, New York. Onondaga County War Memorial Auditorium, 515 Montgomery Street, Syracuse New York

Contact: Eleanor Ivanoff, c/o ICC Office, O'Donnell Building, Room 104, 301 Erie Boulevard W. Syracuse, New York Phone: 315–473–3440

Scranton, Pennsylvania. U.S. Naval Reserve Center (Wilkes-Barre/Scranton Airport) Spruce Street, Avoca, Pennsylvania

Contact: Mildred A. McDonough, c/o ICC Office, 309 U.S. Post Office, North Washington Avenue and Linden Street, Scranton, Pennsylvania 18503 Phone: 717–344–7111 Ext. 324

Akron, Ohio. Akron Public Library, 55 South Main Street, Akron, Ohio

Contact: Carolyn E. Halloran, c/o ICC Office, 181 Federal Building, 1240 East 9th Street, Cleveland, Ohio 44199 Phone: 216–522–4000

Erie, Pennsylvania. Federal Building and Courthouse, Courtroom A, 2nd Floor, 6th and State Street, Erie, Pennsylvania

Contact: Henrietta S. Vlasic, c/o ICC Office, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222 Phone: 412–644–2929

Fort Wayne, Indiana. Room 265, Federal Building, 1300 S. Harrison Street, Fort Wayne, Indiana

Contact: Cassandra Forbes, c/o ICC Office, 345 West Wayne Street, Room 204, Fort Wayne, Indiana 46802 Phone: 219–422–6131

(2) Pursuant to section 205(d)(2) of the Regional Rail Reorganization Act of 1973, attorneys have been retained by the Office to provide free legal assistance to communities, users of rail service and other interested parties in the preparation of their testimony on the Preliminary System Plan. The assistance of these attorneys may be obtained pursuant to the hearing rules set forth below.

(3) The following uniform rules, procedures, and practices for the hearings are established:

(a) Pursuant to section 207(a)(2) of the Regional Rail Reorganization Act of 1973 only testimony relevant to the United States Railway Association's Preliminary System Plan will be received.

(b) Oral testimony will be limited to fifteen minutes.

(c) Persons who wish to testify at the hearings should call or write the local contact coordinator who is identified in Part (1) of this notice.

(d) Prospective witnesses will be asked to provide: their name, address, telephone number, business association, if any, the general areas of the Preliminary System Plan to which their testimony will pertain, and the date and time when they wish to appear. This information will be relayed to an outreach attorney from the Office of Public Counsel. If prospective witnesses need the assistance of an outreach attorney, they should so inform the contact coordinator.

(e) The outreach attorney assigned to the hearing city will schedule all witnesses and either the attorney or the local

contact coordinator will notify prospective witnesses of confirmed hearing appearance times. The outreach attorney will attempt to accommodate prospective witnesses who appear at the hearing without a prescheduled appearance time.

(f) In order to facilitate the creation of a comprehensive and well-organized record, the outreach attorneys will attempt to schedule prospective witnesses according to the general area of interest which their testimony will address.

(g) All written material for the record should be submitted on 8½ x 11 paper in six copies at the hearing or sent directly to the Rail Services Planning Office, 1900 L Street, NW., Washington, D.C. 20036. Statements sent to the Office should arrive no later than March 28, 1975, and should indicate the hearing site most convenient to the witness' home or place of business. Since the Office has a very short time for review of the testimony, statements received after March 28, 1975, will be made a part of the record but may not be reviewed by the Office.

(h) Witnesses with common interests are urged to make joint submissions. In order to prevent unnecessary duplication in the record, written statements which essentially correspond to oral presentations will not be received by the outreach attorneys at the hearing.

(i) The proceeding is legislative, not judicial in nature. It is designed to elicit public views on the Association's Preliminary System Plan. Witnesses will not be required to testify under oath nor will there be any cross examination or rebuttal testimony. Only questions from the presiding officer and the representative of the Office of Public Counsel will be permitted.

(j) In order to insure that the public is fully informed of the contents of the Preliminary System Plan and its possible impacts upon communities and rail users, the usual Interstate Commerce Commission limitations on radio and television coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room, provided that the conduct of the media representatives and the presence of radio and television equipment do not disturb the orderly conduct of the proceeding. Where court room facilities are used, however, the rules of the court regarding media participation will apply. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(k) Hearings will commence and end on the days specified in Part (1) of this notice.

(l) Hearings will convene promptly at 9:30 a.m. and adjourn at 5:30 p.m. An evening session will be scheduled on the first day if appearance times are requested. The evening session will commence at 7:30 p.m. and adjourn at 10 p.m. Additional evening sessions may be scheduled at the discretion of the outreach attorney and the hearing officer.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4820 Filed 2-20-75;8:45 am]

[Notice No. 234]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

FEBRUARY 21, 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 March 13, 1975. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75649. By order of February 10, 1975 the Motor Carrier Board approved the transfer to Metro Express, Inc., Wilmington, Del., of the operating rights in Certificate No. MC-136452 issued September 19, 1972 to Slaughter Beverage Transportation, Inc., Smyrna, Del., authorizing the transportation of various commodities from and to specified points and areas in New York, New Jersey, Pennsylvania, Maryland and Delaware. Francis P. Desmond, 115 East 5th St., Chester, Pa. 19013, attorney for applicants.

No. MC-FC-75650. By order entered 2.10.75 the Motor Carrier Board approved the transfer to W. E. Atwood Truck Service, Inc., Readville, Mass., of the operating rights set forth in Certificate No. MC 15123, issued January 10, 1974, to Walter E. Atwood, doing business as W. E. Atwood Truck Service, Readville, Mass., authorizing the transportation of general commodities, with the usual exceptions, between Boston, Mass., and West Acton, Mass., over specified routes, serving all intermediate points; between West Acton, Mass., and Fitchburg, Mass., over specified routes, serving all intermediate points; and between Boston, Mass., on the one hand, and, on the other, points in Massachusetts within 15 miles of Boston. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-75653. By order entered 2.11.75 the Motor Carrier Board approved the transfer to C. W. Keith Transfer & Warehouse Co., a corporation, Phoenix, Arizona, of Certificate of Registration No. MC 56664 (Sub-No. 2), issued August 4, 1965, to C. W. Keith, (Charles W. Keith, Executor), doing business as C. W. Keith Transfer & Warehouse Co., Phoenix, Arizona, evidencing a right to engage in transportation in interstate or foreign commerce, of various specified commodities, between points in Arizona. Charles R. Hallam, 3550 N. Central Ave., Phoenix, Ariz. 85012, attorney for applicants.

No. MC-FC-75660. By order of February 11, 1975 the Motor Carrier Board approved the transfer to Paul Henry Air Freight, Inc., Hagerstown, Md., of the operating rights in Certificates No. MC-125616, MC-125616 (Sub-No. 1), MC-125616 (Sub-No. 2), MC 125616 (Sub-No. 3), MC 125616 (Sub-No. 4), MC 125616 (Sub-No. 5), MC 125616 (Sub-No. 7) and MC 138568 issued February 13, 1964, February 11, 1966, August 24, 1967, August 8, 1968, February 12, 1971, January 17, 1973, August 22, 1974 and June 28, 1974 respectively to W. Paul Henry, Hagerstown, Md., authorizing the transportation of general commodities, with exceptions, between specified points in Maryland, Virginia, Pennsylvania and West Virginia and passengers and their baggage, in special operations, between specified areas in Maryland, Pennsylvania, and West Virginia, on the one hand, and, on the other, specified points in Maryland and Virginia. Peter A. Greene, 1625 K St., NW., Washington, D.C. 20006, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-4827 Filed 2-20-75;8:45 am]

[Notice No. 235]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 21, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75690. By application filed February 7, 1975, PARAMOUNT DISTRIBUTION MOTOR TRANSPORTATION, INC., doing business as PARAMOUNT DISTRIBUTION, 74 New York Ave., Framingham, MA 01701, seeks temporary authority to lease the operating rights of HOWE AND COMPANY, INC., Two New York Ave., Framingham, MA 01701, under section 210a(b). The transfer to PARAMOUNT DISTRIBU-

TION MOTOR TRANSPORTATION, INC., doing business as PARAMOUNT DISTRIBUTION, of the operating rights of HOWE AND COMPANY, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4828 Filed 2-20-75;8:45 am]

[Rule 19, Ex Parte 241; Exemption 91]

ATLANTA AND WEST POINT RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the United States railroads own numerous plain 50-ft. 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 United States railroads, 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 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a) and 2(b). (See Exception)

Exception, This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Railroad Company
Reporting marks: AWP
Bangor and Aroostook Railroad Company
Reporting marks: BAR
Burlington Northern Inc.
Reporting marks: BN-CBQ-GN-NP-SPS
Central Vermont Railway, Inc.
Reporting marks: CV-CVC
Duluth, Winnipeg and Pacific Railway
Reporting marks: DWP
Erie Lackawanna Railway Company
(Thomas F. Patton and Ralph S. Tyler, Jr., Trustees)
Reporting marks: DL&W-EL-ERIE [1]
Illinois Central Gulf Railroad Company
Reporting marks: ICG-CLG-GMO-IC
The Kansas City Southern Railway Company
Reporting marks: KCS-LA
Lehigh Valley Railroad Company
(Robert C. Haldeman, Trustee)
Reporting marks: LV
Maine Central Railroad Company
Reporting marks: MEC
Norfolk and Western Railway Company
Reporting marks: N&W-NKP-WAB
St. Louis Southwestern Railway Company
Reporting marks: SSW
Southern Pacific Transportation Company
Reporting marks: SP
The Western Pacific Railroad Company
Reporting marks: WP
The Western Railway of Alabama
Reporting marks: WA

[1] Addition.

Effective: February 14, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 11, 1975.

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

[FR Doc.75-4824 Filed 2-20-75;8:45 am]

[Rule 19, Ex Parte 241; Exemption 91]

ATLANTA AND WEST POINT RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That the United States railroads own numerous plain 50-ft. 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 United States railroads, 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 50-ft. boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 394, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing all reporting marks assigned to the United States railroads, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b). (See Exception)

Exception, This exemption shall not apply to 50-ft. plain boxcars owned by the railroads named below:

Atlanta and West Point Railroad Company
Reporting Marks: AWP
Bangor and Aroostook Railroad Company
Reporting Marks: BAR
Burlington Northern Inc.
Reporting Marks: BN-CBQ-GN-NP-SPS [1]
Central Vermont Railway, Inc.
Reporting Marks: CV-CVC
Duluth, Winnipeg and Pacific Railway
Reporting Marks: DWP
Illinois Central Gulf Railroad Company
Reporting Marks: ICG-CLG-GMO-IC
The Kansas City Southern Railway Company
Reporting Marks: KCS-LA
Lehigh Valley Railroad Company
(Robert C. Haldeman, Trustee)
Reporting Marks: LV
Maine Central Railroad Company
Reporting Marks: MEC
Norfolk and Western Railway Company
Reporting Marks: N&W-NKP-WAB [1]
St. Louis Southwestern Railway Company
Reporting Marks: SSW
Southern Pacific Transportation Company
Reporting Marks: SP
The Western Pacific Railroad Company
Reporting Marks: WP
The Western Railway of Alabama
Reporting Marks: WA

[1] Addition.

Effective February 11, 1975, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 7, 1975.

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

[FR Doc.75-4823 Filed 2-20-75;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

FEBRUARY 18, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42944—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd., (No. 12), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, The Philippines, Taiwan, Malaysia, Indonesia, and The Republic of Singapore, and rail stations on the U.S. Atlantic and Gulf Seaboard. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-4826 Filed 2-20-75;8:45 am]

[Notice No. 25]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Woodland Truck Line, Inc., MC–297 Sub 4	MC–297 Sub 5	Nov. 7, 1974
Weyerhaeuser Co., WC–417 Sub 22	WC–417 Sub 23	Jan. 16, 1975
Pacific Intermountain Express, Inc., MC–730 Sub 350	MC–730 Sub 356	Oct. 22, 1974
Pacific Intermountain Express, Inc., MC–730 Sub 353	MC–730 Sub 365	Oct. 24, 1974
Pacific Intermountain Express, Inc., MC–730 Sub 359	MC–730 Sub 362	Nov. 11, 1974
Greyhound Lines, Inc., MC–1515 Sub 186	MC–1515 Sub 187	Aug. 7, 1974
Peake Transport Service, Inc., MC–1641 Sub 100	MC–1641 Sub 99	Dec. 31, 1974
The Arrow Lines, Inc., MC–1934 Sub 33	MC–1934 Sub 34	July 3, 1974
Economy Movers, Inc., MC–5227 Sub 4	MC–5227 Sub 6	Sept. 24, 1974
Tajon, Inc., MC–5470 Sub 72	MC–5470 Sub 70	July 12, 1974
Tajon, Inc., MC–5470 Sub 78	MC–5470 Sub 81	Apr. 10, 1974
J. J. Minnehan, Inc., MC–6607 Sub 15	MC–6607 Sub 12	July 17, 1974
DBA, Super M Foods Delivery, MC–7832 Sub 24	MC–7832 Sub 16	July 27, 1973
Ilieklin Motor Line, Inc., MC–18535 Sub 55	MC–18535 Sub 56	Nov. 29, 1974
E. R. Jarrell, MC–19917 Sub 2	MC–19917 Sub 3	May 7, 1974
Behnken Truck Service, Inc., MC–19945 Sub 37	MC–19945 Sub 38	May 9, 1974
Behnken Truck Service, Inc., MC–19945 Sub 41	MC–19945 Sub 39	Oct. 8, 1974
Marathon Freight Lines, Inc., MC–20841 Sub 9	MC–20841 Sub 10	Nov. 29, 1974
Trans-American Van Service, Inc., MC–22254 Sub 69	MC–22254 Sub 70	Oct. 10, 1974
Clay Hyder Trucking Lines, Inc., MC–25798 Sub 245	MC–25798 Sub 248	Sept. 26, 1974
Clay Hyder Trucking Lines, Inc., MC–25798 Sub 246	MC–25798 Sub 249	Do.
DBA, The Waggoners, MC–26396 Sub 66	MC–26396 Sub 103	Dec. 30, 1974
DBA, The Waggoners, MC–26396 Sub 71	MC–26396 Sub 78	July 9, 1974
Mishak Truck Line, Inc., MC–27500 Sub 10	MC–27500 Sub 5	May 10, 1974
All-American, Inc., MC–29120 Sub 166	MC–29120 Sub 171	Aug. 7, 1974
Kroblin Refrigerated Express, Inc., MC–30844 Sub 483	MC–30844 Sub 374	May 29, 1974
Shipley Transfer, Inc., MC–30887 Sub 199	MC–30887 Sub 200	July 10, 1974
Shipley Transfer, Inc., MC–30887 Sub 202	MC–30887 Sub 203	Nov. 12, 1974
IML Freight, Inc., MC–33641 Sub 108	MC–33641 Sub 109	June 12, 1974
Norman Hills, MC–34087 Sub 5	MC–34087 Sub 6	Sept. 27, 1974
Glenn McClendon Trucking Co., Inc., MC–52704 Sub 97	MC–52704 Sub 99	Nov. 8, 1974
Provisioners Frozen Express, Inc., MC–117589 Sub 19, 21	MC–117589 Sub 22	Dec. 27, 1973
Interstate Contract Carrier Corp.,[1] MC–134599 Sub 22	MC–134599 Sub 25	Sept. 13, 1974
Tri-State Air Freight, Inc., MC–135407	MC–135407 Sub 1	Nov. 26, 1974
Gopher Valley Trucking, MC–139124	MC–139124 Sub 1	Jan. 15, 1975

[1] In notice No. 23, published Jan. 20, 1975, the temporary authority number and the corresponding permanent authority number for Interstate Contract Carrier Corp. were transposed. The notice should read as follows:

Interstate Contract Carrier Corp., MC–134599 Sub 22	MC–134599 Sub 25	Sept. 13, 1974

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.75–4825 Filed 2–20–75;8:45 am]